PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Tuesday, 7th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

ANNOUNCEMENT BY MR. PRESIDENT.

PROCEDURE REGARDING GRANT OF LEAVE TO WITHDRAW.

Mr. President : Members will find in their places some printed remarks regarding the procedure to be adopted when a member asks permission of the House to withdraw a motion. I shall be glad if they will give those remarks their consideration. The matter will be taken up again at some future date.

QUESTIONS AND ANSWERS.

LALA LAJPAT RAI'S CONVICTION.

1962. Mr. Moti Lal, Kaistha : (*a*) Is it a fact that Lala Lajpat Rai was arrested on the 3rd of December 1921, and kept in custody from that date to the 30th January 1922, under a charge which the Government afterwards declared unmaintainable ?

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to credit the period of 1 month and 27 days against the sentence awarded to him at his second trial ?

The Honourable Sir John Maynard : (*a*) Yes.

(*b*) Government has no legal authority to take action as here proposed.

LALA LAJPAT RAI AND HIS SECOND TRIAL.

1963. Mr. Moti Lal, Kaistha : Is it a fact that—

(*a*) in Lala Lajpat Rai's second trial all the proceedings were finished before the 15th of February 1922 and the said date was fixed for delivering the judgment ;

(*b*) on that date the Government Advocate made a fresh application for amendment of charges and giving of additional evidence ; and

(*c*) after that date three weeks were consumed in amending charges and giving new evidence which the Government could have produced in the original hearing ?

(*d*) If the answer to (*a*), (*b*) and (*c*) be in the affirmative, will the Government be pleased to credit three weeks' imprisonment against the sentence awarded at this trial ?

The Honourable Sir John Maynard: (*a*) Yes.

(*b*) and (*c*) Government Advocate asked for an adjournment with a view to putting in a petition for amendment of charge on 15th February 1922 and the petition was actually filed on 20th February 1922 when the case was adjourned to 24th for additional evidence which could not be taken earlier than 6th March 1922 due to the Magistrate's illness.

(*d*) Government has no legal authority to take action as here proposed.

LALA LAJPAT RAI'S HEALTH.

1964. Mr. Moti Lal, Kaistha: Is it a fact—

(*a*) that Lala Lajpat Rai has been ill and in hospital ever since he was transferred to Dharmsala Sub-Jail;

(*b*) that he has been suffering from a remarkable enlargement of liver, accompanied by insomnia and irregularity of bowels;

(*c*) that he has been having low fever off and on almost every month;

(*d*) that he is still in hospital and ill; and

(*e*) that the treatment of the local Civil Surgeon although relieved him for some time, has not brought about any substantial improvement in his health?

The Honourable Sir John Maynard: The answer to parts (*a*) to (*e*) is in the affirmative, but it should be noted at the same time that though there was no substantial improvement in Lala Lajpat Rai's health there was no marked decline. Lala Lajpat Rai has been suffering from enlargement of the liver for the last 25 years according to his own statement.

Diwan Bahadur Raja Narendra Nath: Is it possible to allow him to be treated by a doctor of his own choice?

The Honourable Sir John Maynard: I should like to have notice of that question.

MAULVI HABIB-UL-RAHMAN OF LUDHIANA.

1965. Mr. Moti Lal, Kaistha: (*a*) Is it a fact that Maulvi Habib-ul-Rahman of Ludhiana was arrested on the 22nd December 1921 under section 108, Criminal Procedure Code, but was actually proceeded against under the Criminal Law Amendment Act and sentenced to 6 months' rigorous imprisonment and a thousand rupees fine or 6 weeks more in default of payment of fine?

(*b*) If so, is it a fact that after the substantive part of his sentence had expired and when he was undergoing imprisonment in default of payment of fine, 4 or 5 days before the date of his release he was sent for from Dharamsala Sub-Jail to stand his trial under section 108, Criminal Procedure Code?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will the Government please state what was the reason of this procedure; and whether it was a new case or the revival of the old one, which he was given to understand had been abandoned?

(*d*) If it was a revival of the old case, why no action was taken for 7 months ?

Mr. J. Wilson-Johnston : (*a*) Yes.

(*b*) Yes.

(*c*) The reason was that there were two cases against Maulvi Habib-ul-Rahman, one under section 108, Criminal Procedure Code, and the other under the Criminal Law Amendment Act. The second case was tried first and he was convicted. Before the trying of the first case it was found necessary in the cause of Jail discipline to transfer the Maulvi to another jail and it thus became necessary to send for him from that jail to stand his trial under section 108, Criminal Procedure Code.

(*d*) The cause of delay is explained in (*c*) above.

SHEIKH HASSAN-UD-DIN, B. A., OF AMRITSAR.

1966. Mr. Moti Lal, Kaistha : (*a*) Is it a fact that one Sheikh Hasan-ud-din, B.A., of Amritsar, was originally classified as a special class prisoner, he gave up that concession in the Ambala Jail, and, on being transferred to Dharmsala Jail, he applied verbally for being treated as a special class prisoner which claim was allowed by the Superintendent of Jail pending the orders of Inspector-General of Prisons ?

(*b*) If so, is it a fact that Inspector-General of Prisons disallowed that concession ?

The Honourable Sir John Maynard : (*a*) Yes.

(*b*) Yes, under the general orders issued by Government on the subject.

CONVERSION OF DHARMSALA SUB-JAIL INTO A DISTRICT JAIL.

1967. Mr. Moti Lal, Kaistha : Will Government consider the propriety of converting Dharmsala Sub-Jail into a District Jail ?

The Honourable Sir John Maynard : A District Jail is unnecessary at Dharmsala. It is a secluded station at some distance from the railway. The district is by no means a criminal one. To convert the present Sub-Jail into a District Jail will mean considerable expense, which does not appear to be justifiable.

MEAL OF RICE TO PRISONERS BELONGING TO KANGRA AND KULU.

1968. Mr. Moti Lal, Kaistha : Will Government consider the desirability of giving at least one meal of rice a day to prisoners belonging to Kangra and Kulu ?

The Honourable Sir John Maynard : In view of the extra expense involved Government is not prepared at present to prescribe that one meal of rice a day be given to prisoners belonging to Kangra and Kulu.

ENQUIRY COMMITTEE REGARDING THE GURU-KA-BAGH AFFAIR.

1969. Sardar Sangat Singh: (*a*) Is it a fact that there is a non-official committee conducting an enquiry into the *Akali* affair at Amritsar?

(*b*) If so, in view of the possibility that this non-official committee may give a one-sided version of the affair, will Government be pleased, without further delay, to appoint a committee of their own to go into the whole matter?

Mr. H. D. Craik: (*a*) Yes.

(*b*) The possibility that the committee referred to may give a one-sided version of the affair is not, in the opinion of Government, sufficient justification for the appointment of a separate committee by Government.

COMMUNIQUES ABOUT *AKALI* CRIMINAL DOINGS.

1970. Sardar Sangat Singh: Will Government be pleased to say—

(*a*) if it has ever issued any *communiqué* about the *Akali* criminal doings;

(*b*) if it has ever issued any *communiqué* regarding the criminal doings of members of any other religious tribe or sect?

(*c*) If the answer to (*a*) be in the affirmative and to (*b*) in the negative, will the Government be pleased to give reasons for their action in the case of the *Akalis*?

Mr. J. Wilson-Johnston: (*a*) Yes.

(*b*) Yes.

(*c*) This does not arise.

STATISTICS OF CRIME BY RELIGIONS.

1971. Sardar Sangat Singh: (*a*) Will Government be pleased to say if it has statistics to show the crime in the province by religions in the last decade?

(*b*) If so, will Government kindly show if the Sikhs have committed more crimes during the last couple of years than during any previous equal period of the decade?

Mr. J. Wilson-Johnston: No such statistics are available.

GURU-KA-BAGH AFFAIR: MR. ANDREWS AND THE STOPPING OF BEATING.

1972. Sardar Sangat Singh: Will Government be pleased to say whether it is a fact that it was only at the pressing pleading of Mr. Andrews that the beating in connection with the Guru-ka-Bagh affair was stopped?

Mr. H. D. Craik: Orders stopping beating were issued before Mr. Andrews saw the members of Government; but force in a modified form was employed for a few days thereafter and was stopped after Mr. Andrews' interview.

NUMBER OF TEACHERS IN PRIMARY SCHOOLS.

1973. Khan Bahadur Chaudhri Fazl Ali: (*a*) Will the Government be pleased to state whether, when reducing the primary classes from five to four, the people were assured that two teachers will be employed in primary schools in order to make up for the loss caused by the reduction of the course by one year?

(*b*) If the answer to the above be in the affirmative, will the Government please state whether the assurance has been carried into effect or not?

The Honourable Khan Bahadur Mian Fazl-i-Hussain: (*a*) No.

(*b*) Does not therefore arise.

PROPORTION OF PUPILS AND TEACHERS IN PRIMARY SCHOOLS.

1974. Khan Bahadur Chaudhri Fazl Ali: (*a*) Is it a fact that in some places primary schools have 50 to 60 pupils under one teacher?

(*b*) Is it a fact that private aided schools lose a part of their grant-in-aid if they have more than 50 students to a class?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will the Government be pleased to explain why primary schools are allowed to have more than 50 students in a class while aided schools are penalized if this occurs and will the Government try to effect a remedy and issue instructions that primary schools should have two teachers?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) Government has no information on the subject, but, in view of the phenomenal increase in enrolment in vernacular schools during the last few months, it is possible that such is the case.

(*b*) If the member is referring to aided primary schools, there is no such rule. If he is referring to secondary schools, article 60 (*b*) in the Code deals mainly with accommodation and overcrowding.

(*c*) A circular has just been issued (a copy of which has been sent to the member) in which some latitude is given to Inspectors in order to meet increasing demands with the greatest economy.

CO-OPERATIVE CREDIT AND SUPPLY SOCIETIES.

1975. Khan Bahadur Chaudhri Fazl Ali: Will the Government be pleased to state—

(*a*) the number of Co-operative Credit Societies in each district (*i*) in 1918, (*ii*) at present;

(*b*) the numbers of other kinds of co-operative societies that have been started during the last ten years and the number that exists now;

(*c*) the number of Supply Societies in the Punjab and their condition at present;

(*d*) (*i*) for how long was there a separate staff for supply societies, (*ii*) what did it cost, (*iii*) when was the staff disbanded, and why (*iv*) who does the supply work now?

(*e*) if this work is being amalgamated with the co-operative societies, what are the reasons for doing so?

The Honourable Lala Harkishan Lal: The statements giving the information asked for by the honourable member are laid on the table.

Total number of Co-operative Credit Societies.

No.	Name of District.	In 1918.	Up to 25th October 1922.
1	Hissar	39	239
2	Rohtak	133	303
3	Gurgaon	10	445
4	Karnal	104	265
5	Ambala	134	228
6	Kangra	18	138
7	Hoshiarpur	547	801
8	Jullundur	478	659
9	Ludhiana	47	143
10	Ferozepore	205	485
11	Lahore	124	416
12	Amritsar	50	218
13	Gurdaspur	521	725
14	Sialkot	294	489
15	Gujranwala	267	291
16	Sheikhupura	...	315
17	Gujrat	174	260
18	Shahpur	184	338
19	Jhelum	82	219
20	Rawalpindi	96	185
21	Attock	49	185
22	Mianwali	8	136
23	Montgomery	19	264
24	Lyallpur	218	343
25	Jhang	25	78
26	Multan	19	184
27	Muzaffargarh	49	166
28	Dera Ghazi Khan	...	32
	Total	3,895	8,466

Number of other kind of Co-operative Societies.

No.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.	1921.	1922.	Up to 25th October 1922.
1. Central Banks, Limited ...	17	18	20	22	23	24	25	27	31	37	38
2. Unions, Limited ...	17	20	20	19	18	20	30	50	63	69	70
3. Non-Agricultural ...	31	34	30	32	37	45	172	240	303	356	356
4. Weavers' Central Co-operative Stores, Limited.	...	...	...	...	...	1	1	1	1	1	1
5. Supply Unions and Supply Societies.	...	...	...	...	...	8	101	144	171	160	161
6. Production and Sale, Limited ...	...	...	...	...	...	34					
7. Cattle Insurance ...	...	...	...	...	...	1	39	37	19	11	11
8. Arbitration ...	...	...	...	...	...	...	8	22	37	41	43
9. Weavers' Supply Unions ...	...	...	...	...	...	...	...	6	37	144	147
10. Cattle Reinsurance ...	...	...	...	...	...	...	1	2	3	2	3
11. Consolidation of Holdings ...	...	...	...	...	...	...	...	1	1	1	1
12. School ...	...	...	...	...	...	...	...	20	60	107	114
13. Silt Clearance ...	...	...	...	...	...	...	...	3	45	58	58
14. Reclamation of Cho. Waste Land.	...	...	...	...	...	...	...	1	3	12	12
15. Thrift and Saving ...	...	...	...	...	...	...	...	6	8	8	8
16. Cattle Breeding ...	...	...	...	...	...	...	...	...	9	38	44
17. Irrigation, Limited ...	...	...	...	...	...	...	...	...	11	20	20
18. Cattle Purchase ...	...	...	...	...	...	...	...	...	1	1	1
19. Model Town ...	...	...	...	...	...	...	...	...	3	4	4
20. Co-operative Printing Press ...	...	...	...	...	...	...	...	...	...	1	1
										1	1
Total ...	65	72	70	74	78	133	378	560	848	1,073	1,094

(a) The number of Supply Societies in the Punjab up to 25th October 1922 is 25, and that of supply Unions is 136.

(b) Condition of supply work apart from one or two big Societies of employees is unsatisfactory.

(c) (i) Supply staff was sanctioned separately with effect from 1st August 1918 to 30th April 1922.

(ii) Rs. 58,112 (fifty-eight thousand one hundred and twelve).

(iii) (a) The staff was disbanded from 1st May 1922.

(b) The Government did not accord further sanction for the employment of the staff.

(iv) The supply work has been distributed among the general inspecting staff.

(d) The supply work has been amalgamated with the credit side owing to lack of funds.

CONSOLIDATION OF LANDS.

1976. **Khan Bahadur Chaudhri Fazl Ali:** Will Government be pleased to state—

(a) whether a separate staff has been employed for consolidation of lands?

(b) If so, since when it has been employed and what it costs annually?

(c) Whether it has considered if it will not be best that this work should be entrusted to officers who look after co-operative societies?

The Honourable Lala Harkishan Lal:

(a) Yes.

(b) Since April 24th, 1921. Approximately Rs. 18,500.

(c) Yes. The work is already actually "entrusted to officers who look after Co-operative Societies."

IMPROVEMENT OF CO-OPERATIVE SOCIETIES.

1977. **Khan Bahadur Chaudhri Fazl Ali:** Will Government be pleased to consider the advisability of improving upon the existing co-operative credit societies in every way possible before starting new kinds of societies?

The Honourable Lala Harkishan Lal: If the honourable member will point out the directions in which he desires improvement, the matter will receive the best consideration of the Ministry of Agriculture.

COMMUNAL REPRESENTATION AMONG ZILLADARS.

1978. **Rai Sahib Chaudhri Raja Singh:** Will the Government be pleased to lay on the table a list of the Zilladar-candidates in the Canal Department?

(a) The total number of candidates on the register;

(b) the number of those accepted direct and of those from the lower ranks of the canal staff;

(c) the number of agriculturist candidates;

(d) the proportion between the Hindu, Muhammadan and Sikhs;

(e) out of those still on the register how many are over 25 years?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia List* herewith :—

(a) 103

(b) { Departmental Canal 34 } ... 36
{ Civil 2 }

Outsider ... 67

(c) 69

(d) Sikhs ... 30
Hindus ... 24
Muhammadans ... 48
Indian Christian ... 1

(e) 81 over 25 years of age on 1st October 1922.

PROVISIONS FOR *AKALIS* IN GURU-KA-BAGH.

1979. Rai Sahib Chaudhri Raja Singh : Is it a fact—

(a) that the police has put barbed wire fencing around the *Gurdwaras* at Guru-ka-Bagh in Amritsar District, and there is only one outlet ;

(b) that from 500 to 600 *Akalis* live permanently in the precincts ;

(c) that the police have stopped provisions from being taken into the *Gurdwaras* ;

(d) that the conveyances of respectable persons who visit the *Gurdwaras* are held up and searched ;

(e) will Government be pleased to make some such arrangements whereby the *Akalis* living in the *Gurdwaras* receive provisions ?

Mr. H. D. Craik :—

(a) Yes.

(b) The number of *Akalis* living at Guru-ka-Bagh varies. It is probable that on certain occasions it has reached 500 to 600.

(c), (d) and (e). The honourable member is referred to my answer to question No. 1914.

COMMUNAL REPRESENTATION IN THE GAZETTED APPOINTMENTS IN THE IRRIGATION DEPARTMENT.

1980. Pir Akbar Ali : Will Government kindly state the number of permanent gazetted appointments in the Irrigation Department permanently filled from the 1st January 1921 to 30th September 1922 and the number of Muslims, Hindus, Sikhs and Christians in them ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The number of permanent gazetted appointments filled in the Irrigation Branch from 1st January 1921 to 30th September 1922 is as follows :—

Muslims ... 5
Hindus ... 7
Sikhs ... 2
Christians ... 2

PUBLIC PROSECUTORS.

1981. Pir Akbar Ali : Will Government kindly state the number of Public Prosecutors permanetly appointed from the 1st January 1921 to 30th September 1922 (with their names) ?

Mr. J. Wilson-Johnston : No Public Prosecutors were permanently appointed from the 1st January 1921 to the 30th September 1922.

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*Not printed.

TEMPORARY ENGINEERS.

1982. Pir Akbar Ali: Will Government kindly state the number of temporary Engineers appointed from the 1st January 1921 to 30th September 1922 in the Irrigation and Public Works Departments, respectively, and the number of Muslims, Sikhs, Hindus and Christians in them?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The number of Temporary Engineers appointed in the Irrigation Branch from 1st January 1921 to 30th September 1922 is 17, consisting of—

Muslims	4
Sikhs	2
Hindus	6
Christians	5

CASE OF LALA JAGAT NARAIN CHOPRA.

1983. Mr. Ganpat Rai: (*a*) Will Government be pleased to state if the case of one Lala Jagat Narain Chopra, who was convicted by Mian Hakim Din, Magistrate, 1st class, Lahore, on the 14th and 16th February 1922 under section 7 of Act X of 1911 and section 17 (2) of Act XIV of 1908, has been referred to the Honourable Mr Justice Martineau for scrutiny and advice? If not, will Government be pleased to do so now?

(*b*) Will Government be pleased to depute an officer to enquire into the truth or otherwise of the open allegation made by one Dr. Diwan Ram Chand that in reality he was the person who committed the offence for which Lala Jagat Narain was convicted?

Mr. J. Wilson-Johnston: (*a*) The honourable member is referred to the reply given to part (*c*) of Council Question No. 1562.*

(*b*) The answer is in the negative.

NAROWAL-SHAHDARA RAILWAY LINE.

1984. Chaudhri Muhammad Amin: (*a*) Is it a fact that the zamindars of the area irrigated by the Raya Branch of the Upper Chenab Canal in Pasrur and the Sharakpur Tahsils are experiencing difficulties in conveying their agricultural land produce to the nearest grain markets at Gujranwala, Lahore and Amritsar?

(*b*) Will the Government be pleased to represent to the Government of India and the Railway Board the necessity of constructing the Narowal-Shahdara Railway Line?

(*c*) If considerable delay in the construction of the Narowal-Shahdara Railway Line is apprehended, will the Government be pleased to take up the question of affording transport facilities to the said area by constructing agricultural tramways and suitable roads?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

AMELIORATION OF TRACT TRANSFERRED FROM SIALKOT DISTRICT TO SHEIKHUPURA DISTRICT.

1985. Chaudhri Muhammad Amin: (*a*) Is it a fact that in the large tract recently transferred from the Sialkot District to the Sheikhupura District there is no dispensary, and that primary schools are very few and far between?

*Vol. IV, page 128.

(*b*) Is it a fact that the District Board, to some extent, ceased spending money on the area which was to be handed over as soon as the area to be transferred was defined?

(*c*) Will the Government be pleased to take steps to ameliorate the condition of the said tract by taking some compensation from the District Board of Sialkot or by special grant from the Provincial Revenues?

The Honourable Khan Bahadur Mian Fazl-i-Husain: I regret that the reply to Council Question No. 1985 is not yet ready. The information is being collected and will be supplied to the honourable member as soon as received.

TRANSFER OF VILLAGES FROM RAYA TAHSIL TO THE SHEIKHUPURA DISTRICT.

1986. Chaudhri Muhammad Amin: (*a*) Is it a fact that in the case of a number of villages recently transferred to the Sheikhupura District from the old Raya Tahsil of the Sialkot District, the people have been subjected, without any special advantage, to the administration difficulties in having to travel long distances in a tract without communications while they enjoy no compensatory amenities, and that they are desirous of being re-attached to the proposed Tahsil of Narowal in the Sialkot District?

(*b*) Is the Government contemplating the examination of the inconvenience created by the change referred to in (*a*)?

(*c*) If the answer to (*b*) be in the negative, will the Government be pleased to examine the conditions created with a view to revise the boundary line between the Sialkot and Sheikhupura Districts?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) It is not a fact that a number of villages have been transferred from the Raya Tahsil of Sialkot District to the Sheikhupura District without any special advantage to the administration. The villages which have been transferred are irrigated from the Upper Chenab Canal and it is an administrative convenience to have villages irrigated by any particular canal as far as possible in the same district. The difficulties to travel in this tract are the same whether the villages are in Sheikhupura District or Sialkot. Government is not aware that the inhabitants of any village, which has been transferred, are desirous of being re-attached to the Sialkot District.

(*b*) The answer is in the negative.

(*c*) A slight revision of the boundary line between the two districts has been proposed and is under investigation. Before arriving at a decision Government will ascertain the wishes of the inhabitants of the villages to which the honourable member refers and will consider what can reasonably be done towards meeting their wishes without detriment to the administration.

SINKING OF TUBE WELLS IN *KALAR* TRACT.

1987. Chaudhri Muhammad Amin: (*a*) Is it a fact that in the Sialkot District there is a tract called *Kalar* of which the main agricultural produce used to be rice with natural irrigation from the *Deg* Nullah, and that owing to the silting up of the said channel the said tract has lost its means of *Kharif* irrigation, while the irrigation from the Upper Chenab Canal has not been extended to it?

(*b*) If the answer to (*a*) is in the affirmative, will the Government, considering the easy spring level, be pleased to consider the advisability of compensating the said tract by encouraging the sinking of the Tube wells to be worked with reasonably cheap machinery?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) The *Kalar* tract of the old Sialkot District is a noted rice growing district and now receives irrigation from Upper Chenab Canal. Government is unaware that any portion of the *Kalar* is outside the irrigation boundaries of the canal.

(*b*) In any case until it is ascertained that Tube wells can be worked at a profit by the aid of machinery Government is unable to consider the question. At any rate the financial stringency precludes any such consideration under the present circumstances.

(*Questions Nos.* 1988—1991 *were not put*)

THE PUNJAB DISTRICT BOARDS (AMENDMENT) BILL.

Mr. President: The Council will now continue the consideration of the Punjab District Boards (Amendment) Bill. The question before the Council is—

"That clause 9 stand part of the Bill."

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I am very grateful to my friend Mr. Ganpat Rai for having drawn my attention to a number of necessary amendments in clause 9. There are just one or two mistakes more or less of a drafting nature and with your permission, Sir, I would like to correct them. Sir, I now formally move—

"That in clause 9, new section 19-B (4), line 3, after the figure '(1)' shall be inserted 'and (3)' and in line 7 the figure '(2)' shall be omitted."

Mr. President: The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9, new section 19-B (4), line 3, after the figure '(1)' shall be inserted 'and (3)', and in line 7, the figure '(2)' shall be omitted."

The question is that that amendment be made.

The amendment was carried.

Mr. President: We have hitherto discussed the amendments to clause 9. Now I will take the clause itself as amended. The question is—

"That clause 9 as amended stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 10 and 11 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 12 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 13 and 14 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 15 stand part of the Bill."

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, I beg to move—

"That a comma be substituted for the full stop at the end of clause 15, and the following words be added thereafter :—' and the figure 19-B shall be substituted for the figure 46 wherever it occurs in sections 48 and 49.' "

Mr. President : The question was—

"That clause 15 stand part of the Bill."

To this an amendment has been moved :—

"That a comma be substituted for the full stop at the end of clause 15, and the following words be added thereafter :—' and the figure 19-B shall be substituted for the figure 46 wherever it occurs in sections 48 and 49.' "

The question is that that amendment be made.

The amendment was carried.

Mr. President : The question is—

"That clause 15 as amended stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clauses 16 to 21 stand part of the Bill."

The motion was carried.

Mr. President : The question is :

"That this be the preamble to the Bill."

The motion was carried.

Mr. President : Under Standing Order 50 (2), I direct that the Bill be examined by a committee consisting of the Honourable Minister for Education ; Mr. Manohar Lal, the Deputy President ; and Mr. N. Hancock Prenter, the Legal Remembrancer ; with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting. I suggest that the report be submitted by the 11th of this month.

Will that suit the Honourable Minister ?

The Honourable Khan Bahadur Mian Fazl-i-Husain, (Education Minister) : Certainly, Sir.

Mr. President : Does the Council agree to the date ?

(The council having expressed approval the Drafting Committee were directed to submit their report by the 11th November 1922.)

Maulvi Muharram Ali, Chishti (Lahore City, Muhammadan, Urban): May I ask a question, Sir. When amendments have been made to the Bill by this Committee, shall we get three days' notice to consider these amendments. I remember there was an occasion when there were something like 300 amendments, and we were called upon to decide in a minute.

Mr. President : If the honourable member will read Standing Order 50 (3) he will find that when the report has been presented, and the decision of the Council on the amendments proposed has been made, the Member-in-charge can at once move that the Bill be passed. This is the Standing Order governing the case. It is not a Select Committee. It is a purely Drafting Committee. Standing Order 45 does not apply. Nothing is laid down regarding the length of notice for consideration of drafting amendments, and I would not insist on three days or indeed any time at all. Each case must be decided on its merits.

THE SIKH GURDWARAS AND SHRINES BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, as the Sikh Gurdwaras and Shrines Bill has been published under rule 18 it is not necessary for me to move for leave to introduce the Bill. I will, therefore, move for reference to Select Committee.

Mr. President: The Honourable Minister should formally introduce the Bill.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Sir, I beg to introduce the Sikh Gurdwaras and Shrines Bill:

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I beg to move:

"That the Sikh Gurdwaras and Shrines Bill be referred to a Select Committee consisting of—

1. The Honourable Sir John Maynard,
2. Sardar Kartar Singh,
3. Sardar Sahib Risaldar Dilbagh Singh,
4. Bawa Hardit Singh, Bedi,
5. Sardar Randhir Singh,
6. Diwan Bahadur Raja Narendra Nath,
7. Mr. Ganpat Rai,
8. Maulvi Muharram Ali, Chishti,
9. Pir Akbar Ali,
10. Mr. A. Latif,
11. Mr. J. Wilson-Johnston,
12. Mr. N. H. Prenter,
13. Sardar Dasaundha Singh, and
14. The Mover;

and that the Select Committee be directed to send in its report by the 11th of November 1922."

Sir, in the month of April last year when the Sikh Gurdwaras and Shrines Bill was introduced in this Council and referred to a Select Committee, I had the honour of presenting the Select Committee's report to this Council. It then transpired that there were serious differences between the two schools of thought about the measure. It was also thought at the time that probably things would adjust themselves, and that recourse to courts of law after the passing of that temporary phase of excitement would begin. Certain measures were adopted by Government in order to facilitate the settlement of this question between those who sought reforms and those who were alleged to be obstructing the course of reform. This measure consisted in the first place in the High Court issuing instructions to judicial officers to facilitiate the disposal of suits connected with the Gurdwaras and shrines so that litigation may not be prolonged. At the

same time instructions were issued to the Deputy Commissioners requesting them to grant sanction in those cases wherein the party seeking reform wanted to institute in the civil courts proceedings to secure better management of the *gurdwaras* and shrines or wanted to impeach the conduct of the managers of the *gurdwaras* and shrines. Later another step was taken to intimate to the Revenue authorities that where there were certain doubts as to the entries in revenue records describing immoveable property belonging to the *gurdwaras* and shrines, that vagueness be removed, and that where the property belonged to the *gurdwaras* and shrines the entry should be definite and not liable to misterpretation. I have no doubt, Sir, that all these measures not only were intended to do good, to the cause of reform but materially serve that good cause. However, the situation in the province did not materially improve by these measures; and it was found necessary at the request of the leading Sikh gentlemen within and outside this Council to have a Bill prepared which would give judicial authority to the final settlement of disputes concerning the *gurdwaras* and shrines. We, Sir, were at that measure for some months, and we had almost approached completion and had the support of the members of that committee consisting of all the Sikh members of this Council when all of a sudden it was discovered that this was not really the measure that they wanted, and all the Sikh members of this Council unanimously expressed the view that the first Bill that I had the honour of introducing in this Council in April 1924, as it emerged from the Select Committee after certain modifications, was the one that was to their liking. The two or three modifications that they felt necessary consisted, of the following :—

One was the constitution of the Commission. Under the original Bill it consisted of three members, one to represent the party of reform, one to represent the party in possession of the *gurdwaras*, and the third a European officer of experience. In the Select Committee it was resolved by a majority that this Commission should consist of four members two of whom should represent the party seeking reform, one to represent the party in possession of these institutions and the fourth a European officer to preside. Now the Sikh members desired that inasmuch as the movement has assumed a purely religious aspect it is necessary that there should be no non-Sikh on the Committee, with the result that the constitution of the Commission had to be reduced from four to three, the European officer being omitted. The Bill, Sir, as now introduced gives a Commission consisting of three members, two to represent the party seeking reform and one to represent the party in possession of the institutions.

The second change they demanded was with reference to the cost of the Commission. In the original Bill as it emerged from the Select Committee the cost of the Commission was to be paid by the joint funds of the *gurdwaras* and shrines. They wanted that this should be a charge on the provincial revenue. In the Bill as now introduced this change has been made; the cost of the Commission is to be met from the provincial revenue. These were the two changes they wanted.

Besides it was felt that a great deal of opposition to the Bill from non-Sikh quarters was due to a certain misgiving in the minds of the managers of the Sikh *gurdwaras* and shrines that many of their shrines might come under the Bill. It was therefore felt that if a list of *gurdwaras* and shrines over which this Bill is to have jurisdiction were given the opposition might be reduced. In order to give some sort of a list we had to rely upon the book printed in Gurmukhi called *gurdarshan*. We copied from that book, divided

[Hon. K. B. Mian Fazl-i-Husain.]

the *gurdwaras* and shrines as belonging to particular districts and sent the lists to the Deputy Commissioners of each district requesting them to express their views on the subject and to revise the list or add to it if necessary. The list as it has been printed in the Bill has not yet been examined by Government with a view to decide whether all these *gurdwaras* and shrines mentioned in the list fall within the purview of this Bill or not. No doubt in the Select Committee this aspect of the question will be considered. It can also further be considered whether it is necessary to have a list at all. These are, Sir, the points in which the present Bill differs from the Bill as it emerged from the Select Committee last year.

Now, Sir, I need hardly say in this Council how necessary it is to pass a measure intended to bring about peace and good order and to prevent the occasion for its disturbance. There have been a large number of questions put and answered in the Council during the last week, and, Sir, we had also a resolution on the subject. The Guru-ka-Bagh incident has made matters more complicated than they were before. I have no doubt, Sir, that there is not a single member in this Council who would not like to see an end to these arrests that are from day to day taking place. I have no doubt that not only the Government members are anxious, but even the opposition in this Council is most desirous that these incidents should come to an end. How can they be brought to an end? That is the question. It is stated, Sir, that it is the desire of those who are seeking reform to effect the reform in a manner which the law of the land does not permit. It is not the time to discuss the merits of their case; but one thing is obvious that we all feel that they are breaking the law of the land. While the sympathy of the members of this Council so far as the reform movement is concerned is at their disposal, the sense of justice of this Council cannot approve of the course that has been adopted by them. Now, Sir, I claim that the present measure, if adopted, will certainly supply the requisite machinery which will be welcomed by all. It is to be regretted, Sir, that a sort of propaganda of which I for one cannot approve has been resorted to by a section of the people who are claiming a right to effect reform in the *gurdwaras* and shrines. I only read yesterday a *communiqué* No. 250 issued by the Shromani Gurdwara Parbandhak Committee, Amritsar, saying that the Government is going to take a step which will prevent people being arrested. The *communiqué* proceeded to allege that Government is just going to hint to the *Mahant* to lease his land to some charitable person who will not object to the trees being cut in order to supply fuel and thus the arrests will cease, and they say that the Sikhs should not in this way be trapped, but should go on offering themselves for arrest. Now, Sir, I claim that an institution which is afraid of a step being taken which will prevent arrests being made by Government cannot possibly be an institution which has the good of its community at heart. (Hear, hear). We have been trying to devise means by which to prevent these heart-rending arrests of people from day to day. Most of the people, actuated by motives of religious reform and on the advice, or probably the incitement of others, are placing themselves in opposition to the law of the land. There is no truth, Sir, in the allegation that the *Mahant* is being persuaded to lease his land to some one else. But if some public-spirited person on his own responsibility tries to have recourse to this method of bringing this wholesale offer of the people for arrest to an end I see nothing objectionable in it. On the other hand, his action must have the appreciation and approval of all those who want to see an end to this unfortunate affair. (Hear, hear) Any one who moves in this direction deserves credit, and I wish him all success.

My scheme, Sir, is a different one. We find that really the enthusiasm and excitement of the reformers have reached a high pitch and we should take steps to prevent collisions. A Commission will be established which will take charge of disputed *gurdwaras* pending the final settlement of the dispute. When the excitement is over and both parties are in a position to talk over the matter in an amicable spirit, in many cases it will be possible to bring about compromises. In this way both parties, the *Mahants* and the seekers of reform can sit together and settle their disputes without any outside interference. (Hear, hear). I trust, Sir, that this measure will meet the approval of the Council, and that it will help to ease the situation that does no credit to any Punjabi.

Before I resume my seat, I would like to assure the Council that all these months Attempts have from time to time been made to solve this difficult problem. I have to express my regret, Sir, that all these attempts placed before the public have not received either from public men or from the press that helpful criticism of a constructive nature which would assist in solving the difficulty. As a matter of fact, if I might say so, the problem so far as the public press is concerned has not even been touched. All that has been done is to criticise the various incidents of this very pathetic incident without touching the real problem. I trust that the members of this Council will make helpful suggestions at this stage or later on when the Bill is before the Select Committee in order to improve it in every way possible. It is the wish of Government that no steps be left untaken which can help to make this Bill a really just and helpful Bill for the cause of reform.

Mr. President: The question is:—

"That the Sikh Gurdwaras and Shrines Bill be referred to a Select Committee consisting of—

1. The Honourable Sir John Maynard,
2. Sardar Kartar Singh,
3. Sardar Sahib Risaldar Dilbagh Singh,
4. Bawa Hardit Singh, Bedi,
5. Sardar Randhir Singh,
6. Diwan Bahadur Raja Narendra Nath,
7. Mr. Ganpat Rai,
8. Maulvi Muharram Ali, Chishti,
9. Pir Akbar Ali,
10. Mr. A. Latifi,
11. Mr. J. Wilson-Johnston,
12. Mr. N. H. Prenter,
13. Sardar Dasaundha Singh, and
14. The Honourable Minister for Education,

and that the Select Committee be directed to send in its report by the 11th of November, 1922."

Lieutenant Sardar Raghbir Singh [Ambala Division (Sikh), Rural] (Urdu): Sir, it is quite true that the Sikh members of this Council asked the Honourable Minister for Education to draft this Bill, when we came here to attend the August (1922) Session of this Council. But the circumstances then were quite different from what they are now. We had asked the Honourable Minister to do his best to expedite the enactment of this Bill. The Guru-ka-Bagh affairs have completely changed the position and unpleasant events have occurred and so we are not willing to support the Bill now. Had the Bill been made ready some time earlier than the happenings at the Guru-ka-Bagh we would have supported it. I have consulted all other Sikh members of this Council, but there is no one of them willing to support it. I therefore suggest that it would be quite useless and a waste of time to send this Bill to the Select Committee.

Sardar Sangat Singh [Lahore (Sikh), Rural] (Urdu): Sir, I strongly support Sardar Raghbir Singh and oppose the Honourable Minister's motion to send the Bill to a Select Committee.

Sardar Bakhtawar Singh [Hoshiarpur and Kangra (Sikh), Rural] (Urdu): Sir, our community is in a very critical position and so we are not in a position to support this Bill. I therefore support Sardar Raghbir Singh.

Rai Sahib Chaudhri Raja Singh [Ambala Division (Sikh), Rural] (Urdu): Sir, I also support Sardar Raghbir Singh.

Sardar Balwant Singh [Jullundur (Sikh), Rural] Urdu: Sir, I strongly support Sardar Raghbir Singh's views, because as a temporary measure this Bill is quite useless. Had it been of a permanent nature we would have supported it. I therefore support Sardar Raghbir Singh.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I take it that no other member of the Council wishes to speak on the matter. I have heard five Sikh members, all opposing my motion. They say that they had expressed a desire for such a Bill in August 1922, on the understanding that it would prove a good remedy for the difficulties of their community. I admit that they asked me to prepare it as soon as possible. Sir, only a couple of months or so ago I received the suggestion and now I am surprised to hear that a remedy which was then looked upon as most efficacious is to-day regarded as useless. As a matter of fact, the honourable members, who have opposed this motion, have not thrown sufficient light on the question. One of them has said that he is unable to support it since the Guru-ka-Bagh affairs have changed his views. Another gentleman has said that he would have supported the motion had some better Bill been drafted. In short, they are ready to support a Bill drafted in a better form than the present one. Sir, if I go on drafting fresh Bills every month I do not think I would be able to discharge my other responsibilities as a Minister in a satisfactory manner. I would have met their objections if they had pointed out the shortcomings in this Bill. If they had opposed my motion on the ground that the Bill in its present form is not palatable and that they like to see it in a better form, I would have gladly yielded and modified it in accordance with their suggestions Since this measure is intended exclusively for the Sikh community it would have been a great mistake on my part to put it in a form not acceptable to the Sikh members of this Council. But I am sorry none of them has discussed it at all. So far as I think this Bill is not an unpalatable one. As for its being of a temporary or permanent nature this

much will suffice to say that there is a large number of Hindu, Muhammadan and Sikh members on the Select Committee who can decide that point and make the necessary modifications compatible with the demands of the Sikh members. I trust that by mutual co-operation and good-will it can still become a sure remedy for all difficulties. I therefore submit once again that the Bill be sent to the proposed Select Committee.

Sir, before I sit down I have to move the following amendment with respect to the personnel of Select Committee :—

"That Malik Firoz Khan Noon's name be substituted for that of Pir Akbar Ali's on the Select Committee."

Pir Akbar Ali has had to absent himself from the Council on account of some private business and has left Lahore consequently. Since the Select Committee have to submit their report by the 11th November 1922 and since Pir Akbar Ali cannot be expected to come back by that time I have to move this amendment. I therefore move that Malik Firoz Khan, Noon, be placed on the Select Committee instead of Pir Akbar Ali.

Mr. President : The main question was—

"That the Sikh *Gurdwaras* and Shrines Bill be referred to a Select Committee consisting of—

1. The Honourable Sir John Maynard,
2. Sardar Kartar Singh,
3. Sardar Sahib Risaldar Dilbagh Singh,
4. Bawa Hardit Singh, Bedi,
5. Sardar Randbir Singh,
6. Diwan Bahadur Raja Narendra Nath,
7. Mr. Ganpat Rai,
8. Maulvi Muharram Ali, Chishti,
9. Pir Akbar Ali,
10. Mr. A. Latif,
11. Mr. J. Wilson-Johnston,
12. Mr. N. H. Prenter,
13. Sardar Dasaundha Singh, and
14. The Mover.

To this an amendment has been moved that—

"In place of Pir Akbar Ali the name of Malik Firoz Khan, Noon, be substituted."

The question is that the amendment be made.

The amendment was carried.

Mr. President : The question is—

"That the Sikh *Gurdwaras* and Shrines Bill be referred to a Select Committee consisting of—

1. The Honourable Sir John Maynard.
2. Sardar Kartar Singh,
3. Sardar Sahib Risaldar Dilbagh Singh,
4. Bawa Hardit Singh, Bedi,
5. Sardar Randhir Singh,
6. Diwan Bahadur Raja Narendra Nath,

[Mr. President.]

7. Mr. Ganpat Rai,
8. Maulvi Muharram Ali, Chishti,
9. Malik Firoz Khan, Noon,
10. Mr. A. Latifi,
11. Mr. J. Wilson-Johnston,
12. Mr. N. H. Pronter,
13. Sardar Dasaundha Singh, and
14. The Mover;

and that the Select Committee be directed to send in its report by the 11th November 1922.

The motion was carried.

GOVERNMENT'S SUPPLEMENTARY DEMANDS FOR GRANTS.

LAND REVENUE GRANT.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): I move—

"That a supplementary sum not exceeding Rs. 2,960 advanced to the head Land Revenue from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that fund for the year ending the 31st day of March 1923."

In moving for this demand I need hardly say anything in great detail. The expenditure is necessary for managing the estate which has been escheated to Government from the late Sardar Basant Singh of Kheri. The expenditure includes an item of Rs. 969 for the pay of the establishment to look after the estate and Rs. 2,000 for repairs of wells which are used for the purposes of irrigation. These wells are now in a neglected condition. With these remarks, I expect that the Council will give me the necessary sanction.

Maulvi Muharram Ali, Chishti: May I know, Sir, what the income of the estate is?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The income is roughly estimated at Rs. 13,000 per annum and the total expenditure nearly Rs. 7,000.

The motion was carried.

JAILS GRANT.

The Honourable Sir John Maynard (Finance Member): I move—

"That a supplementary sum not exceeding Rs. 11,257 advanced to the head Jails from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that Fund, for the year ending the 31st day of March 1923."

The motion was carried.

POLICE GRANT.

The Honourable Sir John Maynard (Finance Member): I move—

"That a supplementary sum not exceeding Rs. 860 advanced to the head Police from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that Fund for the year ending the 31st day of March 1923."

The motion was carried.

CIVIL WORKS GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : I move—

"That a supplementary sum not exceeding Rs. 7,547 advanced to the head Civil Works from the Civil Contingencies Fund be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of that fund for the year ending the 31st day of March 1923."

The motion was carried.

MISCELLANEOUS COMPENSATION GRANT.

The Honourable Sir John Maynard (Finance Member) : I move—

"That a supplementary sum not exceeding Rs. 1,126 advanced to the head Miscellaneous Compensations from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that Fund for the year ending 31st day of March 1923."

Maulvi Muharram Ali, Chishti [Lahore city (Muhammadan), Urban] (Urdu) : Sir, I beg to oppose this grant and move that this grant be omitted altogether.

The Honourable Finance Member has made a demand of Rs. 1,126. Although it is an ordinary sum, yet I would ask the House not to vote even for a single penny, since we are not prepared to connive at negligence on the part of the Police for which Provincial revenues might later on be made to suffer. I have to thank the Finance Department which helps us to understand the nature of these demands by appending brief notes with each item. The bottom of page 3 of the supplementary estimates will show this House the nature of this demand. "A burglary was committed in the store-room of the Police Station at Lodhran in the Multan District. A claim has been put forward by Lala Sundar Lal, late Stationmaster, Miranpur, for property to the value of Rs. 1,126 in the shape of ornaments, which was stolen along with public money. It appears that this property had originally been stolen from Lala Sundar Lal, but had been recovered by the Police and was stored in store-room of the Police station whence it was again stolen. The Police have satisfied themselves as to the validity of the applicant's claim and Government considered it was only fair that it should make good the loss to Lala Sundar Lal."

This is the note, Sir, attached to this item. Does it not show great negligence on the part of the Police? It is just possible that this property might have been stolen by some Policeman, for we are quite in the dark as to whether any investigation was ever made. Sir, why should the Province suffer for the negligence of the Police, and why should such a loss be recouped from Provincial revenues? At this stage I would like to warn other members that they should not show utter indifference in the matter, for these petty sums afterwards make huge totals. They should bear in mind that in the near future they would be asked by the Government to increase the water-rate and land revenue. Sir, to me it would be a great disappointment if this House sanctioned this grant, without the matter being first investigated. I would therefore suggest that a thorough investigation be made to find out how it came to pass that this theft was committed in the store-room of the Police Station. With these remarks I oppose this motion.

Rai Bahadur Lala Sewak Ram [Multan Division, (Non-Muhammadan), Rural] : Sir, I shall say just a few words in support of what my learned friend Maulvi Muharram Ali Chishti has said. This is certainly a very extraordinary demand made by Government because if this kind of procedure is adopted no particular care will be taken of things at police stations because they will know that if things are stolen Government will easily pay up. The question arises how long the property was stored at that police station and why was it there stored for that length of time ? The general rule is that all this money is sent to the Sadar and not kept at a wayside police station which is not so well guarded as the Sadar Toshakhanas are guarded. So the explanation is required as to why the property was kept at Lodhran and not sent on to Multan where it would have been safer. It has not been explained how it was stolen and how long was it kept at Lodhran. The time limit for keeping such things at an ordinary police station is very short. It is generally about the length of time the magistrate is trying the case. I do not think this is at all a desirable case in which Government should make this payment at all. If it does it will be a very bad precedent indeed for the future.

The Honourable Sir John Maynard (Finance Member) : Sir, this is a very simple case. Here is a man whose property having been recovered was deposited temporarily in accordance with the rules in the police station. Someone came and stole that property from the police station. Government is now liable to repay to him the value of the property which was thus stolen It is suggested that Government in order to cover the deficit of some 123 lakhs annually should decline to pay for this loss. The proper course for meeting one's deficit is not by shirking one's reasonable debts.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] : Sir, the Honourable Finance Member has drawn the attention of this House to the fact that in order to meet the deficit of 123 lakhs we are not to shirk the duty of paying our debts. I submit, Sir, I cannot agree with him. Since we have joined the Council some of us have adopted the principle which we learned when we were small children at school: Take care of the pennies and the pounds will take care of themselves.

Mr. President : The honourable member should not repeat what has been said before. Maulvi Muharram Ali Chishti has already said that.

Mr. Ganpat Rai : I was just saying what the honourable member has said. Sir, we are told that these few thousands, a few lakhs are small sums, why bother about them ? Well, these small sums when added together make very large sums and in my humble opinion we should not act on that principle. Now it is said that we are trying to get out of our debts by not paying this unfortunate man. That is not the position we take. We say pay up the debt to the man to whom it is due but do not burden this Council.

. . . . . .

Mr. President : The honourable member is again repeating an argument used before and if he does so again I shall have to request him to resume his seat.

Mr. Ganpat Rai : Sir, all I was saying was to recover the property from the men responsible but not to burden this Council....

Mr. President : Will the honourable member kindly discontinue his speech.

The question is—

"That a supplementary sum not exceeding Rs. 1,126, advanced to the head Miscellaneous compensations from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that Fund for the year ending the 31st day of March 1923."

The motion was carried.

EXCISE GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture): Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 2,030 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 day of March 1923 in respect of Excise."

Maulvi Muharram Ali Chishti (Lahore City Muhammadan, Urban, Urdu): Sir, I beg to move—

"That the demand of Rs. 2,030 in respect of Excise be reduced to Rs. 1000."

The Honourable Minister for Agriculture has proposed that the pay of the Charas Staff at Leh should be raised seeing that the pay of the Excise Inspectors and Sub-Inspectors has been raised. He wants to raise the pay of the Special Charas Officer from Rs. 200 to Rs. 250—20—350 and to give the clerk employed at Leh the grade of Rs. 50—2—100. In other words the former will straightaway get an increase of Rs. 50 while the latter will at once get an increase of Rs. 20. The present salaries of these officials are already more than sufficient.

Mr. President: The honourable member goes on repeating himself again and again and again. The time of the Council is more valuable than that.

Maulvi Muharram Ali Chishti (continued): Government is not consistent in the matter of granting increases. Whereas no increase is granted to the chaprasis, etc. the salaries of the well-paid officials are raised. The Honourable Minister for Agriculture will kindly exercise the same economy in connection with Government items as he exercises in his private affairs. The item under notice is unnecessary. Nevertheless I have not struck off the whole of it but want it to be reduced to half, so that I have been prompted by motives of economy without any lack of deference for the Minister for Agriculture.

Mr. President: I have no objection to your speaking on the amendment, but I object to your going on repeating yourself. Having brought forward an argument make an end of it. Do not repeat it. That is all I ask.

Maulvi Muharram Ali Chishti (continued): Under the existing conditions we cannot afford to give a large sum of money especially when the necessity of imposing new taxes is being felt. As other departments have not been granted increases it follows that it is not necessary to grant an increase to the Charas staff. I therefore move the amendment for the consideration of this Council.

Mr. President: The question before the Council was—

"That a supplementary sum not exceeding Rs. 2,030 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 day of March 1923 in respect of excise.

To this an amendment has been moved.—

"That the demand of Rs. 2,030 in respect of Excise be reduced to Rs. 1,000."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 2,030 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 day of March 1923 in respect of Excise."

The motion was carried.

GRANT FOR INTEREST ON ORDINARY DEBT.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 4,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of interest on Ordinary Debt."

The motion was carried.

GENERAL ADMINISTRATION GRANT.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to move:—

"That a supplementary sum not exceeding Rs. 1,280 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of General Administration."

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan)] (Urdu): Sir, I beg to move—

"That the item of Rs. 480 in the demand of Rs. 1,280 in respect of General Administration be reduced to Rs. 300."

I have no objection as regards the second item of Rs. 800 but I object to the item of Rs. 480 which represents the pay of a clerk who will be entertained for six months. The work for which the clerk is required relates to prisoners and is, therefore, of an ordinary nature. I gather that it consists of making reports concerning the career of prisoners after two-thirds of the sentence has been served. A grade of Rs. 75—5—150 for such work errs on the side of generosity. A clerk on Rs. 50 could do the work efficiently. Economy can be exercised in this way. I trust that my amendment will be accepted.

Mr. President: The main question is—

"That a supplementary sum not exceeding Rs. 1,280 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of General Administration."

To this an amendment has been moved :

"That the item of Rs. 480 in the demand of Rs. 1,280 in respect of General administration be reduced to Rs. 300"

The question is that that amendment be made.

Mr. Ganpat Rai [Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu) : Sir, I should like to know what has become of the staff which was attached to the Revenue Secretary whose post has been abolished. In case the clerical staff attached to the Revenue Secretary has not been dispensed with why is it not required to do this work ? We are in the dark and cannot therefore say anything definitely. We do not know where the Revenue Secretary's establishment has gone. Why are we not informed of this ? Unless we have a satisfactory reply to this question we are not in a position to vote for the demand. Independently of this I think that the demand should not be sanctioned. In case money is spent piecemeal in this way it will not be possible to utilise it for big works. The demand should be rejected outright.

The Honourable Sir John Maynard (Finance Member) : Sir, I will first deal with the question raised by my friend Mr. Ganpat Rai. Let me explain in the first place for the information of the House that there are two different functions which are discharged by clerks and by Secretaries respectively. In the first place, there is the preparation of work which is done by the clerk. In the second place, there is the doing of that work which is done by the Secretary. The fact that the post of Revenue Secretary has been held in abeyance does not mean that the work in any way has been reduced. The volume of work is the same. It merely means that the work done by the Revenue Secretary is now being done by a different Secretary, but the duties of preparing the work remain as before. There is, therefore, no occasion to reduce the number of clerks. For this reason, there is no reason whatever why reduction of an officer should involve a reduction of clerks, because there is no reduction in the amount of work involved. So much for the difficulty of Mr. Ganpat Rai.

Now I turn to the question of the employment of a clerk to do certain particular work in connection with the release of prisoners from jails. I should take this opportunity of explaining to the House what very valuable and economical piece of work is being done in this connection. You all no doubt realise that a prisoner in jail costs the Government a certain sum of money At the very lowest estimate his diet costs over Rs. 3 a month when it is managed on a most economical scale. Therefore any arrangement which reduces the number of prisoners in the jails reduces the outlay to Government. Government is now adopting a method of scrutinising the records of prisoners who have undergone two-thirds of their period of imprisonment and who may be released without danger to the public and whose conduct has been good. By releasing such prisoners not only are the convicts restored to society but incidentally there is a saving to the State of some thing like Rs. 3 to Rs. 4 for each man every month.

Now, Sir, it has been suggested that the work of preparing these records in order to know wether a prisoner should or should not be released is an extremely simple one which any one can do. It is also suggested that no special amount of integrity is required in the clerk who has to scrutinise the records. But this is not so. It is necessary to examine the judicial records in each of these cases and to very carefully abstract facts relating to each prisoner whom it is proposed to release. If that work were done by an ignorant or stupid man the result would be that in some cases wrong orders

would be passed and dacoits or other similar people might be released in order to prey upon society again and those who might reasonably be released would be kept in jail. That is the first point. The second point is this and it is a matter of very serious importance for every body to consider. If we do not employ some one who is reliable to do this work he would be open to influences of a dangerous kind and he would very possibly be induced by outside influences to put wrong statements of facts before the officer who is responsible. In conclusion I have to say this that I personally have been able by this methodto pass orders in about 300 cases. This is only the beginning of the work and I have so far been able to release 300 prisoners that is a saving of some thing like Rs. 1,0 ,0 a month to the State in consequence of the work which has been done by this clerk. I consider that this is ample justification for the proposed expenditure.

Mr. President :—The question was—

"That a supplementary sum not exceeding Rs. 1,28) be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of General Administration."

To this an amendment has been moved—

"That the item of Rs. 480 in the demand of Rs. 1,280 in respect of General Administration be reduced to Rs. 300."

The question is that that amendment be made.

The amendment was lost.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 1,280 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of General Administration."

The motion was carried.

GRANT FOR RECLAMATION OF CRIMINAL TRIBES.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (Revenue Member) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 2,530 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Reclamation of Criminal Tribes."

The motion was carried.

LIBRARIES GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : Sir, I move—

"That a supplementary sum not exceeding Rs. 5,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Libraries."

Maulvi Muharram Ali Chishti (Lahore City (Muhammadan) Urban : Urdu) : Sir, I beg to move—

"That the demand of Rs. 5,000 in respect of Libraries be reduced to Rs. 2,000."

The present demand is a sum of Rs. 5,000 for grant-in-aid to the Punjab Public Library. The latter has receipts of Rs. 11,500 including a regular grant of Rs. 6,000 from the Government. Moreover, they save Rs. 2,000 annually. In spite of this the amount at their disposal is not considered sufficient for the purchase of books and a further grant of Rs. 5,000 is asked for the current year. Supplementary grants are meant for emergency expenses. Does the purchase of books fall under this category? The demand is irregular and is not included in the expenditure that is essential. Although it is worthy of being rejected totally I have made a request for its being reduced from Rs. 5,000 to Rs. 2,000. The revenues of the Punjab, Sir, are contributed by classes which receive absolutely no benefit from the Library. The masses too derive no benefit. The money should be utilised for the spread of elementary education and in giving scholarships. The demand is improper and troublesome and should not be sanctioned. The Minister for Agriculture will have the kindness to content himself with Rs. 2,000. What will those people who read the proceedings of the Council think if the demand is sanctioned? I leave this to the judgment of the Honourable Minister for Agriculture.

Mr. President: The question was—

"That a supplementary sum not exceeding Rs. 5,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Libraries."

To this an amendment has been moved—

"That the demand of Rs. 5,000 in respect of Libraries be reduced to Rs. 2,000."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 5,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Libraries."

The motion was carried.

GRANT FOR CO-OPERATIVE CREDIT.

The Honourable Lala Harkishan Lal (Minister for Agriculture): I beg to move—

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923 in respect of Co-operative Credit."

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban, (Urdu): Sir, I beg to move—

"That the demand of Rs. 10,000 in respect of Co-operative Credit be reduced to Rs. 5,000."

The sum of Rs. 10,000 is required for the contingent grant of the Registrar, Co-operative Credit Societies. The Registrar entered a sum of Rs. 14,000 in his schedule of recurring expenditure. The actual expenditure on the Department was Rs. 19,563 in 1920 and Rs. 23,505 and Rs. 22,992, respectively, in the succeeding two years. It is said that the work

[M. Muharram Ali, Chishti.]

cannot be carried on without this grant. I would draw attention to one matter. In the beginning of the Budget year an explanation is offered to us, but when the contract has been made at the time of the Budget, amounts are appropriated in various forms by means of supplementary grants. It appears that the gentlemen on whom devolves the responsibility of preparing the Budget do not take sufficient pains in preparing it. Why is not a forecast of the expenditure made in the Budget Estimates so as to obviate the necessity of appropriating amounts by instalments throughout the year. I have, therefore, proposed a reduction. My submission is that the grant should not be sanctioned, because its sanction will be detrimental to public interest. Money should not be spent in a reckless manner. With these few words I put forward the motion in the hope that it will be accepted.

Mr. President: The question was —

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Co-operative Credit."

To this an amendment has been moved—

"That the demand of Rs. 10,000 in respect of Co-operative Credit be reduced to Rs. 5,000."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: May I ask the Honourable Minister to explain how it is that this work has been carried on for the last six months? If the department has managed for the last six months, could it not wait for another six months, so that the item may be included in the next budget?.....

Mr. President: The honourable member should not make a habit of asking questions in debate. He should state his points, and leave the other side to refute his points.

Mr. Ganpat Rai: Sir, the Minister for Agriculture has not told us that and he has not made out a case as to the urgency for his coming up to the Council for this amount. Of course he will tell us later on, but it is unjust to members of the Council that the reason should be given at the end and not when the demand is made. I hope, Sir, that you will insist that the Honourable Minister should not be allowed to say any thing which is not in reply to the arguments which have been advanced against him, otherwise we members are at a great disadvantage compared to the official benches, because then we have no right to answer back. .....

Mr. President: Will the honourable member please speak to the amendment and not to a general question of this character.

Mr. Ganpat Rai: Sir, the amendment which I am supporting is that this grant be reduced. The grant is being asked for a purpose which is not fully justified. Unless a case is made out this sum should not be allowed.

Mr. President: The question was—

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Co-operative Credit."

To this an amendment has been moved—

"That the demand of Rs. 10,000 in respect of Co-operative Credit be reduced to Rs. 5,000."

The question is that that amendent be made.

The amendment was lost.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923 in respect of Co-operative Credit."

The motion was carried.

INDUSTRIES GRANT.

The Honourable Lala Harkishen Lal (Minister for Agriculture) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 29,725 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 day of March 1923 in respect of Industries."

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urdu] Sir, I beg to move—

"That the demand of Rs. 29,725 in respect of Industries be reduced to Rs. 20,000."

This demand of Rs. 29,725 is made up of two items of Rs. 13,000 and Rs. 16,725. I have no objection to the first item of Rs. 13,000. My amendment is that the second item of Rs. 16,725 be reduced by Rs. 9,725. My amendments are not being justly dealt with to-day. The spirit of opposition in this Council is, as it were, being killed. The Council would get demoralised if there were no opposition. This item of Rs. 16,725 is demanded with the object of restoring a portion of the sum of Rs. 29,531, reduced by the Legislative Council when voting the grant for the current year for the expenditure of the Fisheries Department. When the Council makes up its mind to withhold its vote for a certain item the matter is put off but the amount is afterwards appropriated somehow or other in the shape of supplementary grants. The Fisheries Department is causing endless botheration. God knows if it will not drown us also in the river. The item having been disallowed in the budget it is now being applied for in the shape of an emergent item. This Department of Fisheries is not of much importance. Moreover, the item having been once rejected by the Council we should not take any further action regarding it. We have been told a great deal about this Fisheries Department but we are unable to understand the importance of it. It is unnecessary to keep a staff employed for fishes.

Mr. President : Grant under consideration. Amendment moved—

"That the demand of Rs. 29,725 in respect of Industries be reduced to Rs. 20,000."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 29,725 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 day of March 1923 in respect of Industries."

The motion was carried.

CIVIL WORKS GRANT.

The Honourable Mr. Harkishanlal (Minister for Agriculture): Sir, I beg to move:—

"That a supplementary sum not exceeding Rs. 77,817 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 day of March 1923 in respect of Civil Works."

Mr. President: In this case again, Maulvi Muharram Ali Chishti's amendment is not clear. To what items does he object?

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban]: I only object to items—

(*b*) Construction of lock-ups at Kasur, Pakpattan and Jampur.. 26,000

and

(*c*) Half of the cost of providing additional accommodation for the staff engaged for the Indian Private and Family Wards of the Mayo Hospital, Lahore ... 47,233.

Mr. President: Even then you do not tell us how much you wish to reduce under each head. It is impossible for the Honourable Minister (supposing your amendment is carried) to decide how to act. The two things are quite distinct.

Maulvi Muharram Ali, Chishti: I understand your ruling, Sir, to mean that I am bound to tell the details. Under your orders, I say I want to reduce half of the amount from the one and half from the other.

Mr. President: That will do. Now please move your amendment.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban], (Urdu): Sir, I beg to move—

"That the demand of Rs. 77,817 in respect of civil works be reduced to Rs. 50,000."

The reductions I propose are as follows:—

It is proposed to provide Rs. 25,000 for the construction of lock-ups at Kasur, Pakpattan and Jampur. I suggest that this sum be reduced by Rs. 13,000. Again, a sum of Rs. 47,233 is proposed for half the cost of providing additional accommodation for the staff engaged for the Indian, Private and Family Wards of the Mayo Hospital, Lahore. I suggest that this sum be reduced by Rs. 14,817. In all I propose a reduction of Rs. 27,816. All these items of expenditure are connected with buildings. We have just received a note from the Finance Committee which says that economy should be exercised in the matter of buildings. Money is spent on buildings recklessly. You can build lock-ups by all means but it is not

essential that they should be built of stone. Ordinary buildings should be erected and let the Police guard the buildings. A sum of Rs. 47,233 has been asked for providing accommodation for the staff at the Mayo Hospital. This too should be reduced. I regret that my submissions are not much heeded but at any rate my conscience it clear.

(*At this stage the Deputy President took the chair.*)

The Deputy President: Grant under consideration. Amendment moved—

"That in respect of item—

(b) Construction of lock-ups at Kasur, Pakpattan and Jampur ... Rs. 25,000

Rs. 13,000 should be reduced; and in respect of item

(c) Half of the cost of providing additional accommodation for the staff engaged for the Indian Private and Family Wards of the Mayo Hospital, Lahore ... ... Rs. 47,233

Rs. 14,817 be reduced."

The question is that that amendment be made.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] (Urdu): Sir, it is stated that lock-ups are to be built at Kasur, Pakpattan and Jampur. Kasur has a very fine lock-up, which is sufficiently commodious. In case there is now lack of accommodation owing to the rush of *Akalis* then a sum of Rs. 12,000 might be spent on its extension. What is the state of things at Jampur which necessitates the building of a lock-up at that place? If any lock-up is needed it is needed at Kasur. The question has been coming up for a long time. They have been doing without a lock-up all this time and can do without it now. The money does not belong to the members of this Council. It belongs to the masses. Should they say that the money is being wasted? It is stated that a wing of the King Edward Memorial was built long ago but a demand is being now made for its completion. Bearing this fact in mind, the demand is made for the benefit of officers who are returning from field service and not for the benefit of the Indians. I support the amendment moved by Maulvi Muharram Ali, Chishti.

The Honourable Sir John Maynard (Finance Member): Mr. Ganpat Rai seems to be under some misapprehension. It has been said that the present increased expenditure on lock-ups is due to the temporary difficulties with the *Akalis*. The difficulty of accommodation in the lock-ups has been going on since 1916. Therefore the present demand has nothing to do with the temporary difficulties. It is a permanent difficulty and has nothing whatsoever to do with the temporary difficulties with the *Akalis*.

The Deputy President: The question was —

"That a supplementary sum not exceeding Rs. 77,817 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 day of March 1923 in respect of Civil Works."

To this an amendment has been moved—

"That the demand of Rs. 77,817 in respect of Civil Works be reduced to Rs. 50,000".

The question is that the amendment be made.

The amendment was lost.

The Deputy President : The question is—

"That a supplementary sum not exceeding Rs. 77,817 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 day of March 1923 in respect of Civil Works".

The motion was carried.

EXCISE GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : I move—

"That a supplementary 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 day of March 1923 in respect of Excise."

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, I beg to move—

"That the demand of Rs. 10, in respect of Excise be reduced to Rs. 5."

Perhaps the rural members are not aware of the method in which the Government demands money. The actual amount which they want is Rs. 12,480. This sum less Rs. 10 they will make up by reappropriation from some other heads. My object in wishing to reduce the demand of Rs. 10 to Rs. 5 is that the whole amount of Rs. 12,480 be reduced to half. My apprehension is that for the heads from which they appropriate money now, fresh supplementary demands will be made later on. But even supposing the amount to be reapproporiated is in saving, then is it a sin to save money ? I don't feel there is any particular necessity to grant this demand yet. I would allow half of the expenditure proposed.

The Deputy President : Grant under consideration. Amendment moved—

"That the demand of Rs. 10 in respect of Excise be reduced to Rs. 5."

The question is that that amendment be made.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] : Sir, I want to speak a little in support of Maulvi Sahib. During the last budget session it was decided that the Sub-Inspectors of Excise should be reduced. The explanation now given is that this sum is going to be spent in restoring the provision for the Sub-Inspectors. This shows that in spite of the intention of the Council during the debate in the last budget session that the number of Sub-Inspectors be reduced, they are still kept on and no reduction has been made in the staff at all. In order to provide for the payment of these people another grant is now being demanded. I respectfully beg to submit, Sir, that the wishes of the Council have not been carried out. Although, as I said yesterday, we have no chance of being successful in our attempt to reduce the sum, I would request the Honourable Minister for Agriculture to reduce this establishment in the Excise Department, because the work can easily be carried on by the Tahsildars and Naib-Tahsildars who can spare some time to attend to this work and thus a saving can be effected.

Mr. C. M. King (Financial Commissioner) : Sir, I think there is some misapprehension as to what happened at the last budget meeting. As a matter of fact it was not decided to reduce the staff. Objection was only taken to an increase in the number of Sub-Inspectors in the current year over and above what it was in the last year.

In order to prevent that increase Council decided to cut down the staff asked for by eighteen Sub-Inspectors and the cost of these Sub-Inspectors was estimated at Rs. 12,480, and that was cut down. I think the Council was at that time under a misapprehension. There was no intention of increasing the number of Sub-Inspectors in the current year above what it was in the past year, and if effect had been given to the resolution of the Council to cut down that item the result would have been to reduce the actual establishment of Sub-Inspectors in the current year from what it was in the previous year. These facts were laid before the Excise Committee of this Council and also the Finance Committee of this Council, and both of them came to the conclusion that it was very undesirable to cut down the existing establishment, and therefore the Excise Committee and the Finance Committee sanctioned a reappropriation from a head under which there was an excess to meet this cost. That is the reason for our having to come to the Council for this demand on the present occasion. My friend Maulvi Muharram Ali, Chishti, has said that if we reappropriated in this manner the result would be that we should run short under some other head—the head from which we wish to make re-appropriation—and we shall come to the Council for an increase in the grant. I think, Sir, that that is not the case. We have no intention at all to come to this Council on any future occasion to increase the grant for the head from which we are now making this re-appropriation. I can give that assurance and I can also tell him this, of which he is aware, that if we do anything of that kind this Council will, I am sure, be able to come down upon us and prevent us from making this extra demand. I hope that it will satisfy my friend Maulvi Muharram Ali, Chishti.

Mr. Ganpat Rai: [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu) Sir, The explanation given by Mr. King is strange enough. The Council at the time of the budget refuses a grant and rejects the entertainment of new establishment. But after six months down comes an additional demand. The Excise Department is obstinate and wants to play with the Council. It is stated that the grant has been acceded to by the Excise Committee and the Finance Committee. But I say these bodies are appointed by the Council and are not superior to it. The Council is not bound to bow to their decision. It would have been very much becoming for the department to pull on with the grant allowed in the budget even if they had any difficulty, and thereby have shown that it submitted to the decision of the Council. But it seems to me that the establishment for which funds were not allowed has not been reduced.

Mr. C. M. King: The whole of the temporary establishment has been abolished.

Mr. Ganpat Rai: The idea is to entertain them again?

Mr. C. M. King: No.

Mr. Ganpat Rai: Then why is this demand made?

I have not said the temporary establishment, but that which we had reduced. As I am not contradicted it is clear that that has not gone and I hear that efforts are being made to retain it permanently. I accordingly support the amendment.

The Deputy President: The question was—

"That a supplementry 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 day of March 1923 in respect of Excise."

To this an amendment has been moved—

"That the demand of Rs. 10 in respect of Excise be reduced to Rs. 5."

The amendment was lost.

The Deputy President: The question is—

"That a supplementary 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 day of March 1923 in respect of Excise."

The motion was carried.

AGRICULTURE GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture): Sir, I beg to move—

"That a supplementary 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 day of March 1923, in respect of Agriculture."

Maulvi Muharram Ali, Chishti: Sir, I beg to move my amendment which runs as follows—

"That the demand of Rs. 10 in respect of Agriculture be reduced to Rs. 5."

This token grant of Rs. 10 represents here a sum of no less than Rs. 27,500.

The Honourable Lala Harkishan Lal: Sir, before the honourable member makes his speech, I want to tell him that I can reduce this item from Rs. 27,500 to Rs 23,712, *i.e.*, by Rs. 3,788. The speeches have made such an effect on me that I have become prepared to reduce this item.

Maulvi Muharram Ali, Chishti: I do not wish to take advantage of the Honourable Minister's gift.

[*At this stage Mr. President resumed his seat.*]

It is stated that sums amounting to Rs. 48,258, which were sanctioned out of the "wheat profits" for a District Board Demonstration Farm at Jullundur and should have been paid to the District Board were never paid. The District Board has now demanded these sums. For this purpose Government want to appropriate money from other heads. For instance, it is proposed to appropriate a sum of Rs. 21,500 out of the grant of Rs. 25,000 provided for the farm at Kala Shah Kaku. What a strange thing it is that funds are granted for one object and are spent for another. These proceedings are to go before the public and the official members should realise what they are doing. Further demands will be made for those heads which are being drawn out now, and in this way there will be no end to these demands. This is nothing but jugglery. The Honourable Minister for Agriculture says that he is prepared to reduce the amount a bit but I return back this concession made by him. *"Atai Shumá bá laqái Shumá"* (عطائے شما با لقائے شما).....

The Honourable Lala Harkishan Lal (addressing Maulvi Muharram Ali, Chishti) : *Bakó mat, Bakó mat ji* (Don't jabber).

Mr. President : Order, order, the Honourable Minister must address the chair if he objects to any expression used.

The Honourable Mr. Harkishan Lal : Sir, I object to the use of the expression (عطاے شما به لفافه شما). It means that your gift is thrown back unto your face.

Mr. President : As far as I understand the expression used is offensive if so, it is unparliamentary and improper, and I will ask you to withdraw it. Will you please withdraw your remarks ?

Maulvi Muharram Ali Chishti : Sir, will you hear my explanation also. I mean only to say that on the one hand you give us concessions, and on the other hand you take them away. Now is that in any way unparliamentary ?

Mr. President : The point is that the expression is considered an improper one by the Honourable Minister. If it is an unpleasant colloquial expression it should not have been used. I am afraid I am not sufficiently conversant with the language to be able to understand fully what is implied by the use of the expression ; but seeing that it did give a feeling of offence to the Honourable Minister I ask you to withdraw it.

Maulvi Muharram Ali, Chishti : Well, Sir, I never meant anything offensive. I will never admit that there is any offence conveyed by this expression. I think that the words used by him are abusive. However, in deference to your order, I withdraw my words. I request the chair to order the Honourable Minister to withdraw his words also, which are understood by all the members of the House.

Mr. President : Have you any objection to withdraw your words ?

The Honourable Mr. Harkishan Lal : I am very sorry to have used that expression, but I was moved to do so by the expression used by the honourable member.

Maulvi Muharram Ali, Chishti : Has he withdrawn his words ?

Mr. President : He has expressed regret to the chair and that is quite sufficient.

Maulvi Muharram Ali (continued) : Sir, the concession which the Honourable Minister has been pleased to allow, I refuse to accept. I do not care whether my amendment is carried or falls through. My duty was to put the matter before the House, and that I have done.

Mr. President : Grant under consideration : Amendment moved.

"That the demand of Rs. 10 in respect of Agriculture be reduced to Rs. 5."

The question is that that amendment be made.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] : Sir, the reasons why I Support this amendment are that it is proposed to take out a sum of Rs. 25,000 sanctioned by the Council for the Farm at Kala Shah Kaku in the Sheikhupura District. A number of items were sanctioned on the ground that as the Sheikhupura District was

[Mr. Ganpat Rai.]

newly created, and many developments were necessary there, it was represented that there was great room and necessity for development there. It was on this assurance that the Finance Committee, and I believe the Council, agreed to this amount being spent, and I say you cannot and should not cut that grant of Sheikhupura District.

Mr. E. R. Abbott: I rise to a point of order, Sir. We are only asking for re-appropriation of the balance. Government itself has power to re-appropriate the money originally given for the Kala Shah Kaku Farm.

Mr. President: He is raising the discussion in regard to the whole item.

Mr. Miles Irving (Financial Secretary): I rise to a point of order, Sir. The amendment moved to the token grant of Rs. 10 is that it be reduced to Rs. 5. So far as this is concerned, it is immaterial from the point of view of Government whether the Council sanctions a token grant of Rs. 10 or of Rs. 5. If the Council carries the amendment, it does not affect the position of Government.

Mr. President: I think that this amendment has the effect of bringing the whole item under discussion; if the amendment is passed, the whole of the proposal of Government will be negatived. The amendment moved is for a nominal reduction of Rs. 5, in order to raise discussion, and if a reduction of even Re. 1 is carried by the Council, it will mean that the whole proposal is negatived.

Mr. Miles Irving: I have not quite understood the ruling, Sir.

Mr. President: Any alteration in Rs. 10 means that the whole item comes under reduction and will mean that your proposals are negatived.

Mr. Ganpat Rai (continued): Sir, I am glad that the Financial Commissioner (Development) has noticed this point, and I hope he will support it as it is a question of development of a new district which was created two years ago. Now, Sir, this sum was sanctioned mainly and expressly for the Sheikhupura district on the ground that the new district required development, and that a new farm should be set up. I hope the Honourable Finance Member will remember that the construction of bridge .....(interrupted).

Mr. President: I understand that this item relating Kala Shah Kaku is within the competence of Government to transfer.

The Honourable Mr. Harkishan Lal: Yes, Sir. It is the balance for which we are asking.

Mr. President: I am afraid you are tilting against a stone wall. Under the Financial Rules it is within the competence of Government to transfer that grant.

Mr. Ganpat Rai (continued): Then, Sir, leaving out the technical matter, I ask the Council and I ask the official members to be just and right. On the merits, I ask is that just. If it had been stated at the time of its sanction that this sum was required for any other purpose than that of the development of the Sheikhupura District, I am sure that the Finance Committee and the Council would not have allowed it. The Council having granted this sum for a particular purpose, you take that sum and appropriate—I do not like to use the word misappropriate—it to some other purpose.

I know this district very well because I am a representative of the district in this Council and I have lived in that district I therefore thought that this district required some financial help and the Finance Sub-Committee of the Council agreed to this sum Otherwise in the then state of the finances they were not in a mood either in the Finance Sub-Committee or in the Council to allow that sum. For that reason I would ask the Minister for Agriculture not to touch that amount of Rs. 25,000 given for the newly born district, and if he is not prepared to agree with me, I will be compelled to support the amendment of my friend, Maulvi Muharram Ali, Chishti.

The Honourable Lala Harkishan Lal (Minister for Agriculture): Sir, I may explain how it came about that this sum was appropriated for another purpose. This sum for building a farm at Kala Shah Kaku was sanctioned in the annual budget. When the question of actually starting the farm came up it was not allowed by the Finance Committee; and we were told by the Agriculturist Department that they were not in favour of starting the farm. Therefore we gave up the idea, not because we did not approve of it but the Agriculturist section of the Finance Sub-Committee did not want it. The money provided in the budget therefore became available. Now instead of coming to the Council for the whole amount for the District Board Demonstration Farm at Jullundur we diverted the amount that became available. After all this sum was utilised only for a purpose similar to that for which it was originally allotted. Therefore it cannot be said that we robbed Sheikhupura and gave the money to Jullundur.

Mr. Ganpat Rai: The agriculturists of Sheikhupura were never consulted.

Mr. President: Grant under consideration:

To this an amendment has been moved—

"That the demand of Rs. 10 in respect of Agriculture be reduced to Rs. 5."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That a supplementary 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 day of March 1923, in respect of Agriculture."

The motion was carried.

CIVIL WORKS GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture): I move—

"That a supplementary 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 day of March 1923 in respect of Civil Works."

Maulvi Muharram Ali Chishti: Sir, ...

Mr. President: You will observe, Maulvi Muharram Ali Chishti, that there are two items in this demand—one for the construction of a Tannery building at Shahdara and the toher for compensation for compulsory acquisition of land required for additional playing fields for Central Training College

[Mr. President.]

at Lahore. These are totally different items. Do you wish to object to both of them?

Maulvi Muharram Ali Chishti: No Sir, I wish to object the first item only.

Mr. President: You will then move your amendment and make your point clear.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (1) Urdu: Sir, I beg to move—

"that the demand of Rs. 10 in respect of Civil Works be reduced to Rs. 5."

The object of my amendment is that a sum of Rs. 1,00,000 provided for the construction of a tannery building at Shahdara be reduced to one-half.

As I have said before this demand is not for a sum of Rs. 10 only, but this figure represents one lakh of rupees required for the construction of tannery buildings at Shahdara besides one other item. It was first intended to start this work by taking a loan, but now the idea is to begin it at once and for it funds provided under the head Industries, Mughalpura Commercial College and the Dyeing School are to be reappropriated. To spend money on the buildings is a mere waste, but if you can't do without it be content with the half. The Finance Committee has noted down that there should be no more unnecessary expenditure on buildings and thus the proposal in hand will go against that note. I hope half of the amount demanded will be accepted, but if it is not, I have done my duty in pointing out the real position.

Mr. Miles Irving (Financial Secretary): May I rise to a point of order, Sir. From the ruling given by the chair I understood that if this Council carried the reduction of even one rupee, the whole of the proposal was to be negatived. But the mover of the present amendment has remarked that his intention is that the item of one lakh for the construction of the tannery building at Shahdara be reduced to Rs. 50,000. How can we affect this reduction by the amendment he has moved?

Maulvi Muharram Ali, Chishti: Sir, I quite understand his point. My answer is that the whole proposal should be negatived by my present amendment and the Government should come up with a fresh demand for a sum of Rs. 50,000 instead of one lakh.

Mr. Ganpat Rai [Lahore Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu): Sir, I regret I cannot agree with Mr. Muharram Ali. I think if he had seen all the papers connected with the case, he would not have objected. The proposal of starting a tannery in the Province is a pre-reform one. Last year the Honourable Minister for Agriculture developed it to this stage that the machinery has been purchased. It would be a good thing to have an excellent tanning factory in the Province like those in Madras, etc. The Mughalpura Commercial College could not be started this year and consequently as the staff was not entertained there is fortunately a saving under this head. I do not agree with Maulvi Sahib that it is waste of money, but it is rather benefitting the whole province."

The Honourable Lala Harkishan Lal (Minister for Agriculture): (Urdu): Sir, this sum of Rs. one lakh is required to complete the work which has been taken in hand. It is not a new work, but it has been duly sanctioned by the Council and the required machinery has arrived. As the Government

of India did not sanction the taking of loan, we had to spend by saving from some other head. If this amount is not allowed, the machinery will lie useless and the work in hand will also remain where it is. By this sum we shall be able to do something and therefore it should be granted.

Mr. President: The question was—

"That a supplementary 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 day of March 1923 in respect of Civil Works."

To this an amendment has been moved—

"That the demand of Rs. 10 in respect of Civil Works be reduced to Rs. 5."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That a supplementary 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 day of March 1923 in respect of Civil Works."

The motion was carried.

POLICE GRANT.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 1,87,521 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Police."

Mr. Ganpat Rai: [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan)]: Sir, I beg to oppose this demand and my reasons are, first, that I would suggest that the police, which is employed for duty at ceremonies, etc., be abolished and be employed for more useful work. We all know that a number of policemen in every district are employed by subordinates and others for work which is not the legitimate duty of the police. Secondly, Sir, we also find that in a number of places where there is no danger of the breach of the peace policemen are posted on duty which is not necessary for them at the present time. Thirdly, that policemen, who have been lately employed are not of the right stamp men and their conduct deserves every condemnation. These policemen are not the right sort of men. I have not been to Guru-ka-Bagh, so please do not be prejudiced that it is on that account that I am advancing this argument. What I was saying was that the new class of police constables which have been employed are not the persons of the right type. The reason is that they have no sense of duty. I say so emphatically,—I have noticed it personally—and I do not wish to use a stronger word, but they are not fit persons. They do not know how to deal with even gentlemen. Their treatment is at times brutal. No one in any country can tolerate that. A number of cases have come to my notice and I have seen myself such cases where there would have been danger of the breach of the peace, where there

[Mr. Ganpat Rai.]

would have been even bloodshed and grievous injury by the conduct of these newly employed policemen, but for the behaviour of the persons who, though they were not non-co-operators but were still able to control themselves. These are the three reasons which I want the Honourable Member in charge of that Department to take note of, and for these reasons I submit that there is no necessity for this grant being sanctioned by this Council. In addition to this there is a sufficient saving out of which any extra police that is proposed to be employed should be paid for. I hope that this extra amount is proposed to be spent out of the budget. If this is an extra amount not in the budget, that is an additional reason why I oppose the grant.

The Honourable Sir John Maynard (Finance Member): Sir, I should like to say a few words. It is suggested by my friend Mr. Ganpat Rai that the Police are employed on duty for ceremonies, etc., and are not absolutely essential. He is quite mistaken. There is the greatest possible strain on them and so far from being employed on useless duty it is of the greatest importance that they be utilized for their legitimate work. It is with great difficulty that we get enough policemen for their essential duties. As a casual observer Mr. Ganpat Rai seems to have formed the opinion that some traffic constable on the road is not essential. This is a matter which it is not possible for a casual observer to judge. It is a matter for the officers of the police who are aware of accidents which happen at different points and are in a far better position to judge.

In conclusion he said that these police men are bad men, that they do not know how to deal with gentlemen or even persons, and that they do not know how to perform their duty. What I have to say is simply this that these policemen are drawn from this Province. They are the men of this Province. They have no doubt the defects and the good qualities of the men of this Province. There is very good reason to believe that the standard of the additional policemen is very much higher than that of the ordinary person. No one, I understand, is taken into the additional police unless in the first place he is an old soldier. This in itself is a qualification. Only those who have served in the War are taken. I think most of us would be proud to have such service to our credit.

Mr. Ganpat Rai: That is the reason why they are unfit for civil duties.

The Honourable Sir John Maynard: Not only he is an old soldier but he must have a completely clean record and not only must he be an old soldier and not only must he have a completely clean record, he must be a holder of medals for good service.

Mr. President: The question is—

> "That a supplementary sum not exceeding Rs. 1,87,521 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Police."

The motion was carried.

The Council then adjourned till 2 O'clock on Thursday, the 9th November 1922.

308 PLC—475—18-11-22—SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Thursday, 9th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

SELLING OF TREES ON CANAL BANKS.

1992. Chaudhri Ali Akbar: Will Government consider the advisability of selling off old trees on the banks of canals from time to time as they become mature and proceeding with new plantation immediately after the sold trees have been cleared off?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The procedure suggested in the question is already followed wherever this is found to be feasible and advisable.

WIRE-FENCING AT GURU-KA-BAGH.

1993. Sardar Sangat Singh: Is it a fact that—

(*a*) the *Gurdwaras* at Guru-ka-Bagh have been wire-fenced;

(*b*) the Sikhs are not allowed egress or ingress during night;

(*c*) the Sikhs within have to answer the call of nature within the wire-fenced enclosure?

(*d*) If it is so, will Government be pleased to remove the fencing and allow free access to the *Gurdwara* proper?

Mr. H. D. Craik—

(*a*) Yes.

(*b*) and (*c*) There is no interference with ingress or egress at any time of the day or night. On the contrary there is free access to the *Gurdwara* at all times.

(*d*) Does not arise.

PULLING THE BEARD AND *KESHAS* OF SIKHS.

1994. Sardar Sangat Singh: Is it a fact—

(*a*) that grave charges have been made against the Police Officers of pulling the beard and *keshas* of Sikhs?

(*b*) that no culprit has as yet been brought to book?

The Honourable Sir John Maynard: A definite charge of such behaviour has been proved in the case of one officer only and he has been suitably dealt with.

APPOINTMENT OF COMMITTEE REGARDING GURU-KA-BAGH AFFAIRS.

1995. Sardar Sangat Singh : Will Government be pleased to consider the advisability of appointing a committee composed of official and non-official members to go into the Amritsar happenings in connection with *Akalis* ?

Mr. H. D. Craik : It is undesirable to anticipate, by an answer to this question, the attitude that Government intends to take upon the honourable member's resolution on the same subject.

GURU-KA-BAGH AFFAIR. POLICE BATON AND *LATHI*.

1996. Sardar Sangat Singh : Will Government be pleased to say for the information of the Council—

(*a*) if baton of the London Police and iron bound *lathi* of the Punjab Police is one and the same thing ?

(*b*) If not, will Government please say in what sense of the word did they use the word "baton" instead of "*lathi*" in their statement supplied to the Home Member ?

Mr. J. Wilson-Johnston : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PROTEST BY CHIEF KHALSA DIWAN AGAINST BEATING.

1997. Sardar Sangat Singh : Is it a fact that Chief Khalsa Diwan have raised protest against the beating administered to *Akalis* ?

The Honourable Sir John Maynard: The Chief Khalsa Diwan published a protest against the dispersal under section 128, Criminal Procedure Code, of persons trespassing at Guru-ka-Bagh, and a copy of this was received by Government.

SIKH MEMBERS AND GURU-KA-BAGH AFFAIR.

1998. Sardar Sangat Singh : Is it a fact—

(*a*) that most of the Sikh members of the Council visited the scene of occurrences ;

(*b*) that most of them sent collectively and some of them individually telegrams to Government protesting against the police excesses ?

(*c*) What action was taken on them ?

Mr. H. D. Craik : (*a*) Government understands that this is correct.

(*b*) Certain representations were received.

(*c*) All specific allegations were the subject of enquiry, so far as was possible, but in several cases it was impossible to trace the persons alleged to have been the victims of excesses.

MR. MACPHERSON AND BEATING.

1999. Sardar Sangat Singh : Is it a fact that Mr. Macpherson described the beating of the *Akalis* by the police during the course of dispersal as "a school-boy beating"

Mr. J. Wilson-Johnston: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

MANAGEMENT OF THE SHAH NAHR.

2000 **Mian Beli Ram:** (*a*) Is it a fact that when the management of the Shah Nahr was transferred to the Deputy Commissioner, Hoshiarpur, by an agreement between the shareholders and the Government, it was stipulated that the wishes of the shareholders should be taken into account in the appointment of the manager of the canal and that in consequence of this provision Chaudhri Kharak Singh and Gurcharan Singh, shareholders, were appointed managers till 1906 and that on the death of Gurcharan Singh, there being no competent man amongst the co-sharers, a Naib-Tahsildar was appointed manager under the Canal Act?

(*b*) Will Government consider the possibility of appointing Chaudhri Rai Singh, son of Chaudhri Gurcharan Singh, in place of the Naib-Tahsildar so appointed?

(*c*) Will Government take into consideration the Military and other services of Chaudhri Rai Singh in this connection?

(*d*) If the appointment of Chaudhri Rai Singh as sole manager is not considered desirable, will Government be pleased to appoint a Board of Management consisting of one officer and two non-officials from amongst the shareholders to carry on the management of the canal?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) The honourable member's attention is invited to the answer given to part 1 (*a*) of Council Question No. 1001.

(*b*), (*c*) and (*d*). Government will consider any representation duly made by the shareholders in the Shah Nahr Canal as to the appointment of a manager.

PERMANENT SETTLEMENT IN THE PUNJAB.

2001. **Mian Beli Ram:** Will Government be pleased to lay on the table a copy of all official correspondence on the subject of the permanent settlement from the Despatch No. 14, dated the 9th July 1862, by Sir Charles Wood, Secretary of State for India, to the Minute of the Lieutenant-Governor of the Punjab, dated the 4th October 1873?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The Punjab Government is not at liberty to give copies of letters of the Government of India and Despatches of the Secretary of State without the approval of the Government of India unless such correspondence has been published. So far as Government is aware the papers asked for have not been published. It is regretted therefore that copies cannot be laid on the table.

CHOS ACT.

2002. **Mian Beli Ram:** (*a*) Arising out of the answer given to my question No. 362* on the 5th April 1921, will Government be pleased to state whether Rai Bahadur Pandit Hari Kishan Kaul has submitted any report regarding *Shiwarik* hills called for in April 1921?

*Vol. I, page 519.

(*b*) If so, will Government be pleased to lay on the table a copy of the report and state whether or not any action is contemplated by Government to expunge all usurpatory and confiscatory provisions from the *Chos* Act and to introduce a voluntary and co-operative system instead ?

(*c*) If not, will Government be pleased to call for a report at an early date and communicate their conclusions ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The final report of the Commissioner Jullundur has not yet been received.

SEPARATION OF THE JUDICIAL AND EXECUTIVE FUNCTIONS IN PUNJAB CONTONMENTS.

2003. Rai Sahib Lala Panna Lal : (*a*) Will the Government be pleased to state whether it has received a reference from the Government of India, Army Department, for an expression of views on the separation of the Judicial and Executive functions of the Cantonment Magistrates in the Cantonments ?

(*b*) Has the Government sent its reply to this reference ?

(*c*) If so, will the Government state what opinion it has expressed and lay a copy thereof on the table ?

(*d*) If not, will the Government state by what time it hopes to send a reply ?

(*e*) What is the attitude of the Government towards this Reform ?

(*f*) Is it a fact that Ambala Cantonment Committee has passed a resolution requesting the District Officer to relieve the Cantonment Magistrate of Ambala of judicial work ?

(*g*) What action does the Government propose to take in the matter ?

Mr. H. D. Craik : (*a*) and (*b*) Yes.

(*c*) and (*e*) As the question is still under consideration of the Government of India, the Punjab Government is not prepared to state what opinion it has expressed or to lay a copy of its letter on the table.

(*d*) It does not arise.

(*f*) Government has no information.

(*g*) It does not arise.

CONGESTION OF JUDICIAL WORK IN AMBALA CANTONMENT.

2004. Rai Sahib Lala Panna Lal : (*a*) Is it a fact that the Cantonment Magistrate, Ambala, has done no judicial work since his arrival in Ambala and there is great congestion of judicial work at the Cantonment, causing great hardship to the litigant public ?

(*b*) Will the Government make some arrangement to carry on the judicial work of the Cantonment at the Cantonment Courts ?

Mr. H. D. Craik: The Cantonment Magistrate, Ambala, has decided 32 civil and 4 criminal cases since his arrival and the Assistant Cantonment Magistrate has decided 123 criminal cases. There are 24 criminal cases and 168 civil cases pending in the courts of these two officers.

(*b*) The Cantonment Magistrate has now been given the powers of a Small Cause Court and the question of giving him summary criminal powers is under consideration. A 1st class Magistrate has been deputed for one month to clear off the arrears of criminal work.

SEPARATION OF SADDAR BAZARS FROM THE CANTONMENTS.

2005. Rai Sahib Lala Panna Lal: (*a*) Is it a fact that the Government of India, Army Department, has asked the Government to express its views about the separation of Saddar Bazars from the Cantonments?

(*b*) If so, has the Government sent a reply to this reference and will it lay a copy thereof on the table?

(*c*) If not, by what time does the Government hope to give a reply and what is its policy in regard to this Reform?

The Honourable Sir John Maynard: (*a*) Yes.

(*b*) No.

(*c*) Probably within a month. Government regrets that its policy in regard to this reform cannot be stated at this stage.

DOUBLE CONVICTION OF AN *AKALI JATHA*.

2006. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to state whether—

(*a*) it is a fact that a *jatha* of the *Akalis* led by Bhai Sobha Singh was tried and convicted by Munshi Muhammad Said, Extra Assistant Commissioner, Amritsar, on the 11th of October 1922, and then again produced before Munshi Sadhu Singh, Magistrate, Amritsar, and convicted a second time?

(*b*) If so, will Government be pleased to enquire what led to this mistake ending in double conviction and why this *jatha* which had been sent to jail, was again produced for trial?

(*c*) Will Government be pleased to take proper steps to prevent a recurrence in future of such a mistake?

(*d*) What steps does Government propose to take to set aside the second conviction?

Mr. H. D. Craik: I lay on the table a statement of the facts in the incident referred to.

On the 12th of October there were in custody at Guru-ka-Bagh two batches each of 100 *Akalis*. The first batch had been arrested on the 10th and tried and convicted at Guru-ka-Bagh by the Magistrate stationed there on the 11th. The second batch had been arrested on the 11th and was to be sent to Amritsar for trial.

On the 12th of October the Police Inspector in charge of the motor transport from Chinah Bridge to Amritsar received at Chinah Bridge a batch of 100 *Akalis* together with a *chalan* from the Sub-Inspector in charge of the escort from Guru-ka-Bagh. As the Inspector had been instructed to receive 100 accused persons for trial at that time and place he naturally concluded that the prisoners handed over to him were still awaiting trial, and on arrival at Amritsar at 11 A.M. on the same day he produced the accused in court together with the chalan. His endeavours to check the names of the accused by the list entered in the *chalan* were frustrated by the usual refusal of the accused to answer questions. The trying magistrate then recorded the prosecution evidence and the trial was completed about 1 P.M., the magistrate convicting and sentencing all the accused.

The second batch of prisoners was brought in from Guru-ka-Bagh by the same Inspector later on in the day. He then learnt that a mistake had occurred and that the batch despatched in the morning had consisted of men already convicted by the Magistrate at Guru-ka-Bagh and not of accused persons still awaiting for trial as he had supposed.

The mistake was reported to the Magistrate sitting at Amritsar, who had convicted the first batch, in time to enable him to withhold the warrants directing the execution of the sentences passed. The prisoners were, therefore, sent to the jail only on the warrants of the Magistrate at Guru-ka-Bagh and will serve only one sentence.

On the 13th of October the Amritsar Magistrate passed an order declaring his proceedings void. The incident was from start to finish a pure mistake and was caused primarily by the refusal of the *Akali* prisoners to give their names.

TRANSFER OF THE TAHSIL HEADQUARTER FROM ZAFARWAL TO NAROWAL.

2007. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to state whether—

(*a*) it is contemplated to transfer the Tahsil Headquarters from Zafarwal to Narowal in Sialkot District?

(*b*) If so, what are the reasons for the change and what will be the expenditure involved in the change?

(*c*) it is a fact that at the time of the last war whilst recruits were being enlisted and money was being raised for the War Loan, some sort of assurance was given by the Deputy Commissioner of the time that the Tahsil Headquarters would not be moved from Zafarwal?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Proposals have been received by the Government to transfer the Tahsil Headquarters from Zafarwal to Narowal in the Sialkot District and are under the consideration of Government.

(*b*) Owing to the transfer of certain villages of Sialkot District to Gujranwala and Sheikhupura Districts it has been possible to abolish the Tahsil at Raya and some adjustment of the Tahsil boundaries in Sialkot

is inevitable. Previous proposals contemplated the retention of a Tahsil Headquarters at Zafarwal. The more recent proposals are based on the claim that for administrative reasons it is more convenient to have the Tahsil Headquarters at Narowal on the Railway line. The change will involve the construction of a Tahsil at Narowal, the cost of which may be taken at about Rs. 82,000, but temporary arrangements can be made for an indefinite period at Narowal involving an annual cost of Rs. 1,800 and an initial non-recurring expenditure of about a thousand rupees.

(*c*) The recent proposals have been evolved since the war. During the period referred to by the honourable member therefore the only proposal in existence was the one which contemplated the retention of a Tahsil Headquarters at Zafarwal. In these circumstances no assurance that the Tahsil Headquarters would not be moved from Zafarwal was necessary and none in fact was given.

BEATING OF AMAR SINGH, *AKALI*.

2008. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to state whether the *Communiqués* issued by *Shromani Gurdwara Parbandhak* Committee giving the names of *Akalis* beaten by the Police after beating of the *jathas* had ceased in compliance with the orders of Government have come under the notice of Government? If so, how many such cases of beating have occurred and what are the circumstances under which each man was beaten? Has the case of Amar Singh, *Akali*, who developed his cough as the result of severe beating on 15th September come under the notice of Government? If so, what are the circumstances under which he was so severely beaten?

Mr. H. D. Craik: The *communiqués* in question have come under the notice of Government. No such cases of beatings have occurred and enquiries, magisterial and departmental, have not established the truth of the alligations made in the *communiqués*.

Articles appeared in the "Tribune" on the 16th September from an Amritsar correspondent and on the 17th September from the *Parbandhak* Committee, with regard to the alleged ill-treatment of one Amar Singh by the Police at Guru-ka-Bagh. Mr. Mercer, Deputy Inspector-General of Police, Central Range, communicated with the editor of the "Tribune" and with the *Parbandhak* Committee and asked for their co-operation in aiding him to make an enquiry into these alleged excesses. This aid was refused. Nevertheless local enquiries were made, but naturally without result.

SUBSIDY TO MUSLIM OUTLOOK.

2009. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to state —

(*a*) whether it is a fact that the estate of Mamdot is under the Court of Wards, and that all expenditure out of the income of the estate is controlled by Government;

(*b*) whether Rs. 5,000 were sanctioned by Government out of the income of the estate as a subsidy to a paper called the "Muslim Outlook"?

(c) If so, will Government be pleased to explain how the use of wards' money for subsidising a sectional paper is justified?

(d) Is it a fact that Government is often accused of creating and deliberately promoting discord between communities?

(e) Will Government consider the advisability of discontinuing the subsidy?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia:—(a) The Mamdot Estate is under the Court of Wards. The expenditure of the Estate is controlled by the Financial Commissioner.

(b) A contribution of Rs. 5,000 has been paid from the Estate's funds to the "Muslim Outlook" with the approval of the Financial Commissioner.

(c) Government sees nothing extraordinary in doing for a Muhammadan landowner of the status of the Nawab of Mamdot what he might reasonably be expected to do if he were himself in charge of his Estate.

(d) Government believes that false allegations of the kind mentioned have been made.

(e) The amount paid last year is not a subsidy but is a donation paid on behalf of a Muhammadan Rais towards a paper devoted to Muhammadan interests and as such its continuance or discontinuance depends upon the manner in which the Newspaper is run in the meantime.

Diwan Bahadur Raja Narendra Nath: Has it been decided that the subsidy will be paid next year also?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The reply is contained in part (e) of my answer.

Mr. President: Your supplementary question goes beyond the scope of the original question. Better put a fresh question.

APPLICATION OF SECTION 34 OF POLICE ACT TO MIANI.

2010. **Diwan Bahadur Raja Narendra Nath:** Arising out of the answer to my question No. 1581,* put on 2nd August 1922, will Government be pleased to cancel the notification applying section 34 of the "Police Act" to Miani or direct the Deputy Commissioner to stop prosecutions under this section till a resident Magistrate is appointed for the town?

The Honourable Sir John Maynard: The Deputy Commissioner, Shahpur, is being consulted in the matter. On receipt of his reply a complete answer will be sent to the honourable member.

SUB-TREASURY AT BHERA.

2011. **Diwan Bahadur Raja Narendra Nath:** Will Government be pleased to state whether it is a fact that whilst there is a Munsif's Court at

*Vol. IV, No. 1, page 132.

Bhera and a Sub-Tahsil in charge of a Naib-Tahsildar, the Sub-Treasury is kept open for a month only at each harvest, *Kharif* and *Rabi*. Is Government aware that people in and around Bhera are put to great inconvenience by having to go for their Treasury transactions to Bhalwal? What are the difficulties in keeping the Sub-Treasury open for a fortnight in every month when the Naib-Tahsildar is at Bhera?

The Honourable Sir John Maynard: It is a fact that there is a Munsif's Court at Bhera and a Sub-Tahsil in charge of a Naib-Tahsildar. The Sub-Treasury is, however, kept open for two months in each harvest and not for one month as stated. Government is aware that it would be more convenient for the people in and around Bhera if they could utilize the Bhera Sub-Treasury at all times of the year instead of having to go to Bhalwal but the difficulty in keeping the Sub-Treasury open for a fortnight in every month when the Naib-Tahsildar is at Bhera is that extra expenditure would be involved in the pay of the Tahvildar and Siaha-Navis, and also it is undesirable to restrict the touring of the Naib-Tahsildar to the extent indicated.

AWARD OF SCHOLARSHIP AND STIPENDS TO PUNJAB STUDENTS ATTENDING ROORKEE ENGINEERING COLLEGE.

2012. Diwan Bahadur Raja Narendra Nath: Will the Honourable Minister for Education be pleased to state whether the United Provinces Government have stopped the award of scholarship and stipends to Punjab students attending Roorkee College? If so, has the fact been brought to the notice of the Honourable Minister and does he propose to award out of Provincial funds as many scholarships and of the same amount as before?

The Honourable Lala Harkishan Lal: The reply to the question is in the affirmative. Provision has been made in the Public Works Department budget for 1922-23 for a sum of Rs. 3,000 being the cost of 5 scholarships at Roorkee at Rs. 50 per mensem for Punjab students. There are now 5 scholarships open to Punjab students alone in place of ten, which in previous years were open to students of all provinces.

(*Questions Nos.* 2013 *and* 2014 *were not put.*)

AMRITSAR LOCK-UP AND *AKALIS*.

2015. Sardar Balwant Singh: (*a*) Is it a fact that on the 28th September 1922, 80 arrested *Akalis* were confined to two narrow cells of the Amritsar *Havalat* (lock-up)?

(*b*) If so, what are the dimensions of the two cells above referred to?

(*c*) Will Government be pleased to say how many persons can be confined in those cells according to the lock-up rules?

(*d*) If the answer to (*a*) is in the affirmative, will Government please say whether other satisfactory accommodation for the arrested persons could not be procured in the headquarters of a district where Government has a fort and owns many other public buildings?

(*c*) Will Government please say who was responsible for this and whether sufficient arrangements have now been made to preclude the possibility of a recurrence of such incidents?

The Honourable Sir John Maynard: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

MUHARRAM RIOTS AT MULTAN.

2016. Sardar Balwant Singh: (*a*) Is it a fact that every year opposite parties were bound down to keep peace during the *Muharram* festival in Multan City? If so, were the parties bound down similarly this year; if not, what were the reasons for making the exception this year?

The Honourable Sir John Maynard: Government has no information on the subject at present, but is making enquiries from the local officers. A reply will be given to the honourable member's question in due course.

SILTING OF CANAL WATER-COURSES AND CANAL DEPARTMENT.

2017. Khan Muhammad Saifullah Khan: Is it a fact—

(*a*) that large quantities of silt accumulate in the head reaches of some canal water-courses, which cause great inconvenience to the shareholders thereof in silt clearing of such water-courses and affect adversely their water supplies;

(*b*) that in cases above referred to, the owners through whose lands such silted water-courses pass, do not allow the silt to be spread in their areas with the result that it becomes absolutely impossible to keep such water-courses in an efficient condition?

(*c*) If so, will the Government please instruct the Canal Officers concerned to facilitate the shifting of sites of such outlets to avoid this state of affairs?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer to (*a*) and (*b*) is in the affirmative. As regards (*c*), petitions for transfer of sites of such outlets are always investigated at site and decided according to the merits of the case.

OVER-FLOW OF NAMMAL-DAM WATER AND REPAIRS TO MOSQUE, ETC.

2018. Khan Muhammad Saifullah Khan: With reference to Government's reply to my question No. 1482* part (*b*), put on 31st July 1922, will the Government please order complete repairs to mosque and tomb (*khangah*) that collapsed owing to overflow of Nammal Dam water?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: The matter is receiving the attention of Government.

*Vol. IV, page 32.

RELIGIOUS LIBERTY AND THE MENIAL STAFF OF CIVIL HOSPITAL.

2019. Khan Muhammad Saifullah Khan: With reference to the reply given to part (*c*) of my question No. 1560* put on 2nd August 1922, will the Government be pleased to state the result of its consideration?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The matter is still under consideration and the decision as soon as arrived at will be communicated to the honourable member.

GRADES OF OFFICIALS IN DEPUTY COMMISSIONERS' AND COMMISSIONERS' OFFICES.

2020. Khan Muhammad Saifullah Khan: Will the Government be pleased to state on what grounds permanent officials in Commissioners' and Deputy Commissioners' offices, who were in the grade of Rs. 50 before the introduction of new clerical scheme, have been differently treated, those in Commissioners' offices being put in Rs. 75 to Rs. 125 grade and those in Deputy Commissioners' offices in that of Rs. 40 to Rs. 90?

The Honourable Sir John Maynard: The facts are not quite as stated as four clerks in Commissioners' Offices on Rs. 50 per mensem prior to the revision were put into the 40—2—80/2—90 grade. In fixing the cadre of the different scales in various offices regard was had not merely to the pay of the posts before revision but to other factors such as class of work to be performed and date of previous revisions of pay.

COMMUNAL, ETC., REPRESENTATION IN DEPARTMENTS UNDER THE HONOURABLE MINISTER FOR EDUCATION AND THE HONOURABLE MINISTER FOR AGRICULTURE.

2021. Khan Muhammad Saifullah Khan: (*a*) Will the Government please lay on the table a detailed list of officials and officers in all the departments that are under the Honourable Ministers for Education and Agriculture, respectively, showing therein the designation, pay and community of each employé?

(*b*) Is it a fact that some of the communities have not yet got their proportionate share in the overnment service?

(*c*) If so, how does Government propose to give such communities their due shares?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) As regards gazetted officers, the honourable member is referred to the Civil List, but Government cannot undertake the labour that would be involved in compiling a detailed list of subordinate officials in all the departments.

(*b*) and (*c*). These questions are so vaguely worded that it is impossible to make any definite reply.

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*Vol. IV, page, 128.

NON-OFFICIAL RESOLUTIONS.

— RESOLUTION RE GURU-KA-BAGH.

Mr. President : As announced two days ago, the Council will now proceed to the consideration of Sardar Dasaundha Singh's resolution. The resolution now stands as follows :—

"That this Council recommends to the Government that a Committee consisting of five Sikh members of this Council to be selected by all the Sikh members of this Council, be appointed to bring about a settlement between the Mahant of the Guru-ka-Bagh and the *Shromani Gurdwara Parbandhak* Committee."

The question is that that resolution be adopted.

Sardar Dasaundha Singh [(Ludhiana (Sikh), Rural)] : It is very kind of you, Sir, to have re-opened this question. But I am not so very eager about it now. If you so please it, you may not re-open it at all. But if it is to be re-opened, I am quite indifferent whether the resolution is adopted by the Council or not.

Mr. President : If the honourable member proposes to withdraw, he must ask for leave. The matter must be re-opened, because the vote of the Council has not been taken.

Sardar Dasaundha Singh : I did ask for leave last time to withdraw my resolution which had been so much mutilated ; and I do repeat my request because in this mutilated form the resolution can do no good.

Mr. President : Is it your pleasure that the honourable member has leave to withdraw his resolution ?

(No assenting voices heard.)

The Honourable Sir John Maynard : I oppose it, Sir. Leave should not be granted to withdraw the resolution. The resolution as it now stands .....

Mr. President : I do not wish to allow a discussion on the subject. I will leave the matter to the House. Will those members who object to leave being granted please stand in their places.

(Many members stood up.)

Leave to withdraw the resolution was refused.

Sayad Muhammad Husain : May I ask, Sir, whether it is in order that when a majority are in favour of granting leave to withdraw and a minority are against it that a member should be refused permission to withdraw his resolution ?

Mr. President : I think if the honourable member will read the statement of the procedure which was placed in his seat two days ago he will see what the procedure is. I pointed out that there was some difficulty as to what the proper procedure was on such an occasion and that my intention was that if there was a difference of opinion, I should not put the question but that if a certain number of members rose in their places to oppose the grant of leave then I should refuse the leave. Later on the matter will be further considered as to what procedure the Council desires to adopt. I have asked the members to consider the matter so that I may have the guidance of their wishes in the matter.

Mr. President: The resolution that stands before the Council is—

"That this Council recommends to the Government that a committee consisting of five Sikh members of this Council, to be selected by all the Sikh members of this Council, be appointed to bring about a settlement between the *Mahant* of the Guru-ka-Bagh and the *Shromani Gurdwara Parbandhak* Committee."

The question is that the resolution be adopted.

The motion was carried.

RESOLUTION *RE* EMOLUMENTS OF ZAILDARS AND LAMBARDARS.

Mr. President: The Council was discussing on the last non-official day Chaudhri Ali Akbar's resolution—

"That this Council recommends to the Government that the resolution *re* increasing the emoluments of zaildars and lambardars which was carried in the Council early in March 1921, be given effect to immediately."

To that **Maulvi Muharram Ali Chishti** moved an amendment—

"That for the word 'immediately' the following words be substituted 'as soon as there is a sufficient surplus in the budget and it does not involve any further burden on the poor tax-payers of this Province'."

That amendment was proposed to the House from the chair, the closure was put and negatived and discussion was going on when the House adjourned. Does any member wish to speak on it now?

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan), Urban] (Urdu): Sir, I strongly support Maulvi Muharram Ali's amendment which is reasonable and at the same time makes the resolution a practicable one. The Council has already voted for a large sum of money in the form of Supplementary grants and if the House desired to give effect to this resolution it ought to have withheld its sanction to those demands and thus made a large saving. Now I am at a loss to understand how to provide funds for increasing the emoluments of zaildars and lambardars, in view of the fact that we are face to face with an appalling deficit of 123 lakhs. The attitude of Maulvi Muharram Ali in moving his amendment is very reasonable inasmuch as it suggests postponement of this resolution until the Province is in a better financial position. Pressing such resolutions in the midst of huge deficits is dragging the Government towards bankruptcy. We sincerely sympathise with the spirit of the resolution, but I am sorry we are helpless at this juncture, and I assure the honourable mover that we shall not oppose its being given effect to when the Provincial Budget will show a surplus. Sir, the poor tax-payers are being saddled with new taxation; a Bill for enhancing Court-fees is going to be passed in this very session and it is understood that Government is contemplating to enhance in the near future water-rate and land revenue. In these circumstances, Sir, we should rather devise means to meet our huge deficit and thus save the poor tax-payers from further taxation than to seek our own interests of increasing emoluments. Most of the rural members here are lambardars and zaildars and I myself being a lambardar would not stoop so low as to support this resolution. I would be failing in my duty towards my constituents if I do not support this amendment. With these remarks I support Maulvi Muharram Ali.

Mr. C. M. King [Financial Commissioner]: Sir, I wish to oppose the amendment. I do so for reasons which are quite different from those which have been urged by various other members who have opposed it. Other members opposed the amendment on the ground, I suppose, that they wanted the increase in the emoluments of zaildars and lambardars to take place at once and they saw in the amendment the postponement of the increase to some unknown future date. This increase in the emoluments of the zaildars and lambardars is based on the assumption that the emoluments received by the zaildars and lambardars, I think, more particularly the lambardars, are intended to recompense them for the duties they perform for Government. Sir, there are 68,000 lambardars and the amount, that is.....

Mr. President: I don't know what the intentions of the speaker are, but he would not be in order if he proceeds to speak on the question whether the emoluments of the zaildars and lambardars should be increased or not. The only question before the House is whether the increase proposed and carried out in March 1921 should be given effect to immediately or at some later date when there is a surplus. It appears to me you are going beyond the scope of the amendment. If so, you are out of order.

Mr. King: Do I understand, Sir, that I cannot advance arguments against postponement?

Mr. President: Certainly, you can advance arguments against postponement of the grant of the emoluments as much as you like. I gathered that your intention was that the emoluments should not be given at all.

Mr. King: My argument was that it was easier to postpone because you can never get a date when you can give it.

The point I wish to make is this that the emoluments of lambardars, (I take them separately because it is easier to deal with them), the emoluments of lambardars do not in the least represent recompense for the work which they do for Government. They are in the shape of small fees which are paid to them by the village community, because they are officers of that village community. I oppose this amendment because it would be wrong to look forward to the time when these village officers shall cease to be village officers and become petty Government officials. I oppose the amendment because I should rather have a straight vote on the question whether the increase should take place immediately or not. Personally I cannot contemplate the possibility of these village officers ever becoming petty Government officials. There must be in this House many of the older members, one of the supporters of the resolution (Mr. Ganpat Rai) is one of those members, who must remember the time when patwaris were also village officers in very much the same sense as lambardars are now. I shall talk about lambardars only. About the time when the new revenue system came into force about 50 years ago, the position of patwaris was completely altered and they ceased to be petty village officers and became petty Government officials. I ask the members of this Council to consider whether, on the whole, from the point of view of the village communities where these patwaris were village officers, whether on the whole, from their point of view, that was a change for the better. I think the complaints heard about the patwaris have been greatly exaggerated and

I am quite convinced that the revenue patwari has enabled us to get the land records in a more perfect state. I do not think, but that that can be regarded as a move in the right direction. If the argument for increasing the emoluments of lambardars is on the same lines as that which originated the increase of pay of patwaris, I am afraid that the time may be reached when we shall cease to remember that the lambardar is a village officer, and that he will be treated as a petty Government official. I confess I have some apprehensions as regards the possibility of letting loose 68,000 small Government officials in the Province. I do not think that that is the intention of any of the members of the House who have put forward this resolution, but it is a possibility which they must contemplate when they come to any decision that we shall make on this resolution. I think that the proposal is very much in the nature of the thin end of the wedge and there is the possibility that from this we shall go on to a further increase. For that reason I personally wish to oppose this amendment that at some future date when finances permit of it the pay of lambardars should be increased. Now again I must point out that the pay of lambardars does not depend upon the budget at all, but it depends entirely on the fees which are levied, that is, the village officers' cesses which are levied on each village and which is the fund from which the lambardars of each village are compensated.

There is another point which has been brought out by Rai Bahadur Lala Sewak Ram. I think that it is undesirable that members of this Council should be so much pressed by their voters—a large number of their voters are lambardars—in favour of increasing the emoluments of these voters. I think that members of this Council would hesitate about increasing their travelling allowance as they have always hesitated hitherto and I feel that the position with regard to these lambardars is very much the same. Here is a section of the community who are voters. They are a large body of voters and they are bringing pressure on their representatives to increase their emoluments and that is not a very desirable thing. On that ground I oppose that resolution.

My real object then in opposing this amendment is that I would rather not have any hopes held out to lambardars that at some future time if the budget has improved their emoluments are likely to be increased. In the first place it does not depend upon the budget. It depends on the Land Revenue Act, but about this I understand the Honourable Revenue Member will have his say. I may say nothing about that. The amendment proposes an increase in certain eventualities. The increase does not depend upon those eventualities but on two or three other factors which the Council should consider quite separately.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I oppose the amendment of my honourable friend, but not on the ground that was put forth by the Financial Commissioner. Really, I could not possibly understand why, when the resolution had been adopted by the Council at an earlier stage, the Financial Commissioner discussed the merits of the resolution. He says that the lambardars are public servants and by giving them enhanced emoluments they shall cease to be public servants and that they shall become Government servants. That is a logic which unfor-

[S. Muhammad Husain.]

tunately I cannot understand. Is it possible that a man is a public servant when you pay him Rs. 20 or so, but when you pay him more he becomes a Government servant? I think not. As regards the date, the only thing which we ought to take into consideration is whether we should give effect to this resolution—the resolution which has already been passed in the Council—at this stage or not. One thing I could not follow was that we cannot enhance the salaries of the lambardars without changing the Land Revenue Act or without passing a fresh Act. I was told by a responsible member of Government that if any member wanted that the salaries of lambardars should be enhanced he should move a Bill and that Government will give support to it, and now a responsible member of Government comes forward and opposes that for quite different reasons.

It is for the lawyers, for the members of Government, to say whether we can possibly enhance the emoluments. If we cannot do so under the present law it is right that until the law is amended we should not give effect to it. That point was not touched by the Financial Commissioner. He only touched upon the merits of the enhancement of salaries. The poor zaildars are getting very little pay. Are we to wait until they translate their grievances into action? If the Government is willing to give them an enhanced pay, anything which is in consonance with the finances of the Province, if the Government is really thinking of reconsidering their claim for enhanced emoluments, then this is the time, and any unnecessary delay will have a very bad effect upon those people, both politically and morally. It will be no use delaying anything which the Government shall have to do in the end. In these circumstances I oppose my honourable friend Maulvi Muharram Ali Chishti, with the remark, if the Government is going to consider their case they must consider it immediately.

Mian Ahmad Yar Khan, Daultana, [Multan East (Muhammadan), Rural]: I beg to move, Sir,

"That the question be now put."

Mr. President: The question is:

"That the question be now put."

The motion was carried.

Mr. President: The original Resolution was:

"That this Council recommends to the Government that the resolution *re* increasing of the emoluments of zaildars and lambardars which was carried in the Council early in March 1921, be given effect to immediately."

To this an amendment has been moved:

"That for the word 'immediately' the words 'as soon as there is a sufficient surplus in the budget and it does not involve any further burden on the poor taxpayers of this province' be substituted."

The question is that the amendment be made.

The amendment was lost.

Mr. President: Now the Resolution before the Council is:

"That this Council recommends to the Government that the resolution *re* increasing of the emoluments of zaildars and lambardars which was carried in the Council early in March 1921, be given effect to immediately."

The question is that the Resolution be adopted.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, the question is whether the resolution regarding increasing of the emoluments of village officers be given effect to immediately or not. Effect to a resolution of this nature which was carried in March 1921 should not be postponed indefinitely, for delay often involves difficulties which are not easy to surmount. It was moved because the zaildars and lambardars were not satified with their present emoluments in view of the fact that salaries of all Government servants, from high officials to peons, were definitely revised on account of high prices. Sir, there seemed to be no justification why the emoluments of village officers who have rendered high services in circumstances of great trial and difficulties were not enhanced even when this House carried a resolution to that effect long ago. I cannot understand why the Government have been indifferent to this class. It was incumbent upon Government to give effect to this resolution as soon as it was carried. Rather it would have been more expedient for Government to enhance emoluments of village officers before the latter had been compelled to find, in this resolution, a remedy for their grievances. Their case, Sir, deserved the most favourable consideration from Government. I was a member of the Sub-Committee to which this question was referred, and even there it met with opposition from Rai Bahadur Lala Sewak Ram. The Honourable Financial Commissioner has clearly stated that the emoluments of village officers are never shown in the budget and are not chargeable on the Provincial Revenues. It is high time for Government not to disappoint this loyal class of servants to whom is entrusted the onerous duty of collecting Government revenues and which they have been discharging so faithfully even in times when the political atmosphere was most gloomy and threatening on account of the non-co-operation movement. Sir, it would have been better for those who are leading the opposition if they had thought of devising means how to give effect to this resolution than trying to defeat its aim by postposing it indefinitely. I would even suggest that the number of zaildars and lambardars (of a village) be reduced from 5 to 3 and this saving thus affected be spent on enhancing the emoluments of the remaining establishment. Sir, with these remarks I support the resolution.

3 P.M.

Rai Bahadur Lala Hari Chand [West Punjab Towns (non-Muhammadan) Urban] (Urdu): Sir, I think that those who are participating in the discussion are labouring under a misunderstanding as to the real question in issue. This is not the occasion to discuss the merits or demerits of the resolution, which was carried in March 1921. It is a clear mistake to waste time on that point. Maulvi Muharram Ali's amendment is lost and now the real question before the House is whether this resolution be given effect to immediately or be postponed until the financial depression is over.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, I do not believe my friend Rai Bahadur Lala Hari Chand has understood the situation at all. Although my amendment has been lost, yet every member has a right to discuss the merits of the resolution. The Honourable Mr. King's speech has made a deep impression upon my mind and outwardly appears to be quite reasonable. If I had sufficient time I would have thought of withdrawing my amendment. Now the only course left to me is to vote against this resolution.

[M. Muharram Ali Chishti.]

As for the merits of the resolution the fact is that village officer's cess is levied on the poor zamindars, that is, the poor are made to pay for the rich. That being the position, Sir, this resolution now aims at increasing that cess still more, for that can be the only possible way of enhancing the emoluments. And, Sir, is it fair to go on saddling the poor zamindars with greater and greater burden? I should have been obliged if some one from the official benches had stated the total extra expenditure which the increased emoluments would involve. In the course of this debate it has been urged by some one that unless this resolution is given effect to immediately zaildars and lambardars will resort to non-co-operation. That is a very hollow argument and I doubt very much if Government would ever be taken in by such threats. If the Government ever climbed down in pursuance of such threats it is just possible that lawyers and other people might use similar threats and render Government's position untenable. I would like to tell this House that I am most desirous to see that all reasonable and practicable motions are given effect to as soon as they are carried by this House. At the same time we should hesitate to compel Government to veto any motion, which, although carried in this Council by a majority of votes, is unreasonable and impracticable. In view of these circumstances, Sir, I would appeal to this House to show mercy on the poor zamindars, whose interests are being utterly neglected, and ask the honourable mover to withdraw his resolution. I resume my seat, Sir, leaving this question to the sense of justice and dignity of the House.

The Honourable Sardar Bahadar Sardar Sundar Singh, Majithia (Revenue Member): Sir, the resolution, as the Council knows, was passed in 1921. It has been asked what action Government has taken to carry it out. The responsibilities of Government in the matter were not very simple. We had to consider its effect on the Provincial finances as also on the zamindars as a whole. The Council is aware that the emoluments of the lambardars, so far as their pay is concerned, are a sort of a burden on the zamindars of this Province. They are paid from a cess which Government levies under section 29 of the Land Revenue Act which provides for the levy of such rate or rates not exceeding half-an anna for every rupee of the annual value of the land. The sum thus collected is utilised in remunerating the headmen, chief headmen and for defraying the charges connected with the supervision of such officers and for the expenses incurred in the performance of their duties. At present this cess comes to about 6¼ per cent. of the land revenue. But this whole 6¼ per cent. is not realised. What happens is that the headman realises 5 per cent. of the land revenue and they keep this 5 per cent. and pay the rest into the Government treasury. As regards abiana they realise one hundred rupees, keep Rs. 3 out of the one hundred and credit the remaining Rs. 97 into the Government treasury. Now I come to the point, as to what would be the effect of this resolution on the provincial revenues? I need not dwell at length on the subject. But what I want to impress upon this House is that if we have to make this payment from the cess collected, it can only be done after this Act is amended to enable us to realize double the amount we collect now. After this Act is amended, of course lambardars will be in a position to realise 10 per cent. and receive this as their remuneration. But I may tell this Council that the effect of this would be that another Rs. 13,26,865 shall have to be paid by the zamindars in addition to what they pay at present, if the resolution is given effect to. On the other hand, the Government is paying the zaildars sufedposhes and lambardars an amount equal to Rs. 19,84,758. That is a charge on the Provincial revenues and this is the amount which appears in

the annual provincial budget. If this resolution is to be carried out the Provincial finances will have to bear another burden of close upon 20 lakhs. The Government was, the House will realise, in a difficult position. On the one hand there was the recommendation of this Council to carry out the resolution as passed by them. On the other hand they had to consider whether the Provincial finances would be able to bear the burden or whether the zamindars as a whole would be able to bear extra taxation. It has been said that we kept quiet over it. That was not so The best course that we thought was to consult the Land Revenue Committee appointed by this Council. To this committee we added as co-opted members Mr. Ganpat Rai, the mover of this resolution, and Sardar Kartar Singh. The question was very thoroughly discussed in this committee and the committee after going fully into the matter advised Government to postpone the carrying out of this resolution. That is the reason, Sir, which made Government not to take any further action in carrying the resolution as it was passed in the Council and which necessitated my friend Chaudhri Akbar Ali to bring forward his present resolution again. In his opening speech he has not said anything very definite but has only casually mentioned the financial position as if its effects were of no consequence. Perhaps he did not realize the present financial position of the Province. We have a deficit of Rs. 154 lakhs for which we are looking round to find ways and means to make up. This is the present financial position though the normal financial deficit, as I am told by my honourable colleague on my left, is Rs. 120 lakhs.

My friend Chaudhri Fazal Ali said : You stop big salaries and do not stop the emoluments of the smaller fry. It is a very good suggestion but perhaps it would have been more appropriate if it were made before the Retrenchment Committee ; let me I hope when time comes he may have an opportunity of putting his views before that committee which will deal with them. On the other hand my friend, Maulvi Muharram Ali Chishti, said that the Finance Department has not learnt the art of jugglery. Why cannot they make money and show that they have money like a juggler when it is wanted. Unfortunately the Finance Department is not in a position now to learn that art and my friend forgets that the juggler's *paisa* is also a juggler's *paisa* which disappears after he has shown it to his audience, and returns to the place from where it came. I trust my friend does not mean that the Finance Department should juggle with the Provincial finances in the same manner.

Now coming to the point raised by Mr. Ganpat Rai who mentioned that he can very well show a saving of about two crores. I would like him also, as he is a member of that Retrenchment Committee, to make his utmost endeavours to help the Provincial finances by cutting down any unnecessary expenditure which he can without impairing the efficiency of the administration of this Province and I can assure him that the Finance Department will be right glad if he can accomplish this feat. The position, as I have explained to this House, is that we are face to face with a deficit of Rs. 154 lakhs, or a normal deficit of 120 lakhs a year. You have also to bear in mind that the salaries of the employees of Government are on a scale which is going up every year. We have to give them the grades as they earn them and for that money has to be provided.

No doubt these village officers have in the past put in very meritorious services. Government fully appreciates those services that they have rendered, rendered as they have been in circumstances of great difficulty and of great trial, and Government is fully alive also to the expectations that these village officers have. It is natural that those who put in service expect

[Hon. S. B. Sardar Sundar Singh Majithia.]

to get something more for those services that they have put in. Government is always alive to keep those services in mind and ever ready to do what it can to reward those services. Now, as I have said before, the position is that we cannot increase their emoluments unless and until we change the Land Revenue Act. Government has considered this point and is quite willing to assist any non-official member to bring forward a Bill for the amendment of this Act. Government will place the services of its law officers at the disposal of any non-official member, to formulate a Bill which he can bring forward in the Council, and after it is passed *ipso facto* the increased rate will be collected by the lambardars from the village people and retained by them. Of course the object of Government is that non-official members who are representatives of the people at large should have an opportunity of bringing forward this Bill and if it is passed then the hands of Government will be strengthened in raising the necessary amount to meet these additional emoluments. As soon as this Bill takes the shape of an Act the next course open to Government will be the consideration of increased emoluments to the zaildars, lambardars and sufedposhes which are a charge on the Provincial revenue. As I have said, Sir, the Provincial revenues are in a very poor condition and if the members of this Council here assist Government in finding means to meet this deficit and also in finding means to put Government in a position to give something to these zaildars, lambardars and sufedposhes, I have no doubt that Government will be quite willing to do this, provided the Provincial revenues are in the happy position to meet this extra demand. I may say that the question of giving the full amount or half the amount of the increase that may be suggested is a question which will have to be considered by Government; but if it is decided that it is in a position to give them the full amount then the total amount needed will be Rs. 13,26,865. If half the amount is necessary to be given then half the amount will be required.

Then there is another suggestion that has been made by the honourable members of this Council, particularly by my friend Chaudhri Fazal Ali, that the number of lambardars and zaildars may be reduced. He suggested that as the old incumbents die, new incumbents may not be appointed in their places. That is also a question which should be considered by the Retrenchment Committee. If they can decide upon that, well and good. If not, then of course we shall have to see whether the number of lambardars is sufficiently large to cope with the work, and if the number is reduced, whether the remainder of these village headmen will be able to perform their duties properly. I may however point out that these are hereditary offices and on the death of a lambardar the heirs clamour for appointment and I am sure would not like the reduction of the post. With these few words I leave this question to the good sense of this Council.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia, (Revenue Member) (Urdu): Sir the detail of the expenditure of Rs. 13,26,865 is as follows:—

	Rs.
Zaildars	3,43,714
Sufedposhes	1,05,434
Lambardars out of *abiana* collection	8,77,717
Total ...	13,26,865

Sayyad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu): Sir, this concerns a resolution which was passed for increasing the pay of zaildars, lambardars and the sufedposhes. The resolution was moved in order to find out how far Government had sympathy with these people and what regard is paid to their services. It was not necessary that they should have been granted a full increase, but they ought to have been given some concession. It was not necessary to grant a considerable increase in the case of certain lambardars, *e.g.*, those who are working in the colonies. The question was how could the lambardars keep up their position in the districts where their pay hardly exceeded seven or eight rupees. In case the expenditure cannot be raised with uniformity the post of naib-zaildar might be brought under reduction. It is no use giving small pay. There were several proposals regarding this question which might have been adopted without necessitating re-appropriation of money from any head and without imposing any burden on the State finances. The only question was that the pay of this class should be overhauled like that of the Government departments. Maulvi Muharram Ali, Chishti, told us that the increase would entail a burden on the poor, but my point is that the case of *lambardars* and *zaildars*, etc., should be considered in the same manner in which the case of other Government officials was considered. Full sympathy should be shown to the lambardars and zaildars as they deserve well of Government. They have rendered yeoman's service and are still rendering it.

Mr. President: Chaudhri Ali Akbar, do you wish to reply?

Chaudhri Ali Akbar [Kangra-*cum*-Gurdaspur (Muhammadan), Rural] (Urdu): Sir, the Honourable Revenue Member has told us that it was necessary to alter the Land Revenue Act. A statement like this was made in the Council previously also. Why was not the Actal tered during these 1½ years? Speeches that are calculated to provoke the zamindars have been made in this Council. Similar speeches are made in the villages. Chaudhri Fazal Ali has suggested that the zaildars should be brought under reduction. I am, as a matter of principle, opposed to this proposal also. The zaildars, too, will become discontented and no result will ensue. The urban members do not possess accurate information regarding people living in villages. I do not agree with Maulvi Muharram Ali's speech. The zamindars want to settle their disputes by themselves by establishing Panchayats and they want to stand on their own footing. The urban members need not take much trouble for us. I close with these few remarks.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia' [Revenue Member] (Punjabi): Sir, I have no wish to make a long speech. Whenever an effort is made to remove a lambardar from his post applications come in stating that the office is hereditary and has remained in the family since generations. Applications for the post are not made to secure an increase in pay but for the retention of the post. The point for consideration is, what will be the effect of the increase on the Provincial finances.

Mr. President: The resolution moved is—

> "That this Council recommends to the Government that the resolution *re* increasing of the emoluments of zaildars and lambardars, which was carried in the Council early in March 1921, be given effect to immediately."

The question is that the resolution be adopted.

The House then divided: Ayes 31, Noes 30.

[Mr. President]

AYES 31.

Mian Ahmad Yar Khan, Daultana.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Chaudhri Ata Ullah Khan.
Sardar Balwant Singh.
Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghasi Ram.
Sardar Bahadur Gopal Singh Labana.
Sayad Ghulam Muhammad Shah.
Sayad Husain Shah.
Rana Muhammad Jamil Khan.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Chaudhri Nabi Bakhsh.
Khan Muhammad Abdullah Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Chaudhri Kharak Singh.
Sayad Muhammad Raza Shah.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Chaudhri Shafi Ali Khan.

NOES 30.

The Honourable Sir John Maynard.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Khan Bahadur Mian Fazl-i-Husain.
The Honourable Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Mr. Nawab Din, Murad.
Sodhi Lal Singh.
Lala Atma Ram.
Pandit Daulat Ram, Kalia.
Mr. K. L. Rallia Ram.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Khan Bahadur Khawaja Yusaf Shah.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakar Das.
Lala Uttam Chand.
Dr. C. A. Owen.

The resolution was carried.

RESOLUTION *RE* OPENING OF A COLLEGE FOR TEACHING *AYURVEDIC* AND *Unani* SYSTEMS OF MEDICINE.

Rai Sahib Lala Panna Lal [North-East Towns (Non-Muhammadan) Urban] (Urdu): Sir, I beg to move—

> "That this Council recommends to Government to open one college at Lahore and one school in every division of the Punjab to teach the *Ayurvedic* and *Unani* systems of medicine."

It is an ordinary thing to open one college for the whole of the Province and one school in every division of the Punjab for teaching the *Ayurvedic* and *Unani* systems of medicine. The want of a college and a school of the kind referred to is being felt because in our country, in rural tracts in particular, the Allopathic system of treatment has become very expensive, while the indigenous treatment that was in vogue among us in the former times and was

cheap is becoming extinct. The Allopathic treatment seldom suits our temperament and the price of English medicines has gone up very much—a fact of which we have had experience during the War. As most of the medicines used to come from Germany it has become well nigh impossible to have recourse to Allopathic treatment. Had *Ayurvedic* and *Yunani* physicians been in existence at the time they would have, on the one hand, been of assistance to the Government and, on the other, done good to the people at large. When in 1921, the Honourable Lala Sukhbir Singh put a question on the subject in the Council of State the reply was given that the subject was a transferred one and was therefore one for the Minister for Education, and that the Ministers in each province might be approached. It is for this reason that I have brought forward this resolution. In order to promote the *Ayurvedic* and *Unani* systems of treatment Government might open a college for the whole province and a school in each division according to requirements and circumstances. Money for this object can be taken out of the funds of the existing dispensaries and hospitals and in this way no burden will be entailed on the State finances. If a sum of Rs. one lakh is once given for this object, it will be recouped in two or three years' time. Our brothers will be able to get their medicines without difficulty at every place. In 1916 the then Viceroy, Lord Hardinge, expressed his surprise that in spite of its elaborateness the indigenous system of treatment was not successful, and that steps should be taken to popularise it. Ninety-five per cent. of the Indians get themselves treated according to the *Ayurvedic* and *Yunani* systems. With regard to these systems Sir Reginald Craddock made a statement to the effect that Government was considering what steps should be taken to make the indigenous system elaborate and scientific. The Director-General of Medical Services (Sir Pardy Lukis) made a statement that on the strength of his experience of 36 years he could say that the *Vedic* and *Yunani* systems were as good as the western system of treatment, and that those who practise those systems should receive encouragement like the Assistant Surgeons, and that if he fell ill he would prefer to be treated according to the indigenous system by a good practitioner, rather than by a bad doctor practising the eastern system and that several doctors admired this system of treatment. Sir William Vincent also made a statement to the effect that for curing chronic diseases the treatmently *hakims* and *vaids* was as good as the Allopathic treatment. As a matter of fact, facilities for treating diseases are few in this country. We should improve matters. Experience has proved that Indians derive greater benefit from the *Yunani* and *Vedic* treatment. My resolution is one which will have the unanimous support of all, whether they are Christians, Muhammadans or Hindus. There is a proclamation of Government to the effect that for the treatment of various people *Yunani* physicians will be engaged who will be paid from the District Board Funds. Schools and a college should be immediately opened so that the services of *hkims* and *vaids* may become easily available. It is stated that there is already a college at Delhi, but the Punjabis derive no benefit from that college which is in another province. It has been asserted that unqualified physicians are a cause of mortality to the people. Several people of the above stamp are earning lakhs of rupees and when asked they say that there is no examination for them and where are they to get diplomas from? As compared with the Allopathic system this treatment is very cheap, both from the point of view of price of medicines and the fee. Experience has shown that even in dangerous cases the *Yunani* system of treatment is decidedly more beneficial than the English system.

[R. S. Lala Panna Lal]

One man at our place sustained an injury on the hand. Two or three Civil Surgeons performed operations under chloroform, but he derived no benefit. Eventually I called in one Nandu. He, however, said that he was not willing to treat the man for he had been told by the Civil Surgeon that he would be sent to jail if he treated any one. Well, on being prevailed upon by me he treated the suffering man whose hand became all right. Let me cite one other instance. The late Earl Kitchener once broke his leg which was made all right by two or three country surgeons at the Ambala cantonment. Moreover, our medicines are cheap whereas the medicines prescribed by doctors sell very dear. Government should encourage our system of treatment which suits our temperaments, with a view to its being revived. I think that an expenditure of rupees two thousand or two thousand-and-a-half per mensem will suffice for one college. The Honourable Minister for Education can throw light on this point. I do not wish to take any more time and trust that the Honourable Minister for Education will accept the resolution.

Mr. President: The resolution before the Council is—

> "That this Council recommends to the Government to open one college at Lahore and one school in every division of the Punjab to teach the *Ayurvedic* and *Yunani* systems of medicine."

The question is that that resolution be adopted.

Mian Ahmad Yar Khan Daultana [Multan East (Muhammadan) Rural] (Urdu): Sir, although I am perhaps even a greater advocate of *Yunani* and *Ayurvedic* systems of treatment than the mover I must say that the resolution is calculated to be a hindrance in the way of the education that is being imparted in connection with the *Yunani* system of treatment. The mover implies that the men who take their diplomas from the *Tibbia* College do not receive much consideration. It would have been better to bring forward a separate resolution regarding this. The Tibbia College is the best college at Delhi. No other college of that status can be established. It can turn out many physicians. People should be induced to go to that college for studying medicine. The resolution will involve unnecessary expenditure and prejudicially affect the present system of education and I am consequently opposed to it.

(*At this stage Mr. President left the chair and the Deputy President took the chair.*)

Rai Bahadur Lala Hari Chand [West Punjab Towns (non-Muhammadan) Urban]: Sir, I also gave notice to move a resolution which is to the same effect as the one now before the Council. There is only a little difference between the two. It is this "That funds may be given to Municipalities and District Boards for starting *Ayurvedic* and *Unani* dispensaries", so if you wish that may be discussed along with the resolution.

The Deputy President: Order, order, it is open to you to make any additions later on. The question now before the House is:—

> "That this Council recommends to the Government to open one college at Lahore and one school in every division of the Punjab to teach the *Ayurvedic* and *Unani* systems of medicine"

Lala Atma Ram [South-East Towns (non-Muhammadan) Rural]: Sir I give my whole-hearted support to the resolution moved by my friend Rai Sahib Lala Panna Lal. I may say that while taking part in the general discussion on the Budget for the years 1921-22 and 1922-23, I touched upon

the indigenous medical system and pointed out to the Government that not a single pie was spent on it. I at the same time requested the Government to consider this question and establish a college for teaching *Ayurvedic* and *Unani* systems of medicine. I am sorry my request has fallen on deaf ears. And now I am glad that my friend has brought forward this resolution. I may state that 90 per cent. of the population take advantage of the indigenous system of medicine. The indigenous medicines in practice are of the greatest value particularly in cases of chronic diseases. I think it will be better if I illustrate this by my personal experience. In the summer of 1920, I was suffering from a severe type of dysentry. I was brought to Lahore, and put under the treatment of efficient Allopathic doctors. I was treated for full one month, but my condition became worse, and the doctors began to feel sorry for me. Being disappointed I was taken to Delhi, and was treated by a *Unani hakim*. I stayed there only for a fortnight and was cured. It is, therefore, clear that the indigenous medicines, if properly applied, are better suited to Indians. It is admitted by every one that the present facilities for the medical treatment of the masses of the province are very inadequate. Hence it is the bounden duty of the Government to increase those facilities by opening institutions for teaching *Ayurvedic* and *Unani* systems of medicine.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu): Sir, the resolution is to the effect that one college should be opened at Lahore and five schools should be opened in the five divisions. We first have to see whether there are any students who desire to learn medicine according to the *Unani* or *Vedic* systems. If there are really any such students, it will be the duty of this Council to make arrangements for providing them with the kind of medical education they require. In the *Tibbia* College of Delhi, whose foundation stone was laid by Lord Hardinge and whose management is in the hands of a leader and well-wisher of the country like Hakim Ajmal Khan, we have an institution of superior status for imparting medical education according to the *Unani* and *Ayurvedic* systems. All the students receive a complete education at that college. We should avail ourselves of that college in order to learn the *Unani* system of medicine. In case we go and open separate institutions in the Punjab the outcry will be raised against me that I am shaking the foundations of the *Tibbia* College. We cannot open an institution of the status of the *Tibbia* College in the Punjab. No sensible person can favour the establishment of such a college in the Punjab. The honourable mover should not do anything that will make me a target of abuse and criticism. The *Tibbia* College of Delhi is a very splendid institution, whose foundation stone was laid by an illustrious Viceroy like Lord Hardinge in 1916. The opinion of the Director-General of Medical Services was taken with regard to the college. In case no increase has taken place since 1916 in the number of students reading at the college what justification can I have for opening a new college in the Punjab? It is, however, a different thing if we were to move our local bodies to institute scholarships for encouraging study at the *Tibbia* College. I have, from the very outset, been taking interest in this matter, having spent as many as fifteen years in the management of a local *Unani* College. I know that an *Ayurvedic* College is being also run under the auspices of the D. A.-V. College Seeing that in spite of the existence of these institutions no increase has taken place in the number of the students desiring to learn the indigenous systems of medicine where is the necessity of opening a new college? It looks as as the honourable mover of the resolution wants, on the one hand, to bring me into

[Hon. K. B. Mian Fazl-i-Hussain.]

collison with the Delhi people and, on the other, with the authorities of the Islamia and D. A.-V. Colleges. These institutions receive monetary help from the University and also from certain members of the aristocracy. When an official institution comes into existence this help will stop and I shall become the target of reproach and criticism. Gentlemen, it is you yourselves who do not appreciate the work of the country physicians. A country physician goes on attending a patient and after that you give him a few rupees and four annas worth of *patashas*. Until the Indians fully appreciate the work of country physicians we cannot bring any college into existence. Their decreasing practice is mostly due to you because you do not appreciate their services. You should first of all appreciate the work of the physicians practising the indigenous systems so as to foster a taste for the study of these systems. Students should be encouraged and a sufficiently large number of the should be brought forward so as to afford a justification for opening a college. I think it desirable to make the submission that the question of the *Yunani* system of education was fully considered by the Public Health Committee and it was decided that the number of students was already small and it would be useless to open a school or a college. The local bodies might be made to grant scholarships for the study at the *Tibbia* College. Further, several herbs grow in India and if medicines were to be prepared after chemically examining those herbs immense benefit could accrue to the country. I have made up my mind to depute an expert for such chemical examination. Government is as much interested in this matter as the honourable mover but his wishes cannot be met at present.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan)] (Urdu): Sir, the resolution concerns a subject which has attracted the attention of the country for a long time. The Medical Department has always opposed the idea, and we have to-day heard for the first time that the *Yunani* system of treatment is viewed with sympathy. Ten years ago a proposal was made in the Lahore Municipal Committee for opening a *Yunani* dispensary. Correspondence went on with the Commissioner for six years, and it transpired that he was opposed to the proposal. The percentage of the Indians who derive benefit from the Allopathic treatment is very small. Out of the two crores of the population of this Province one-fiftieth certainly go to the hospitals but the rest go to the *vaids* and *hakims*. In rural areas a dispensary is situate from 12 to 20 miles from a village. The villages take *Yunani* medicines and are treated by illiterate physicians whom it is important to educate. You will find that nine out of ten persons are treated according to the indigenous system, which is by no means less elaborate.

[*At this stage Mr. President resumed his seat.*]

Fell diseases are also treated under this system and in several cases marvellous benefit is derived. Government has established a large number of dispensaries, but it cannot establish sufficient dispensaries for the number of the sick people, because that would be impracticable under the present conditions. The waning popularity of the *Yunani* system of treatment has compelled many a *hakim* and *vaid* to give up the profession and take to service. The *Yunani* system should receive encouragement. In order to encourage it a college should be opened and inducements should be offered for studying the system. Applications are received every year by the district boards for granting allowances to *Yunani* practitioners so that they may not be discouraged. It is true that the *Tibbia* College exists at Delhi, but every person can-

not go there for study from far off places. How many scholarships will be given? Even a scholarship of Rs. 50 will not suffice. Again if scholarship-holders go there for study, how many of them will come back as accomplished physicians? On second thought I should say that scholarships ought to be given and besides this a college must be opened. With these remarks I support the resolution.

Sardar Dasaundha Singh [Ludhiana (Sikh), Rural]: Sir, the western system of medicine is an excellent one in itself, but the scope of its usefulness is very very limited. We cannot extend it in the near future to such an extent as to make it useful for the masses. It is therefore necessary to encourage indigenous systems of medicine. The Honourable Minister for Education did feel the necessity for encouraging these systems, but all the same in his own clever way he opposed the resolution. He opposed it on quite different grounds from those which could easily appeal to this House. He opposed it because he did not want to open a rival institution to those national institutions which already existed. In my opinion this is no excuse for the Government to abstain from encouraging a system which can be so very useful to the masses. Each and everybody, as Lala Ganpat Rai has rightly pointed out, cannot afford to go over to Delhi to receive medical education there, nor can the institutions which are already existing here in the Punjab, such as the institutions which are run by the D. A.-V. College and the Islamia College, suffice to give education to a sufficiently large number of people, nor are those institutions sufficiently attractive. They are after all run on very meagre lines by private bodies and even if these medical institutions are worth something, even then Government has no excuse for not doing anything for encouraging medical education because when the Government realize the need for encouraging these systems it is the duty of Government to do something in that direction and they should in no way depend upon private institutions which have hitherto failed to meet the just demand. It is not only that dispensaries on the western system are not sufficient for the needs of the people, but there is another reason why indigenous systems should be encouraged. There is a certain class of people which has certain prejudices against the foreign system of medicine and there are many who do not even taste foreign medicines. It is therefore necessary to provide some medicines for those people as well and apart from all these considerations there is another thing which has already been pointed out by the mover of the resolution that unless a *vaid* or *hakim* is a certificated person he does not come out openly before the public to practise his system of medicine and the diplomas that are granted by some private medical institutions are not worth much nor do those private bodies make sufficient arrangements for the tuition of those people. With these words I support the resolution which was moved by my friend Lala Panna Lal.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, the noble idea embodied in the resolution of my friend Lala Panna Lal is unfortunately impracticable. In order to make this scheme feasible we must take into consideration the financial aspect. We are asked to open one college at Lahore and one school in every division of the Punjab. Everybody is aware that that perplexing and paralysing disease called financial stringency has been attacking us and there is very little chance of our escaping it. The second thing is, supposing our finances allow and we embark on such a scheme, will the results that will accrue from it justify its existence? Everybody knows that the old *Unani* medicine.—Greek medicine—was adopted by

[S. Muhammad Husain.]
the Arabs and the Persians and that they have added to it their own knowledge. It is called *Unani*, but really it is much more based on their own experience than it is on the experience of old Greek doctors and physicians. Now unfortunately their day is gone and from that Arabic medicine has sprung up the present surgery and medicine. Many new experiments have been made and the results of these experiments are embodied in the new *Unani* system which is quite different from the old philosophy, the old medical science. There were some very good *Hakims* and *Unani* doctors, but their sons and grandsons are not expert in the knowledge. Mr. Ganpat Rai has observed rightly that it would be very difficult to find good doctors and good physicians who practise the *Unani* system of medicine. It will be difficult to find physicians to serve as professors in the *Unani* medicine. It is not money wasted : it will be money not properly utilized. The best course would be to adopt a medium course, *i.e.*, to incorporate a *Unani* medicine course in the Medical College so that the students may take advantage of their own indigenous medicine ; it may be *Vedic* or it may be *Unani*. And along with their newly acquired knowledge they must have the knowledge of indigenous medicines as well. We will have simply to employ two or three physicians to give lectures. The students should not be divorced from getting information of the new medicines of the 20th century. I would not like that our countrymen should be put under the ideal of *Nim Hakim* treatment. The old *Unani* medicine is becoming unpopular. The number of doctors should be increased to meet the increasing demand instead of trying to increase the number of schools in *Unani*, etc., which will be very costly. It will be money spent in vain. I ask the Honourable Minister that he will be kind enough to open a *Unani* Medical class in the college at Lahore or in the school at Amritsar, and that will be incorporated in the present day medicine.

With these suggestions I oppose the resolution and ask the Honourable Minister to see his way to open a class in the Medical College or School at Amritsar.

Mr. President: Diwan Bahadur Raja Narendra Nath has given notice of the following amendment :—

> "Line 2. leave out 'and one school in every division of the Punjab' and add at end 'that in this College, Botany, Chemistry, Anatomy, Physiology and Pathology on modern lines be also taught as compulsory subjects, and that the College be opened as soon as the funds permit."

The greater part of this amendment seems to me to be quite outside the scope of the original resolution. The first part, of course, is in order, but the latter addition—

> "That in this College Botany, Chemistry, Anatomy, Physiology and Pathology on modern lines be also taught as compulsory subjects."

seems to me to be outside the scope of the resolution.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sayad Muhammad Husain just made the same suggestions which were not quite within the scope of the resolution.

Mr. President : I am afraid Sayad Muhammad Hussain is given to making suggestions which are outside the scope of the matter before the House.

Diwan Bahadur Raja Narendra Nath : I consider it necessary, Sir, hat these subjects should be taught and the truth ascertained. The stu-

dents ought to know what is written in these books, and they may have then the choice of adopting either the one or the other.

Mr. President: I quite see your difficulty, but the resolution as it stands asks for a college and schools to teach *Ayurvedic* and *Unani* medicines.

Diwan Bahadur Raja Narendra Nath: I want to combine the two systems. I do not want the two kinds of medical practitioners to live in water-tight compartments knowing nothing about the other system: I want them to combine. If you disallow that part of the amendment, you will be taking away the greater part of the value of the amendment.

Mr. President: The point is that I think that the latter part is outside the scope of the original resolution. Therefore, it should be omitted. If the honourable member wishes to introduce that suggestion, his proper course would be to table a fresh resolution.

Will the honourable member please move the first part of his amendment?

In speaking to this amendment he is quite entitled to speak on the general question. The assumption both in the amendment and in the resolution is that a college should be started. So if he is in favour of the college being started he is quite entitled to adduce arguments to that effect in his present speech. After having moved an amendment he will not have any right to speak on the original motion.

Diwan Bahadur Raja Narendra Nath: Sir, I just want to say a few words with regard to the point raised by the Honourable Minister. If my information is correct, some of these subjects are taught in the Tibbia College.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Where?

Diwan Bahadur Raja Narendra Nath: In the Tibbia College, Delhi.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Have you got a copy of the prospectus?

Diwan Bahadur Raja Narendra Nath: I have not got that.

The amendment which I move runs as follows—

"*Leave out* 'and one school in every division in the Punjab and *add* at the end 'as soon as funds permit.'"

With regard to the deficiency of funds, I am not one of those who in the course of one day become cognizant of it and in the course of the same day turn utterly oblivious to it. I remember the condition of our finances not only one day, but I try to remember it throughout my career as a member of the Council. It goes without saying that we are hard up, and I do not wish to encumber the Government with additional burdens specially when those additional burdens are spent on new experiments or at least on ventures which are not productive.

I am in agreement with the real object of this resolution. There are precious gems in our old books and our country produces a large number of beneficent herbs which we should make use of. The general public has much more confidence in the efficacy of the *Ayurvedic* and *Unani* treatments than in that of the British Pharmacopœa. I also support this resolution on economical grounds as our country herbs, etc., are much cheaper than the

[D. B. Raja Narendra Nath]

English medicines. It is true that the number of students in the two institutions attached to the D. A.-V. and Islamia Colleges is not large enough yet I think many people from the rural areas will be forthcoming to study in the proposed college. I accordingly whole-heartedly support this resolution and lay down only this condition that the college should be opened as soon as the funds permit. We should certainly make efforts to develope these systems of treatment. Whatever has been done so far is not sufficient. The college will be useful to the public at large wherever it may be opened, either at Lahore or any other place. The Honourable Minister for Education has said that we should first have researches made as to the properties of our herbs, and then preparing their tinctures bring them into the British Pharmacopœa. I think this procedure takes a lot of time and I would therefore keep to what is given in our books.

Mr. President : The original motion was—

> "That this Council recommends to the Government to open one college at Lahore and one school in every division of the Punjab to teach the *Ayurvedic* and *Unani* systems of medicine."

To that the following amendment has been moved—

> "*leave out* 'and one school in every division of the Punjab' and *add* at the end the words 'as soon as the funds permit.'"

The question is that the amendment be made.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan), Rural] (Urdu) : Sir, I strongly support the amendment moved by Raja Sahib which gives this useful resolution a practical shape. If the original resolution is passed, it will be felt a burden by the Honourable Minister for Education. I do not admit the ground put forward by the Minister that the opening of a college at Lahore will adversely effect the one at Delhi. Delhi is a separate province and we want a college of our own which will have nothing to do with the finances of that province. It is hoped that the Honourable Minister will not now oppose this resolution as it is a work of public utility, and that as soon as funds are available, he will open a college which will also supply *hakims* to the municipalities and district boards.

Maulvi Muharram Ali, Chishti : Am I to speak on the amendment or on the original motion, Sir?

Mr. President : You may speak on the amendment. But your speech may in a large measure cover the original resolution. I think you have scope for supporting or opposing the original resolution while speaking to the amendment.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, we should all and rather the whole province feel obliged to the mover for bringing forward such a useful resolution. The British medicinal treatment is very dear and the poor cannot afford it. *Ayurvedic* and *Unani* treatment is comparatively much cheaper and moreover it suits the climate of our country. The depression of these sciences is due to the inattention of the Government and to the springing up of English dispensaries. The Honourable Minister's reference to the Delhi Tibbia College is similar to that if the Delhi people were to say why should they have a Government College at Delhi when there was one already at Lahore? It is rather strange that those members who were just now pressing for the increase in the emoluments of zaildars and lambardars should in this case point out the

financial difficulty. The public has confidence in *Ayurvedic* and *Unani* methods and as there is a paucity of men learned in these sciences people resort to quacks and suffer. This resolution and the amendment aims at training such men and it would be better if in their training anatomy and surgery are also included. To bring in the question of granting scholarships to students for training elsewhere is shifting the grounds. The resolution is in the form of a request. Nothing is to be done at once. The amendment of Raja Sahib has made it quite acceptable. I am fully at one with my friends, Sardar Dasaundha Singh, Raja Narendra Nath, &c. In the end I might also point out that the *Ayurvedic* and *Unani* treatment has proved more successful than the English one as will be within the knowledge also of some of the members of this Council.

Sayad Muhammad Hussain: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Rai Sahib Lala Panna Lal: Sir, I accept the amendment.

Mr. President: I will now put the amendment. If the House wishes to accept it, it may do so. It is not for the honourable member (Rai Sahib Lala Panna Lal) to accept it but it is for the House.

The original question was—

"That this Council recommends to the Government to open one college at Lahore and one school in every division of the Punjab to teach the *Ayurvedic* and *Unani* systems of medicine."

To that an amendment has been moved—

"That the words 'and one school in every division of the Punjab' *be omitted* and at the end the words 'as soon as the funds permit' *be added*."

The question is that the amendment be made.

The amendment was carried.

Mr. President: The question now is—

"That this Council recommends to the Government to open one college at Lahore to teach the *Ayurvedic* and *Unani* systems of medicine as soon as the funds permit."

Malik Firoz Khan, Noon: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Rai Sahib Lala Panna Lal [North East Towns (Non-Muhammadan), Urban] (Urdu): Sir, as far as I can judge from the debate that has been going on I find that the Honourable Minister and a few other gentlemen accept

[R. S. Lala Panna Lal.]

the usefulness of the measure but oppose it owing to party feeling, policy or diplomacy. The amendment has made the resolution quite acceptable. As my friend Mr. Ganpat Rai has said if some money is saved from one or other heads of service some progress can be made with the proposed measure. The question of the rivalry of Hakim Ajmal Khan's College is a lengthy one and I do not want to enter into it in detail. I would simply say that Delhi is a separate province and we have nothing to do with the finances of that province nor is there any question of the rivalry of the classes attached to the D. A.-V. or the Islamia College. The proposed college is to be opened by the overnment and will be useful to all classes of people and there will be no difficulty in running it if only the Honourable Minister wishes to do it. The Honourable Minister has said that the people living in towns and cities do not encourage native *hakims* and that their fees are very small : hence very few people take to these sciences. I would submit that as these people are not learned men they are paid according to their capability but when they will be suitably trained their remuneration will also increase.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu) : Sir, the question before the Council is that as soon as funds permit a college to teach *Ayurvedic* and *Yunani* systems of medicine be opened at Lahore, which means that I shall have to open the college as soon as funds are available, and, as the mover has said that this should be done by the savings from the expenditure allowed for the local Medical College, it will be my duty to utilise the savings accordingly. I think the Council should first of all consider whether such an institution is really needed The honourable members should not merely show lip sympathy. It has been said for the resolution that the *Ayurvedic* and *Unani* system of treatment are cheap and the people are poor. But I say when students after graduating from the college come, they will not charge fees less than Rs. 5, and I dare say that *hakims* whose practice is good do not charge even now less than Rs. 50. Thus the argument of cheapness holds no water. There is a Tibbia College at Delhi, a class for teaching the Unani system is attached to the Islamia College and an *Ayurvedic* class to the D. A.-V. College. Have any students been ever refused admission for want of room? If such were the facts, we could make some arrangements for the disappointed students, but as there are already very few students in these institutions, and in the case of Islamia College I can say with certainty, there is plenty of room, there is hardly any necessity to open another institution. We should not start many institutions of the same type when the demand for them is not clear. Thus when you have already more than one national institution why strike at their roots by opening another. If the question had been that the existing institutions be given grant-in-aid, I would have readily agreed to consider it. Supposing you open a college, and there, as has been stated, only matriculates are to be admitted, and then for years they are to receive training, well then they will undergo a course of studies of at least four or five years, and thereafter when they begin their practice do you think they will attend upon you for a rupee or mere sweets? No, they will be as dear as the Allopathic doctors. Then an excellent college would mean a non-recurring expenditure of 5 lakhs and a lakh or 1½ lakhs of recurring expenditure. Instead it is proposed to appoint a chemist for research work in this connection and I hope the result of these researches will be beneficial to the country. Thus the work which will be done by Rs. 2,000 will not be done by two lakhs.

Mr. President: The resolution is—

"That this Council recommends to the Government to open one college at Lahore to teach the *Ayurvedic* and *Unani* systems of medicine as soon as the funds permit."

The question is that that resolution be adopted.

The Council then divided: Ayes 13 and Noes 31.

AYES 13.

Lala Atma Ram.	Mr. Ganpat Rai.
Lala Bishan Das.	Rai Sahib Lala Panna Lal.
Sardar Dasaundha Singh.	Rai Sahib Chaudhri Raja Singh.
Sayad Muhammad Husain.	Sardar Sangat Singh.
Chaudhri Kharak Singh.	Rai Bahadur Lala Sewak Ram.
Maulvi Muharram Ali Chishti.	Rai Sahib Lala Thakar Das.
Diwan Bahadur Raja Narendra Nath.	

NOES.

The Honourable Sir John Maynard.	Lieut.-W. C. H. Forster.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.	Mr. D. Milne.
	M. G. Anderson.
The Honourable Khan Bahadur Mian Fazl-i-Husain.	Mr. J. G. Beazley.
	Mr. Nawab Din Murad.
The Honourable Lala Harkishan Lal.	Mian Ahmad Yar Khan, Daultana.
	Malik Firoz Khan, Noon.
Mr. H. D. Craik.	Malik Karim Ullah Khan.
Mr. J. Wilson-Johnston.	Chaudhri Bans Gopal.
Mr. A. Latifi.	Khan Bahadur Rai Wali Muhammad Khan.
Mr. Miles Irving.	
Mr. N. H. Prenter.	Khan Bahadur Chaudhri Fazl Ali.
Mr. A. J. Gibson.	Chaudhri Ghani Ram.
Mr. C. M. King.	Sayad Ghulam Muhammad Shah.
M. E. R. Abbott.	Rana Muhammad Jamil Khan.
Lieut.-Col. D. M. Davidson.	Rai Sahib Chaudhri Lajpat Rai.
Mr. W. P. Sangster.	Chaudhri Nabi Bakhsh.

Chaudhri Muhammad Hayat Khan.

The resolution was lost.

The Council then adjourned until 2 O'clock on Friday, the 10th November 1922.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Friday, 10th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION IN CIVIL HOSPITAL, MIANWALI.

*2022. **Khan Muhammad Saifullah Khan:** Will the Government please lay on the table a statement showing the total number of *Muslim* and non-*Muslim* compounders, clerks, *bahishtis* etc., in the Civil Hospitals including the Civil Surgeon's office in the Mianwali District?

The Honourable Khan Bahadur Mian Fazl-i-Husain: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

RAISING OF MUNICIPAL BOARD MIDDLE SCHOOL, ISAKHEL TO A HIGH SCHOOL.

2023. **Khan Muhammad Saifullah Khan:** Will the Government be pleased to state—

(*a*) what is the total amount of expenditure on education from Provincial funds in the Mianwali District;

(*b*) how many schools are aided in the district and what is the total of their grants-in-aid;

(*c*) whether it would consider the advisability of raising the present Municipal Board Middle School at Isa Khel to a Government High School?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) From Provincial Revenue on secondary education—

		Rs.
(*i*) Government High School, Mianwali ...	...	23,002
(*ii*) Ram Mohan Roy High School ...	...	4,596
Total	...	27,598

(*b*) One, as in (*ii*) above.

(*c*) There is no money in the budget for this purpose; but, as stated in a recent Circular (a copy of which has been forwarded to the member), Government is already considering the general question.

* Khan Muhammad Saif Ullah Khan being absent, his questions were put by Malik Karim Ullah Khan.

NAIB-TAHSILDARS AND THEIR TRANSFERS NEARER HOME.

2024. Khan Muhammad Saifullah Khan : Is it a fact—

(*a*) that Naib-Tahsildars are the lowest paid officers in the Civil Department ;

(*b*) that sometimes their transfers to places situated at considerable distances from their homes necessitate their incurring heavy expenses ?

(*c*) Will the Government please consider the advisability of these officers being generally posted to places nearer their homes as far as possible ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The answer to the first part of the question is in the affirmative, if the sense in which the honourable member appears to use the word "officer" is accepted. As regards the last two parts of the question, Naib-Tahsildars are controlled by Commissioners and are not normally posted, except for training, outside the limits of their division. In making transfers and appointments the convenience of officers is considered so far as may be compatible with the interests of the public service.

MUHAMMADAN AGRICULTURISTS OF MIANWALI AND PUBLIC SERVICES.

2025. Khan Muhammad Saifullah Khan : Will the Government please consider the backward community of Muhammadan agriculturists in Mianwali District by granting them preferential treatment in the matter of admission to Public Services ?

Mr. H. D. Craik : The honourable member is referred to the resolution of the Lieutenant-Governor of the Punjab in the Home Department, No. 4572-S., dated the 3rd of October 1919, in which the policy of Government with regard to the appointment of agriculturists to the Public Services is stated.

COMMUNAL REPRESENTATION IN CIVIL VETERINARY DEPARTMENT, NORTHERN CIRCLE.

2026. Khan Muhammad Saifullah Khan : (*a*) Will the Government please lay on the table comparative statements for July 1916 and July 1922 giving the number of *Muslim* and non-*Muslim* agriculturist and non-agriculturist officials of all grades in the Civil Veterinary Department, Northern Circle, Punjab, only ?

(*b*) Will the Government be pleased to state from the above Circle how many officials (*Muslim* and non-*Muslim*) of Civil Veterinary Department, Northern Circle, have served overseas in the last great war ?

The Honourable Lala Harkishan Lal :

(*a*) The required statement is laid on the table.

(*b*) Two *Muslim* and two non-*Muslim* officials of the Civil Veterinary Department, Northern Circle, served overseas in the war.

Table statement for July 1916 and for July 1922 giving the number of Muslim and non-Muslim agriculturist and non-agriculturist.

Designation.	Muslim.	Non-Muslim.	Agriculturist.	Non-agriculturist.
July 1916.				
Superintendent, 1	...	1	1	...
Deputy Superintendent	...	...	...	...
Veterinary Inspectors, 4	4	...	4	...
Veterinary Assistants—				
(1) 1st grade, 6	3	3	6	18
(2) 2nd grade, 11	9	2	9	3
(3) 3rd grade, 11	8	3	8	3
July 1922.				
Superintendent, 1	1	...	1	...
Deputy Superintendent, 1	1	...	1	...
Veterinary Inspectors, 6	6	5	7	4
Veterinary Assistants—				
(1) 1st grade, 8	6	2	5	3
(2) 2nd grade, 16	10	5	7	8
(3) 3rd grade, 16	8	8	9	6

NUMBER OF OFFICIALS OF EACH COMMUNITY WHO RESIGNED OR WERE DISMISSED OR DEGRADED IN CIVIL VETERINARY DEPARTMENT.

2027. **Khan Muhammad Saifullah Khan**: (*a*) Will the Government be pleased to lay on the table a statement showing the number of officials of all grades, *Muslims* and non-*Muslims*, in the Civil Veterinary Department who have, during the last four years, either—

(*i*) been dismissed;

(*ii*) or have resigned their posts (the cause in each case may please be given);

(*iii*) or have been degraded (the time for which degraded may please be given in each case);

(*b*) How many officials noted under the above heads (*i*), (*ii*) and (*iii*) have war services to their credit?

The Honourable Lala Harkishan Lal:—

(*a*) (*i*) 2 Veterinary Assistants only,

(*ii*) 5 Veterinary Assistants only, all at their own request,

(*iii*) 1 Veterinary Inspector for 3 months 17 days,

1 Veterinary Assistant for 6 months; and

2 Veterinary Assistants for 3 months each.

(*b*) 3 Veterinary Assistants only.

PROPORTION OF ZAMINDARS AND PROMOTIONS IN CIVIL VETERINARY DEPARTMENT.

2028. Khan Muhammad Saifullah Khan: Will the Government be pleased to say whether :—

(*a*) there is any proportion recommended by Government which the admission of zamindars in the Civil Veterinary Department should bear to admissions of other persons ?

(*b*) If so, has that rule been observe d in Civil Veterinary Department, Northern Circle, Punjab ?

(*c*) How many men have been promoted on account of war services in this Circle since 1919 ?

(*d*) How many Veterinary Assistants have been promoted to Inspectorship and on what grounds from January 1921 up to date ?

The Honourable Lala Harkishan Lal:

(*a*) Yes. 66 *per cent.*

(*b*) Yes.

(*c*) Five.

(*d*) Ten. In consideration of seniority combined with merit.

SETTING ON FIRE OF THE OFFICE OF THE SUPERINTENDENT OF CIVIL VETERINARY DEPARTMENT, RAWALPINDI.

2029. Khan Muhammad Saifullah Khan: (*a*) Is it a fact that the office of the Superintendent, Civil Veterinary Department, Rawalpindi, was set on fire in June or July last ?

(*b*) If so, has an enquiry been made and the culprit or culprits punished ?

(*c*) Did the fire damage any record ?

(*d*) If so, who are the persons thus affected ?

The Honourable Lala Harkishan Lal:

(*a*) The office of the Superintendent, Civil Veterinary Department, Rawalpindi, was set on fire on the night between the 4th and 5th of June last.

(*b*) Enquiry has been made and certain persons have been convicted.

(*c*) The Vernacular Office records are reported to have been completely burnt and damage was also done to the English records.

(*d*) As the records have been burnt this question can obviously not be answered.

SUBSTITUTION OF *ID-I-MILAD* FOR *BARA WAFAT*.

2030. Khan Muhammad Saifullah Khan: Will the Government be pleased to order that in future the words "*Id-i-Milad*" which is the correct name, be substituted for "*Bara Wafat*" (12th of *Rabi-ul-Awal*) in all Government papers ?

Mr. H. D. Craik: The question is already under the consideration of Government.

ALLOWANCE TO POLICEMEN IN TRANS-INDUS TERRITORY.

2031. Khan Muhammad Saifullah Khan: (*a*) Will Government please state whether there is any extra allowance granted to Police constables attached to *thanas* in the Trans-Indus Territory, while no such allowance is granted to Sub-Inspectors?

(*b*) Will the Government please consider the desirability of extending the allowance to Sub-Inspectors as well?

The Honourable Sir John Maynard: (*a*) An extra allowance of Rs. 4 and Rs. 5 is given to constables and head constables, respectively, serving in the Trans-Indus tract of the Mianwali District.

(*b*) The Inspector-General of Police is investigating the desirability of granting an allowance, similarly to Sub-Inspectors serving in the same tract.

OFFENCES IN CONNECTION WITH *KIRPANS*.

2032. Captain Sardar Gopal Singh: Will Government please state if any offences in connection with *kirpans* have taken place ever since the Government has suspended taking actions against the wearing of long *kirpans*; if so, how many, and their places and dates?

Mr. J. Wilson-Johnston: It is regretted that the question is not understood. The questioner is asked to word it more clearly.

DISPERSAL OF SIKH *JATHAS* BETWEEN AMRITSAR AND GURU-KA-BAGH.

2033. Captain Sardar Gopal Singh: Will Government please state the objects and reasons and necessity of dispersing by force the Sikh *jathas* between Amritsar and Guru-ka-Bagh uptill 9th or 10th of September last, and the reason of stopping the practice of the dispersal by force?

Mr. H. D. Craik: The honourable member is referred to the answers given to questions 1910* and 1938†

WOUNDED SIKHS ADMITTED IN THE HOSPITALS AT GURU-KA-BAGH AND BAGH OF AKALIAN.

2034. Captain Sardar Gopal Singh: Is Government aware—

(*a*) of the number of wounded Sikhs admitted in the hospitals at Guru-ka-Bagh and the Bagh of Akalian;

(*b*) how many of the injuries were grievous and how many simple;

(*c*) whether any death occurred among them?

(*d*) Is it a fact that the urine of a number of wounded Sikhs was passed under operations?

Mr. H. D. Craik:

(*a*) No.

(*b*) No.

(*c*) It is believed that no death occurred among them as no allegation to this effect has ever been made.

(*d*) Government has no information.

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* Vol. IV, page 469.
† Vol. IV, page 505.

INSPECTION OF WOUNDED SIKHS IN THE HOSPITAL AT GURU-KA-BAGH AND THE BAGH OF AKALIAN.

2035. Captain Sardar Gopal Singh: Will Government please state—

(*a*) whether any responsible officers of Government under the instructions of Government or independently inspected the *Akali* hospitals and saw the condition of the wounded patients therein?

(*b*) If not, will Government please state why?

(*c*) Whether the Government officers ever intended to go to see these wounded Sikhs and were prevented by the *Shiromani Gurdwara Parbandhak* Committee from doing so?

Mr. H. D. Craik: (*a*) None under the instructions of Government. Government have no knowledge of independent visits.

(*b*) The Deputy Commissioner did not consider it expedient to visit the hospitals, as he apprehended that such visits might be misconstrued as an attempt to obtain evidence against persons guilty of breaches of the law.

(*c*) No.

2036. *Cancelled.*

SIKH *JATHAS* AND BEATING.

2037. Captain Sardar Gopal Singh: Will Government please state if its object was achieved by beating the Sikh *jathas* uptill 9th or so of the last month?

Mr. H. D. Craik: It is regretted that this question is not understood and Government is therefore unable to answer it.

PROVISIONS FOR SIKHS AT GURU-KA-BAGH.

2038. Captain Sardar Gopal Singh: Will Government please state, for the information of this House, what justification Government had or has to prevent food-stuffs from reaching Guru-ka-Bagh for the Sikhs present there, and dispersing by force to those who took or attempted to take such provisions for them?

Mr. H. D. Craik: The honourable member is referred to the order of the District Magistrate, Amritsar, dated the 28th August last, a copy of which was laid on the table in reply to question No. 1914* put by Mr. Ganpat Rai on the 1st instant.

STATEMENT OF M. ZAHUR-UD-DIN, TAHSILDAR, REGARDING *MAHANT* SUNDAR DAS AND BABA KEHAR SINGH'S COMPROMISE.

2039. Captain Sardar Gopal Singh: Has Government read or will it please read the statement of M. Zahur-ud-Din, Tahsildar, made in the court on the subject of his approaching Deputy Commissioner, Amritsar, along with *Mahant* Sundar Das and Baba Kehar Singh for a compromise?

Mr. H. D. Craik: Government has seen a report of the evidence in the Press.

* Vol. IV, pages 470-71.

JATHAS AT GURU-KA-BAGH AND BEATING.

2040. Captain Sardar Gopal Singh: Is it a fact that in spite of stopping the dispersal by force under orders, the *jathas* at Guru-ka-Bagh have recently been beaten?

Mr. H. D. Craik: No.

DISPERSAL BY FORCE OF SIKH JATHAS.

2041. Captain Sardar Gopal Singh: Is Government prepared to take the evidence of Sikh members of the Legislative Council and examine photos taken on the spot so that they may ascertain what scenes went on during the dispersal by force of Sikh *jathas*? If so, and the evidence shows that excesses were committed such as beating people till they were senseless and pulling of hair, will Government proceed officially and judicially against the apparent offenders?

Mr. H. D. Craik: Government does not itself take evidence on such matters, but it has already announced its readiness to cause enquiries to be held into any specific complaints and a considerable number of such enquiries, both magisterial and judicial, have been held.

The second portion of the question is premature. On any case of the nature indicated, being proved, suitable orders will be passed after consideration of the same.

SUB-INSPECTOR DILAWAR ALI AND DACOITIES AT BATALA.

2042. Captain Sardar Gopal Singh: With reference to reply given to my question No. 1857* put on 11th August 1922, will Government please say if the answer to the same is ready?

Mr. J. Wilson-Johnston: A reply to question No. 1857* has since been delivered.

MULTAN DISTRICT AND THE ABOLITION OF DIVISIONS.

2043. Mian Ahmad Yar Khan Daultana: (*a*) Is it a fact that the Multan and the Jullundur Commissioners hips are to be abolished?

(*b*) If so, will the Government be pleased to state the names of the districts which will constitute each of the remaining three Divisions?

(*c*) If Multan District is to be included in the Rawalpindi Division, will the Government be pleased to consider the advisability of including the same with Lahore Division?

Mr. H. D. Craik: (*a*) No such proposal has been approved by Government.

(*b*) and (*c*) Do not arise.

(2044—*Was not put.*)

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* Vol. IV, No. 2, page 382.

COMMUNAL REPRESENTATION IN DISTRICT BOARD ELECTIONS.

2045. Rai Bahadur Lala Sewak Ram: Will Government kindly state—

(*a*) whether it is proposed to introduce communal representation in certain District Boards?

(*b*) If so, the names of such District Boards may please be given.

(*c*) Will Government also please state the principles which guide Government in introducing or denying communal representation in District Board elections?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) and (*b*) Government has been approached with the request that communal representation be introduced in Amritsar, Gurdaspur and Hissar.

(*c*) The principle to follow is that it be introduced in deference to a keen local demand.

Rai Bahadur Lala Sewak Ram: Are there any Government orders introducing communal representation in District Boards?

The Honourable Khan Bahadur Mian Fazl-i-Husain: There are no Government orders with reference to communal representation in District Boards passed as yet.

COMMUNAL REPRESENTATION IN MONTGOMERY, MUZAFFARGARH AND DERA GHAZI KHAN DISTRICTS.

2046. Rai Bahadur Lala Sewak Ram: Will Government please state whether communal representation has been introduced in the Montgomery District Board and has not been introduced in the Muzaffargarh and Dera Ghazi Khan Districts; if so, will Government please give the reasons for this differential treatment?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The reply to the first part of the question is in the negative. The remainder, therefore, does not arise.

SARGODHA MANDI AND THE MOVING OF ITS WALL TO BRING NEW SHOP SITES WITHIN ITS PERIMETER.

2047. Rai Bahadur Lala Hari Chand: Is it a fact—

(*a*) that Government sold certain shop sites in the Sargodha Mandi area in January 1921, that these shop sites were situated outside the surrounding wall of the Mandi, as then existing, and that Government when selling the new sites announced that the surrounding wall would be moved so as to bring the new shop sites within its perimeter;

(*b*) that the wall has not so far been moved?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will Government state when it intends to fulfil its promise, and whether it will compensate buyers for any loss sustained by them in consequence of the delay as to the alteration of the position of the wall?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Twenty shop sites were sold in the Sargodha Mandi in the beginning of 1921. In consequence of this sale a boundary wall became necessary and in reporting his proposals to sell for sanction the Deputy Commissioner mentioned this fact. This was probably known to the purchasers of the sites. No announcement, however, on the subject was authorised by Government.

(*b*) It is believed that the wall has so far not been built. Rs. 6,000 were granted in the Public Works Department for the construction by Government of the boundary wall in 1921-22, but the sum lapsed at the end of the year.

(*c*) Government has now reallotted a sum of Rs. 7,832 to the Municipal Committee of Sargodha for the work, which no doubt will be put in hand at once. Government is unaware that buyers have suffered any loss in consequence of the delay in constructing the wall and is not prepared to admit that any compensation is due to them.

(2048. *Was not put.*)

TAHSILDARS IN THE MULTAN DISTRICT.

*2049. **Pandit Daulat Ram, Kalia:** (*a*) Will Government be pleased to say how many Tahsildars in the Multan District are residents of that district, *i.e.*, Multanis?

(*b*) Is it a fact that some of the Tahsildars in the Multan District are related to each other?

(*c*) Is it a fact that some of the Tahsildars in the Multan District are mixed up in local factions?

(*d*) If the answers to (*a*), (*b*) and (*c*) be in the affirmative, will Government consider the desirability of transferring such Tahsildars to some other districts?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PERFUNCTORY EVIDENCE AGAINST *AKALI JATHAS*.

2050. Sardar Sangat Singh: Is it a fact that a Police Officer, who was also incharge of police inquiry, appeared as a witness on the 12th October in the Court of M. Sadhu Singh at Amritsar and gave a perfunctory evidence against wrong accused, and when the true accused were produced, this officer did not appear to give evidence? How does the Government propose to check this method of giving perfunctory evidence?

Mr. H. D. Craik: On 12th October 1922 the Circle Inspector of Police appeared in the Court of S. Sadhu Singh in the case Crown *versus* Naurang Singh and 99 others. By mistake another *jatha* was produced as the accused. The Circle Inspector gave evidence that the accused there in court had committed the offence. The Circle Inspector had not himself conducted the enquiry, but he was present at the arrests. The proceedings in this case were

* Pandit Daulat Ram, Kalia being absent his questions were put by Lala Atma Ram.

quashed and the true culprits were put up in court next day. The Inspector had already been summoned for that day to give evidence at Gurdaspur in a dacoity case, but the prosecution offered to produce him on a later date if the accused or the court wished. This offer was not accepted.

The descriptive roll of all *jathas* are carefully prepared and the accused are checked with the roll before going into court.

HOLDING UP OF LETTERS TO *SHROMANI GURDWARA PARBANDHAK* COMMITTEE BY CIVIL AUTHORITIES.

2051. Sardar Sangat Singh : Is it a fact that the local civil authorities at Amritsar are holding up all letters addressed to the *Shromani Gurdwara Parbandhak* Committee? If so, will the Government be pleased to explain how they are justified in their action?

The Honourable Sir John Maynard :

(*a*) Yes.

(*b*) The action is taken under the provisions of the Post Office Act.

REGISTRATION OF MEDICAL PRACTITIONERS IN THE PROVINCE.

2052. Diwan Bahadur Raja Narendra Nath : Will the Hon'ble Minister in charge of the Medical Department be pleased to state—

(*a*) whether it is a fact that under section 13 of Act II of 1916, Medical Practitioners practising in the Punjab before the 25th September 1915, are entitled to registration ;

(*b*) if so, whether certain Medical Practitioners who received their Diplomas from the National Medical Colleges of Calcutta and who were practising Medicine in the Punjab before 25th September 1915, were refused registration ; if the answer is in the affirmative, will the Honourable Minister state what were the reasons for refusal ;

(*c*) whether it is a fact that at a meeting of the Punjab Medical Council, held on 22nd April 1922, a resolution was passed that all applicants seeking registration in the Punjab Medical Register should furnish proof that they had attended a full course of instruction in a recognised Medical College or School, had been in practice in the Punjab before the 25th of Setpember 1915 and were still in practice ;

(*d*) whether an amendment proposing that the word "recognised" be omitted was moved and was rejected only by the casting vote of the President ;

(*e*) whether in view of the above, Government is prepared to order the Medical Council to exercise that power in such a way as not to go beyond or contravene the provisions of the Act (II of 1916) referred to in (*a*) and to modify the resolution alluded to in (*c*) so as to bring it in strict conformity with the Act ?

The Honourable Khan Bahadur Mian Fazl-i-Husain :

(*a*) No.

(*b*) Does not arise.

(*c*) Yes.

(*d*) All that is on record is that the amendment was rejected by 5 to 4.

(*e*) Government do not think that in view of the above any action is necessary.

ANNOUNCEMENT BY MR. PRESIDENT.

Mr. President : Before proceeding to the business of the House I feel I should make a short reference to the incident which occurred a few days ago, arising from the use of the expression *Ata i-shuma ba laqua-i shuma*.

عطائے شما بہ لقائے شما

It was apparent that the expression had given serious offence, while the user denied that it was in any way impolite. It was impossible for me at the moment to pronounce any definite opinion. I have since made enquiry and a great weight of authority is that the expression is used when it is desired to return a gift in the most polite manner possible. I think the Honourable Minister for Agriculture was under a misapprehension as to the significance of the expression. Naturally, however, Maulvi Muharram Ali Chishti could not understand in what way he had offended. I am quite satisfied that the expression was not unparliamentary and I think it is due to the Maulvi to say that I think he showed great restraint and respect for the chair under the circumstances in which he was placed.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : I still hold a different opinion, Sir.

NON-OFFICIAL RESOLUTIONS.

RESOLUTION *RE* THE HEADQUARTERS OF SHAHDARA TAHSIL OF SHEIKHUPURA DISTRICT.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural] (urdu) : Sir, I beg to move the following resolution :—

> "That this Council recommends to the Government that the headquarters of the Shahdara Tahsil of Sheikhupura District be permanently retained at Sharakpur as at present instead of being transferred to Shahdara, and if this is not practicable, then a sub tahsil be established at Sharakpur."

In moving this resolution I do not intend to make a lengthy speech ; I would only say that Sharakpur is a very ancient town, situated at a distance of 22 miles from Lahore. It was a very important centre of the Dak villages in the days of the Mughals, and during the Sikh *regime* there used to be a Darogha whose status was better than that of a Tahsildar at present. In short, this town has a great history. On the establishment of British rule in the Punjab in 1852 it was made a tahsil of the Lahore District and continued to remain in the Lahore District until it was transferred to the Gujranwala District five years ago. Unfortunately in November 1919 it was included in the Shahdara Tahsil as a part of the Sheikhupura District, and to crown all misfortunes it is now intended to transfer the headquarters from Sharakpur to

[M. Muhammad Shah Nawaz.]

Shahdara, without even establishing a sub-tahsil there. This is being done because the Raya villages are going to be included in the Shahdara Tahsil despite the strong protests of those villagers. It will be a great mistake on the part of Government if the headquarters are not retained at Sharakpur. The Government should make as much saving as possible and not incur unnecessary extra expenditure in effecting this transfer. Instead of developing this old tahsil into a sub-division or district it would be most unbecoming to deprive it of its present importance by transferring the headquarters to Shahdara. Sharakpur, Sir, possesses a municipality and a Police Station, almost the whole land there has been brought under cultivation and people have invested in land huge sums on the understanding that its development would keep pace with time. If the headquarters are not retained there, I am afraid the poor zamindars will suffer an irreparable loss. Before I resume my seat I would like to submit, however, that if the Government is bent upon transferring the headquarters to Shahdara a sub-tahsil be established at Sharakpur and if possible a sub-treasury too.

Mr. President: The resolution moved is—

> "That this Council recommends to the Government that the headquarters of the Shahdara Tahsil of Sheikhupura District be permanently retained at Sharakpur as at present instead of being transferred to Shahdara, and, if this is not practicable, then a sub-tahsil be established at Sharakpur."

The question is that that resolution be adopted.

Mr. E. R. Abbott, (Financial Commissioner): Sir, before the question is discussed any further, may I ask the honourable mover to explain clearly what he means by a sub-tahsil?

Mian Muhammad Shah Nawaz (Urdu): Sir, in some other districts we find sub-tahsils. For example, there is the Rangarh sub-tahsil of Muzaffargarh District, where a Naib-Tahsildar is located. I am told there is a sub-tahsil at Pattoki in the Lahore District. Anyhow I suggest that if it is not possible to retain the headquarters at Sharakpur, a sub-tahsil with a treasury be established there.

Rai Bahadur Lala Hri Chand: [West Punjab Towns (non-Muhammadan) Urban] (Urdu) Sir, it appears that the honourable mover does not know that Government have definitely decided to transfer the headquarters to Shahdara and in pursuance of that decision they have nearly finished building the new Tahsil. I would like to hear from the Government member in charge how far the scheme has matured and what difficulties would be involved if the resolution were accepted.

Mr. E. R. Abbott (Financial Commissioner) Sir, I have great pleasure in accepting the invitation of Rai Bahadur Lala Hari Chand to explain the present situation in regard to the tahsils of the district of Sheikhupura. Members of this Council whose memory goes back 25 or 30 years will remember that in those days in Lahore and Gujranwala districts there were seven tahsils, 4 in Lahore and 3 in Gujranwala: in Lahore, Lahore itself, Kasur, Chunian and Sharakpur, and in Gujranwala, Gujranwala, Wazirabad and Hafizabad. About 1895 owing to the colonization of the Lower Chenab Canal it became necessary to establish a tahsil at Khangah Dogran and from that period the Gujranwala district had four tahsils. But as time went on the work of the Deputy Commissioner and the District staff of Lahore District became so heavy that relief became absolutely essential. After very careful inquiries and after very long consideration it was decided,

as members of this Council are aware, to appoint at Kasur a Sub-Divisional Officer of a standing less than but almost equal to that of a Deputy Commissioner. The Sub-Divisional Officer of Kasur occupies rather an unusual position in the Punjab. He has very largely the powers of a Deputy Commissioner. This, however, was not sufficient to relieve the Deputy Commissioner of Lahore of the enormous burden of work involved in the administration of a district containing the capital of the Province. In consequence it was decided that the tahsil of Sharakpur, should be transferred to Gujranwala. Subsequently, as members are aware, the Upper Chenab Canal was constructed and the increase in cultivation in consequence of the construction of that canal was so considerable that it became necessary to divide the district of Gujranwala into two. For some years a sub-division was sanctioned and was in existence at Sheikhupura, but it became absolutely impossible for the Deputy Commissioner of Gujranwala to control the district with five such heavy tahsils as those then included in his district. In considering how to establish a new district, one consideration became necessary that it was desirable to included in the new district as much as possible of the irrigation from the Upper Chenab Canal. Members will realise that it is an important matter both in the administration of the Canal Department and the ordinary administration of the district that as far as possible the area irrigated by any particular canal shall be in one district. As a consequence it was decided to transfer a certain area from the south-west portion of the Raya Tahsil of the Sialkot District to the proposed new district of Sheikhupura. It was further decided to add from the Lyallpur District a long triangle, a narrow tongue of land between the *Deg* and the Ravi which was previously included in the Jaranwala Tahsil of the Lyallpur District. This was so far from the headquarters of the district of Lyallpur that the administration of it was exceedingly difficult. The consequence of these decisions was that it was possible to establish a three-Tahsil district. If members can see this map they will see here that here in the north is the Sheikhupura Tahsil. That I believe, I am not perfectly certain, but I believe that it is almost entirely the old Tahsil of Khangah Dogran. On the north-west is the present Nankana Tahsil including half the old Sharakpur Tahsil and the portion of the Upper Chenab irrigation which has been transferred from Lyallpur. On the east is the Shahdara Tahsil with headquarters proposed to be at Shahdara. The result of this is that Sharakpur comes almost on the boundaries of Nankana and the Shahdara tahsils. It is actually in the Shahdara tahsil but on the boundary of these two tahsils.

Sheikhupura district was actually constituted with effect from the 1st of November 1919, but for eighteen months of its existence contained only the tahsils of Khangah Dogran and Sharakpur. For many reasons not unconnected with the disturbances at Nankana Sahib it was impossible to transfer either the Jaranwala villages from Lyallpur or the Raya villages from Sialkot. This change took place with effect from the 1st April last, and as at that time there was no tahsil building at Nankana and no tahsil building at Shahdara for a brief spell the town of Sharakpur was the proud possessor of two tahsildars and two tahsil staffs. The tahsil at Nankana, it was hoped, would have been ready by the 1st of April, but owing to plague it could not be got ready, until a short time afterwards. The villages of the old Sharakpur tahsil and those from Jaranwala which are included in Nankana have now got a tahsil headquarters at Nankana. The headquarters of Shahdara Tahsil have not yet been transferred to Shahdara. If gentlemen

[Mr. E. R. Abbot.]

will cross over the Ravi bridge and look, they will see that the tahsil building at Shahdara is practically complete. It was unnecessary to build a thana there because it was already in existence. We were able to constitute this tahsil at Shahdara exceedingly cheaply. The tahsil building only was necessary and is now almost ready for occupation.

Rai Bahadur Lala Hari Chand: Would you mind telling us what it has cost already to build the tahsil?

Mr. E. R. Abbott: It will cost about Rs. 75,000 and I expect, I do not know for certain, but I expect that half a lakh has already been put into it. At any rate the building is practically complete. The tahsil headquarters are at present at Sharakpur and the Raya villages are with the utmost difficulty administered from there. It has been necessary up to the present to keep on a naib-tahsildar at Raya to administer these villages pending the completion of the tahsil buildings at Shahdara and the transfer of the headquarters to that place. I think this will give the members the information they required as to the present position as regards the tahsil building.

Mr. President: Maulvi Muharram Ali Chishti has given notice of the following amendment:—

"Line 1, between the words 'that' and 'the headquarters' *insert* 'after';

"Lines 2-3, *substitute* 'have been' for 'be permanently retained at Sharakpur as at present instead of being';

"Line 3-4, *leave out* 'and, if this is not practicable, then'".

I would like to point out that the wording of the amendment amounts either to a direct negative of the first part of the resolution, or if it is not intended in that sense, it amounts merely to the same as the last part of the resolution. He is quite entitled to speak to the resolution, but I cannot allow him to move the amendment as it stands. As far as I understand, it negatives the proposal.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, there seems to be no justification why the headquarters of the Tahsil should not be transferred to Shahdara, especially when Government have spent a large sum in making buildings, etc., as has just now been mentioned by Mr. Abbot. Shahdara has been given the preference because there is a railway station there and an important junction. At the same time I do not think it is impracticable to retain a sub-tahsil at Sharakpur, where the landholders have invested tremendous sums. From the administrative point of view it would be a gross mistake to deprive the people of those facilities to which they have become accustomed. Of course the establishment of a sub-tahsil at Sharakpur would entail some extra expenditure, but it is to the interest of the zamindars that it should be established. There is a feeling of great anxiety among the people of Sharakpur and they have been carrying on some constitutional agitation against the intended transfer of the headquarters to Shahdara. I therefore support the second part of the resolution for establishing a sub-tahsil at Sharakpur, for that would be quite sufficient to meet their demands.

Diwan Bahadur Raja Narendra Nath [Punjab (Land-holders) General] (Urdu): Sir, had not the buildings been reaching completion, I would

have opposed the transfer of the headquarters to Shahdara, whose situation, being on the border of the Tahsil is open to objection. And although Sharakpur too is not in the centre, yet it occupies a better position than Shahdara.

Malik Firoz Khan Noon : Sir, we have just been shown a map by the Financial Commissioner, which clearly showed that Shahdara occupies a central position in the tahsil.

Diwan Bahadur Raja Narendra Nath (continued) : Sir, so far as I have studied the map Shahdara is not in the centre. Any how since the Government have spent over Rs. 70,000 on buildings it is useless to oppose the transfer of headquarters. But I would like to press that villages around Sharakpur be allowed to continue enjoying the facilities of paying the revenues at Sharakpur and this is possible only if a sub-tahsil is established there. It is a fact that Sharakpur has been for a long time the seat of tahsil headquarters, and the people there have naturally acquired a sort of prescriptive right to enjoy that privilege. To deprive them of all these advantages and relegate the town to the position of an ordinary village would be a great blow to them. I may mention to the House that when headquarters were transferred from Bhera, a sub-tahsil was still left behind. I therefore strongly support the second part of the resolution for establishing a sub-tahsil at Sharakpur.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu) : Sir, there are some facts about this question which are specially known to me and I would like to enlighten the House with their exposition. My friend Mr. Abbott has not mentioned how it was proposed in 1907 to include the Sharakpur Tahsil in *the Lahore* District. Perhaps Sir Gordon Walker was the Lieutenant-Governor at that time, and to elicit public opinion the proposal was notified in the press. It was decided, however, that Sharakpur should remain in the Lahore District. Later on it was transferred to Gujranwala District. Ever since November 1919 when it was included in the Sheikhupura District the people of Sharakpur have been trying to retain the headquarters of the tahsil permanently there. In April last I put a question to that effect, but the answer which I received in reply was that the matter was still under consideration. Opposing this resolution on the ground that the scheme is almost matured because the buildings have been made ready is not a convincing argument, because I have seen personally the new buildings a few days ago and I would assure this House that buildings at Sharakpur are three times as large. Therefore the completion of this building is not the last word on the question and it would not entail any considerable loss to Government if the headquarters were retained at Sharakpur. I would now show this House why I oppose the transfer of headquarters to Shahdara. The new villages which were transferred from Chunian Tahsil and Lahore Tahsil and included in the Shahdara Tahsil are situated at an average distance of 11 or 12 miles from Sharakpur, and the distance between Shahdara and Sharakpur is 20 miles. It means, therefore, that if headquarters are transferred to Shahdara the people of these new villages will have to travel a distance of about 32 miles to come to Shahdara and pay the revenue. That would prove most troublesome. I therefore support Raja Narendra Nath and ask the Government that if it is impossible to retain permanently the headquarters, a sub-tahsil be established at Sharakpur.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural] (Urdu) : Sir, I had no intention to drag myself into this discussion, but it appears from the speech of Raja Narendra Nath that he is labouring under a misunderstanding as to the localities of Shahdara and Sharakpur. I have studied the map just now and the very first glance will show that the former commands a more central position than the latter. I doubt if there is any other village so suitable for the tahsil headquarters. Since I have to come here from the Ferozepore District I can well understand how much difficulty Zamindars of villages, situated on the border of a tahsil, have to put up with in getting to the headquarters of the tahsil. There is no harm in moving the headquarters to Shahdara. As for the other question of establishing a sub-tahsil at Sharakpur, it rests with the Government to see if it can meet this extra expenditure. If there are already two Naib-Tahsildars at Sharakpur one of them may be posted there and the whole problem will be settled easily. Of course if there is only one Naib-Tahsildar, then in that case an additional Naib-Tahsildar will be required for the sub-tahsil of Sharakpur.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia [Revenue Member]: Sir, the resolution asks that the headquarters of the Shahdara Tahsil be permanently retained at Sharakpur but if it cannot be then a sub-tahsil be established at Sharakpur. As members of this Council have been told by Mr. Abbott practically the tahsil has been built in Shahdara and is now nearly ready for occupation. So far as that question goes the matter has been finally decided that the tahsil headquarters have to shift from Sharakpur to Shahdara. As regards the last portion of the resolution whether we could keep a sub-tahsil in Sharakpur, I may inform this House that we have in the tahsil at the present moment one Tahsildar and one Naib-Tahsildar. It is absolutely necessary that there should be one Tahsildar and one Naib-Tahsildar in a tahsil, as when the Tahsildar goes on tour the Naib-Tahsildar should remain in the headquarters and *vice versâ*. I may inform the House that the cost of a Naib-Tahsildar and the necessary staff for a sub-tahsil at Sharakpur will be Rs. 4,486 a year. This will be an additional expenditure. If as has been suggested by my friend, Raja Narendra Nath, a sub-treasury is also to be kept there then the expense of the staff and the sub-treasury inclusive of the cost of the sub-tahsil would come to Rs. 9,000 a year. If this Council is prepared to add to the Provincial expenditure this Rs. 9,000, well they are quite welcome to take that step, but knowing as they do the state of the Provincial finances, I do not think the members of this House would at any rate at the present moment be prepared to advise this extra expenditure. The present buildings of the tahsil are proposed to be used for a school but if they are not used as such and at a later stage they are wanted for a sub-tahsil they will be available. Beyond this I do not think I need detain the House any further.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural] (Urdu) : Sir, I have already explained that Sharakpur is an important town whose prosperity will be adversely affected if the tahsil headquarters are removed from there. It would be most injudicious to pursue that policy. I remember that a few days ago there was a strong rumour about Government's intention to break up four districts which aroused great anxiety in the public mind. The Government had to contradict it by publishing a press *communiqué*. There is a similar anxiety among the people of Sharakpur, and I am afraid if this resolution is not carried it would prove most detrimental to the trade and industry of that town. It is a mistake to regard Shahdara as separate from Lahore, which

is extending so rapidly that in the very near future Shahdara will be counted as one of its suburbs, and disaffiliated from Sheikhupura. Will not the Government then have to transfer tahsil headquarters to Sharakpur again? I therefore request the House to consider this question very carefully and not to allow the transfer of the headquarters to Shahdara. Even if this is not practicable I see no reason why a sub-tahsil at least should not be established at Sharakpur.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia [Revenue Member]: Sir, my friend (Mian Muhammad Shah Nawaz) has put a good deal of force and a good deal of warmth into his speech. I am not going to follow suit, but I will simply say a few words in reply. I think my friend perhaps misunderstood me in the very beginning when he thought that Government intended to ruin the people of Sharakpur by taking away the tahsil from that place. Government has had no such intention, but if the administrative convenience demanded that the tahsil should be brought to Shahdara which is a centre of railway communication and to which people could come with greater ease, then surely Government has not taken that action with the idea of ruining the people of Sharakpur. Even if as my friend has just now said in the way of a prophecy that later on Government shall have to transfer this tahsil to Sharakpur again, even if that prophecy comes true no additional expenditure will be incurred as buildings will be available. My friend said that Government is hesitating to spend Rs. 9,000 to keep a sub-tahsil and a sub-treasury in Sharakpur. I never said anything of that sort. What I said was that if this House is ready give this money whenever it is demanded for that purpose and the Provincial finances are able to bear this extra expenditure the question will no doubt be considered, but if, as I said before, the Provincial finances cannot bear any further expenditure and the members of this Council, including Mr. Ganpat Rai and Maulvi Muharram Ali Chishti who are always trying to cut down any grant that Government asks this House to sanction, have no objection to this expenditure, then surely we shall have a sub-tahsil at Sharakpur. If they do not sanction this expenditure for a sub-tahsil at Sharakpur then we cannot have one there. It all rests with the members of this Council. I have to explain on behalf of Government that the tahsil buildings at Shahdara have been built and are ready for occupation. To undo what has been done will be unwise.

Mr. President: It will be convenient to divide this resolution into two parts before putting it to the vote and I am afraid if the first part is not passed then we shall have to make a little alteration in the wording.

Mian Muhammad Shah Nawaz: Sir, I do not insist on the first part.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Am I to understand, Sir, that the first part is withdrawn?

Mian Muhammad Shah Nawaz: Yes, Sir. I do not press the first part of my resolution, and ask for leave to withdraw that part.

The first part of the resolution was by leave withdrawn.

Mr. President: Will the Honourable Member now state his attitude as regards the second part.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia: Sir, I am advised not to accept the second part.

Mr. President: The question before the Council is:

"That this Council recommends to the Government that when the headquarters of the Shahdara Tahsil have been transferred to Shahdara, a sub-tahsil be established at Sharakpur.

The question is that those words be adopted as the resolution.

The motion was carried.

RESOLUTION RE. COMMUNAL REPRESENTATION IN CIVIL SERVICES.

Khan Bahadur Sayed Mehdi Shah [Lyallpur South (Muhammadan) Rural] (Urdu): Sir, I beg leave to move the following resolution:—

"That this Council recommends to the Government that a committee of 12 members of this Council consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and 1 Christian be appointed to inquire into and report on the question of communal representation in the cadre of Civil Services, both Senior and Subordinate and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

Sir, those who have been studying the newspapers know perfectly well that a very dangerous Hindu-Muslim controversy is being carried on in the Press and some foolish papers have greatly accentuated it in order to make it a source of income. As a matter of fact they are not serving any community, they are on the other hand injuring the higher interests of the country, not realising the baneful consequences accruing from this controversy. The apparent cause of the controversy is the alleged injustice of the Education Minister done in the Education and other departments to the Hindu community. But if we study the situation impartially it would be found that securing only 40 per cent. posts for a 55 per cent. Muhammadan population is not only a great concession to the Hindu community but a gross injustice to the backward and less educated Muhammadan community. Moreover, Sir, this is not the personal decision of the Education Minister but the Punjab Government have definitely decided to adopt this policy which is in consonance with the decision of the Government of India and the Secretary of State. It would therefore be a great injustice to accuse the Education Minister of trampelling on the rights of the Hindu community, simlpy because he happens to have given effect to a policy of the Government. Taking these facts into consideration I have moved this resolution to appoint a committee to inquire into and report on the question of communal representation in the cadre of Civil Services and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press. Sir, I do not intend, by moving this resolution to injure the rights of any community. On the other hand what my resolution arms at is to fix a proportion whereby the present deficiency of Muhammadans might be made up, and thus their future complaints against their Hindu brethren might be put a stop to.

Mr. President: The resolution moved is—

"That this Council recommends to the Government that a committee of 12 members of this Council consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and 1 Christian be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both Senior and Subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

The question is that that resolution be adopted. There are several amendments on the paper proposing alterations in the constitution of the committee. One amendment proposes to leave out all words relating to the constitution of the committee. I think it will be convenient to discuss this resolution from the very beginning in two parts. Firstly as to whether any committee should be appointed at all, and secondly, if a committee is to be appointed, what the composition of that committee should be. I will, therefore, state the question again confining it to the first point, which is :—

> "That this Council recommends to the Government that a committee be appointed to inquire into and report on the question of communal representation in the cadre of Civil Services, both Senior and Subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

The question will be that those words stand part of the resolution.

The Honourable Sir John Maynard [Finance Member] : May I explain, Sir, at this stage that the attitude of Government towards this resolution will depend upon the question whether the composition of the committee is prescribed in a particular fashion or not. The method in which it is proposed to discuss this resolution will be quite appropriate from the point of view of Government on the understanding that after the two separate points have been decided there will be yet a third vote on the acceptance of the resolution as a whole. I understand that that will be the course followed.

Mr. President : Yes, that is so.

Mr. K. L. Rallia Ram [Representative of Indian Christians) (Urdu] : Sir, I regret to have to oppose the resolution. Although Sayad Mehdi Shah has brought forward this resolution from a well meaning motive the committee suggested by him will not yield any useful result. Now-a-days disputes are arising between Hindus and Muhammadans which are an obstacle in the way of progress. I am neither a Hindu nor a Musalman but I blame both the communities. Quarrels take place frequently over petty appointments. History shows that no nation has ever attained prosperity through service. Time has come for us to give up these quarrels. Appointments should be reserved for capable men, without any regard to communal interests. The rule of ability and efficiency should be kept in view. No practical benefit will accrue from the resolution. The adage runs "Handsome is that handsome does," such resolution will land the Government also in difficulty. I do no like the principle of 'divide and rule.' Sayad Mehdi Shah will kindly withdraw the resolution.

Rai Bahadur lala Hari Chand (West Punjab Towns (non-Muhammadan) Urban] (Urdu) : Sir, I never expected that at a time when strife is going on at Multan, Sayed Mehdi Shah would bring forward a resolution like this. As stated by Mr. Rallia Ram the bestowal of appointments should depend on a man's ability. The form in which the resolution has been put will increase ill-feeling between the two communities which is not desirable at this moment. I would request that the resolution be withdrawn.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural] (Urdu) : Sir, there is proverb in Urdu that the teeth with which the elephant eats his food are different from those that are displayed to the public. In other words outward appearances are not sufficient for judging anything. I am referring to Lala Hari Chand. . . .

Rai Bahadur Lala Hari Chand: I rise to a point of order, Sir. He is referring to personal matters.

Pir Akbar Ali (*continued*): We read in the newspapers that the Honourable Minister for Education had injured the interests of the Hindus, though the allegation was wrong. The resolution is important. We, however, don't mean that the question of ability should not be raised. On the contrary we desire that appointments should be given to capable persons. This is not done. Syed Mahdi Shah should not withdraw the resolution. The ill-feeling at present prevailing in the Punjab between the two communities can only be removed by sitting down together and by deciding that the elder brother in any case will have to give the younger brother his share. I can assert that the people of every department secure billets only for their co-religionists. I don't mean that appointments should be given to incompetent men. The resolution is, I think, very useful.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, this is a delicate and difficult resolution. There is no doubt that the principle embodied in the resolution raises difficult points for decision but, as far as I can see at present, this is the only way to remove misunderstanding and bring about a lasting settlement between the communities concerned. The Lucknow compact decided that the rights of the minorities should be safeguarded. This principle has been more or less accepted throughout the world. The Christian nations insist that the rights and interests of Christian minorities in Turkey should be safeguarded. I know that from year to year circulars are issued by the Punjab Government and the Government of India for due regard being paid to the number of the Muhammadans in the public service because they form an important minority in India. As regards the allegation that it was improper to bring forward this resolution in our Council I would say that if we had been a one homogeneous nation or had professed one and the same religion the allegation would have been justified. If Afghanistan or some other power were to invade India we shall fight side by side with the Hindus. We also desire to achieve *Swaraj* as soon as possible but it is difficult for Muhammadans to merge into Hindus. Both communities have good and bad points. The tension between the two communities is great in the Punjab because both are well balanced. The Sikhs also form an important community. Hence in the interests of all communities a settlement is desirable. A resolution has been recently passed in Madras for safeguarding the interests of the Non-Brahmins in all services. So we have one precedent before us. Having regard to the pact reached at Lucknow, the United Provinces Government has enforced the percentage in the Provincial Service according to the pact, so much so that the same proportion has been observed in connection with appointments awarded by competition. Under the Lucknow pact the Muhammadans were allotted a definite share in the Council. The same ratio has been allowed to hold good in connection with the competitive examination of Deputy Collectors. In view of the United Provinces precedent it is wrong to say that the resolution is without precedent. While in Madras the interests of the Non-Brahmins have been safeguarded, in Bengal also particular care has been taken for the advancement of the backward communities. Under the present state of things when quarrels exist regarding all important services between different communities, tension can be removed only by clearing the position. A committee ought to be appointed and the

ratio of each community per cent. should be decided on the lines of the Lucknow pact. If ability is to be the criterion, I will say that even competition does not serve its purpose. The mere fact that a man happens to be a "book-worm" cannot make him a good officer. The difference between a Punjab graduate and Madras graduate is that the former can make a good Deputy Commissioner. Proper selection and a competition in the real sense of the term yields good result. I would submit it to Sir John Maynard that the efficiency of an officer is one thing and competition test is another. If A happens to be more fit for a certain lost than *B*, but *B* is also fit I think, both should be considered efficient. If, however, *B*'s community happens to be in a minority in the particular service he should be preferred. I am myself a well-wisher of the Hindus and I am myself a nationalist, but the interests of all communities must be safeguarded. Hard facts, however, must be faced. These interests are conflicting to some extent. I am not prepared to believe that competent Mussalmans are not forthcoming in sufficient numbers for all important services. The entire system of selection and subjects of competitive, examinations should be altered. There should be marks for courage, perseverance and firm constitution and we will see what a competition means. The United Provinces Government is prepared to act on the lines of the Lucknow compact. Similarly the interests of the Non-Brahmins have been kept in view in Madras. There is, therefore, no reason why a proper percentage should not be fixed in the Punjab also. I will humbly tell my Hindu brethren that we must find a way out for all our disagreements. The Muhammadans are at the present moment somewhat in English backward, but they are not inefficient or incompetent. As a race they possess remarkable capacity for good administration. In the Punjab they are in the majority. They contribute at least one half if not more towards the provincial revenues. They have therefore a right to claim a due share in the administration of the Province. At present this resolution may be somewhat distasteful to my Hindu brethren but they will realize, in their own interests, the benefit of it after a few years. The principle involved in this resolution does not conflict with *Swaraj*. No community should remain at the mercy of other. With these remarks, Sir, I heartily associate myself with the resolution so far as it relates to the appointment of a committee.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu): Sir, the greater part of my life has been spent adjusting smooth relations between these two communities and I can say that if the relations between them have not become worse they have not improved during the past twenty-five years. The memorial submitted to His Excellency has been misunderstood. I will say nothing more regarding it.

Mr. President: I hope you are not criticising His Excellency's orders on the memorial.

Diwan Bahadur Raja Narendra Nath: Oh! no. I am not criticising His Excellency's orders. A reference was made to the memorial in the discussion that has preceded. I am not referring to His Excellency's orders. I agree in the principle underlying the appointment of a committee. The request made to Syed Mehdi Shah for the withdrawal of the resolution will not, I am afraid, be acceded to. But I want to lay stress on 3 (1) points. So long as we feel the necessity of getting proportions fixed in the public services we must understand that we

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are not fit for *Swaraj*. To ask for the fixing of proportion makes the demand for *Swaraj* useless. (2) The principles of fixing communal proportions as also the proportions are fixed for the various communities, it should be subject to possible modification. It has been said that the Muhammadans are backward. How long will they continue to be so? A modification will be necessary when they become advanced (3) The idea that ill-feeling between the communities will be removed by fixing proportions in the public service is wrong as also the idea that nationality will be fostered. As stated by Lala Hari Chand, if *B* is told 'you are abler than *A* but you cannot get the appointment in view of the proportion fixed for your community' there will be heart-burning and discontent. Different posts require different kind of qualifications. If literary ability of a high order is needed for one post the qualification of riding and tent-pegging may be needed for another post you do not require a professor of Mathematics to be a good rider. I agree to the appointment of a committee. I will move an amendment as regards the other issues.

Mr. Nawab Din Murad [East and West Central towns (Muhammadan), Urban] (Urdu): Sir, I support the resolution. The proposal is not going to be a new experiment. No quarrel has arisen in the municipalities where the Hindus and Muhammadans have their separate wards. A proportion of each community should be fixed in the different provincial services in order to put an end to quarrels for good and all.

Mian Ahmad Yar Khan, Daulatana [Multan East (Muhammadan) Rural] (Urdu): Sir, I support the resolution wholeheartedly. I have nothing useful to add to the debate after what has been said by Mian Muhammad Shah Nawaz. It has been said that the Muhammadans are backward. The existing unity between Hindus and Muhammadans is unfounded. Unless the question of communal representation is decided there will never be any unity. Lala Ballia Ram said that we should receive education. We want to do that, but great criticism is levelled at us when we are provided with facilities. If a Muhammadan makes even a slight effort he gets a bad name.

Verse

ہم آہ بھی کرتے ہیں تو ہو جاتے ہیں بد نام
وہ ظلم بھی کرتے ہیں تو چرچا نہیں ہوتا

"We get a bad name even when we sigh.

But as for them no complaint is heard against them even when they commit tyrannies."

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] (Urdu): Sir, my object is the same as that of Raja Narendra Nath, *i.e.*, that *Swaraj* should be attained. Until union takes place between the Hindus and Muhammadans we should not talk of *Swaraj*. We should find what obstacles stand in the way of *Swaraj*. We ruin ourselves by fighting over that bone of contention—the service. We ignore the ideal that we should not be called slaves, and fight like dogs. How shameful is this! In order to do away with quarrels it is better to fix proportions. We rendered conspicuous services during the War. We can conquer countries and are we unfit? Raja Narendra Nath has rightly said that discontent will be engendered. We should become a free nation. Will the whole of the Punjab depend upon

service? The door of industries in open. Our goal is that the Punjab should be governed by the Punjabis and not by the Bengalis. If we cast aspersions on the Education Minister or on the Chief Justice that would be shameful. Aspersions will not be cast in the event of proportions being fixed for each community. My request is that the Hindus, Muhammadans and Sikhs should all try to arrive at a settlement for fixing proportions. Every person, even if he is a sweeper, has been created by God and can be uplifted by education. Every one should have equal opportunity so that this wrangling over the appointments may cease. It is to be greatly wished that such a day may come.

Rai Bahadur Lala Sewak Ram [Multan Division, (non-Muhammadan), Rular] Urdu): Sir, after the speeches of Sayad Mehdi Shah and Mian Muhammad Shah Nawaz I was thinking of speaking after Chief Secretary had said something on this question. The question of Hindu-Muhammadan unity is at present before us. The Punjab is the only Province where this union is marred through some cause or other. The Multan riots marred this union and now another ball has been set rolling in the shape of this resolution. We should act upon the maxim "Religion does not teach that you should entertain enmity towards each other." There was a time when the question of safeguarding the rights of the minorities used to be talked about. Now the question of backwardness has become the subject of talk. When efficiency is the criterion of service there is no reason why the question of religion should be brought in. When the services of an able man, no matter to what community he may belong, can be secard there is no reason why another person should be appointed in preference to him on the score of religion. I agree with Raja Narendra Nath that this will lead to disagreement. The committee will help in causing disunion between the Hindus and Muhammadans, the foundation stone for the building of disunion being contributed by this Council.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, my mission all along has been that there should be unity between the Hindus and Muhammadans. Raja Narendra Nath and I have been friends from boyhood. He has said that relations between the two communities have remained the same as they were twenty-five years back. I say that they are worse now. The reforms have totally sunk the barge of unity. The era of *Swaraj* has not yet dawned in the Punjab. I am not hopeful that this era will come during my lifetime. The state of things witnessed during these two years was never witnessed before. The newspapers now contain more venom than was the case previously. Only recently there were allegations against the policy of the Minister for Education. On that occasion both Lala Hari Chand and Lala Sewak Ram signed a memorial. If they had kept quiet at that time then it would have been appropriate to say that 'religion does not teach us to entertain enmity towards each other.' But if the things continue as they are it is absurd to talk like that . . . . .

Mr. President: You should not bring in the memorial. The memorial is merely an indication that there is a little difference of opinion but surely you need not bring it in.

Maulvi Muharram Ali, Chishti (continued): These things do not promote union. The committee must be appointed and Government should fix

[M. Muharram Ali Chishti.]

the proportion on the report of the committee. Every body knows what contemptible tactics were adopted on the occasion of electing Presidents for the Ludhiana, Lahore, Multan and Hoshiarpur Municipalities. We know that even the Chief Justice did not escape attacks over the question of service. There was no justification for the attacks because the Chief Justice never interferes in matters affecting recruitments for the service.

Mr. President: May I ask the honourable member what has this got to do with the matter before the House?

Maulvi Muharram Ali, Chishti (continued): I am talking about the feeling between the two communities and the question of *Swaraj*. Some members have said that it is against the principles of *Swaraj* to bring in such a resolution. That is my point. I am only referring to that. My point is that this resolution will suffice for allaying the feeling at present existent between the Hindus and Muhammadans.

Rai Bahadur Lala Sewak Ram: Sir, I want to ask whether this is a relevant point.

Mr. President: It does not appear to me that all this has any bearing on the subject, but I am waiting to see what use the speaker is going to make of these points. Then I can decide whether his points are relevant or not.

Maulvi Muharram Ali, Chishti (continued): My submission is what justification is there for making the Education Minister a target for attacks. Has he bestowed any jagir on the Muhammadans? I myself criticise him. It is said that competency should be kept in view but in the same breath it is said that Muhammadans should not be admitted into schools in the proportion of 40 per cent. What a pity! You will see, Sir, that questions that are put in this Council mainly concern communal subjects. Sayad Mehdi Shah is to be admired for having brought forward an excellent resolution. The resolution is in my opinion useful for every community. The question of giving appointments in the Public Service has been under discussion since 1887-88. Memorials were submitted to Lord Dufferin and a reply was received that the Muhammadans should receive particular consideration. In 1897 a committee was appointed by Sir James Lyall which came to the decision that special concessions should be given to the Muhammadans. If this resolution is not passed, Government will itself open to the charge of being inconsistent. It would be palpable injustice to bestow an appointment upon a Muhammadan for the simple reason that he is a Muhammadan. Appointments should be given only to those who are competent. As a matter of fact, a competitive examination is not the best of criterions for appointment to a civil post. People who have secured appointments through the competitive examination during the past ten or twelve years are more corrupt. Good breeding should also be considered a qualification besides the fact of a man having got through the competitive examination. I would request that the first part of the resolution should be accepted certainly when it has the support of even my friend the able and talented Raja Narendra Nath.

Malik Firoz Khan, Noon: I move, Sir,—

"That the question be now put."

Rai Sahib Lala Thakar Das: Sir, . . .

Mr. President : Are you going to speak against the resolution ?

Rai Sahib Lala Thakar Das : Yes, Sir.

Mr. President : I will put the closure after the Rai Sahib has spoken.

Rai Sahib Lala Thakar Das [North-West Towns (non.-Muhammadan), Urban] (Urdu) : Sir, since I feel that this resolution is obstructive to the progress of my country I rise to speak against it. I do not doubt the honesty of purpose of the Muhammadan members, but there are always differences of opinion and I cannot but express my own honest opinion. So long as a nation is not united it cannot prosper. So long as we do not give up sectarian thoughts and do not try to become Indians first and everything afterwards we cannot progress. I do not desire that Muhammadans should not get Government posts, but on the other hand, they might be given posts in larger proportion than the Hindus. But the present resolution is not a step towards the progress of the nation. The head of every department of the Government is a European officer and he can give as many posts to Muhammadans as they desire. I remember that when in Lucknow there was a dispute about a post, it ended by bestowing that upon a Muhammadan. To this there is no objection. But communalism as a principle is, in the opinion of great statesmen, a curse rather than a blessing to a nation. The Montague-Chelmsford report says that that day will be a happy one for India when rivalry communal representation ceases to exist. With these words I oppose the resolution.

Mr. President : The question is—

"That the question be now put."

The motion was carried.

Khan Bahadur Sayad Mahdi Shah : Sir, the Muhammadan members have fully discussed this resolution and I do not want to enlarge upon them further. My aim is to put an end to the quarrel. Forty per cent. proportion is quite insufficient for us, but indignation has been expressed upon the Honourable Minister even for that.

Diwan Bahadur Raja Narendra Nath : On a point of order, Sir. He is again referring to the 40 per cent. question.

Mr. President. : The honourable member should not refer to that particular point. He should stick to the proposal.

Khan Bahadur Sayed Mehdi Shah (*continued*) : Sir, so long as we do not get our full share this dipute cannot end. We do not mean a share in the Government posts only but also a share in the Government. There are instances in which highly efficient Muhammadans have been passed over...

Mr. President : I do not think the honourable member is replying to anything which has been said in the debate. He is raising new points.

Khan Bahadur Sayad Mehdi Shah : Then the motion may be put to the House.

Mr. President: The words of this part of the resolution read—

> "That this Council recommends to the Government that a committee be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both Seniors and Subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

The question is that those words stand part of the resolution.

The motion was carried.

Mr. President: The second part is—

> "That the committee consist of 12 members of this Council consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and one Christian."

The question is that those words stand part of the resolution.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) (Rural)] (Urdu): Sir, I beg to move the following amendment to the resolution moved by Khan Bahadur Sayed Mehdi Shah :—

> "*For* "12" *substitute* "6";
>
> *For* "consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and 1 Christian" *substitute* "with an official Chairman."

Sir, 12 is a large number. I think 6 is quite sufficient. Then the number should be odd so that there may be a casting vote for decision. Therefore it is that I add that there should be an official chairman. As regards the proportion of different communities in the constitution of the Committee, I leave this to the good sense of the Government to fix as it is well aware of the interests of all. I do not feel inclined to make it a subject of dispute in the Council.

Mr. President: The original resolution was—

> "That this Council recommends to the Government that a committee of 12 members of this Council consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and 1 Christian be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both senior and subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

To that the following amendment has been moved—

> "*For* '12' *substitute* '6,' and
>
> "*for* 'Consisting of 6 Muhammadans, 3 Hindus, 2 Sikhs and 1 Christian, *substitute* 'with an official chairman.'"

The question is that the amendment be made.

The amendment was carried.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural]: I want to propose a slight amendment, Sir. The amendment tabled by me was somewhat similar to the one accepted by the Council, with this difference that I proposed that the chairman of the Committee to be appointed instead of being only an official, be the Honourable Finance Member.

Mr. President: Does the Honourable the Finance Member desire to serve as chairman?

The Honourable Sir John Maynard: I should like to take instructions from the Government on the subject.

Mr. President: I am afraid we are not in a position to appoint the Honourable the Finance Member as the chairman without his consent and he wants to have instructions from Government before he accepts. Your amendment falls therefore to the ground. The other amendments also drop. The resolution as it stands now runs as follows:—

> "That this Council recommends to the Government that a committee of six members of this Council with an official chairman be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both senior and subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press."

The question is that that resolution be adopted.

The Honourable Sir John Maynard (Finance Member): So far as Government is concerned, Sir, there is no objection to the resolution as amended.

Mr. President: The question is that the amended resolution be adopted.

The resolution as amended was carried.

RESOLUTION *RE* OPENING OF A CANAL FOR PIND DADAN KHAN SUB-DIVISION.

Rai Sahib Lala Thakar Das: "Sir, I beg leave to move the following Resolution:—

> "That this Council recommends to the Government that a seasonal or perennial canal be opened at an early date to irrigate that tract of land known as the Pind Dadan Khan Sub-Division of the Jhelum District which has become desolate as a consequence of the working of the Khewra Salt Mines."

[*At this stage the Deputy President took the chair.*]

Before I begin my speech I thank the Hon'ble President for allowing me to read my speech, an English copy of which I have handed over to each of the official members of this House.

Sir, the resolution that I have the honour to move for the acceptance of this House deserves the most careful consideration of the honourable members, official as well as non-official, for it relates to the well-being of an important section of the Indian community, who have by a slow process of deterioration been reduced to a state of abject poverty and incalculable misery. The Sub-Division of Pind Dadan Khan, the abode of these unfortunate people, was in pre-British times a place of great repute, densely populated, prosperous and endowed with great commercial interests. We had excellent crops and an abundant supply of sweet water for drinking purposes. But things have taken a different turn now and this once prosperous and fertile territory now presents the look of a deserted and desolated land.

Sir, There is a salt range situated in the centre of Pind Dadan Khan Sub-Division of the Jhelum District, which supplies salt to the whole of India. This salt range is as old as the Pind Dadan Khan Sub-Division, its existence being traced to the Sikh and Mughal periods, but as the facilities for transport in pre-British times were limited the quantity of salt dug out of the mine was comparatively very small. The primitive methods of digging out salt were moreover crude and the people were not acquainted with modern scientific

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methods which are well-known in the Europe of to-day. It was usually the upper strata of the Range from which salt was extracted, and when a small depth was reached and human life seemed endangered, air became rarified and light could no longer keep burning, the pit was at once filled up, and a new place looked for. The whole Range possesses signs of pits having been filled up in such a manner in times of yore.

The advent of British rule in India brought in its wake many blessings, and inventions of modern times. The whole Range underwent a geological survey and was subjected to boring operations. The existence of thick stratas of salt was traced to deep beds of the Range, and mining was resorted to in a scientific manner. Long tunnels extending over miles and miles together were dug out and drainage tunnels were provided for the drainage of water. In some cases water was pumped out.

The salt mines exist at the foot of the Range in the form of tunnels. Khewra where mines are located is situated at a height of nearly 800 feet above sea level, and is surrounded on the west, east and south by low ground. The Jhelum flows at a distance of nearly six miles towards the south. The agricultural land towards the north of the Jhelum is capable of cultivation and at one time it produced very fine and abundant crops. But a large portion of this land has now become unproductive, and the only apparent cause for this transformation is the outflow of water from the salt tunnels and the reckless storage of waste salt outside the salt depôt for indefinite periods till it assumes the form of a small hillock measuring millions of tons in weight. The waste salt is melted away into the salt water that flows out of the tunnels and is absorbed into the sores of the earth by a process called percolation. The water when enters into the pores of the earth, finds its way towards the slope and marches onwards under the ground till it touches the northern bank of the Jhelum river. Since the opening of two canals from the Jhelum, as the river is practically dry during winter, the salt water extends its inroads beyond the bank of the river with the result that a very large area of land in this Sub-Division has through this continuous underground process become *shor* and unfit for cultivation at all. The illiterate zamindar is unable to fix up the responsibility for this serious change in the character of his land, but speaking frankly, such responsibility cannot but rest with Government.

The deterioration of the land has taken place between the last twenty and twenty-five years and this period coincides exactly with the opening up of canals from the Jhelum. When before the opening up of canals there was a continuous flow of water in the river throughout the year, the salt water could not cause as much damage by percolation as it does now either because of the floods or the high level of the river water. The inauguration of canals has been the source of large benefit to Government in various ways. Firstly, the Government has reaped large profits by the sale of barren lands. Secondly, the revenue from these lands after they have become capable of cultivation has materially increased. Thirdly, by the imposition of the water advantage rate. Fourthly, increase in the income from the canal water rate. I will presently deal with the loss that has accrued to the residents of this ilaqa and the damage that has been done to their lands by the inauguration of these canals.

The effect of the percolation of salt water as well as the employment of modern methods of mining has undoubtedly been that in a major portion

of the Sub-Division all wells for drinking purposes have become bitter. I do not profess to be an expert in matters of chemistry and cannot therefore speak on the subject with authority. But a chemical expert fully agreed with my statement and told me by way of proof of the above that when any saltish matter begins to make a land *shor* by means of percolation, the water in the wells becomes bitter before the land is effected. The reason for this is not difficult to understand. As the saltish matter percolates from underneath the ground, it touches water first, and land afterwards. There are, besides, several torrents which are surrounded on both sides by the salt range, and during rains a large quantity of salt water reaches the plains and makes the upper surface of land even porous. Under such conditions, saltish matter effects the water from underneath the ground by means of percolation on the one side and direct currents exert their own influence from above the surface on the other. As Government is by virtue of the law of the land invested will all proprietary rights in the minerals of the country, it reaps the benefit even if the population suffers. If the people were the owners of the minerals as is the custom in European countries, they would be compensated for their loss in an immensely large degree. But in all morality if Government holds the salt, it ought to be held responsible for any damage done to the land on its account.

This much about the state of our lands. Now, as regards the inhabitants. The lands having become *shor* and the well water bitter, the sole mainstay of the people for domestic as well as agricultural purposes is rain water. Almost every village contains a pond or a tank, which receives water during rains and keeps it in deposit for the use of all animals, man as well as beast. All bathe in the same water, wash clothes with it and use the same for drinking purposes. I do not know what a medical officer of health would think of it, but I would like to urge that the villages of this subdivision are the popular hunting grounds of plague, cholera, malaria and other dangerous epidemics. During the last two years, when we had absolutely no rains and flour was sold at three seers of the rupee and the tanks had all become dry, the people had nothing to fall back upon than the water of the Jhelum. They had to travel over a distance of four miles to fetch river water. The condition of the cattle was simply indescribable. Deer and various other animals were found dead in the jungles. A ninety years old resident of a village in the ilaqa told me that he had witnessed several famines as well as adverse circumstances of life, but the one he had witnessed during the past two years surpassed all both in intensity and value. He saw the landscape turned upwards down, as it were. The green vendure of the field which had been a feature of Pind Dadan Khan life was turned into dry streaks of wood. Life itself looked dull and dreary, and it seemed as if both God and King were working out their wrath upon the unfortunate people of this land. It was a matter for intense shame for any self-respecting man to see the wives and daughters of the warrior races of the ilaqa like those of the Awan, Janjua, Gakhar, Khokhar, Bhatti, Sayad, Qureshi and Mohyal, who inhabit this land and who are greatfully remembered for having rendered valuable services during the War, travelling over long distances in the early hours of the morning to bring the direct necessity of their lives. This venerable gentleman also told me that for the first time in his life he saw herds of sheep and goat die of hunger and thirst. I think it my duty to convey the feelings of this old resident of ours to the responsible officers of the Government and to respectfully enquire if they have ever thought of the incalculable injury that has been caused to the people by an act of trade

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on the part of Government,—an act of trade, because Government like a merchant is reaping large profits by the sale of salt that is dug out of the mines. The law provides that if any man starts a factory and thereby causes inconvenience to his neighbour, the factory owner is responsible for the loss or inconvenience caused to the latter. Similarly, if Government takes out salt for sale, and in the process private landed property of the inhabitants becomes waste, their wells for drinking purposes are spoiled, and the Government is the owner of the minerals, it is but just and proper that Government should hold itself responsible to the people for any damage caused to them on its account. It will perhaps be said that *shor* is the result of a natural process of percolation for which nobody can be held responsible. But the mere process of percolation could not have so seriously effected the whole land of the ilaqa even if it had been at work for several centuries, for the simple reason that only a small fraction of the rain on the Salt Range could reach the strata of the salt and through percolation effect the land. The natural process was in existence during the Moghal period, and in spite of its rapacious working, the whole territory was green as ever. The same prosperous condition was maintained during the Sikh times as well. It is the modern method of mining coupled with the reckless drainage of a huge quantity of water that arose out of the inner strata of salt and the continuous storage of millions of tons of waste salt at the bed of the range which have wrought within the compass of a few years complete ruin of the ilaqa, which would not have been so complete if the natural process alone were at work for centuries together.

The services rendered by the district of Jhelum including the Pind Dadan Khan sub-division during the last gigantic war are too well-known to the Government to require any repetition at my hands. Our district supplied the largest number of recruits from this Province for the army, for which credit, is no doubt, largely due to the efforts of my esteemed friend, Mr. Willson-Johnston, who was the Deputy Commissioner of the District at that time, and whom I am pleased to see here to-day in this Council as the Home member of the Government. I will not appeal to his sentiment, but would expect him to support the Resolution on the basis of personal knowledge of the place and its people. The District which I have the honour to represent in this Council is inhabited by a martial race, as already stated, and it has ever been known for its prominent share in the military service of the country. The Awans, Janjuas, Gakhar, Khokhar, Bhatti, Sayad, Qureshi and Mohyals, etc., have always vied with each other in furnishing their children for fighting their King's battles, and it is painful to note that owing to their lands having become unfit for cultivation and owing also to the lack of a supply of sweet water for drinking purposes, these martial races of whom any Government may justly be proud are being compelled to migrate from the land of their birth and take abode in Bahawalpur, Bikaner, Lyallpur and other new colonies. These owners of land have for no fault of theirs been led to take to the life of tenants in other peoples' lands with no right of permanency. I may submit that in the interests of Government it would be advisable if this recruiting centre is kept intact and not allowed to crumble down. If Government would fail to adopt means to preserve it, and would remain indifferent at the sight of this recruiting ground for the army perishing before its eyes, its recruiting officers might have to roam about in search of these martial races, who are known for Military service from times immemorial. It is incumbent upon the Government to prepare statistics as to the area that is rendered desolate and barren, the

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loss that is caused to its revenue, the rate at which *shor* has increased from the commencement of the first settlement till the last one, the increase in the *shor* area since the inauguration of Jhelum canals, which have helped in making the land porous instead of benefiting it in any way. The Government has, of course, benefited through the new colonies, but that benefit has been reaped at the expense of the people of this ilaqa, whose lands have become desolate, properties deteriorated in value, trade markets ruined, and many of whom have been compelled to leave the land of their forefathers and take abode in a foreign area.

A responsible canal officer told me that my proposal for a canal for the Pind Dadan Khan Sub-division could not be adopted for it had been found after a careful survey that the capital outlay would but yield a small rate of interest. I told him that the Government should not always act the *Bania*, and that there were other factors which it should not altogther ignore. Moreover, the investment on canals as a whole should be taken into account, and if the yield from one canal was less than that from the other, it should not matter, provided it contributed to the well-being of the people for whom it was mainly intended. Another objection might be raised that the canal even if constructed would not have the desired effect. But experiment carried out on a small scale has shown that such fears are absolutely baseless. A Sahukar named Sawan Mal Ghahi recently took on lease for 15 years five or six thousand acres of *shor* land from Muhammadan zamindars on a rental of Rs. 2 per acre and cultivated it with the help of motor ploughs by means of small canal taken out for the purpose from the local municipal canal. The wonderful success that has attended this private enterprise will be borne out by the Government experts, who have already inspected the site. The crops produced under this expriment challenge comparison with the best produced in Lyallpur. And if I have succeeded in convincing the House that the causes of the deterioration of our land are as described above, Government should have no hesitation in showing its readiness to compensate the people for their losses.

It is perhaps necessary to point out that this is not the first time that the matter is being brought to the notice of Government. The people have been representing their grievance in one way or the other to the authorities from as distant a date as that of the first settlement of this land. When Government started digging operations for a canal in 1900, people thought that their misfortune was coming to an end, but it was subsequently found that the work was a temporary measure of famine relief, which also could not be proceeded with on account of the prevalence of cholera among the labourers. It was hoped that the work would be resumed but that was not done. Subsequently, when Sir Louis Dane, then Lieutenant-Governor of the Punjab, visited this place, the people in the course of an address that was presented to him made out a strong case in favour of the opening up of a canal for the ilaqa. The same request has been repeated by almost every resident of the ilaqa who had an occasion to see the Deputy Commissioner or Commissioner of the place for the time being. In another address that was presented by the District Board of Jhelum to our present Governor, His Excellency Sir Edward Maclagan, when His Excellency visited Jhelum last year, the people laid bare their heart before His Excellency, and His Excellency in reply was pleased to assure them that their grievance would be looked into. My esteemed friend, Mr. Abbott, who is in our midst here to-day will narrate his personal experiences that he observed on the occasion of his last visit to Khewra and Dandot. A large number of Hindus

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and Muhammadans waited upon him there and prayed for an early redress of an old and long standing hardship. I am afraid if the Government does not even now heed the repeated and earnest wailings of the poor ryots expressed in a respectful manner, it might lead them to the conclusion that begging concessions by making appeals does not generally find favour with Government.

I am confident the Government will not plead any lack of funds as a ground for any further postponement of measures the urgency of which can no longer be questioned. The salt dug out of the mines is used by the whole country. The Government of India raises the salt revenue. The Punjab Government funds are swelled by the income from canals. And should the people of Pind Dadan Khan, which is under the Punjab Government, be starved, ruined and effaced from the face of the earth. I may add for the information of members that the population of Pind Dadan Khan is made up of Hindus and other nationalities 7 per cent. and Muhammadans 93 per cent., the landholders are also 95 per cent. Muhammadans and 5 per cent. Hindus and others. There is thus no communal question involved. The resolution that I have moved for your kind acceptance has the voice of the whole of Jhelum—Hindu as well as Muhammadan—at its back, and I earnestly hope that it will meet with your approval.

The Deputy President: The question is—

> "That this Council recommends to the Government that a seasonal or perennial canal be opened at an early date to irrigate that tract of land known as the Pind Dadan Khan Sub-Division of the Jhelum District which has become desolate as a consequence of the working of the Khewra Salt Mines."

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, the resolution moved by my friend Rai Sahib Lala Thakar Das is a noble attempt to relieve the people of Pind Dadan Khan which I have the honour to know myself. The people of the Province have understood that our salvation lies in the extension of irrigation in our arid lands. The condition of Pind Dadan Khan is all the more deserving, because owing to the action of Government in excavating salt from the Salt Mines according to the new method of mining most of the salt has got on to the land and the land has become saltish. In this way the whole soil has been spoilt. I have myself seen that land and I think the people of Pind Dadan Khan deserve mercy at the hands of Government. I had a talk with my friend Mr. Sangster and he rightly told me that the scheme suggested is not feasible from the financial point of view. He told me that the canal, if constructed, will not pay, that is to say, that the income accruing from it will not cover the total outlay, but he told me, and he will himself explain it, that if another method is adopted to raise water it will not cost much, and the people will get out of their difficulty. I implore him and the House to adopt any method they like. It is a fact known to us all that by canal irrigation we can remove the effervescent salt from the surface of the earth by two methods, either it goes down to the lower strata or it is washed away outright and the land can be reclaimed. The people of Pind Dadan Khan are most deserving people. They gave more than their quota of recruits in the time of War and if they are not given the benefits of the British Rule, if they are deprived of the benefits of irrigation, then I do not see who are those who deserve it. In the circumstances I whole-heartedly support my friend Rai Sahib Lala Thakar Das and leave it to the Canal Department with the request that whenever opportunity offers they should undertake this project.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, a resolution which aims at the well being of the people and the irrigation of land cannot be opposed. But it is necessary to enquire whether there is sufficient water left after what is taken by the existing Upper Chenab (Jhelum) and Lower (Chenab) Canals to permit of the opening of a new Canal?

[*At this stage Mr. President resumed his seat.*]

In the whole of the last winter the water supply in these canals was insufficient. There were *warabandis* of 10 or 20 days. Even now when it is the time for sowing the canal is closed. In the last summer, at the time of sowings of tobacco, water was stopped and the result was a scanty produce. Therefore the Canal Department should state whether the opening of the new canal will or will not affect the existing irrigation since a large quantity of water will be required to wash of the salt of the arid area. I doubt very much if there would be water available as had it been, otherwise the canal would not have been closed now. Under the above circumstances I cannot support this, otherwise useful resolution.

Diwan Bahadur Raja Narendra Nath [Punjab (Landholders) General] (Urdu): Sir, I will be brief. I have sympathy with the Pind Dadan Khan tract for various reasons, *e.g.*, my official connection with that ilaqa and my knowledge of that part etc. The water of wells is brackish as the area is situated at the foot of hills. I think some scheme of an inundation or a perennial canal might be considered. I am not aware of the difficulties of Government which the Financial Commissioner will perhaps explain. The prosperity of this tract depends upon the opening of a canal. I would, therefore, support the resolution if the difficulties in the way of its carrying out are not impossible.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, to deliver a lengthy speech will be doing an injustice to this useful resolution. The arguments put forward by the honourable mover make out a strong case. From the political as well as irrigation points of view the opening of a canal is necessary and in view of the hardships of the people the sooner it is done the better it will be. In moving this resolution Rai Sahib Lala Thakar Das has done a great service to the zamindars. I hope the Government will consider it sympathetically. I support the resolution.

Mr. W. P. Sangster [Chief Engineer, Irrigation]: Sir, I would like to draw the attention of members of this Council to the following part of the resolution first:—

"that tract of land known as the Pind Dadan Khan Sub-Division of the Jhelum District which has become desolate as a consequence of the working of the Khewra Salt Mines."

The mover of the resolution has devoted most of his speech to trying to prove this. But it is a very difficult case to prove, and I do not think he has succeeded in doing so. It so happens that Pind Dadan Khan is at the outfall of the ravine where the Khewra Salt Mine is situated. But it is not only the land round Pind Dadan Khan which is infected with "*shor*." There are large patches of salt-impregnated land at a long distance from Pind Dadan Khan, as far up as Jalalpur and as far down as Khushab. So if the patches of Pind Dadan Khan are due to those Salt Mines, how about the other patches of land which are very far away? I submit it is because the whole of the Salt Range is affecting the land. This salt has been gradually washed

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down in the course of centuries or perhaps thousands of years. It is not only in the case of Pind Dadan Khan that the land has deteriorated, but in other cases too; and I say that the deterioration is thousands of years old.

The mover in his speech said that the deterioration has taken place in the last 20 to 25 years coinciding with the period of the coming of the canals. I submit, Sir, that this is only a comparative deterioration. There has been no real deterioration in the last 20 or 25 years. It is only a comparative deterioration, and the reason is this, that the lands on the other side of the river have become prosperous and rich because of the coming of the canals and in comparison with those lands the Pind Dadan Khan lands seem to have deteriorated. As a matter of fact, before the coming of the canals, the Pind Dadan Khan lands seemed more prosperous in comparison with those on the other side of the river because these were then all barren and desolate. Then the mover in his speech also said that before the opening up of canals there was a continuous flow of water in the river throughout the year, and the salt water could not cause as much damage by percolation as it does now either because of the floods or the high level of the river water. It is true that there is not so much flow of water in the cold weather, but in the hot weather there is just as much water in the river as before the canals were made. I maintain that that is an advantage for the elimination of salt from the land. The bed of the river or the water in the bed of the river is at a low level in the winter months and the percolation has a steeper hydraulic gradient, and it can more easily drain away the salt impregnated water. The mover also has referred to "reckless drainage of a huge quantity of water that arose out of the inner strata of salt and the continuous storage of millions of tons of waste salt at the bed of the range which have wrought within the compass of a few years complete ruin of the ilaqa" Well, have the members who have visited Khewra Salt Mines ever noticed this huge quantity of water and millions of tons of waste salt? I have been there several times, and I do not remember having seen it. One speaker asked if a canal were opened, would it affect the existing irrigation in other canals. Well, of course, a canal for Rabi supply is out of the question. If a canal were made, it would be only for Kharif, and for the Kharif there is plenty of water. Then again in one part of his speech the mover said that Government must not 'act the Bania.' I must submit that in the Canal Department we have to work as a commercial department, and it is impossible to enter upon a financial scheme which will not pay a profitable return on the investment. Government has always been alive to the necessity of making a canal in this tract, and it is technically feasible to do so, but only at great cost because of the physical configuration of the land. As I have already said there is no water for a Rabi supply, but there is plenty of water for a Kharif supply. No fewer than seven separative project estimates have been prepared since 1898 ranging in amounts from a scheme costing Rs. 50,000 to irrigate 15,000 acres to the latest scheme costing Rs. 61,50,000 to irrigate 80,000 acres. These project estimates required a large amount of survey work which involved a considerable expenditure of money and none of the schemes could be found to pay more than 2 or 3 per cent. on the capital outlay.

Now I would like to mention the latest scheme which I think is the most favourable and which is most likely to be successful. It is to irrigate the area by hydro-electric pumping from the river. It is quite a feasible

[Mr. W. S. Sangster,]

scheme because Rasul is only ten miles away from one end of the tract and there is a 70 feet fall of water with 15,000 horse-power available there. It is comparatively cheap, much cheaper than a plant which has only a 6 feet fall or a 7 feet fall. A high fall is much more economical than a low one. We are investigating this scheme now and we have great hopes that it will be quite successful. One great advantage of this scheme is that there will be a certain amount of water in the Rabi. There is always a considerable amount of seapage water in the bed of the river which can be pumped out for Rabi irrigation.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan) Rural] (Urdu) : Sir, I want to say only this much that if there be lack of funds, the scheme might be entrusted to a company.

Mr. Ganpat Rai : Sir, I beg to move—

"That the question be now put."

Mr. President : The question is—

"That the question be now put."

The motion was carried.

Rai Sahib Lala Thakar Das [North-West Towns (non-Muhammadan) Urban] (Urdu) : Sir, I think, it would be ridiculous to meet the reasoning of Mr. Sangster, but I would point out that all the experts are of opinion that the desolation of the tract is due to the Khewra Salt Mines. Many estimates have been prepared for this project since 1900, but when the last was prepared it was decided that this might be deferred till the opening of the other two canals. I think it should be taken up now.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia [Revenue Member] (Urdu) : Sir, I do not think it is necessary for me to repeat what Mr. Sangster has stated that this project would cost 80 lakhs of rupees and as a business proposition will not pay. Mr. Sangster has also given information about the water supply in the river and the proposals that are being investigated to meet the difficulties of the people. What I would like to add is that the Government had full sympathy with the people in their troubles and would do its best to remove them as far as it lay in its power. The honourable mover has stated that the area has become desolate owing to the working of the Khewra Salt Mines. I would, therefore point out to him that the Salt Department being a central subject is under, the Government of India and the Punjab Government has no concern with it. Neither receives any revenue therefrom nor has any control on its working so if there be any complaint regarding the land having become sher, its must be in that quarter. The proposal about the hydro-electric scheme mentioned by Mr. Sangster requires consideration and even the mover in his speech has said.

All these things require looking into by a small committee which Government would appoint for the purpose and to report to Government as to what action to take it. Should this suggestion meet my friends wish then I would request the mover to withdraw his resolution.

Rai Sahib Lala Thakar Das: I accept the proposal of the Revenue Member provided I am to be on the committee.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I have no objection, Sir, to have him on the committee.

Rai Sahib Lala Thakar Das: I beg leave to withdraw my resolution, Sir.

The resolution was by leave withdrawn.

ALLOTMENT OF TIME FOR NON-OFFICIAL BUSINESS.

Mr. President: I have to announce to the Council that the Government are anxious to give facilities for the discussion of Pir Akbar Ali's Bill for repealing the Punjab Loans Limitation Act. Consequently if Government business does not take up the whole of the remainder of the sessions extra time will be allotted for non-official business for the purpose of discussing that Bill.

The Coucil then adjourned till 2 O'clock on Monday, the 13th November 1922.

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PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSSION.

Monday, the 13th November 1922.

THE Council met at the Council Chamber at two of the Clock, Mr. President in the chair.

THE SIMLA HOUSE AND RENT BILL.

The Honourable Lala Harkishan Lal [Minister for Agriculture]: Sir, I beg to present the Select Committee's report on the Simla House and Rent Bill.

THE PUNJAB DISTRICT BOARDS (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain [Education Minister]: Sir, I beg to move—

"That the Punjab District Boards (Amendment) Bill be passed."

The report of the drafting committee has been received and was made available to the members two days ago. I have no doubt that they have improved the Bill a great deal and the time has come that we should pass it. I hope this will advance us on the path to Local Self-Government.

Mr. President: The question is—

"That the Punjab District Boards (Amendment) Bill be passed."

The motion was carried.

THE PUNJAB COURTS (AMENDMENT) BILL.

Mr. H. D. Craik: (Chief Secretary) Sir, I beg to present the report of the Select Committee on the Punjab Courts (Amendment) Bill.

THE SIKH GURDWARAS AND SHRINES BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain: [Education Minister]: Sir, I beg to present the report of the Select Committee on the Sikh *Gurdwaras* and Shrines Bill.

THE COURT-FEES (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard [Finance Member]: Sir, I beg to move—

"That the Court-fees (Punjab Amendment) Bill as reported by the Select Committee be taken into consideration."

[Sir John Maynard.]

The report of the Select Committee has been in the hands of the members for the last one week. I have only one remark to make in moving this motion and that is to remind the House that in the words of my friend Maulvi Muharram Ali, Chishti, any delay over this Bill costs the Province Rs. 5 a minute.

Mr. President: The question is—

"That the Court-fees (Punjab Amendment) Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President: The Council will now proceed with the consideration of the Bill as reported by the Select Committee clause by clause.

The question is—

"That clause 1 stand part of the Bill."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: Sir, I beg to move—

"That in clause 1 (3), between the words 'force' and 'on' the words 'after 31st March 1923' be added."

I would first of all propose that this Bill should come into force after the 31st March 1923. We are, in this Province, going to raise the court-fee by more than fifty per cent. With this end in view we are going to pass a new Act. We first have to see whether it is really necessary to impose this burden on the poor as it ultimately falls on the debtor. Is it just to raise the court-fee by 50 per cent? Items which will appear to us to be extravagant on the occasion of the next Budget can be withheld by us and it is for this reason that I request that the Act should come into force after the 31st March 1923. I would, moreover, request that we should await the report of the Retrenchment Committee which was appointed in September 1921, *i.e.*, more than a year ago. I think that the Act should be enforced after making a correct estimate of the expenditure.

Mr. President: Clause under consideration:

Amendment moved—

"That in clause 1 (3), between the words 'force' and 'on' the words 'after 31st March 1923' be added."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member]: Sir, I doubt whether my friend Mr. Ganpat Rai was at all relevant in his remarks which he made on the subject of his amendment. The amendment raises the question whether the Bill if it be passed into law, should come into force either within a short period from now or whether it should be postponed until a certain date which he gives, the 31st March 1923. This amendment does not raise the question which my friend has discussed in his speech. It does not raise the question of whether an increase in the court-fees is desirable or not. It merely raises the question whether it is a good thing to postpone it without any particular reason to postone it.

As regards the postponement, I should remind the House that we have a normal recurring deficit of Rs. 123 lakhs every year. That however does not

represent the total sum which it is necessary to make up. In addition to that it is necessary to provide for paying off the amount of the overdraughts to which we have been compelled to commit ourselves. By the time fresh taxation begins to operate those overdraughts will be substantial and the actual sum we have to make up is considerably more than 123 lakhs per annum. In these circumstances I think it is folly without some tangible reason for such action to decide that we should forego for three or four months the advantage of the change which we are proposing to make. It may be said very briefly that the amendment proposes to deprive the Province of a sum of approximately seven lakhs of rupees. I therefore naturally oppose the amendment as entirely unnecessary and because it is very undesirable in the fiscal interest of the Province.

Mr. President: The question was—

"That clause 1 stand part of the Bill."

To this an amendment has been moved—

"That in clause 1 (3), between the words 'force' and 'on' the words 'after 31st March 1923' be added."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question now is—

"That clause 1 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 2—4 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 5 stand part of the Bill."

As regards this clause Mr. Ganpat Rai has an amendment but as that amendment appears to me to go beyond the scope of the Bill I do not think it can be allowed to be moved.

Mr. Ganpat Rai: Sir, allow me to say a word before you give your ruling. I knew, Sir, that objection would be taken to my amendment, and therefore I have studied that point. Now it is said that this amendment of mine goes beyond the scope of the Bill; but that opinion I say is wrong, with due respect to the chair. If you will be pleased to see a ruling of the Allahabad High Court, I. L. R. 12, All. 159 and the paragraph which I am going to read.

Mr. C. M. King [Financial Commissioner]: I rise to a point of order, Sir. He cannot read from law reports.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural]: After the ruling of the chair, is that in order?

Mr. President: I have not yet given my ruling. After hearing the honourable member, I will decide. But I shall not look at the ruling which he is referring to.

Mr. Ganpat Rai : I am simply referring to the opinion therein given.

Mr. President : You ought to give definite reasons why this amendment can possibly be within the scope of the Bill.

Mr. Ganpat Rai : I may say that there is no preamble to the Court-fees Act of 1870—and in the amended Bill which is now being produced before this House, it is only said 'to revise the scale of court-fees . . . . . '

Mr. President : I understand from your amendment that you are introducing into the Bill a different principle. The scope of this Bill is to alter or amend the scale of the fees, not to amend the method of levying fees.

Mr. Ganpat Rai : What I say is this. The Court-fees Act of 1870 and this Bill do not deal with any principle but only with the method or procedure of collection. That is why I wanted to quote the opinion of the Judges to show that there is no principle. I want to show further. . . .

Mr. President : The matter is quite clear from section 6 of the Act. It says "No document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document." You propose by your amendment to introduce quite a different principle. I therefore rule the amendment out of order.

Mr. Ganpat Rai : I move my next amendment, Sir.

"In clause 5—

(*i*) the following sub-clause be inserted as (1)—

"In the first column of article 1 of Schedule I the words 'or memorandum of appeal' shall be omitted."

(*ii*) the following be inserted as sub-clause (2)—

"In the second column of article 1 of Schedule I, in the proviso the words "on memorandum of appeal' shall be omitted."

(*iii*) the following be inserted as sub-clause (3)—

"In column 2 of article 1 of Schedule I, after the proviso the following words shall be added.

"Provided that on a memorandum of appeal, a fee of half of the amount leviable on plaint shall be levied."

Now according to this Bill, some enhanced fees will be levied on the plaint filed in the original courts and on second appeals and first appeals. What would it come to ? The result will be that we shall levy Rs. 11-4-0 in the original court, then, Rs. 11-4-0 on first appeal, and then again in the second appeal Rs. 11-4-0. Add other fees to be paid on the decree sheets, the judgments of the Civil Courts, and it will come to at least 40 per cent. Now, Sir, I ask, is this fair, is this just ? Before a man is able to have the fruit of litigation, you say we want 40 per cent. whether you realise 10 per cent. or 15 per cent. I say, Sir, that for this reason, you are levying Rs. 11-4-0 court-fees in the original court. If a man is aggrieved of that

order of the court, he wants to go into a higher court. There I ask "levy half the fee in the appellate court," otherwise he will find it difficult and sometimes impossible to have the errors and wrongs of the lower court corrected.

These are my reasons, Sir, for the amendment proposed. Half of what is levied in the original court should be levied on the memorandum of appeal. When the matter goes in second appeal, it is only the question of law that is to be decided. The question of fact does not arise. This, therefore, does not involve as much labour as it did in the first court. Now I ask, are you just, are you fair in charging Rs. 11-4-0 when the only point to be decided by the court of second appeal is the point of law and not of fact?

Mr. President: Clause under consideration :—

Amendment moved—

"In clause 5—

(*i*) the following sub-clause be inserted as (1)—

"In the first column of article I of Schedule I the words 'or memorandum of appeal' shall be omitted."

(*ii*) the following be inserted as sub-clause (2)—

"In the second column of article I of Schedule I, in the proviso the words 'on memorandum of appeal' shall be omitted."

(*iii*) the following be inserted as sub-clause (3)—

"In column 2 of article I of Schedule I, after the proviso the following words shall be added :

'Provided that on a memorandum of appeal a fee of half of the amount leviable on plaint shall be levied'."

The question is that that amendment be made.

Mr. Nawab Din Murad [East and West Central Towns (Muhammadan) Urban, (Urdu) : Sir, I am opposed to the amendment. The principle underlying the draft Bill is that the court-fee should be raised by a particular percentage, as has been done in Madras and the United Provinces. At several places applications in connection with redemption suits and mortgage suits of the value of Rs. 1,000 are filed on an eight-anna stamped paper. Following the analogy of 50 per cent. increase the duty of eight annas has been raised to one rupee. This rate of increase has been kept in view everywhere. Any alteration in the way of increasing or decreasing the proposed duty will result in confusion and the object in view will be defeated. The amendment should be rejected.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu) : Sir, I support the amendment moved by Mr. Ganpat Rai because it is very useful and concerns the poor people. If a poor man loses his case in the lower court he should, at any rate, be allowed to pay a lesser court-fee on appeal. We have a proverb that those who win a civil suit are defeated while those who lose the case die. As it is essential for the poor, when they have lost a case in the lower court, to lodge an appeal they should be required to pay less expenses. Supposing a man cannot afford to pay high court-fee, shall he then content himself with injustice sitting at home from his inability to lodge an appeal? In this way he will

[S. Muhammad Husain.]
not be able to obtain justice when a legal point has escaped the notice of the lower court. The members of the Council are representatives of the whole country and the poor must, therefore, be the object of their solicitude. I am in agreement with my friend Mr. Ganpat Rai. The amendment must be passed.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan) Rural] (Urdu): Sir, I would have expressed my agreement with Sayad Muhammad Husain but for one fact which I know. The Sayad Sahib seems to think that justice should be had *gratis* and it is a matter for astonishment that he should support Mr. Ganpat Raj, swayed by such a thought. The object of this Bill obviously is to make good the shortage of money. If the court-fee in the court of first instance is raised from 7½ per cent. to 11½ per cent. and is then reduced on appeal the object in view will be defeated. If money is to be raised the amendment should be rejected. If, however, there is no question of raising money the amendment might be passed. In the other event it should be rejected.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, I have in this Council always advocated the cause of the poor. Had the amendment been designed to benefit the poor I should certainly have supported it, but this is not the case. The poor, if they care to do so, can bring suits *in forma pauperis, i.e.*, without paying any court-fee. The amendment, however, concerns the well-to-do who want to pay less court-fee in spite of their possessing the necessary means. As the amendment does no good to the poor I will not support it. Had it been intended for the good of the poor I would have certainly supported it. I am opposed to the amendment as it stands.

The Honourable Sir John Maynard [Finance Member]: Sir, as I have explained several times, this Bill is put before this Council in order to help in making up the deficit, in order, that is to say, to increase the revenues of the Province. The amendment which has been moved by my honourable friend, Mr. Ganpat Rai, actually aims at diminishing the revenues. At present on a memorandum of appeal the appellant has to pay Rs. 7-8-0. Mr. Ganpat Rai proposes that it should henceforward be Rs. 5-10-0, thus actually reducing the charge which is being made at present. His amendment is therefore absolutely in contradiction to the whole object of this measure. His amendment introduces altogether a new principle. It proposes a reduction while the object of the Bill is to increase.

Now it has been said that this is in the interests of the poor. Surely those who say that it is in the interests of the poor forget that it is not always the poor man who wants to appeal, but it is the rich man with the long purse who generally appeals. This proposal, Sir, would facilitate the operations of the rich in this respect just as much as it might in certain circumstances facilitate the object of the poor. I therefore strongly oppose this amendment as one opposed to the principle of the existing law and opposed to the whole object with which this Bill has been introduced into this Council.

Mr. President: The question was—

"That clause 5 stand part of the Bill."

To this an amendment has been moved—

"That in clause 5—

(i) the following sub-clause be inserted as (1)—

'In the first column of article 1 of Schedule I the words " or memorandum of appeal " shall be omitted.'

(ii) the following be inserted as sub-clause (2)—

'In the second column of article 1 of Schedule I, in the proviso the words " or memorandum of appeal " shall be omitted.'

(iii) the following be inserted as sub-clause (3)—

'In column 2 of article 1 of Schedule I, after the proviso the following words shall be added :

"Provided that on a memorandum of appeal a fee of half of the amount leviable on plaint shall be levied."'

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan)] (Urdu) : Sir, I beg to move that—

"In clause 5 (1), item (*g*), for the word 'thirty' the words 'twenty-five' be substituted."

Clause (*g*) in the draft amendment Bill lays down that for the words "twenty rupees", opposite the eighth entry, in the second column, the words "thirty rupees" shall be substituted. Hitherto a fee of Rs. 20 per thousand has been levied for such cases but the Bill now under consideration provides that in future a fee of Rs. 30 per thousand should be charged. In case the proposed fee of Rs. 30 is allowed to stand in the Bill the result will be that the suits for which this fee is to be charged will not come to the Courts, but people will try to have them privately settled. Anyhow I think the fee should not exceed Rs. 25.

Mr. President : Clause under consideration :

Amendment moved—

"That in clause 5 (1), item (*g*), for the word 'thirty' the words 'twenty-five' be substituted."

The question is that that amendment be made.

Mr. Nawab Din Murad [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, I cannot follow the amendment. According to the existing law a court-fee at the rate of 7½ per cent. is levied on the first plaints and the court-fee at the same rate is levied on appeal. The amendment is to the effect that the rate of court-fee to be levied on appeal should be 5½ per cent. instead of 7½ per cent. *i.e.*, it should be reduced instead of being increased. The amendment is meaningless and would cause confusion and should, therefore, be rejected.

Mr. President : The question was—

"That clause 5 stand part of the Bill."

To this an amendment has been moved—

"That in clause 5 (1), item (*g*), for the word 'thirty' the words 'twenty-five,' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai : Sir, I shall move the next two amendments together as in both my object is the same.

"That in clause 5 (1), items (*h*) and (*i*) be omitted altogether."

My amendment is to the effect that hitherto a court-fee of Rs. 20 per thousand has been paid for suits up to the value of Rs. 50,000 and that this fee having been raised to Rs. 30 in the Bill under consideration, should be reduced to Rs. 25. It has been said in this Council that confusion will result from this. Does Government want to do justice or is it afraid of the so-called confusion ? Are we bound to follow the examp'e of Madras and the United Provinces ? We possess brains and intellect and will act according to principles of justice. You must remember that by raising the court-fee you are doing a great injustice to the justice-seeking public. You are giving part of their money to the Central Government and indirectly a portion to Bengal. The money realised from the enhanced court-fees will form part of the annual contribution which we give to the Government of India. Bengal has been successful in getting its contribution reduced. Are we supposed to give money so that Bengal's contribution might be reduced ? Because our large contribution is going into the coffers of the Government of India and they have allowed Bengal to reduce its contribution. Are we fit to bear so much hardship for others ?

Mr. President : Clause under consideration :

Amendment moved—

"That in clause 5 (1), items (*h*) and (*i*) be omitted altogether."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member] : Sir, I am not quite certain that the House understood what Mr. Ganpat Rai proposes to do. Under the existing law there is a maximum amount for the court-fee. It does not matter how much money is involved the maximum is Rs. 3,000. Now one of the objects of the Bill is to do away with this maximum, that is to say there is no necessity for fixing an absolute maximum amount of court-fee. There seems to be no reason why there should be no ascending scale of court-fees. Therefore my Bill proposes the abolition of the maximum. Mr. Ganpat Rai in his deep interest for the poor proposes to retain that maximum. Now, Sir, my contention is this that we should not go out of our way and be particularly kind to the rich man. For that reason, I oppose this amendment and I believe that the argument which I have put forward will convince the House that it is not a reasonable thing to retain this maximum court-fee charge.....

Mr. Ganpat Rai : Sir, I never referred to the question of maximum.

The Honourable Sir John Maynard : So far as I have been able to study the amendment proposed by Mr. Ganpat Rai, I can only understand it to mean that he wants to abolish the maximum. Our present arrangement is this that as we go higher up the values of the properties which are concerned in a suit we continue to adhere to the same principle of charging certain additional sum over and above that which is provided for by the existing Act. There appears to be no good reason why in the case of properties of very high value we should cease to maintain that principle and diminish the degree of enhancement of charge merely on the ground that the property is of bigger value. The principle which I have suggested to this

House was that there was no reason why the duty should not be enhanced at the same rate simply because the value of the property is large and your litigants are men of great property. It is that diminution which the amendment proposes to make and I believe everyone will agree with me that there is no reason for treating the rich better than you treat the poor.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] : Sir, when I first heard the Honourable Sir John Maynard I appealed to him that the rich should not be saved from the clutches of the law. If the poor are to be taxed, it is right that the rich should be taxed even more. I disagree with Mr. Ganpat Rai in proposing that the maximum should not be abolished.....

Mr. Ganpat Rai : I rise to a point of order, Sir. I never proposed that the maximum should not be abolished.

Sayad Muhammad Husain (continued) : If the Court-fees (Amendment) Bill is to be adopted, though I again say that it is wholly a bad principle, anything which transgresses the realm of poverty must not remain as it is. If it is going to affect the poor, I do not see any reason why the rich should escape. Under the circumstances, I hope Mr. Ganpat Rai will withdraw that part of the amendment which in the least affects the poor.

Mr. President : Clause under consideration :

Amendment moved—

"That in clause 5 (1), items (*h*) and (*i*) be omitted altogether."

The question is that that amendment be made.

The amendment was lost.

Mr. President : The question is—

"That clause 5 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 6 stand part of the Bill."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan)] (Urdu) : Sir, I beg to move that—

"Clause 6 be omitted altogether."

People who lodge revision applications have to pay a court-fee of Rs. 2 on the value of the suits up to Rs. 500. Generally the revision applications are unsuccessful, unless there is an irregularity. Revision applications are lodged in the High Court and in the Court of the Financial Commissioners. As regards the revision applications lodged with the Financial Commissioner it is laid down that when substantial justice has been done the Financial Commissioner, will not interfere even when there is an irregularity. As regards the revision applications lodged in the High Court 97 per cent. of them are dismissed *in limini*. Preliminary dates of hearing are not however, fixed in the case of revision applications lodged in the court of the Financial Commissioner, *i.e.*, no notice is issued and the petition is not heard. This is not done in the case of the revision applications lodged on the civil side. Hitherto Rs. 2 has been paid in lodging revision applications in connection with suits up to the value of Rs. 500 but now it is proposed to realise

[Mr. Ganpat Rai.]

a court-fee of Rs. 2 for suits up to the value of Rs. 25 and a court-fee of Rs. 11-8-0 per cent. for suits of over Rs. 25 and up to Rs. 500. Is it proper to levy such a heavy court-fee on revision applications most of which are dismissed *in limini*. We have been told that it is intended to recoup the deficit. We may certainly recoup the loss because you want to spend money lavishly, whereas we say that you should reduce your expenditure and the deficit will be made good by this method.

Mr. President Clause under consideration : Amendment moved :

"The clause 6 be omitted altogether."

The question is that that amendment be made.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural] (Urdu): Sir, the amendment moved by my esteemed friend Mr. Ganpat Rai is, to my mind, appropriate and most useful. The principle underlying the Bill is that the court-fee should be doubled or raised by fifty per cent., but surely it is not the intention of the Bill that the court-fee should be raised twenty times. A court-fee at the rate of Rs. 2 is levied on revision applications, whether the value of the subject-matter is Rs. 200 or up to Rs. 500. Hitherto a court-fee at the rate of Rs. 2 has been paid for suits up to the value of Rs. 500 but now a court-fee of Rs. 40 will be levied, *i.e.*, twenty times the court-fee paid all along. This is extremely unjust. There is a difference between an appeal and a revision application. When an appeal is being heard one can discuss and argue on custom, on the question of jurisdiction and on law points. Whereas it is entirely discretionary with the court to hear arguments in connection with a revision application, and it is open to it to dismiss it without paying much attention. My friend, Mr. Ganpat Rai, has said that an argument on the point of jurisdiction is heard in hearing a revision application. This is wrong. Whenever the point of jurisdiction is argued, the 11-Calcutta ruling is cited and the revision application is dismissed. It is a pity that a court-fee should be levied on revision applications as if they were appeals. This is unjust. In case a court-fee for revision applications is to be levied at the same rate as on appeals they should no longer be treated as revision applications, but should be entertained like appeals. In case, however, it is not possible to treat them as appeals it is unjust to levy on them a court-fee at the rate of 11½ per cent. Had the rate of Rs. 2 at present levied been raised to say Rs. 3 Rs. 4 or Rs. 5, I would not have opposed it, but according to the proposals now before us the court-fee will be raised as much as twenty times. I am opposed to this and strongly support the amendment of Mr. Ganpat Rai.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural]: Hitherto most of the amendments that were moved by my honourable friend Mr. Ganpat Rai, were opposed mainly on the ground that most of those amendments offended against the main principle of the Bill. Now, so far as this amendment is concerned, I do not think any such objection can be levelled against it. Rather this amendment tries to remove the deviation in the Bill itself from the main principle on which the Bill is based. As has already been said a certain percentage has been increased on the various items, but this increase is out of all proportion. Therefore I strongly support this amendment, and I appeal to those who have been opposing other amendments to accept this in good spirit because it does not fall under the main objection which has been urged against other amendments.

Mr. Nawab Din, Murad [East and West Central Towns (Muhamadan) Urban] (Urdu): Sir, I oppose this amendment. Act VII of 1870 should be seen. The court-fee in the amended Bill will be the same. In 1912 an amendment was made that court-fee should be levied at the rate of Rs. 2 on suits of the value of Rs. 25. This rate of court-fee has been accordingly levied ever since. The court-fee levied according to the Act of 1870 is still levied in the High Courts of other Provinces. In view of the above fact no enhancement is being made. If a rate of Rs. 2 is to be levied in connection with revision applications on the suit value of 20 lakhs, it will be useless. The enhancement of the court-fee will bring in money and deficit will be made good.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, I support my friend Mr. Ganpat Rai, not from the view of the public, but from the Government point of view or rather from the pleader's point of view. The main point at issue is whether this is going to bring in any revenue. I say it is not going to bring in any revenue. Of course, the effect of this provision will be to relieve the courts of their extra labour. But that is not the object of the Bill. The object of this Bill is to bring in more revenue. Instead of this, the people will cease to put in any revision suits. As regards Nawab Din Murad's remarks, he has always been quoting the example of other High Courts. But does this High Court follow other High Courts in all other respects? I therefore do not see any reason, Sir, why one court should be compared to another.

Now, Sir, the pleaders also are to lose by this provision. Because now-a-days most of the cases are lost while the pleaders receive their fees. If this fee is introduced, people will not resort to courts and consequently the pleaders will lose their source of income. In these circumstances and in view of the fact that it is not going to bring in any additional revenue to Government I urge upon this House to accept the amendment.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural]: Sir, I fail to see the object of the discussion on the alteration of the law as suggested by the Government in this Bill. By reading the old Act and the new section that the Government are trying to bring about in its place, all the difference that I can notice is this, that in the old Act the words run "Application to the Chief Court in the Punjab for the exercise of its jurisdiction under section 70 of the Punjab Courts Act, 1884, as amended by the Punjab Courts Act, 1899."

Now, Sir, as soon as that Act was passed, the Punjab Courts Act was also altered and now the law in existence is the Punjab Courts Act, 1918, as amended by another Punjab Courts Act 1919. Originally revision applications were filed under section 70 of the Act of 1884; but now those revision cases are filed under section 44 of the Courts Act. That is all that this new provision is intended to bring about, whereas the fiscal portion of that section remains entirely as it was in the old Act. What will be the result of accepting the honourable member's (Mr. Ganpat Rai's) amendment? It will be this, that you will have the old section as it stands and the old article 13 of schedule I will also remain. The whole intention of the present clause is to bring the law up-to-date. There is no other alteration in the law. I, therefore, Sir, fail to see the object of an amendment of this nature.

It has been urged that if you raise the court-fees on revision cases then people won't file petitions at all, and that my brother lawyers (including

[M. Firoz Khan Noon.]

myself) will not get their fees. It has also been pointed out that because 95 per cent. of the revision cases fail, therefore the court-fees should not be increased. I say, Sir, that if it is a fact that 95 per cent. of such cases fail, it is a reason why the court-fees should be raised, because it will put an end to a good number of frivolous petitions and thus relieve the judges of a good deal of their labour.

From the economical point of view also the clause as it stands is quite acceptable because if the court-fees are increased people will not go to court with frivolous suits. If the fee is small they take the risk. If the fee is raised they will think twice before they launch a petition, and spend their money. It will thus save not only the time and labour of the courts, but also the money of the people. As it is, the amendment proposed by the mover seems to be quite meaningless. I hope that the house will have no hesitation in rejecting it.

Mr. N. H. Prenter: (Legal Remembrancer): Sir, I have very little to say on the Revenue side as I have had no experience there. But I have a certain interest in its legal aspect. It seems to me that a good number of speakers are quite wrong as to the history of this clause. This clause was not in the Court Fees Act of 1870. When the Court Fees Act of 1870 was passed, as far as I can see, it was not contemplated that there should be any fee at all for application for revision. The clause 13 was enacted by an Act of 1899 known as the Punjab Courts Amendment Act 1899. That clause remained in existence for a certain number of years. In 1912 there was another Punjab Courts Amendment Act passed. That repealed clause 13. Then in 1914 another Punjab Courts Amendment Act was passed. It repealed the Act of 1912. To put it in other words, the Act of 1899 brought clause 13 into existence, the Act of 1912 killed that clause and the Act of 1914 killed the murderer. But killing the murderer does not mean bringing to life the victim. Therefore the victim remains dead. Therefore unless we pass this clause we will have no section 13. The question which the House has now to consider is whether this is a just and reasonable source of revenue or not. If the House considers this to be a reasonable source then let it pass this clause. Otherwise let it vote against it.

Mian Muhammad Shah Nawaz: May I know, Sir, what the practice is in other High Courts?

Mr. N. H. Prenter: As far as I can remember, other courts do not charge any fees.

Mian Muhammad Shah Nawaz: Then certainly Mr. Nawab Din, Murad, was quite wrong.

Mr. President: The question was—

"That clause 6 stand part of the Bill."

To this an amendment has been moved—

"That clause 6 be omitted altogether."

It seems a strange amendment, but I am bearing in mind the fact that it is really an amendment to the Bill as a whole.

The question is that that amendment be made.

The Council then divided—Ayes 17, Noes 37.

Ayes 17.

Sayad Ghulam Muhammad Shah.
Rai Sahib Misar Mela Ram.
Chaudhri Nabi Bakhsh
Sayad Muhammad Husain.
Chaudhri Kharak Singh.
Sayad Muhammad Raza Shah.
Mian Muhammad Shah Nawaz.
Nawabzada Muhammad Irshad Ali Khan.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Khan Bahadur Khawaja Yusaf Shah.
Khan Bahadur Malik Muhammad Amin Khan.
Chaudhri Ali Akbar.
Sardar Dasaundha Singh.

Noes 37.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Khan Muhammad Abdullah Khan.
Mr. Nawab Din, Murad.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Malik Karim Ullah Khan.
Chaudhri Ata Ullah Khan.
Sardar Bakhtawar Singh.
Pandit Daulat Ram, Kalia.
Khan Bahadur Rai Wali Muhammad Khan.
Chaudhri Ghasi Ram.
Rai Bahadur Lala Hari Chand.
Sayad Husain Shah.
Sardar Jamal Khan.
Rana Muhammad Jamil Khan.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Medhi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Khan Bahadur Raja Muhammad Akbar Khan.

The amendment was lost.

Mr. President: Mr. Ganpat Rai has another amendment to this clause which does not appear on the printed list because on account of some misunderstanding it was not printed. The amendment runs as follows:—

"That in clause 6 the existing clause be numbered as sub-clause (1) and the following be added as sub-clause (2).

'In the third column against article 13 of Schedule I the words 'When a respondent or respondents have been summoned and before application has been finally heard' be added before and the words 'shall be paid by the petitioner' be added after the words 'the fee leviable on a memorandum of appeal.'"

The effect of this amendment is to enact that the fee payable on a petition for revision shall not be paid until the respondent or respondents have been summoned. That again introduces a totally new principle in the Bill and I rule it out of order.

The question is —

"That clause 6 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clauses 7 to 10 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 11 stand part of the Bill."

Mr. Ganpat Rai, Lahore [Lahore, Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] (Urdu) : Sir, I beg to move that—

"In clause 11, sub-clause (2) be omitted."

The House has seen that court-fees on a plaint and a memorandum of appeal have been raised to Rs. 11-4-0 per cent. In the case of revision applications the fee has been fixed at two rupees when the amount or value of the subject matter in dispute does not exceed Rs. 25 and the fee leviable on such petitions when the amount exceeds Rs. 25 will be leviable as on memorandum of appeal. Now, Sir, there comes another case in which the Bill provides for raising the fee from two rupees to five rupees. On a memorandum of appeal when the appeal is not from a decree or order having the force of a decree and is presented to a High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue authority the fee leviable is raised from two rupees to five rupees. Appeals of this nature are called miscellaneous appeals, *e.g.*, for the post of *lumbardari* and *safed-poshi* on Revenue side, and appeals from interlocutary orders of Civil courts. What my amendment aims at is that this fee be not raised at all. In the case of previous clauses the examples of the Bengal and the United Provinces were cited by the Government Member, I would like to know which province is going to be followed in this case. It was urged that the fees are raised on account of financial stringency, but raising one from two rupees to five rupees is most arbitrary. I would advise the Government not to be so unjust, because I doubt if it would conduce to their interest. With these remarks, I submit that sub-clause (2) of clause 11 be omitted.

Mr. President : Clause under consideration. Amendment moved—

"That in clause 11, sub-clause (2) be omitted."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member] : Sir, the question that has been raised by this amendment is in regard to a certain class of appeal. The question concerns appeals which are not from a decree or an order having the force of a decree. An example with which many are familiar is that of an appeal from an order rejecting a plaint. At the present time under the existing law, the charge on appeals of this character which are not appeals against decrees or orders having the force of decrees is Rs. 2. My Bill proposes to raise this charge of Rs. 2 to Rs. 4. The amendment which Mr. Ganpat Rai moves, if accepted, would have the effect of reducing the charge of Rs. 2 to Re. 1. Therefore, the House is being asked by Mr. Ganpat Rai to actually reduce the existing charge .....

Mr. Ganpat Rai : I rise to a point of order, Sir. The Honourable Finance Member is wrong.

The Honourable Sir John Maynard : I have rather carefully studied the subject. The effect would be to reduce the charge from Rs. 2 to Re. 1

That is to say, an actual reduction is being proposed. I therefore, oppose the amendment.

Mr. President: Clause under consideration: Amendment moved—

"That in clause 11, sub-clause (2) be omitted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That clause 11 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 12 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That this be the schedule to the Bill."

The motion was carried.

Mr. President: The question is—

"That this be the preamble to the Bill."

The motion was carried.

Mr. President: The Legal Remembrancer has pointed out to me that in clause 6 there is a small misprint "1889" for "1899." Does the House agree to the mistake being corrected?

(The Council gave assent.)

The Honourable Sir John Maynard [Finance Member]: Sir, I beg to move

"That the Punjab Court-fees Bill be passed."

It is unnecessary for me to say much in moving this motion. The Bill will add in a full year approximately 25 lakhs per annum to the receipts from court-fees, making up nearly one-fifth of the total deficit. That is the principal object with which the Bill has been introduced. The principle of the Bill is that it raises *ad valorem* charges which existed since 1870 by 50 per cent, and it increases certain fixed charges in a greater proportion. I trust, Sir, that the Council will have no hesitation in passing the Bill as it stands.

Mr. President: The question is—

"That the Punjab Court-fees Bill be passed."

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, I am sorry to say that it is my painful duty to oppose this Bill both from the point of view of public and of Government as well. I opposed, in the first instance, its introduction in the Council; later I opposed its being referred to the Select Committee; and now I oppose its being passed into an Act. I oppose, Sir, from the point of view of Government because in my opinion, it will adversely affect the finances of the province. It will reduce the income. It may just have the same effect as the increase in the postage has had in the

[S. Muhammad Husain.]

Government of India finances. Secondly from the point of view of Government, I say that liberty is always bound up with the contest of the people against all undue taxation. The whole of the constitutional history of England is the history of the struggle of the people to control the finances. The French Revolution was the outcome of the spoiling of the treasury by the ancient regime. The American Independence was precipitated by taxation. God forbid, I hope it may not have some bad consequence in our province as well. The province is in a disturbed condition. On one hand we have non-co-operators boycotting courts; on the other hand, we are increasing fees. This will give them a pretence to preach their cause and ask people to boycott the courts. If people listen to them, the consequences will be bad.

From the public point of view I think it will have very bad consequences. It affects the poorest of the poor. It affects those people who have already been contributing so much. I quote here the authority of Mr. Gokhale. He says that the poorest section of the Indian cultivator is a class that contributes mostly to the finances of the country. Then again in 1907 he said "Under Stamps and Registration they pay certainly their fair share and more than their fair share." All the Viceroys in India have tried to relieve the condition of the peasantry. Lord Lansdowne said that he was greatly impressed with the agricultural indebtedness; that the condition of the agricultural community was a most serious danger to the British rule and pointed out the necessity for immediate action Let me tell you, Sir, what is the condition now. Here is the authority of my noble friend Malik Muhammad Hayat Khan. In writing his report—assessment report—of the Dipalpur Tahsil, he says that the amount of the debt is roughly estimated at Rs. 24,12,442. Further on he says that the debts are heavy here and the people are in the clutches of the *Sahukar*. The independent peasantry of the province have become actually the serfs of the money-lenders. Do you think they can pay these 24 lakhs—it may be more because many items may not have been recorded. Money-lenders must sue them with the result that additional difficulties will be added to their indebtedness and this heavy sum of 24 lakhs will become 48 lakhs. This is the condition of one tahsil; and I may say the same is the condition throughout the province. When I asked a question in this Council as to whether the indebtedness of Janglis was increasing, I was given an answer in the affirmative. Their condition is becoming worse. This is the class of people whom it will affect. It will destroy them; and Government possibly will have to lose. If these people are destroyed, will the Government collect its other revenues?

Now, Sir, it has been asked, where is the Government to get money? But Government never consider this question when they are adding to the expenditure, when the Government are spending lavishly. I being a member of the Retrenchment Committee know that money is being spent lavishly. Without disclosing anything in the report, I may say that without sacrificing efficiency a saving could be effected to the extent of more than a crore and a half of rupees, and the Government could be spared the necessity of levying further taxation. The Government instead of considering the report of the Retrenchment Committee now come forward and ask for this additional taxation. I say this is very hard. Again, Sir, if the suggestions proposed in my resolutions which unfortunately I was unable to move are carried out,

each one of these suggestion would bring in a much higher amount to the Government than this Bill is intended to bring.

Mr. President: This is irrelevant.

Sayad Muhammad Husain: Sir, I only refer to them to show that there are other ways of raising money, that there are other proposals embodied in the report of the Retrenchment Committee. If the Government went through the report carefully and minutely they would have no occasion to throw this burden on the poor people.....

Mr. C. M. King: Sir, I must protest against this reference to the report of the Retrenchment Committee.

Mr. President: Is the honourable member (Sayad Muhammad Husain) a member of the Retrenchment Committee?

Mr. C. M. King: Yes, Sir.

Mr. President: Then his reference to the report is out of order.

Sayad Muhammad Husain: I beg your pardon, Sir. I only wanted to refer to my resolutions. One of the proposals in my resolution would have brought in 20 lakhs of rupees. I never disclosed anything that is in the report. As a member of the Government it is my duty to keep everything confidential and I shall do so.....

Mr. Ganpat Rai: Sir, he is not a member of the Government.

Sayad Muhammad Husain: Sir, as a member of the Legislative Council I am a member of the Government. I ask the Government, and I ask all of you who are assembled here, whether this will bring in additional revenue. Why press the poor? I shall entreat them in the words of Mazzini not to take an unsympathetic view. He says:—"They see at times the misery of the poor, but easily accustom themselves to consider it as a sad social necessity and leave to future generations the care of finding a remedy. Sweet are indifference and oblivion to the man who sits in the sanctuary of his family, surrounded by smiling faces, while the wintry blast blows without, and the snow-flakes swift and fine beat against the panes of a double window." (Laughter).

These are not things to be laughed at, but they are things to be wept over. If you go with me I shall show you how poor people are starving and dying in their houses.....

Mr. President: I don't think I can allow you to go on for any length of time with this sort of discursive argument.

Sayad Muhammad Husain: I only mean, Sir, that we should have some consideration for the poor. What is the condition in England which is one of the richest countries in the world? What is the court-fee there? What is it that the people there pay? I think it would be a negligible figure. Even in the Calcutta High Court the rich zamindars with permanent settlement pay only Rs. 10 for the original side. What about our peasant proprietors whose dark picture I just painted. In order to get justice they

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shall have to pay something like 15 per cent. and sometimes more. I ask the House not to allow this Bill to be passed. I am sorry to remark that when this Bill went to the Select Committee I was thinking that some of the ablest men there, the economists, would take into consideration the canons of present-day taxation. But unfortunately even they were unable to do so. Really, Sir, in India there is no voice for the poor.....

Mr. Manohar Lal: It is being raised now.

Sayad Muhammad Husain: Sir, I beg to be excused for having taken up so much of the Council's time, I shall be excused because the destinies of the poor are enshrined in my heart. I have always been thinking of them and it is in their interest that I have taken so much of your time. In conclusion I appeal to this Council not to pass this Bill which is so dangerous and which is crushing from the public point of view. With these words I beg to oppose the passing of this Bill.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural]: Sir, Indians, in fact all oriental people, were for long ages accustomed to a form of justice which could be had for the mere asking. Justice which costs a lot now was unknown to them. It took them long to accustom themselves to this costly system of justice. This Bill which is going to be passed into an Act, makes that form of justice still dearer (*Hear, hear*). It will cost the poor people much more to get justice if this Bill is passed into law than what it costs them now. (*Hear, hear*). Now, Sir, it is one of the very first duties of Government to look to this aspect of the question. It is very essential for the Government to see that all its subjects are properly protected, and if there is any aggression against that protection then they should be in a position to seek redress without much cost or difficulty. If the Government does not consider twice before they take this risky step of going against the will of the people in such a very important matter then it is quite possible that they may have to repent afterwards. I quite realise that we are in a financial stringency and that we should tap all sources of income and that we should try to get rid of the difficult situation which has arisen out of this financial stringency. But this is a source which should be tapped after great hesitation.

Then, Sir, apart from this aspect I quite agree with my friend Pir Muhammad Husain when he said that one cannot say with certainty whether this will add much to the coffers of Government. Because this experiment has been tried by the Railway Department, by the Telegraph Department and also by the Postal Department. So far as I have been able to gather they have not succeeded in raising their receipts. So this risky course adopted by the Government will be of no advantage at all. Then it may be said that if the income does not rise thereby at any rate it will have a tendency to decrease litigation. I do not think, Sir, that even that is quite desirable. If litigation ceases or decreases of its own self, it is something desirable. If it is suppressed then it is highly undesirable. With these words, Sir, I support my friend Sayad Muhammad Husain, (*Cheers*).

Diwan Bahadur Raja Narendra Nath [Punjab (Land-holders) General]: Sir, it is my painful duty to withhold my support to my friend

Sayad Muhammad Husain with whom I have always co-operated and to give my support to those whom I have often criticised. It seems to me that Government has been driven to the necessity of raising the court-fees. I would not make any reference to the Stamp fees now. I need not dwell on the figures showing the condition of the Provincial finances on which the Honourable the Finance Member has dwelt so often. It seems to me that this is the least harmful way of raising money. This Bill is opposed in the interests of the poor. I think this is a wrong line of argument to take. If this source of raising revenue is stopped some other source of raising money will have to be found which will touch the poor, touch a greater number of them, than this court-fee bill does. (*Hear, hear*). My friends have referred to the enhancement of the court-fees as a sort of tax. I do not know whether this is correct.

Mr. Ganpat Rai: Who said so?

Diwan Bahadur Raja Narendra Nath: In all the speeches the enhancement has been described as the imposition of a tax. I object to that expression. I am not fully acquainted with technical phraseology of public finance. It seems to me that a tax is that which is imposed on all persons or class of persons whether they put themselves in the position in which the imposition of the tax is justified or whether they do not put themselves in that position. If there is anything analogous to the enhancement of the court-fees, it is not the imposition of a tax, but it is the raising of the price of something which a person buys. A Court of justice is not one which every one of the subjects need have recourse to. A hotel-keeper may raise the hotel fees or a person who maintains a Turkish bath may raise the fees for the bath. I quite share the apprehensions of the honourable member for Montgomery that the increase in the income will not be as much as has been calculated or anticipated. Perhaps litigation will decrease. But while there will be some increase in the income, if you refuse to pass the Bill then Government will be compelled to have recourse to ways for which they need not come to take the assent of Council. I need not make my reference plain. The raising of water rates is already in contemplation and although we have been consulted we have not given our consent because raising of water rates affects the whole population whereas raising the court-fees affects only a certain section of the population.

In the interest of zamindars which has often been put forward, in the interes t of persons who live in cottages and who have got small properties, I think it is better to raise money in the way in which the present Bill seeks to raise it rather than to have recourse to increasing land revenue or increasing water rates. With these remarks I give my support to the Bill.

Mr. Ganpat Rai [Lahore, Ferozpore-*cum*-Sheikhupura (Non-Muhammadan) Rural] (Urdu): Sir, I am disappointed to hear Raja Narendra Nath's speech. Had these pleas for revising the Court-fees Act been urged by some Government Member, I would not have considered it worth while to oppose this Bill and would have withdrawn my amendments. Justice, Sir, was placed on high pedestal in the time of the old kings and even now people look upon it as the foundation of the British Raj. My friend Raja Narendra Nath's analogy does not hold good in any way, comparing the court-fees to the charges of a hotel-keeper or of a person in charge of Turkish bath. His saying that only those should go who have means to pay their charges is the saddest

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event in the whole debate. To-day it is said that justice is like a commodity and one should seek it if he is able to pay its price or can have it by high bid. I would like to know from the Honourable Finance Member if the justice of the British Courts is of this kind, and whether it is desirable that people should come to the Courts and bid for it. Why should it not be as easy and cheap as it is in England? As for the question of financial stringency I would like to hear how it was brought about? For, when we entered this Council we were told that the Government had a surplus of one crore and 38 lakhs. If we were given to understand at that time that there was no surplus, we would have withheld our sanction to those huge demands which we were soon after asked to vote. On that score, Sir, we have failed to represent honestly the cause of our constituents and our province. Sir, in the very beginning there were some apprehensions as to the success of the Reformed Councils and is this fact alone not sufficient to make them unpopular that we shall be leaving this Council in the midst of a greatly depleted Government Treasury? Will not this new taxation all round bring us into hatred and distrust? Sir, if the Government wish that the Reformed Councils might not become unpopular, we should desist from imposing further taxation. It will be a great mistake on the part of Government to raise the court-fees. As for the so-called deficits let the Government first show us all the accounts so that we might be in a position to verify if these deficits really exist. It would have been much better if the Government had warned the Indian people beforehand that if they wanted democracy they must be ready for heavy taxation. Sir, removing the deficits by making justice very expensive is a most undesirable way of meeting the financial stringency. I may warn the Government that this experiment is destined to fail and it is more probable that instead of an increase, the returns might show a decrease. With these remarks I oppose the passing of this bill.

Pir Akbar Ali [Ferozpore (Muhammadan) Rural] (Urdu): Sir, the salaries of Government servants having been considerably increased during the last two or three years, it entailed an extra expenditure without adding anything to the income. Several schemes were contemplated in order to meet this new expenditure and a committee was formed to discuss the situation and devise some means. But the utmost we can expect will be no more than a reduction of 25 lakhs in the expenditure. I remember that a proposal for enhancing the water-rate was discussed in the presence of the honourable member for Montgomery District and some other members who are opposing the motion. Sir, in that committee it was agreed that the scheme for enhancing water-rate be abandoned provided that court-fees and stamp duties are increased. I am surprised that that understanding is not being made effective to-day. I admit that taxation, whatever be its nature, proves troublesome to the poor, but none has suggested any scheme whereby the poor might escape. I do not hold court-fee as a tax, and it is in the long run payable by that party alone which has not yielded to any compromise outside the court before the plaintiff sued him legally. It is therefore quite clear that even if it be regarded as a tax, the defendant imposes it upon himself voluntarily. Again, it has been urged by some one that the revised court-fees might even cause a loss to Government. This apprehension was also discussed in the committee in the presence of our great economist who held that an increase of Rs. 3-4-0 per cent. would not deter a litigant from coming to courts. Sir, at the time when salaries were being revised nobody thought it would entail extra expenditure; to-day when we are trying to bring up our revenues to a figure nearer to our expenditure we have to face a strong opposition. I would

appeal to all members that they should not oppose the passing of this Bill, if they are to carry on the administration successfully. India's poverty cannot be removed by opposing the passing of the Court-fees Bill, we should on the other hand exhort the people to take more interest in trade and industry. The administration of the Province necessitates that this Bill be passed. I therefore strongly support that the Bill be passed.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, as I said at the time this Bill was introduced, it is not at all a pleasant business to increase the court-fees; yet it is sometimes indispensable to levy taxation in order to carry on the administration. I concede that this measure is a new taxation, but it is at the same time the lesser evil. A philosopher has said that if a man were to make a selection from some good things, he must choose the very best. But if he were to choose between two evils he must choose the lesser one. Government have to make money and I think the increasing of court-fees is the least harmful measure. It is wrong to say that it will press hard upon the poor, for it is open to a person, as my friend Raja Narendra Nath has said, to avoid it. It will by no means hamper justice. Of course it will prevent some people from indulging in litigation for the sake of luxury. And Sir, are the *sahookars* so poor that they will not be able to pay this court-fee? If they are poor why should they lend money to zamindars? Sir, those who contract debts recklessly without having an intention to repay them, should be made to suffer if it is possible by increasing court-fees. I wonder if there is any other easy way of dissuading such persons from borrowing recklessly. As for those persons who might be *bond-fide* poor and penniless, who have not sufficient means to invoke the help of courts, it is open for them to sue *in formâ pauperis*. It is wrong to allege that this Bill will prove burdensome for the zamindars, for have not they got a safeguard in the Alienation of Land Act? It will not trouble them so much as they voluntarily spend so lavishly on marriage occasions. Somebody has said that this Bill will decrease litigation and hence it is just possible that instead of affecting an increase in revenues it might bring about a new deficit. I would not regret so much for Provincial revenues as I shall feel glad for stopping to some extent unnecessary litigation. It will certainly prove a great blessing for the country if litigation is suppressed by this Bill. It has been so often said that the reductions to be contemplated by the Retrenchment Committee would help us considerably to meet the financial stringency. I am no extremist and I would not allow the recommendations of the Retrenchment Committee to be so exaggerated that the whole administration might be wrecked. It would not console us to say afterwards that we have created a deadlock and that it is now Government's duty to carry on administration. We would not allow such a state of affairs even in our private matters. Such reductions and savings would mean utter ruin which nobody is going to allow. It appears that the opponents will only criticise without suggesting any other alternative. Such a destructive criticism, Sir, will not help us to remove our deficits. With these remarks I support that the Bill be passed.

The Honourable Sir John Maynard [Finance Member]: My friends Pir Akbar Ali, Raja Narendra Nath and Maulvi Muharram Ali Chishti, have dealt so convincingly with the arguments opposing this Bill that it is sufficient for me to say very little on the subject. There is one point on which I have to say something. It was suggested by one speaker that there was something undignified, something almost improper in the fact that Government levied any taxation or payment from the people at

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all. It was suggested that taxation was something in the nature of the operations of a tradesman or a hotel-keeper. Sir, those who put forward this argument can hardly realise what complete nonsense they were talking. There is, I quoted it once before, in this Council, a splendid metaphor in the laws of the ancient Hindu law giver, Manu, which describes the true functions of the ruler in his finance department. He compares the ruler to the Sun which in the dry season draws from the ocean moisture into the air in order that during the rainy season he may return that moisture to the earth in the shape of fruitful and refreshing showers. That, Sir, is the true picture of the functions of the ruler on his financial side. Those who examine it will see without any difficulty that one side of the metaphor shows to them that the ruler can give back only that which he takes. It is by taking first of all from the subjects that it is possible for the ruler to return the gift. In the present case the ruler does not act arbitrarily. He takes after consultation with the representatives of the people assembled here. He takes after consultation with them and with their consent. The members of this Council are partners in the work of the Government and I therefore appeal with confidence to the representatives of the people here assembled to show their sense of responsibility by aiding the ruler in that work which he has to perform.

Mr. President: The question is—

"That the Punjab Court Fees Bill be carried."

The motion was carried.

THE SIMLA HOUSE AND RENT BILL.

The Honourable Lala Harkishan Lal [Minister for Agriculture]: Sir, I beg to move—

"That the Simla House and Rent Bill as reported by the Select Committee be taken into consideration."

(*At this stage Mr. President left the chair and the Deputy President took his place*).

The Deputy President: The question is—

"That the Simla House and Rent Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

The Deputy President: The question is—

"That clause 1 stand part of the Bill."

As regards this particular Bill, as it has now emerged from the Select Committee, the members will notice that it has been made available to them only to-day. In view of the fact that no objection was taken to the proposal that the Bill be taken into consideration it is not clear whether the honourable members are in a position to make any amendments at this stage.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural]: Sir, I think that this may be taken up on Thursday next unless there is a case of emergency made out. Dr. Owen who took great interest in the Bill has gone.

Nawabzada Muhammad Irshad Ali Khan [South East Towns (Muhammadan) Urban] Sir, I object to the Bill being taken into consideration at once.

The Deputy President : It is rather a peculiar position. The question was put from the chair that the Bill be taken into consideration. That was the stage at which an objection should have been taken really to the Bill being considered. At that stage no objection was taken and as a matter of fact the question was put and agreed to. Now we have really to proceed with the consideration of the Bill clause by clause. I do not know what position the Honourable Minister would take.

The Honourable Lala Harkishan Lal [Minister for Agriculture] : Personally I do not see any object in postponing the consideration of the Bill. The Select Committee has removed all the defects in the Bill and so far as Dr. Owen is concerned he has signed the report and he has agreed to all the amendments that were suggested by people and he has signed the report without any demur. As for Mr. Ganpat Rai he has got a not very serious note that something has to be changed. Everybody else has agreed to the Bill, but still if the members desire that time should be given before it is taken up for consideration in this Council, I have no objection.

Mr. Ganpat Rai : Sir, I withdraw my objection.

The Deputy President : I take it then that the House is prepared to proceed with the consideration of the Bill.

The question is—

"That clause 1 stand part of the Bill."

The motion was carried.

The Deputy President : The question is—

"That clauses 2 to 21 stand part of the Bill."

The motion was carried.

The Deputy President : The question is—

"That this be the preamble to the Bill."

The motion was carried.

The Honourable Lala Harkishan Lal : Sir, I beg to move—

"That the Simla House and Rent Bill be passed."

The Deputy President : The question is—

"That the Simla House and Rent Bill be passed."

The motion was carried.

THE INDIAN STAMP (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard (Finance Member) : Sir, I beg to move—

"That the Indian Stamp (Punjab Amendment) Bill as reported by the Select Committee be taken into consideration."

The report of the Select Committee has been in the hands of the members of this House for the last one week. In connection with the Bill I have only

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to say that it would add in a full year a sum approximating 8 lakhs of rupees to the Provincial revenue and in the words which I have borrowed from a member of this House any delay in passing it will cost Rs. 1-10 a minute.

The Deputy President: The question is—

"That the Indian Stamp (Punjab Amendment) Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

The Deputy President: The question is—

"That clause 1 stand part of the Bill."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura non-Muhammadan) Rural]: I move, Sir—

"That in clause 1 (3), between the words 'force,' and 'on' the words 'after 31st March 1923' be inserted."

Sir, my object in moving this amendment is that until we have passed the budget of the present year and we have taken the full account of the retrenchments which we can affect at the end, this Act should not take effect.

The Deputy President: Clause under consideration:

Amendment moved:

"That in clause 1 (3), between the words 'force' and 'on' the words 'after 31st March 1923' be inserted."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member]: All that I have to say is that if this amendment is accepted it will have the effect of reducing the Provincial revenue by two or three lakhs and when we have a very large deficit we cannot afford to part with that sum.

The Deputy President: The question was—

"That clause 1 stand part of the Bill."

To this an amendment has been moved—

"That in clause 1 (3), between the words 'force' and 'on' the words 'after 31st March 1923' be inserted."

The question is that that amendment be made.

The amendment was lost.

The Deputy President: The question is—

"That clause 1 stand part of the Bill."

The motion was carried.

The Deputy President: The question is—

"That clauses 2, 3, 4, 5, 6 and 7 stand part of the Bill."

The motion was carried.

The Deputy President: The question is—

"That clause 8 stand part of the Bill."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] : Sir, I beg to move—

"That in clause 8 (proviso to new section 6-A) for the word 'may' in two places the word 'shall' be substituted; and the words 'in its discretion' be omitted."

Sir, in fact I am opposed to the whole of the Bill, but as it is going to be taken clause by clause I move amendments in order to suggest improvements in it if I can.

The Honourable Sir John Maynard [Finance Member] : Sir, I will cut the discussion short by saying that I have no objection to this amendment.

The Deputy President : The question was—

"That clause 8 stand part of the Bill."

To this an amendment has been moved—

"That in clause 8 (proviso to new section 6-A), for the word 'may' in two places the word 'shall' be substituted; and the words 'in its discretion' be omitted."

The question is that that amendment be made.

The amendment was carried.

The Deputy President : The question now is—

"That clause 8 as amended stand part of the Bill."

The motion was carried.

The Deputy President : The question now is—

"That clauses 9, 10, 11, 12, 13, 14, 15, 16 and 17 stand part of the Bill."

The motion was carried.

The Deputy President : The question is—

"That this be the schedule to the Bill."

As there are a number of amendments tabled by Mr. Ganpat Rai, to the different items of the schedule, I shall not put the whole of the schedule to the Council, but shall take it up item by item. The question is—

"That items 1 to 3 stand part of the Schedule I-A."

The motion was carried.

The Deputy President : The question is—

"That item 4 in Schedule I-A stand part of the Schedule."

Mr. Ganpat Rai : I move, Sir,—

"That in schedule I-A, item 4, in the column 'Proper stamp duty' for the words 'two rupees' the words 'as in Schedule I' be substituted."

[Mr. Ganpat Rai.]

Sir, it is proposed to raise the stamp duty on affidavits from Re. 1 to Rs. 2, but the affidavits "for the immediate purpose of being filed or used in any court or before the officer of any court" are exempted from this duty. I would ask then, from which affidavits the revenue could be increased? You will not find more than 100 affidavits in a year in the whole province other than those affirmed before a Court and thus the increase will not be more than Rs. 100 per annum at the most under this head which hardly appears advisable to levy. You should make this matter generally known to the people first and then raise the duty. I have accordingly moved this amendment.

The Honourable Sir John Maynard [Finance Member]: Sir, in this case the charge of Re. 1 has been increased to Rs. 2 That is in accordance with the Bill which has already been passed by the Government of Bombay and of Madras. I see no reason why we should not follow suit. I therefore oppose this amendment.

The Deputy President: Schedule I-A, item 4 under consideration:

Amendment moved—

"That in the column 'Proper stamp duty' for the words 'two rupees' the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

The Deputy President: The question is—

"That item 4 in Schedule I-A stand part of the Schedule."

The motion was carried.

The Deputy President: The question is—

"That item 5 in Schedule I-A stand part of the Schedule."

Mr. Ganpat Rai: If you allow, Sir, I will take all my three amendments regarding item 5 (*a*), 5 (*b*) and 5 (*c*) together. Sir, I beg to move—

"That in Schedule I-A, item 5 (*a*), in the column 'Proper stamp duty' for the words 'three annas' the words 'four annas' be substituted."

"That in Schedule I-A, item 5 (*b*), in the column 'Proper stamp duty' for the words 'one-and-a-half' the word 'two' be substituted."

"That in Schedule I-A, item 5 (*c*), in the column 'Proper stamp duty' for the words 'twelve annas' the words 'one rupee' be substituted."

Sir, as in other places this duty has been doubled, I do not see why the small increase as proposed in the amendments should not be made. Bills of Exchange are issued in large numbers and there is no reason why we should refuse to increase our revenue.

The Honourable Sir John Maynard [Finance Member]: Sir, I accept all the three amendments of Mr. Ganpat Rai in regard to items 5 (*a*), (*b*) and (*c*) in Schedule I-A.

The Deputy President: The question was—

"That item 5 in Schedule I-A stand part of the Schedule."

To this three amendments have been moved :

"That in Schedule I-A, item 5 (*a*), in the column 'Proper stamp duty' for the word 'three annas' the words 'four annas' be substituted.

"That in Schedule I-A, item 5 (*b*), in the column 'Proper stamp duty' for the words 'one-and-a-half' the word 'two' be substituted."

"That in Schedule I-A, item 5 (*c*), in the column 'Proper stamp duty' for the words 'twelve annas' the words 'one rupee' be substituted."

The question is that these amendments be made.

The motion was carried.

The Deputy President : The question is—

"That item 5 as amended stand part of the Schedule."

The motion was carried.

The Deputy President : The question is—

"That item 6 stand part of the Schedule."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] : Sir, I move—

"That in Schedule I-A, item 6 in the column 'Proper stamp duty' for the three proposed tables of stamp duty the words 'As in Schedule I' be substituted."

Now this item is in regard to :

"Agreement relating to deposit of title deeds, pawn or pledge, that is to say, any instrument evidencing an agreement relating to—

(1) the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or

(2) the pawn or pledge of moveable property,

where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt."

Now the present duty on this bond is the same as that on the Bill of Exchange, No. 13 (*b*) of Schedule I. Now what I object to is this. This is what is known as the deposit of title deeds. A man goes to the bank and asks for a loan of 50 or 60 thousand. He executes a document and that document is stamped properly. But the bank later says "Well in addition to your personal security, we want some other security as well. You have property, deposit your title deeds with us." I know in some cases from personal experience, and I think some of the honourable members on the official benches also know from personal experience, that generally what is done is that the man writes a letter and says "In connection with such and such a loan, I send you herewith my title deeds for such and such property."

Now it is proposed to make it as on page 4 of the Schedule. It begins from annas 9 and goes up to Rs. 40-8-0 and for every additional Rs. 10,000 or part thereof in excess of Rs. 80,000, Rs. 13-8-0. What is the result ? The bank already accepts a letter without even a one-anna receipt because they have in their possession another document. In fact a large

[Mr. Ganpat Rai.]

number of persons keep their title deeds with their banks in order that they may not be destroyed. What do you gain by it? For these reasons, I have brought forward my amendment.

(*At this stage Mr. President resumed the chair.*)

Mr. President: Item 6 in Schedule I-A under consideration:

Amendment moved:

"That in Schedule I-A, item 6, in the column 'Proper stamp duty' for the three proposed tables of stamp duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member]: In raising the charge under this item by 50 per cent., the Punjab Bill follows the two provinces of Bombay and Madras. As to the methods which are involved in this proposal, I can explain that even when this enhancement is made, the charge will be only Re. 0-4-6 up to a sum of Rs. 600 where the bills are drawn singly. This amount is so trival that there appears to be no reasonable ground for objections. I, therefore, oppose this amendment.

Mr. President: Schedule I-A, Item 6 under consideration:

Amendment moved—

"That in the column 'Proper stamp duty' for the three proposed tables of stamp duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 6 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 7 stand part of the Schedule".

The motion was carried.

Mr. President: The question is—

"That item 8 stand part of the Schedule."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: Sir, I beg to move—

"That in schedule I-A, item 8, in the column 'Proper stamp duty' for the words 'seven rupees eight annas' the words 'ten rupees' be substituted."

Sir, this refers to appraisement or valuation made otherwise than under the orders of the court in the course of a suit. I do not see any reason why we should not raise the stamp duty from Rs. 7-8-0 to Rs. 10.....

The Honourable Sir John Maynard [Finance Member]: On behalf of Government I accept the amendment.

Mr. President: The original question was—

"That item 8 stand part of the Schedule."

To this an amendment has been moved—

"In schedule I-A, item 8, in the column 'Proper stamp duty', for the words 'seven rupees eight annas' the words 'ten rupees' be substituted."

The question is that the amendment be made.

The amendment was carried.

Mr. President: The question is—

"That item 9 as amended stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 9 stand part of the Schedule."

Mr. Ganpat Rai: [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: Sir, I beg to move the following amendment:—

"That in Schedule I-A, item 9, in the column 'Proper stamp duty,' for the words 'seven rupees eight annas' the words 'As in Schedule I' be substituted."

Sir, schedule I gives Rs. 5 instead of Rs. 7-8-0. This document is what is called an Apprenticeship deed and the people who execute it are men who get no pay and who learn certain work.

The Honourable Sir John Maynard [Finance Member]: Sir, I am quite prepared to accept this amendment too.

Mr. President: The question under consideration was

"That item 9 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 9, in the column 'Proper stamp duty,' for the words 'seven rupees eight annas' the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was carried.

Mr. President: The question now is—

"That item 9 as amended stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 10 stand part of the schedule."

Mr. Ganpat Rai: To this I beg to move an amendment, Sir—

"That in schedule I-A, item 10, for the existing paragraph the following be substituted:—

'Articles of Association of Company—

(a) when the capital of the company does not exceed one lakh Twenty-five rupees

(b) in other cases ... Fifty rupees.'"

Sir, at present for any company whatever may be its capital, whether one lakh or one crore the stamp duty is Rs. 25. I suggest a very moderate amendment to the item in the Bill. I hope this amendment will be accepted by the Government.

The Honourable Sir John Maynard: I am prepared to accept the amendment if the mover would insert the word "authorised" before the word "capital"

Mr. Ganpat Rai: I have no objection to the insertion of that word, Sir.

Mr. President: The question was—

"That item 10 stand part of the Schedule."

To this an amendment has been moved

In Schedule I-A, item 10, for the existing paragraph the following be substituted :—

"Articles of Association of a Company—

(a) when the authorised capital of the company does not exceed one lakh — Twenty-five rupees.

(b) in other cases — Fifty rupees."

The question is that that amendment be made.

The amendment was carried.

Mr. President: The question is—

"That item 10 as amended stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 11 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 12 stand part of the Schedule."

Mr. Ganpat Rai: Sir, I beg to move—

"That in schedule I-A, item 12, in the column 'Proper stamp duty,' the words 'As in schedule I' be substituted for the existing three lines."

Sir, my amendment relates to what is called "award". At present the fee on the award is Re. 5, that is the maximum. In the present Bill it is provided that if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 the fee is Rs. 7-8 and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000, eight annas subject to a maximum of Rs. 50. What is the object of this enhancement, Sir? The object is to get some money from the awards. But the question comes, "Do you want to encourage or discourage private arbitration?" If you want to encourage private arbitration I beseech you not to enhance this duty. But if it is to discourage, then do as you please. Sir, this is one of the classes of documents which should bear no stamp duty at all. I therefore request you, Sir, not to insist on raising the duty on this document.

Mr. President: Item 12 of the schedule under consideration :

Amendment moved—

"That in schedule I-A, item 12, in the column 'Proper stamp duty' the words 'as in Schedule I' be substituted for the existing three lines."

The Honourable Sir John Maynard [Finance Member]: Sir, in the case of this item, the Punjab Bill follows the Bengal Act. In the case of the Madras and Bombay Acts the fees are higher. We have not gone so high as the Madras and Bombay Presidencies. It has been suggested that there is a risk of discouraging recourse to arbitration if this small increase is made. I should like to point out that when the total charge only comes to 8 annas per thousand rupees, there is no real danger of such discouragement. For these reasons I oppose the amendment.

Mr. President: The question under consideration was—

"That item 12 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A., item 12, in the column "Proper stamp duty", the words 'as in schedule I' be substituted for the existing three lines."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 12 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 13 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 14 stand part of the Schedule."

Mr. Ganpat Rai: [Lahore Ferozepore *cum*-Sheikhupura (Non-Muhammadan) Rural.] Sir, I beg to move the following amendment—

"That in Schedule I-A, item 14, in the column 'Proper stamp duty' for the words 'six annas' the words 'one rupee' be substituted."

Sir, this relates to bill of lading and the stamp duty on it is six annas. I do not know the reason for such a low duty except that it is so in other presidencies. That reason does not convince me and is not going to convince me. I want further reasons before I can accept that low rate. Generally bill of lading covers very heavy goods and merchandise of considerable value and I do not see any reason why the duty should not be increased to one rupee.

Mr. President: Item 14 of the Schedule under consideration:

Amendment moved—

"That in Schedule I-A, item 14, in the column 'Proper Stamp Duty,' for the words 'six annas' the words 'one rupee' be substituted."

The question is that that amendment be made.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] (Urdu): Sir, I do not know why my friend Mr. Ganpat Rai has become so generous at the time of the passage of this Bill. I do not see any

[Rai Bahadur Lala Sewak Ram.]

reason for the proposed increase from 6 annas to one rupee and I accordingly oppose the amendment.

The Honourable Sir John Maynard [Finance Member]: Sir, the position of Government in regard to this amendment is that the Punjab is not very profoundly interested because it has no sea coast. There is no sea coast in the Punjab unfortunately and therefore we are not directly concerned with the charges on bills of lading. But bills of lading may come before the Punjab Courts in various ways in connection with commercial transactions and when that is so, naturally they will have to be stamped. The best principle is to follow the rule which is in force in the ports of the Punjab, that is to say in Bombay and Karachi. For that reason I think it would be better in framing this Bill to follow the Bombay rule and charge not six annas but eight annas. I am prepared to alter that but I should prefer not to make any changes which would be inconvenient with regard to our relations with the Bombay ports.

Mr. Ganpat Rai: Sir, I accept the alteration suggested by the Honourable Finance Member.

Mr. President: The question was—

"That item 14 stand part of the Schedule."

To this an amendment has been moved—

"In Schedule I-A, item 14, in the column 'Proper stamp duty', for the words 'six annas' the words 'eight annas' be substituted."

The question is that that amendment be made.

The amendment was carried.

Mr. President: The question is—

"That item 14 as amended stand part of the Schedule."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan)]: Sir, I beg to move another amendment to item 14—.

"That in Schedule I-A, item 14, under Exemptions, paragraphs (*a*) and (*b*) be omitted."

The Honourable Sir John Maynard [Finance Member]: Sir, I am quite prepared to accept this amendment.

Mr. President: The question was—

"That item 14 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 14, under Exemptions, paragraphs (*a*) and (*b*) be omitted."

The question is that that amendment be made.

The amendment was carried.

Mr. President: The question now before the Council is—

"That item 14 as amended stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That item 15 stand part of the schedule."

Mr. Ganpat Rai: [Lahore Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural.] I beg to move—

"That in Schedule I-A, item 15, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

Sir, this item relates to what is known as a bond or a *tamasak* in this Province. The duty on a bond or a *tamasak* is given, as the honourable members will find it, on page 60 of the Court-fee Act which has been supplied to them to-day. It is 2 annas for Rs. 10 and 4 annas up to Rs. 50, 8 annas for Rs. 100 and it is Rs. 5 for Rs. 1,000. The schedule proposes the duty to be two annas for Rs. 10, up to Rs. 50 four annas and from Rs. 50 to Rs. 100 it will be 8 annas and over Rs. 100 but not exceeding Rs. 200 it will be Re. 1. It begins to jump after this for Rs. 200 but not exceeding Rs. 300 it is Re. 1-14-0 instead of Re. 1-8-0; for Rs. 300 but not exceeding Rs. 400 Rs. 2-8-0. Sir, had the amendment proposed been confined to higher amounts one would have had some sympathy with the Financial Department of this Province. It is a well known fact that bonds are so common that in every village when a man lends a rupee he says: give me a tamasak and therefore there is a large sale of these small stamps but now it is intended to raise the duty on them. What will be the result of this? The result will be that I will advise them because it is my duty to advise them that instead of executing bonds they should give what is called I. O. U's on one-anna stamp. That will be the natural result. I do not say that I shall do this out of mischief. That is not my intention. What I say is that people will naturally ask now that Government has enhanced this duty on *tamasak* what they should do. They will be advised by all lawyers that they should exeute a pro-note or an I. O U. on one-anna stamp. So I think instead of gaining anything you will lose and for that reason alone I ask that this duty should not be raised.

Mr. President: Item 15 of the schedule under consideration.

Amendment moved—

"That in schedule I-A, item 15, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur (Non-Muhammadan) (Rural)] (Urdu): Sir, as Mr. Ganpat Rai has stated, the people will undoubtedly have a large recourse to *kachi* accounts and I. O. U. if the duty on bonds is increased. I hope the Honourable Member for Finance will recognise this point.

The Honourable Sir John Manyard [Finance Member]: I do not think I need tell an experienced lawyer like my friend Mr. Ganpat Rai that I. O. U's are not at all a satisfactory basis of transaction. The creditor of this country wants something more solid than that. He wants a document which will serve as a basis for a suit and an I. O. U. will not serve that purpose. There is therefore no real danger of recourse to I. O. U's resulting in a diminution of the income from stamps on bonds. This item of bonds is a very important item in this Bill and if my friend Mr. Ganpat Rai's amendment is accepted the result will be a very substantial diminution in the 8 lakhs of rupees which would be the probable income if the Bill is

[Sir John Maynard.]

passed. In proposing what we have proposed we have not gone I think very far. We have been very careful particularly in the lower value of bonds. Until the value reaches Rs. 200 we do not make any increase at all in the charges. They remain as they are. It is not until the value reaches Rs. 500 that we begin to make an increase in the rate of 50 per cent. on the old rates. In this, I might add, we have not gone as far in our proposed bonds as some other provinces have done; we have followed the example of Bengal. The provinces of Bombay and Madras both go further, and start the 50 per cent. increase from a lower value. I trust the House will not accept this amendment.

Mr. Ganpat Rai: The law in the whole of India is that in case of bond the plaintiff has to have consideration but in the case of I. O. U's the consideration is presumed to have been paid and the burden lies on the other side.

The Honourable Sir John Maynard: I am advised that that is not correct.

Mr. President: The question was—

"That item 15 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 15, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 15 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That items 16 and 17 stand part of the Schedule."

The motion was carried.

The Council then adjourned till 2 O'clock on Tuesday, the 14th November, 1922.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Tuesday, 14th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

THE INDIAN STAMP (PUNJAB AMENDMENT) BILL.

Mr. President: The Schdeule to the Indian Stamp (Punjab Amendment) Bill is under consideration.

Item No. 18.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan) Rural]: Sir, I beg to move—

"That in Schedule I-A, item 18, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

This relates to what are called certificates of sale. It is intended by this change to raise the duty on certificates of sale which are obtained from the court by a person who buys at a court auction. No reasons have been given for raising this stamp duty on these certificates of sale. In olden times when the first Civil Procedure Code was in force it was not compulsory for a purchaser at auction to have a stamped certificate of sale. It was a later introduction, and I submit that there is no reason, when it was free from duty, that duty should now be raised to such an extent.

For these reasons I move, Sir, this amendment.

Mr. President: Item under consideration.

Amendment moved—

"That in Schedule I-A, item 18, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member): Sir, in this item the Bill which I have presented increases the fees to the same scale as the Bengal and Madras Bills do and it is somewhat lower than Bombay. There appears to be no good reason why these charges should not be raised to that extent, and I trust the House will not accept this amendment.

Mr. President: Item under consideration.

Amendment moved—

"That in Schedule I-A, item 18, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 18 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That items 19 to 22 stand part of the Schedule."

The motion was carried.

Mr. President: Item 23—

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non Muhammadan) Rural] (Urdu): Sir, I beg to move the following amendment—

"In Schedule I-A, item 23, in the column 'Proper stamp duty' for the proposed rates of stamp duty the words 'As in Schedule I' be substituted."

This amendment relates to conveyances, *e.g.*, sales, for which the existing rate of stamp duty is one rupee when the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 100, and two rupees when the amount or consideration is Rs. 200. That is to say, the stamp duty was charged at the rate of one rupee per cent. Now this Bill proposes to enhance that rate by 50 per cent. which will come to one rupee and eight annas if the amount or consideration is Rs. 100.

The Honourable Sir John Maynard: Sir, may I correct that statement. He said it was Re. 1 per hundred and now it is Rs. 50 per hundred or did you say 50 per cent.?

Mr. Ganpat Rai: I said 50 per cent.

Sir, what I say is only this—that even if a zamindar were to sell his land to another zamindar, the purchaser will have to pay according to the proposed rates a 50 per cent more stamp duty than he would have done under the existing rates. Is it intended to compel people not to embody these conveyance transactions into a properly stamped written deed? I am afraid, Sir, that if stamp duty is increased in the present case, it would incite people to evade duty. The practice is even now not unknown. I can cite the case of Mr. Rustomji for example. It is not unexpected that people might have similar recourses, which in the long run might cause fiscal disadvantages to Government. I therefore trust that the House will support my amendment and the Honourable Finance Member will not insist upon increasing stamp duty in the case of conveyances.

Mr. President: Item under consideration.

Amendment moved—

"That in Schedule I-A., item 23, in the column 'Proper stamp duty' for the proposed rates of stamp duty the words 'As in Schedule I' be substituted."

The question is that that amendmemt be made.

The Honourable Sir John Maynard (Finance Member): Sir, great stress has been laid in this case on the possibility of evasion of the stamp duty. The proposal is to raise the existing charge from Re. 1 per cent. to Re. 1-8-0 per cent. Those people who would be willing to devise methods for the evasion of the stamp duty will do just the same when the charge is Re. 1 or when the charge is Re. 1-8-0. The difference in respect of evasion is not likely to be of the least importance.

I should like to explain to the Council that this particular item is one of considerable importance, that is to say one of the items upon which we depend very largely for the increase of revenue which is the object of this Bill. That is not only because the conveyance itself is a very important item, but because there are a good many other items which are directly dependent on the charge made on its basis. It is in many articles of the schedule the practice to refer to the item of conveyance in determining the stamp duty on other classes of document. Therefore the acceptance of this amendment would take away a very great portion of the fiscal advantage of the Bill I have presented. In proposing an increase from Re. 1 per cent. to Re. 1-8-0 per cent. the Bill follows the two provinces of Bengal and Madras. I trust that the House will reject the amendment.

Mr. President: Item 23 of the schedule under consideration.

Amendment moved—

"In Schedule I.-A, item 23, in the column 'Proper stamp duty' for the proposed rates of stamp duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 23 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That items 24 to 26 stand part of the schedule".

The motion was carried.

Mr. President: Item 27.

Mr. Ganpat Rai: Sir, I beg to move the following amendment—

"In Schedule I.-A, item 27, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in schedule I' be substituted."

Now, Sir, this relates to what are called debentures. The former duty was the same as on a bond of the same amount if the debenture was a marketable security transferable by endorsement or by a separate instrument of transfer and the same duty as a conveyance for a consideration equal to the face value of the debenture if the debenture was a marketable security transferable by delivery. I suggest, Sir, that this should remain as it is and should not be raised because thereby we should be discouraging companies from issuing this kind of document and facilitating this method of carrying on the business of the company.

Mr. President: Item under consideration.

Amendment moved :—

"That in Schedule I-A, item 27, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I,' be substituted.

The question is that that amendment be made.

The Honourable Sir John Maynard (Finance Member): In this case also, Sir, as in other cases the Bill follows the example of the provinces of Bengal and Madras. There appears to be no good reason for not making an

[Sir John Maynard.]

increase on the same scale as elsewhere under this head. I therefore trust the House will not accept the amendment.

Mr. President : The original question was—

"That item 27 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 27, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was lost.

Mr. President : The question is—

"That item 27 stand part of the Schedule."

The motion was carried.

Mr. President : The question is—

"That item 28 stand part of the Schedule."

The motion was carried.

Mr. President : Item 29.

Mr. Gaupat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] : I beg to move the following amendment, Sir :—

"That in Schedule I-A, item 29, in the column 'Proper stamp duty,' for the words 'Two rupees' the words 'Five rupees' be substituted."

Sir, this relates to divorce, and if you want to raise money, why should you not increase the fee under this head from Rs. 2 to Rs 5? Here is a chance for making more money and I don't see any reason why it should not be accepted.

The Honourable Sir John Maynard (Finance Member) : Sir, I accept the amendment.

Mr. President : Item under consideration.

Amendment moved—

"That in Schedule I-A, item 29, in the column 'Proper stamp duty,' for the words 'Two rupees,' the words 'Five rupees' be substituted."

The question is that that amendment be made.

The amendment was carried.

Mr. President : The question is—

"That item 29 as amended stand part of the Schedule."

The motion was carried.

Mr. President: Item 30.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: Sir, I beg to move the following amendment:—

"In Schedule I-A, item 30, in the column 'Proper stamp duty,' for the words 'Seven hundred and fifty rupees' the words 'As in Schedule I,' be substituted."

Since this item concerns the interests of advocates and vakils I move this amendment which aims at retaining the old rate of stamp duty to be affixed on petitions for entry on the Roll of the High Court. It will interest some of the members to know that when a vakil or barrister enters the bar, he has to pay an admission fee of Rs. 500—of course the pleaders are required to pay an annual fee of Rs. 25. This Bill now proposes to raise that fee from Rs. 500 to Rs. 750. I propose that the stamp duty in this case should not be enhanced at all. I do not intend to seek any personal advantage by moving this amendment, for I paid my fee of Rs. 500 long ago when I entered the bar. I, however, desire that adequate facilities should be provided for those who are yet to undertake this profession. It is just possible that the sons and relations of some members might be standing on the threshold of the legal profession and it is not desirable that they should be discouraged in any way inasmuch as they have to spend a lot of money on other initial equipments. It will not be out of place to mention here that even the sons of English people who might come here to practice as legal practitioners will feel it burdensome to pay Rs. 750 for their enrolment alone. Increasing this stamp duty by 50 per cent. is most unfair since this profession has become so overcrowded that it is almost impossible for a beginner to earn sufficient to cover his expenses. I am sorry that in all these cases the Honourable Finance Member has cited the example of Bengal and Madras, I would that the Punjab too were permanently settled. I trust that the Honourable Finance Member will accept my amendment.

Mr. President: Item under consideration.

Amendment moved—

"That in Schedule I-A, item 30, in the column 'Proper stamp duty' for the words 'Seven hundred and fifty rupees' the words 'As in Schedule I' be substituted."

The Honourable Sir John Maynard [Finance Member]: In this case too we are following the example of the province of Bengal. This Bill proposes to raise the charge for entry as an advocate or vakil from Rs. 500 to Rs. 750. That course will be very beneficial to those who are already advocates or vakils because it will tend to limit the number of future competitors. From that point of view I commend it to those who follow the legal profession. From the point of business it is very desirable that this item should be allowed to stand and I trust the House will veto the amendment.

Mr. President: The question was—

"That item 30 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 30, in the column 'Proper stamp duty,' for the words 'seven hundred and fifty rupees' the words 'As in Schedule I' be substituted."

[Mr. President.]

The question is that that amendment be made.

The amendment was lost.

Mr. President : The question is—

"That item 31 stand part of the Schedule."

The motion was carried.

Mr. President : Item 31.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] : Sir, I beg to move—

"That in Schedule I-A, item 31, in the column 'Proper stamp duty' for the proposed rate of duty the words 'As in Schedule I' be substituted."

I have already explained while discussing the item dealing with conveyances that stamp duty on sale deeds has been increased by 50 per cent.

Now comes the question of instruments of exchange of property. It is very common among the zamindars that they exchange their lands with one another. The proposed rates of stamp duty on such instruments which embody the conditions of exchange effect a 50 per cent. increase on the previous rates. I trust that the House will not allow this increase and will support any amendment.

Mr. President : Item under consideration.

Amendment moved—

"That in Schedule I-A, item 31, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Honourable Sir John Maynard : Sir, in this case also we are following the example of the province of Bengal. As no good reason appears to have been given that this should not be done, I see no reason why this amendment should be accepted.

Mr. President : The question was—

"That item 31 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 31, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Council then divided : Ayes 26, Noes 31.

AYES 26.

Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Sayad Ghulam Muhammad Shah.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Sardar Kartar Singh.
Rana Muhd. Jamil Khan.
Mr. K. L. Rallia Ram.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Medhi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Chaudhri Kharak Singh.
Sayad Muhammad Raza Shah.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Ragbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Chaudhri Shafi Ali Khan.
Khan Bahadur Malik Muhammad Amin Khan.
Lala Uttam Chand.

NOES 31.

The Honourab'e Sir John Maynard.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Khan Bahadur Mian Fazl-i-Husain.
The Honourable Lala Harkishan Lal.
Mr. H. D Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieutenant Colonel D. M. Davidson.
Mr. W. P. Sangster.
Lieutenant-Colonel W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Mr. Nawab Din, Murad.
Sodhi Lal Singh.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chauduri Ghasi Ram.
Sardar Jamal Khan
Khan Bahadur Khawaja Yusaf Shah.

THE AMENDMENT WAS LOST.

Mr. President: The question is—

"That item 31 stand part of the Schedule."

The motion was carried.

Mr. President: Item 32.

Mr. Ganpat Rai: Sir, I beg to move—

"That in Schedule I-A, item 32, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

This item relates to instruments imposing a further charge on mortgage property. Item 32, Schedule I-A., of the Bill provides that the existing rates of duty be increased by 50 per cent. I propose that the old rates should remain intact. I anticipate that the example of Bengal or Madras will be cited here too. With these remarks I move the amendment.

The Honourable Sir John Maynard [Finance Member] : Here again my Bill follows the Bengal and Madras Acts. Throughout I have followed that practice and there does not appear any sufficient reason to depart from this practice. I therefore trust that the House will reject the amendment.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] : (Urdu) : Sir, on all these occasions it has been urged by the Honourable Finance Member that the example of Bengal is to be followed. I would, however, submit that Bengal is a permanently settled Province and its people are therefore very rich. Our case is quite different and we should not blindly follow them everywhere. Let the revenue system of Punjab be permanently settled then we shall be in a position to follow the Bengal Province.

As for this amendment I have to submit that nearly every zamindar has to mortgage his land temporarily. A mortgagor has to bear all expenses both at the time of effecting and redeeming the mortgage. If this stamp duty be increased it would press very hard upon him. I therefore support Mr. Ganpat Rai's amendment.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I also support Mr. Ganpat Rai's amendment. Government should show some mercy on the poor. The Bill is calculated to press very hardly upon the poor and in this item I suggest that Government should be exceptionally lenient towards them. For, is it not a fact that only those poor people mortgage their property whose pecuniary condition is already bad? And, Sir, it is perfectly known even to official members that the mortgagor besides undertaking to pay the interest has to bear all expenses of stamp charges. I think it would not be fair to increase stamp duty on this item, for the pecuniary condition of this class already deserves some consideration from the Government. I would not say anything on the principle of following Madras and Bengal. Since yesterday these two provinces have been tormenting us so much that I would they were not visible on the map of India. Sir, the people of these provinces are very rich and can afford to pay a heavy duty. Our Punjab is too poor to stand the burden of further taxation. I trust therefore that the Honourable Finance Member will accept this amendment as he has done in the case of another item dealing with Divorce deeds.

Chaudhri Kharak Singh [Amritsar *cum*-Gurdaspur, (Non-Muhammadan) Rural] (Urdu : Sir, if we have to follow Bengal we must also study the conditions which pervail there. The Bengalees have not only Permanent Settlement, but at the same time their incomes far exceed their expenditure. In the Punjab the poor zamindars are already saddled with heavy taxation, and it is wellnigh impossible for them to bear any more burden. Their pecuniary condition is such that they must be protected from the effect of this Bill. The case of a mortgagor deserves all the more favourable consideration. It would be a great injustice to our peasantry if the stamp duty is increased in this item. They are already over-taxed. With these remarks I support the amendment.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural] (Urdu) : Sir, as I said yesterday it is not at all a pleasant business to impose new taxation. We have, however, to meet our deficits and consequently resort to taxation. If the House does not desire to support the Stamp Bill, the Government must have recourse to increasing the water-rate, for, we have to meet our extra expenditure somehow or other. Sir, as a matter of fact, the proposed shares of duty in item 32 are not at all unjust or aggressive. When the stamp

duty has been increased in the case of conveyances, I am at a loss to understand why it should not be increased in the case of further charges on mortgaged property. If the opposition is not willing to support this Bill, I doubt if it will have any right to object if the water-rate is increased instead. I am sorry that those who oppose this measure do not understand that these further charges on the mortgaged property bring about in most cases the ruin of the zamindars. I have personal knowledge since I have conducted many cases of this nature and I would like to draw the attention of Maulvi Muharram Ali, Chishti, to this fact, and would like to know if there are not such stipulations in the instruments of further charges whereby in the long run the mortgagee for ever bars the right of the mortgagor to redeem his property. If the House has any sincere sympathy with the zamindars it should recommend for the doubling of the stamp duty on instruments of further charges, for that is the only way to dissuade them from losing their lands. With these remarks, Sir, I oppose the amendment.

Mr. Nawab Din, Murad [East and West Central Towns (Muhammadan) Urban] (Urdu): Sir, I oppose this amendment on the ground that the zamindars can escape from the rigour of this item if they mortgage their land by entry in the register of mutations kept by the Patwari, where no stamp duty is payable. This item therefore very slightly affects the zamindars. I therefore oppose this amendment.

Mr. President: Item under consideration.

Amendment moved—

"That in Schedule I-A, item 32, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Council then divided:—Ayes 39, Noes 24.

AYES, 39.

Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Sardar Kartar Singh.
Rana Muhammad Jamil Khan.
Mr. K. L. Rallia Ram.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Nabi Bakhsh.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Chaudhri Kharak Singh.
Nawabzada Muhammad Irshad Ali Khan.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Chaudhri Shafi Ali Khan.
Khan Bahadur Malik Muhammad Amin Khan.
Lala Uttam Chand.
Chaudhri Ali Akbar
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Lala Atma Ram.
Lala Bishan Das.
Sardar Randhir Singh.
Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghasi Ram

[Mr. President.]

NOES, 24.

The Hon'ble Sir John Maynard.	Mr. E. R. Abbott.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.	Lieut.-Col. D. M. Davidson.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mr. W. P. Sangster.
The Hon'ble Lala Harkishan Lal.	Lieut.-Col. W. C. H. Forster.
Mr. H. D. Craik.	Mr. D. Milne.
Mr. J. Wilson-Johnston.	Mr. G. Anderson.
Mr. A. Latifi.	Mr. J. G. Beazley.
Mr. Miles Irving.	Mr. Nawab Din, Murad.
Mr. N. H. Prenter.	Sodhi Lal Singh.
Mr. A. J. Gibson.	Mian Ahmad Yar Khan, Daultana.
Mr. C. M. King.	Malik Firoz Khan, Noon.
	Pir Akbar Ali.
	Malik Najabat Khan.

The amendment was carried.

Mr. President : The question is—

" That item 32 as amended stand part of the Schedule.

The motion was carried.

Mr. President : Item 33.

Mr. Ganpat Rai : Sir, I beg to move—

" That in Schedule I-A, item 33, in the column ' Proper stamp duty', for the proposed rates of duty, the words ' as in Schedule I' be substituted."

The magic of Bengal has charmed our Finance Department in such a manner that even widows, orphans and beggars could not escape from the rigour of this Bill. Sir, now I come to item 33 of the Schedule which proposes to increase by 50 per cent. the stamp duty on an instrument of gift. It is known to all members, and to Muhammadans particularly that gifts are made in favour of daughters and widows. It is equally known to all how difficult it is for a widow to secure her maintenance if her husband has not left her anything. Then comes another class of poor people—Imams of masjid, Pandits and Gurus—who pass their time in religious devotion. In our country gifts are often made in favour of this class. A stamp duty of one per cent. on an instrument of gift was already too much, and it would be great injustice if it were increased to one and-a-half per cent. Will not this House show mercy on widows, orphans and this religious class. The Bengal magic seems to have worked so strongly on our Finance Department that it has deprived the latter of all compassionate feelings. Yesterday it was said that we should suggest how to meet the financial stringency. If the Finance Department is willing to seek our advice we are at all times willing to suggest and devise means whereby this crisis might be averted. With these remarks I move my amendment and I trust the Honourable Finance Member will not be too hard upon the poor.

Mr. President : Item under consideration : Amendment moved—

" That in Schedule I-A, item 33, in the column ' Proper stamp duty,' for the proposed rates of duty, the words ' as in Schedule I ' be substituted."

The question is that that amendment be made.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural]: Sir, the honourable mover of the amendment has tried to rouse our feelings—of Muhammadans particularly—by asking the Government to show mercy on widows and orphans and thus not to increase stamp duty on instruments of gifts. I would like to submit, Sir, that in Islam there are no widows who are not well provided by the law of inheritance. They have at the same time a sufficient provision in their dower. Moreover, Islam allows widows to re-marry. Hence it is wrong to allege that a Muhammadan makes gifts for the maintenance of his wife, because the latter is not entitled to any share in his property after his death. Then the honourable mover has used the word "poor" for the recipients of the gifted property. I wonder why the honourable mover has grown fond of this word. Is there any reason, Sir, that a doner who gives away a property in gift will not be able to pay the proposed stamp duty? And even if the donee were to bear the expenses, I wonder if he would shirk from paying them when he would be receiving so much in return. With these remarks I oppose the amendment.

Rai Bahadur Lala Hari Chand [West Punjab Towns (non-Muhammadan) Urban] (Urdu): Sir, I support Mr. Ganpat Rai's amendment. It has been contended on the other side that a donor can also pay the proposed stamp duty on the instrument of gift. I do not agree with this argument. Suppose, Sir, a poor person has got only some land which he wants to give away to his daughter. He has no funds to pay the proposed stamp duty on the instrument of gift. Sir, will it not hamper his right of making a gift? I therefore strongly oppose any attempt to increase the stamp duty under this item. With these remarks I support the amendment.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan)—Rural] (Urdu): Sir, whatever increase has been effected in the rates of stamp duty and Court-fees has been done with a view to meet our increased expenditure. The opposition must not be so unjust as to interfere with the Government in every measure which the latter adopts with a view to meet the financial stringency. I wonder where the money will come from to meet extra expenditure. We are face to face with an appalling deficit of one crore and 23 lakhs, and unless we raise money by new taxation it will become very difficult for the Government to carry on administration. Again, taxation may be either direct or indirect. We can however escape from the rigour of an indirect taxation and in matters of making gifts and effecting conveyances the *zamindars* can very easily avoid the payment of stamp charges. Instead of going to the Registrar for making a gift, a *zamindar* can resort to a *Patwari* and then no stamp duty is chargeable. But if he chooses to go to the Registrar, there is no reason why he should not pay the proper stamp duty.

There is no reason why a donee should not pay the proposed stamp charges when he would be receiving in return a valuable property. But I have just now said that he has the easier alternative of going to a *Patwari*. Moreover, Sir, I can assure this House that in the case of gift, the value of the property is never shown correctly in the instrument. Being a Sub-Registrar I can say with certainty that a property worth Rs. 20,000 is often shown in the instrument of gift as worth Rs. 1,000 simply to escape from paying the proper stamp charges. In view of these facts it is not proper for the honourable mover to take exception to this item. With these remarks I oppose the amendment.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur (Non-Muhammadan) (Rural)] (Urdu): Sir, my friend Chaudhri Fazl Ali is wrong in presuming that we oppose the Government in every way. Has not Mr. Ganpat Rai moved other amendments besides proposing to increase the stamp duty where necessary? What I submit, Sir, is that Provincial expenditure should never exceed Provincial revenues. A man is said to be rich or poor according as his expenditure falls within or exceeds his income. The same analogy holds good in the case of a Government. I remember that golden rule which I once heard from the lips of the Honourable Finance Member when he said, "cut your coat according to your cloth." It is most necessary that our expenditure should not exceed our income, otherwise deficits are sure to cause anxiety. Can this House imagine that by increasing stamp duty on instruments of gifts, our financial stringency will be cured? That the donee must be further taxed because he gets a valuable property is not a sound argument. I therefore support the amendment.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu): Sir, I feel that there is a heavy deficit which the Government have to meet. As for Mr. Ganpat Rai's amendment, I think it would be better if it were accepted by the Honourable Finance Member. A gift is very often made either by a father in favour of his son or by a husband in favour of his wife, and is always to be affected by a written instrument. But I do not think this item brings a large revenue to Government. Increasing the stamp duty on instruments of gifts will undoubtedly create a feeling of disaffection among the people. I therefore support the amendment.

Malik Firoz Khan Noon [Shahpur West-(Muhammadan) Rural]: Sir I should have thought that the honourable member who has just sat down would have been the last person to support an amendment of this nature, because, Sir, it is only intended to tax, so to say, gifts to the extent of 1½ per cent. The duty on gifts has been the same as on conveyances and that is 1 per cent. as far as I can understand. In future Government proposes to raise it by 50 per cent. that is to say, to Rs. 1-8. I think, Sir, the taxation of a gift is the most suitable form of raising revenue, because the donees are people who are receiving property for no special effort of their own, and for which they have paid no consideration. That is the most fit person to be taxed whether it be a son, daughter, widow, child or a temple. So I think, as far as the principle of taxation goes, there can be no sensible objection against taxing gifts of property. I wish to make one remark as a warning to the *zamindar* members of this Council, and that is that appeals are made to them that this is a Bill which will fall very heavily and very badly on the *zamindars* alone. Now, Sir, if we are here to reject all forms of taxation which concern the *zamindars* and accept all taxation which affects the non-*zamindars*, I think that that would be the most unfair use of our legislative powers. If there is to be any taxation, *zamindars* and non-*zamindars* must equally share the burden. I warn the *zamindar* members to be careful of what the press, the outside public, would think of their using their legislative powers in that way. They will say that whenever there is any taxation on the *zamindars*, they say "No" and whenever there is any taxation proposed on the non-*zamindars*, they say "Yes." I say that that is an extremely unfair and unsafe attitude to assume.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I consider this amendment important because it is not without its religious element. Charity has been a particular characteristic of the Muhammadans, Hindus and the Sikhs. People who are not much in touch with the matter cannot realise the sentiment that will be created among the masses. I think that having regard to the old sentiment that exists among the masses I should support Mr. Ganpat Rai's amendment. Neither the rural nor the towns people will gain or lose anything by it. It is a religious matter and no religious person can ignore it.

Pir Akbar Ali : Does the honourable member mean to say that those who have opposed the amendment do not possess any religious feelings ?

Mr. President : No, he has not said anything of the kind.

Maulvi Muharram Ali, Chishti : Temples, Mosques, Shrines, etc., stand in great need of assistance. Counting as I do on the far-sightedness of the Honourable Finance Member I trust that he will give the matter his full consideration at the time of expressing his opinion regarding the amendment. The custom of making gifts has become rare now-a-days. An enquiry from the registration department will show that these sums are not very large. These benches have not set themseleves a rule to oppose Government. It cannot be ignored that we have frequently given full support to Government, *e.g.*, in connection with the Court-fees Act. So far as the question of court-fee is concerned it is optional with the people whether they would institute a suit and affix stamp, but on the other hand stamp duty is compulsory. I think that Government will be acting liberally in accepting this amendment because they have always given due regard to matters affecting religion and have given jagirs to sanctuaries. Moreover, gifts are generally made in favour of poor people and rarely in favour of the well-to-do and it would not be proper to ignore the former for the sake of the latter. In view of the sympathy which the Honourable Member for Finance has for religion and with the masses we shall be glad of his opinion and we trust that after full consideration he will vote in favour of the amendment.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural] : Sir, my friend Malik Firoz Khan while opposing this amendment said that that was a most suitable form of taxation, and that therefore he opposed it. My submission is that he was obviously labouring under a misapprehension. The stamp is affixed by the donor and never by the donee. The burden of this always falls on the donor. He was under the misapprehension that that was a most suitable form of taxation because it was to fall on the person who was to get property for no consideration whatsoever. I submit, Sir, that that is a most unsuitable form of raising revenue because it imposes some burden on those who either out of religious feelings or out of generous sentiment are disposed to give away some of their property either by way of religious gift to establish some religious institution or to deserving persons, their relations or others who are in need of such endowments. India is a country where people are always carried away by religious sentiments, and any taxation which goes against their religious feelings can never be popular. I think that this is an amendment which should receive very favourable consideration at the hands of the officials and non-officials of this Council. In accepting this amendment the Government will not lose very much because much revenue is not raised from duty on gifts . Therefore, I support the amendment.

The Honourable Sir John Maynard [Finance Member]: Sir, I am entirely in sympathy with the views which have been put forward on the subject of stamp fees for gifts, and I think that but for one consideration, and that a very important consideration, I should have accepted the amendment out of deference to the wishes that have been expressed by several members in this House. There is such a thing as a genuine gift and there is also such a thing as a fictitious gift. It is possible under this category to carry through a transaction which is not really a gift but a sale or something of that class. Now, Sir, it would be in the highest degree injudicious to leave a loophole through which it would be possible for fraudulent persons to cheat the stamp law. For this reason I do not find it possible to accept the amendment.

It seems to me, Sir, that those who have spoken have, unintentionally no doubt, conveyed a wrong impression to the House about this proposal. Members have spoken about this duty as if it was something entirely new, and as though I am trying for the first time to do something which has never been done before. I am convinced that some of the speeches to which I have listened have given such an impression to the House, though, as I said, it might be unintentionally. The truth of the matter is something quite different. The truth is that since the year 1869 or thereabouts the stamp duty has been levied on deeds of gift to the extent of one rupee per cent. It is now proposed to simply add eight annas to that charge. These lengthy discussions and protests are all on the subject of the addition of eight annas only to an existing charge.

Khan Bahadur Chaudhri Fazl Ali: Sir I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: The original question was—

"That item 33 stand part of the Schedule."

To that an amendment has been moved—

"That in Schedule I-A, item 33, in the column 'Proper stamp duty' for the proposed rates of duty the words 'as in Schedule I' be substituted."

The question is that that amendment be made.

The Council then divided; Ayes 27, Noes 33.

AYES 27.

Lala Bishan Das.
Sardar Randhir Singh.
Sardar Dasaundha Singh.
Sayad Ghulam Muhammad Shah.
Bawa Hara Singh, Bedi.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Sayad Husain Shah.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Medhi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Kharak Singh.
Mian Muhammad Shah Nawaz.
Nawabzada Muhammad Irshad Ali Khan.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Chaudhri Shafi Ali Khan.
Khan Bahadur Malik Muhammad Amin Khan.
Lala Uttam Chand.

NOES. 33.

The Hon'ble Sir John Maynard.	Mr. J. G. Beazley.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.	Sodhi Lal Singh.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mian Ahmad Yar Khan, Daultana.
The Hon'ble Lala Harkishan Lal.	Malik Firoz Khan, Noon.
Mr. H. D. Craik.	Pir Akbar Ali.
Mr. J. Wilson-Johnston.	Chaudhri Ali Akbar.
Mr. A. Latifi.	Khan Sahib Pir Ali Haidar Shah.
Mr. Miles Irving.	Malik Karim Ullah Khan.
Mr. N. H. Prenter.	Sardar Sahib Risaldar Dilbagh Singh.
Mr. A. J. Gibson.	Khan Bahadur Rai Wali Muhammad Khan.
Mr. C. M. King.	Khan Bahadur Chaudhri Fazl Ali.
Mr. E. R. Abbott.	Chaudhri Ghasi Ram.
Mr. W. P. Sangster.	Chaudhri Ghulam Muhammad.
Lieut.-Col. W. C. H. Forster.	Sardar Jamal Khan.
Mr. G. Anderson.	Rana Muhammad Jamil Khan.
Mr. D. Milne.	Khan Bahadur Khawaja Yusaf Shah.
	Dr. C. A. Owen.

The amendment was lost.

Mr. President : The question is—

"That item 33 stand part of the Schedule."

The motion was carried.

Mr. President : The question is—

"That item 34 stand part of the Schedule."

The motion was carried.

Mr. President : Item 35.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] : Sir, I beg to move—

"That in Schedule I-A, item 35, in the column 'Proper stamp duty,' for the proposed rates of duty the words 'as in Schedule I' be substituted."

This amendment relates to leases and rent-deeds and does not give rise to the question that a burden will be imposed on the village or towns people. Leases are executed by tenants while rent-deeds are executed by those who do not own a house of their own. An outcry is being heard that rents have gone up. The burden of rent falls on the man who takes the house on rent and not on its owner. It is the former who has to suffer loss. Similarly the burden of the lease falls on the poor tenantry, the landowners being exempt from stamp duty. It is now proposed to raise the stamp duty for rent deeds and leases. I say that the well-to-do people should be required to pay a higher stamp duty. The poor had better be kept exempt from it. It is for this reason that I have moved the above amendment.

Mr. President : Item under consideration : Amendment moved—

"That in Schedule I-A, item 35, in the column 'Proper stamp duty,' for the proposed rates of duty the words 'as in Schedule I' be substituted."

The question is that that amendment be made.

The Honourable Sir John Maynard [Finance Member]: Sir, I think on previous occasions I rather weakened my case by referring to other

[Sir John Maynard].

provinces but as the repeated mention of those provinces has given offence to some of the members I am not going to mention these provinces again. I am only going to say that in making the change I am following a distinguished example. The other point which I want to make is this that some persons who know that it is a very admirable way of attaining their ends by exploiting the strong sentiment which exists among zamindars, have from time to time laid much stress upon the fact that a particular charge is going to fall on the zamindars. In this case I can say something from a long experience of such matters as a revenue officer that it is not the practice of zamindars to execute a written lease. The transaction is recorded in the revenue record but it is not executed as a written lease, and I contend, Sir, that it is perfectly proper to treat these documents like other documents and extend to them the same scale of increase.

Mr. President: The question was—

"That item 35 stand part of the Schedule."

To this an amendment has been moved—

"That in Schedule I-A, item 35, in the column 'Proper stamp duty,' for the proposed rates of duty, the words 'as in Schedule I' be substituted."

The question is hat that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That item 35 stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That items 36 to 39 stand part of the Schedule."

The motion was carried.

Mr. President: Item 40.

Mr. Ganpat Rai: [Lahore, Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] Sir, I beg to move—

"That in Schedule I-A, item 40, in the column 'Proper stamp duty' for the proposed rates of duty, the words 'as in Schedule I' be substituted."

I think that this amendment should be accepted without hesitation. The principle underlying the amendment was accepted by the Council a little while ago, on division. This amendment relates to mortgage deeds. The previous amendment which related to further mortgage deeds has been accepted by a majority of votes and you will kindly accept this amendment also. The proper procedure was that mortgage deeds should have come first and after them the further mortgage deeds. Under the alphabetical order of the English language further mortgage deeds have been mentioned first and after them the mortgage deeds. I hope that the Honourable Finance Member will not now press for a further division but will keep the first principle in view, and accept the amendment.

If the Honourable Member Finance accepts this principle then I need not say any more. Otherwise I will continue my speech.

The Honourable Sir John Maynard: I should state my position when the time comes for me to make my speech.

Mr. Ganpat Rai: (continued) As the Honourable Finance Member says that he will speak on this subject at the proper time I am obliged to take more

time of the Council. The Honourable Member does not take us into his confidence as regards his real intention. I am not, therefore, responsible for taking up further time of the Council. Seeing that the Council has agreed that the stamp duty on the further mortgage deeds should be the same as levied before, they will kindly agree to the same stamp duty on the original mortgage deeds. I think a person has to encounter more difficulties at the time of the original mortgage. They do not mortgage property except in times of extreme necessity. When a poor man has once got entangled he becomes ready to pay further stamp duty at the time of the further mortgage. I now hope that the members of this Council will give their considered opinion regarding the mortgage-deed, in the same way as they have done in the case of the further mortgage-deeds. With these words I move the amendment.

Mr. President: Item under consideration: Amendment moved—

"That in Schedule I-A, item 40, in the column 'Proper stamp duty,' for the proposed rates of duty, the words 'as in Schedule I' be substituted."

The question is that that amendment be made.

The Honourable Sir John Maynard: Sir, my friend Mr. Ganpat Rai has put forward rather an ingenious argument for the consideration of the House. He suggests that because the House has decided not to raise the stamp duty on further charges on mortgages, therefore it necessarily follows that the mortgage duty on the original mortgage should also be reduced. This does not follow in the least. It is a very proper and logical position that a particular rate is charged on the original mortgage and it is only when additional sums are added to that mortgage that something else shall be taken on that sum. At all events my position is this that the decision which this House has arrived at on the subject of the further mortgage does not in the least prejudice the decision upon the amount to be charged upon the original mortgage. In this case, as in so many others, I have followed again a distinguished example. There is no reason why I should depart from the precedents which I have followed and I trust that the House will reject this amendment.

Mr. Wilson Johnston (Home Secretary): Sir, I beg to move—

"That the question be now put."

Mr. President: I have been asked to put the closure. There have been only two speeches. I will allow one more speech on the side of the amendment.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu): Sir, I strongly support Mr. Ganpat Rai's amendment. The only redeeming feature of this taxation can be that no duty should be levied on mortgage deeds and further mortgage deeds. This is the Punjab and not Bengal. Whereas in the latter Province the settlement is permanent such is not the case in our Province. In this Province the agriculturists execute mortgage deeds in respect of their property in times of very great difficulty. They find great difficulty in paying the land revenue and not infrequently when they cannot pay up the land revenue even by starving themselves they are compelled to execute mortgage deeds. This was an ordinary matter of which no notice need have been taken by Government. The Government would have placed the people under an obligation by accepting the amendment. The state of affairs at present is that with the increase in expenses sentiment of mercy is at a discount. Bengal is spoken of again and again. There is a vast difference between our Province and Bengal.

Sir John Maynard: I protest against this statement. I carefully avoided referring to Bengal.

Sayad Muhammad Husain (continued): My humble request is that out of sympathy and solicitude for the poor you will consider the hard lot of those who cannot even provide themselves with food. It is they who will have to pay this duty by starving themselves. I hope that Government will withdraw this duty in view of this request that I make on behalf of those members of this Council who have the well-being of the poor at their heart. With these few words I strongly support the amendment.

Mr. President: The question is:

"That the question be now put."

The motion was carried.

Mr. President: Item under consideration: Amendment moved—

"That in Schedule 1-A, item 40, in the column 'Proper stamp duty' for the proposed rates of duty, the words 'as in Schedule I' be substituted."

The question is that that amendment be made.

The Council then divided: Ayes 26, Noes 25.

AYES 26.

Chaudhri Ali Akbar.	Khan Sahib Amir Khan.
Khan Sahib Pir Ali Haidar Shah.	Khan Bahadur Sayad Mehdi Shah.
Malik Karim Ullah Khan.	Malik Najabat Khan.
Lala Atma Ram.	Rai Sahib Chaudhri Lajpat Rai.
Sardar Randhir Singh.	Rai Sahib Misar Mela Ram.
Sardar Dasaundha Singh.	Chaudhri Nabi Bakhsh.
Sardar Sahib Risaldar Dilbagh Singh.	Chaudhri Muhammad Hayat Khan.
Khan Bahadur Rai Wali Muhammad Khan.	Sayad Muhammad Husain.
	Chaudhri Kharak Singh.
Chaudhri Ghulam Muhammad.	Maulvi Muharram Ali Chishti.
Sayad Ghulam Muhammad Shah.	Mr. Ganpat Rai.
Sayad Husain Shah.	Sardar Sangat Singh.
Sardar Kartar Singh.	Rai Bahadur Risaldar Sarup Singh.
Mr. K. L. Rallia Ram.	

NOES 25.

The Hon'ble Sir John Maynard.	Lieut-Col. D. M. Davidson.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.	Mr. W. P. Sangster.
	Lieut.-Col. W. C. H. Forster.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mr. D. Milne.
	Mr. G. Anderson.
The Hon'ble Lala Harkishan Lal.	Mr. J. G. Beazley.
Mr. H. D. Craik.	Mr. Nawab Din, Murad.
Mr. J. Wilson-Johnston.	Sodhi Lal Singh.
Mr. A. Latif.	Mian Ahmad Yar Khan, Daultana.
Mr. Miles Irving.	Malik Firoz Khan Noon.
Mr. N. H. Prenter.	Chaudhri Ali Akbar.
Mr. A. J. Gibson.	Rana Muhammad Jamil Khan.
Mr. C. M. King.	Khan Bahadur Khawaja Yusuf Shah.
Mr. E. R. Abbott.	

The amendment was carried.

Mr. H. D. Craik (Chief Secretary): I rise to a point of order, Sir, I want to know if it is in order for a member while the division is going on to make gestures with his hands to another member to rise in his seat While the division was going on, I saw one of the honourable members actually making a gesture to another honourable member to rise in his seat.

Mr. President : I think it has been previously ruled that such conduct is improper. I am sorry I did not see. I shall have to make a rule that all talking must cease while divisions are going on. It is extremely difficult to know what is being said and any canvassing of votes during the progress of division is highly improper.

Mr. Ganpat Rai: Thank you, Sir, I hope you will enforce it rigidly and also forbid any walking about.

Mr. President: The question is—

"That item 40 as amended stand part of the Schedule."

The motion was carried.

Mr. President: The question is—

"That items 41 to 44 stand part of the Schedule."

The motion was carried.

Mr. President : Item 45.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Urban) Non-Muhammadan]: Sir,

I beg to move :

"That in Schedule I-A; item 45, in the column 'Proper stamp duty' for the proposed rates of duty, the words 'As in Schedule I' be substituted."

I would have been glad if some other gentleman also had sent in amendments so as to obviate the necessity of my having to rise over and over again. The amendment relates to partition. My submission is that the amendment is for the benefit of both the rural and the urban population. It is more beneficial for the rural people. A stamp duty of As. 8 per cent. is levied in connection with partition suits. The proposal now is that it should be raised by 50 per cent. Whenever I bring forward any amendment I bring forward my reasons and do not wish to create misapprehensions by instituting comparisons with other Provinces. I say that the stamp duty is going to be raised 50 per cent. Is this statement inaccurate? I would like to know whether the number of partition suits is larger in towns or in the villages. Partition of various kinds take place in the villages. Partitions are effected not only of village shamilat lands but also of chahi shamilat lands. Besides this, partitions of property take place between brothers and their other relatives.

I would now humbly ask whether the amendment is meant for the benefit of towns people or for the benefit of the village people. I ask whether or not my amendment is just. If it is just let the rural members vote for it, or else they should ask me to withdraw it. The Punjab is a province of small proprietary holdings, *i.e.*, most of the land is owned by

[Mr. Ganpat Rai.]

the poor zamindars among whom partition of small landed property is effected. In the towns partitions take place on the occurrence of a death and sometimes even two rooms are divided. I ask whether it is the town or the village which has to incur a larger expense on stamped paper. I would further submit that hardly in one or two cases out of a hundred are partitions effected privately. The other partitions are effected through the courts. I have not taken the Patwari's expenses into account, but am only referring to the court expenses. In order to effect partition of land a suit is instituted in the Revenue courts and there the stamp is filed. On the other hand, the case of the towns people is different. It is not compulsory for them to affix stamp. It is only the village people who have to face this. What I mean to say is that the burden of stamp duty is heavier on the agriculturists than on the towns people. If in spite of this the agriculturists desire that the stamp duty should be raised I cannot help it. I always move amendments for the benefit of the people, particularly of the poor. I take pleasure in moving amendments for the benefit of the poor. It is, of course, another matter whether they are passed or rejected. If they are passed I am pleased, but if they are rejected I have the satisfaction that I have not done anything against my conscience.

Mr. President: Item under consideration:

Amendment moved:

> "That in Schedule I-A, item 45, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

Pir Akbar Ali [Ferozepore (Muhammadan), Rural] (Urdu): Sir, the way in which this amendment has been put forward is calculated to cause a misapprehension. It has been alleged that in the matter of partitions towns people have not to bear large expenses, and that in cities only rooms are divided and partition is effected privately. It has been sought to make out that such partitions do not take place among the zamindars. I, however, know of instances where large landed property has been partitioned without any arbitration or having recourse to a law court. The fact is that the Stamp Act is being consistently opposed so that when the question of water rate comes up it may be open to the urban members to say that at the time when they opposed the Stamp Act we did not support them and they were consequently unable to support us. The partition is decided in the revenue court and no duty is paid elsewhere. The stamp duty paid there is legitimate. The question before us is that the stamp duty on instrument of partition should be raised by 50 per cent. This does not affect the land in any way, but has only a bearing on the general question of partition. As no particular loss will be suffered by the zamindars I oppose the amendment.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, I have supported two or three amendments of Mr. Ganpat Rai on the ground that they affected the poor people and because I wanted to save the poor from burden. I have always made it a point to represent the case of the poor. The other consideration that prompts me to support anything is the question of shrines and sanctuaries. I have turned this matter over and find that the poor class has very little to do with the partition of property. Partitions generally take place of large properties. The amendment, therefore, does not fall under the category in which I am interested

that is to say, it does not affect the poor. The question of urban and rural population is frequently raised in the speeches made in this House, but I am glad to say that no such question is ever raised in my speeches. We are here to work unitedly. The Hindu, Muhammadan, Christian and the Sikh members all of them equally represent the country. If any proposal is likely to do harm to the interests of the zamindars we are bound to support them. When, however, there is any proposal which is detrimental to the interests of the urban population the latter too should be assisted in the same manner. I agree that an attempt is made to obtain votes on every matter. This tendency is visible also on the official benches I reiterate that partitions are effected only in the case of large properties and very rarely in the case of small properties. Moreover, under the Partition Act settlements are effected on payment of money. Generally speaking, the question of partition of small properties are settled privately. I have, therefore, no hesitation in opposing the amendment with these few remarks.

The Honourable Sir John Maynard (Finance Member) : I am very sorry that the case has not been properly explained. Where the amount does not exceed Rs. 10 the stamp duty is two annas. So, that remains unchanged. Where it exceeds Rs. 10, but does not exceed Rs. 50, the stamp duty is 4 annas. Where it exceeds Rs. 50 but does not exceed Rs. 100, eight annas. Where it exceeds Rs. 100 and does not exceed Rs. 200, one rupee. So far there is no change. Where the amount exceeds Rs. 200 and does not exceed Rs. 300 it was Rs. 1-8-0 and it is now proposed to make it Re. 1-14-0. Where it exceeds Rs. 300 and does not exceed Rs. 400 it was two rupees and it is now proposed to make it Rs. 2-8-0. Where it exceeds Rs. 400 and does not exceed Rs. 500 it was Rs. 2-8-0 and it is now proposed to make it Rs. 3-2-0. Above Rs. 500 it is proposed to increase the stamp duty by 50 per cent. Thus it will be seen that the increase of 50 per cent does not come in until the amount exceeds Rs. 500.

Mr. Nawab Din Murad : Sir, I beg to move —

"That the question be now put."

Malik Firoz Khan, Noon : I beg to second the motion, Sir.

Mr. President : The question is—

"That the question be now put."

The motion was carried.

(At this stage Mr. President left the chair and the Deputy President took his place.)

The Deputy President : The question was—

"That item 45 stand part of the Schedule."

To this an amendment has been moved—

"That in schedule I-A, item 45, in the column 'Proper stamp duty,' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The Council then divided—Ayes 21, Noes 35.

AYES 21.

Sardar Randhir Singh.
Chaudhri Ghasi Ram.
Sayad Ghulam Muhammad Shah.
Bawa Hara Singh, Bedi.
Bawa Hardit Singh, Bedi.
Sayad Hussain Shah.
Sardar Kartar Singh.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Hussain.
Chaudhri Kharak Singh.
Sayad Muhammad Raza Shah.
Mian Muhammad Shah Nawaz.
Mr. Ganpat Rai.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Khan Bahadur Malik Muhammad Amin Khan.

NOES 35.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnstone.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Saugster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Mr. Nawab Din, Murad.
Sodhi Lal Singh.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haider Shah.
Malik Karim Ullah Khan.
Lala Atma Ram.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Rana Muhammad Jamil Khan.
Mr. K. L. Ralia Ram.
Nawabzada Muhammad Irshad Ali Khan.
Maulvi Muharram Ali, Chishti.
Rai Sahib Lala Panna Lal.
Khan Bahadur Khawaja Yusaf Shah.

The amendment was lost.

The Deputy Prisident: The question is—

"That item 45 stand part of the Schedule."

The motion was carried.

The Deputy President: Item 46.

Mr. Ganpat Rai: Sir, I beg to move—

"That in Schedule I-A, item 46, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

Sir, I know that the House will now be well weary of my amendments, but I am glad that they are now about to be finished. This amendment relates to partnership and the duty has been doubled by following Bengal

and Bombay. But there is a good deal of difference between the "partnerships" of those places and of this province. In the Punjab the people do not understand the significance of this term. Therefore, the rates of duty should stand where they are.

The Honourable Sir John Maynard: Sir, I believe I can curtail this speech by saying that I have no objection to accept this amendment.

The Deputy President: The question was—

"That item 46 stand part of the Schedule."

To this an amendment has been moved—

"That in schedule I-A, item 46, in the column 'Proper stamp duty' for the proposed rates of duty the words 'As in Schedule I' be substituted."

The question is that that amendment be made.

The amendment was carried.

The Deputy President: The question is—

"That item 46 as amended stand part of the Schedule."

The motion was carried.

The Deputy President: The question is—

"That item 47 stand part of the Schedule."

The motion was carried.

The Deputy President: Item 48.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] (Urdu): Sir, I beg to move that—

"In schedule I-A, item 48 (*b*), in the column 'Description of instrument' for the words "under the Presidency Small Cause Courts Act, 1882,' the words 'in any court of law" be substituted."

Sir, this is my last amendment. I think, he who has drafted the Bill has raised the rates of duty by 50 per cent. or 100 per cent with folded eyes In the present case the words "under the Presidency Small Courts Act, 1882," have been also copied from Bombay, without paying regard to the fact that there is no Presidency Small Cause Court in the Punjab. I have accordingly substituted for these words "any court of law." I have not touched the increase of duty from annas 8 to Re. 1. I hope this amendment will certainly be accepted.

The Deputy President: Item 48 under consideration.

Amendment moved:—

"That in Schedule I-A, item 48 (*b*), in the column 'Description of instrument' for the words 'Under the Presidency Small Cause Courts Act, 1882' the words 'in any court of law' be substituted"

The Honourable Sir John Maynard (Finance Member): Sir, before I deal with this amendment I should like to compliment my friend Mr. Ganpat Rai for the very great industry and perseverance which he has shown in taking so much trouble to go through each and every item of this schedule. I recognize, Sir, that if he had not taken this trouble, apparently

[Sir John Maynard.]

no one in the House would have taken the trouble of going through the schedule in the same careful manner. It is true that some of the amendments which he has proposed have unfortunately caused the province a loss of about 2 lakhs out of the 8 lakhs which this Act was expected to bring in. But it is well worth two lakhs a year to see the extreme energy of Mr. Ganpat Rai.

Now, I will come to the final stage of the amendments. Although Mr Ganpat Rai represents that what he has here proposed is a matter of no consequence, it is a matter of very great consequence, and it is impossible to accept the amendment. He thinks because there are no Presidency Courts in the Punjab, therefore it is not necessary to deal with the subject of Presidency Courts. But here he is mistaken because the documents from Presidency Courts are produced as evidence in the Punjab courts. Now it so happens that there are three Presidency Courts. These Presidency courts are situated in Bombay, Calcutta and Madras. In each of these Presidencies the charge is Re. 1 under the existing law. Therefore in the first place no one would gain anything by the change advocated in this amendment. Apart from this point, Mr. Ganpat Rai's amendment, if accepted, would have the effect of reducing a number of other charges under the same article. There would be a uniform charge of one rupee even in cases where the payment is now Rs. 5 or more. This is not the proposal which he contemplated and it is not one which is reasonable and I think the House will reject it.

Mr. Ganpat Rai: Sir, I ask for leave to withdraw my amendment.

The amendment was by leave withdrawn.

The Deputy President: The question is—

"That item 45 stand part of the Schedule."

The motion was carried.

The Deputy President: The question is—

"That items 49 to 65 stand part of the Schedule."

The motion was carried.

The Deputy President: The question is—

"That Schedule I-A, as amended, be the Schedule to this Bill."

The motion was carried.

The Deputy President: The question is—

"That this be the preamble to the Bill."

The motion was carried.

The Honourable Sir John Maynard. Probably, Sir, it would be desirable to refer the Bill now to a drafting committee. I propose that a drafting committee be appointed.

The Deputy President: Under Standing Order No. 50 (2) the drafting committee is constituted as follows:—

(1) The Honourable the Finance Member,

(2) Sardar Dasaundha Singh, and

(3) Mr. N. H. Prenter,

with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting, and such report to be presented by the 16th of November.

Mr. Ganpat Rai : We will not have any time to consider the amendments.

The Deputy President : I do not think you require any notice. The amendments will be purely formal or of a consequential nature. I take it that the Council agrees to the report being put in by the 16th November.

(The Council gave assent.)

THE SIKH GURDWARAS AND SHRINES BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, I beg to move —

"That the Sikh Gurdwaras and Shrines Bill as reported by the Select Committee be taken into consideration."

Mr. Ganpat Rai : I rise to a point of order, Sir. Before this motion is made, I submit that we are entitled to one week's notice after the presentation of the report of the Select Committee. If I understand correctly, the report was presented only yesterday, and therefore one week's time has not expired yet. The consideration of this Bill should therefore be postponed on that ground so that the House may be in a position to read it and send in their amendments. It is a very important measure which concerns the whole of the Sikh community and not only the Sikh community but other communities also which are.....

The Deputy President : You have simply to put in a formal objection. No speech should be made. Objection has been taken that under Standing Order 45 (1) (*a*) copy of the report of the Select Committee has not been made available for seven days.

(At this stage Mr. President resumed the chair).

The Honourable Khan Bahadur Mian Fazl-i-Husain : Sir, the honourable member has taken objection to my motion that the Sikh Gurdwaras and Shrines Bill, as reported by the Select Committee, be taken into consideration.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural]: I rise to a point of order, Sir. The honourable member has no right to make a speech.

Mr. President : I do not think there is anything which precludes him from speaking. Can you refer me to any order on the subject ?

Sardar Dasaundha Singh : The objection was under Standing Order No. 45 (1) (*a*), and there the objector could only put forward a formal objection. Neither the member who moves the motion nor the member who objects to it has any right to make a speech.

Mr. President : As objection has been taken to the motion, it is for the President to decide whether he allows the objection to prevail or whether he decides to suspend the Standing Order. The President should hear what the Member-in-charge has to say in favour of the Standing Order being suspended.

Sardar Dasaundha Singh : Then are we to understand that even the objector has the right to say something on that point ?

Mr. President : Yes. I will allow that too.

The Honourable Khan Bahadur Mian Fazl-i-Husain : I was submitting, Sir, that on my moving —

"That the Sikh Gurdwaras and Shrines Bill as reported by the Select Committee be taken into consideration"

an objection has been taken that under Standing Order 45 (*1*) (*a*), the report cannot be taken into consideration because it has not been in the hands of the honourable members for a week. This objection is perfectly good ; and on the objection being moved, I request you under the same clause to exercise your power to suspend this standing order and allow the report to be taken into consideration. My reasons for making this request, Sir, are as follows :—

Firstly—This Bill is a Bill which has been before this Council once before last year, after it was reported upon by the Select Committee. Now this Bill was published in the *Punjab Government Gazette* weeks and weeks ago. It was referred by this Council only a week ago to the Select Committee, to be reported upon by the 11th of this month. Clearly this Council in giving this duration had some object in view. It is that object, Sir, which compels me to request you to exercise your power and suspend the rules of business. In the second place, has the Council forgotten the repeated discussions we had on the question of the arrests that have been made of one hundred and odd Sikhs every day ? Is it the wish of this Council that these arrests should continue for a week so that honourable members may have full seven days wherein to peruse the report of the Select Committee and that during these seven days 700 and odd men should be arrested ? If so, who would be responsible for these arrests ? The honourable members who object to my motion, by preventing this measure from being passed into law, practically make it obligatory on Government to continue arrests of 100 and odd men every day. Is that their intention ? Is that the intention of this House ?

Sir, there is a third reason also. In the Select Committee this Bill has undergone but very little change and therefore there is nothing which needs more attention from the members of the House than they could have devoted during the past 24 hours and more that the report of the Select Committee has been in their hands. Therefore, Sir, for the reason that the Bill has already been before the public for a long time, for the reason that there has been very little change made in the Bill by the Select Committee and most of all on account of the extreme urgency of the Bill I beseech you, Sir, to exercise your power and grant me the leave. I can assure you, Sir, that so far as the Select Committee report is concerned, it has been in the hands of the members for more than 24 hours, and the period is long enough for it. The honourable member who raised the objection is as familiar with the report as I am inasmuch as it was he who raised the objection last year that the Bill gives too much power to the Sikh community. For these reasons Sir, I beseech you to grant my request and suspend the rule of business which stands in my way.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu) : Sir, the Honourable Minister for Education has laid great stress on the urgency of this Bill. He has said [commenced to translate the remarks of the Honourable Minister in vernacular.]

Mr. President: There is no use in translating. The decision rests with me and not with the House.

Mr. Ganpat Rai *(continued)* in Urdu :—

Sir, my objections to the consideration of the Bill at this time are that the Sikh members on the Select Committee did not attend the sittings of that committee and thus we have not had the benefit of their opinion, while on the day of the introduction of the Bill some of them had spoken against the Bill. May I therefore ask, Sir, how can the Council be justified in granting leave to consider this Bill when the Sikh Members in deference to the religious feelings of whom it has been introduced, do not want it? The reasons put forward by the Honourable Minister therefore are not weighty. Further we do not want to prolong the matter, but we want time to send in our amendments, if any amendments may be required. It has been said that we had full 24 hours for this purpose. May I ask, Sir, after allowing time for our meals, sleep, etc., what time we had between the hour this Council adjourned yesterday and again met to-day at 2 P.M.? Even if, Wednesday the 15th instant, had been given to us the Minister would have some justification in saying that some time was allowed after the presentation of the report of Select Committee on this Bill. The Honourable Minister has also made a reference to the daily arrest of Sikhs. Is he to-day their sympathiser? But I would ask him, Sir, where his sympathies had gone when from 1st September 1922 the Sikhs were almost brutally beaten on the way to Guru-ka-bagh. Further, is it anywhere provided in the Bill that their arrests will be stopped or those arrested will be released? Have the Sikhs besought his help in the matter of these arrests? I do not know why the Minister should come upon me for changing my previous views. I now having studied the whole situation sympathise with and support the Sikhs and their right cause. In a word, Sir, as long as a week, or as much time as you may consider desirable, is not allowed to this House, the consideration of the Bill should not be taken up, and I would, therefore, request that the special permission asked for should not be granted.

Sardar Dasaundha Singh: Sir, I beg leave to say a few words on the subject.

Mr. President: I think the onus of satisfying the President that the Standing Order should be suspended rests on the Member or Minister in charge of the Bill. I admit the great urgency of the Bill and the fact that it has been before the public for a long time. This is true, but changes of great importance have been made in the Select Committee and I think it is necessary that a little more time should be given to members for considering the effect of these changes and if possible consulting their constituents. I therefore uphold the objection to this extent that the Bill will not be taken into consideration until the 16th.

THE PUNJAB COURTS (AMENDMENT) BILL.

Mr. H. D. Craik [Chief Secretary to Government]: Sir, I beg to move.

"That the Punjab Courts (Amendment) Bill as reported by the Select Committee be taken into consideration."

Mr. President: The question is—

"That the Punjab Courts (Amendment) Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President: The Council will now proceed with the consideration of the Bill clause by clause.

The question is—

"That clauses 1 to 3 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 4 stand part of the Bill."

Sayad Muhammad Husain [Montgomery (Muhammadan), (Rural)]: Sir, I beg to move—

"That in clause 4, new section 22 (1) be omitted."

Sir, for saying that I have my reasons. It is very unfortunate that the *personnel* of the High Court as now constituted has very little sympathy with the zamindar class. Most of them are either Europeans or Indians.....

Mr. H. D. Craik [Chief Secretary]: On a point of order, Sir, is the honourable member in order in discussing the constitution of the High Court? It is in no sense a matter with which the Governor in Council is concerned or with which this Council is concerned.

Sayad Muhammad Husain: My point is this that I do not want to leave the nomination of candidate Sub-Judges in the hands of the High Court as that is prejudicial to the interests of the zamindar class. It is for this reason that I want to say why it should not be left in the hands of the High Court and why Government should take it in its own hands. The zamindar class can have no justice.....

Mr. H. D. Craik: Sir, I again rise to a point of order. The honourable member said that zamindars can have no justice from the High Court. Such a remark is grossly unworthy. The honourable member is not permitted to discuss in this Council the constitution of the High Court. Discussion in this Council is limited to matters which concern His Excellency the Governor in Council.

Mr. President: His point is this that this is a Bill for making certain alterations in the functions of the High Court as to appointments. The High Court is not being called in question as regards its conduct in the exercise of its judicial functions and I do not quite see how the member is to make his speech unless he refers to the High Court or how the matter is to come under discussion at all if all reference to the High Court is ruled out.

Mr. H. D. Craik: All I submit is this that the constitution of the personnel of the High Court is not a concern of this Council and therefore it should not be discussed here.

Mian Ahmad Yar Khan, Daulatana [Multan East (Muhammadan), Rural): Sir, if the High Court is a sacred thing why has this Bill been introduced into this Council.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban]: Sir, Standing Order 30 (2) reads:—

"A member while speaking shall not reflect upon the conduct of any Court of Justice in the exercise of its judicial functions."

I think these are judicial functions.

Mr. President: That is just the point. They are not judicial functions.

Diwan Bahadur Raja Narendra Nath: The point is that if the administrative functions of the High Court are exercised quite independently.....

Mr. President: I admit that the High Court is in no sense under this Council, but we have certain standing orders laying down very definitely certain matters which can not be discussed in the Council and I am not sure that I agree with the objector that it is actually out of order to bring in the constitution of the High Court. I think it is very improper and unjustifiable. Whether it is absolutely out of order, is rather a different question and rather a difficult one because it can be made relevant to the point at issue. But I appeal to the honourable member that he will not reflect on the High Court in any way. It would be far preferable that he should not do so. I have not studied rulings as to whether it is out of order, but the Judges are not here to be able to defend themselves in any way. The High Court is a very august body and it ought not to be reflected on.

Sayed Muhammad Husain: I am not going to reflect on the High Court in any way It is my duty not to do so and I never intended to do so. What I wanted to say was this that the nomination of Sub-Judges should rest in the hands of the Local Government because unless it is decided that a certain number of the zamindars, Hindus, Sikhs or Muhammadans, are to be taken in the service, until that time this nomination should remain in the hands of Government. I do not want to make a Madras of the Punjab the—Punjab Madras. I do not want that 5 per cent. should rule the other 95 per cent. I do not want the Brahmin and non-Brahmin question to be created in the Punjab. The Council has enhanced court-fees which means that justice has become dear. Those of us who are in touch with the masses, those who know the conditions know what it means when a Sub-Judge who is a zamindar comes to work among the agricultural classes. I can tell you that whenever any munsif whose sympathies are towards the zamindars comes to work amongst them civil cases automatically cease. When a zamindar class judge comes in then the money-lenders' suits are lost and the result is that litigation is reduced and that man is transferred. As soon as any munsif belonging to the money-lending class comes in lots of cases pour in and all the expenses of the courts are put on the poor zamindars. The recruitment from the zamindar classes must be in consonance with the population of the district. That is my first plea. My second plea is this that, without casting any reflection on the judicial power of the High Court, the Judges, whether European or Indian, belong to a class with all the exclusiveness and all the love of monopoly which a class possesses.....

Mr. H. D. Craik: I do not think, Sir, that the member is in order. The honourable member, so far as I understood him, said that the Judges of the High Court, whether Europeans or Indians, belong to a class who love the monopoly which a class possesses.

Sayad Muhammad Husain: Sir, these are not the words which I uttered.

Mr. President: May I ask the honourable member to withdraw those words and also to withdraw the words which he said before, *i.e.*, 'that zamindars could not expect justice.'

Sayad Muhammad Husain: I never cast any reflection. I never said anything against the Honourable Judges. All I said was that as now constituted they may be compared as a class with all the exclusiveness and love of monopoly for giving service to the people. That is what I said.

Mr. President: I ask the honourable member to withdraw that.

Sayad Muhammad Husain: Sir, I never meant any reflection, but if I did say that then I withdraw my words.

Is it democracy that 5 per cent. should rule the other 95 per cent?

In the circumstances in order to safeguard the interest of the poor masses.... .....

Mr. President: This is quite irrelevant. Your great love of the poor is coming in as it does in every debate. It is not relevant in any way.

Sayad Muhammad Husain: Sir, what I want is that this power at the present stage should not be given to the High Court, but that the Local Government should take it into its own hands. Just as the Extra Assistant Commissioners are appointed directly by the Punjab Government so the Subordinate Judges, who are now on the same level, should be appointed by the Local Government and the Government should make some rules that such and such a number should be taken from the zamindar class. After you have made these rules then you can give the power to the High Court to make the selection. That is all I want. That is what the zamindar class wants. In the circumstances I ask the House to take away this power from the hands of the High Court and give it to the Local Government so that the zamindars may have a fair chance in the administration of justice. That is what I want—bare justice and nothing more.

Mr. President: The question was—

"That clause 4 stand part of the Bill."

To this an amendment has been moved—

"That in clause 4, new section 22 (1) be omitted."

The question is that that amendment be made.

Mr H. D. Craik (Chief Secretary): I think, Sir, I can shorten the discussion on this amendment by stating that the honourable member who has moved it has surely misunderstood the objects of the clause which he desires to delete. The honourable member's object, I understand, is that the nomination of Subordinate Judges should be in the hands of Government and not in those of the High Court. I think I am right?

Sayad Muhammad Hussain: Yes, Sir.

Mr. H. D. Craik: That is exactly what the section does. Up to the present time the nomination of the great majority of persons who are called in this Bill Subordinate Judges has been entirely in the hands of the High Court. The Local Government has had no say in the matter whatever. If the honourable member will take the trouble to read the clause he will see that appointments now rest with the Local Government, that is to say, it takes out of the High Court power which the High Court formerly possessed. The honourable member is apparently apprehensive that the High Court Judges, regarding whom he made repeated and in my opinion most unjustifiable reflections, will misuse the power not of appointment but the

power of nomination which this clause gives them. That is a suggestion which I for one absolutely repudiate, and I think a large number of officers of the High Court sitting in this House will join with me in resenting that aspersion on a very distinguished body of men who occupy the benches in the High Court.

The clause as it stands in the Bill merely gives the High Court power to nominate. If there was for one moment—let us conceive an abuse of power, a most unlikely contingency, if the power of nomination is abused, has not the Local Government power to refuse the nomination under this clause? The honourable member's remarks are not only unjustified, they are entirely groundless. Moreover, the honourable member expressed the wish that the High Court should not have the power of fixing the qualifications. If he looks at sub-clause (2), he will find in it what he himself desires. He will see that it is not the High Court but the Local Government after consultation with the High Court that fixes the qualifications. It is not a point of amendment at all; and I trust the House will reject the amendment.

Mr. Ganpat Rai: I move, Sir, that the question be now put.

Cries of 'No, no.'

Mr. President: Before the debate goes on I do beg the members of this Council that they will not cast reflection in any manner on the Honourable Judges of the High Court. It has been done in one of the previous speeches. Before one has time to interfere, the words are uttered, and the harm done.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural]: Sir, I am a zamindar myself, and I yield to none in my love for the zamindars. I have been always advocating their interests, and if there had been anything in the amendment, I would surely have supported my friend, Pir Muhammad Husain. But there is nothing in this amendment which affects the interest of the zamindar. Rather it is open to a very serious objection. In the recruitment of the judiciary, the High Court, the highest tribunal of justice, should have a very great hand. If the appointment of the Subordinate Judges or if even the nomination to the post of Subordinate Judges is not left to the High Court, then it can never be expected that we can have a competent judiciary.

Then so far as the interests of the zamindars are concerned, we can press our claims upon the High Court as well as on any other department. We can surely claim a certain percentage. We can always say that the High Court should give a certain percentage to the zamindars, but those zamindars should come out of the class from which competent judicial officers are recruited.

It cannot be said that any and every zamindar can perform the duties of a judicial officer and specially of a Subordinate Judge because it is very difficult to adjudicate civil law. It is not an easy matter, and so far as recruitment is possible from the zamindars consistently with the merits of the candidates and consistently with the efficiency of the judiciary, we can always press our claims upon the High Court and it is very unsafe and improper for us to think that the High Court will never pay any regard to our claims. With these words, I oppose the amendment.

Diwan Bahadur Raja Narendra Nath [Punjab (Landholders), General]: Sir, consistency is a very commendable virtue, and this Council should have some regard for consistency. Less than a year ago, this Council passed a resolution for the separation of the executive from the judiciary. I do not understand how my friend, the honourable member for Montgomery who has moved an amendment to section 22, can reconcile his present position with the position that he took up at the time when that resolution was moved. The Chief Court has been raised to the status of a High Court; and that change of position to a higher status has necessitated the amendment of the Punjab Courts Act. Besides that, the judiciary has been improved and as it is proposed to separate as much as possible of the judiciary from the executive,—a point on which this Council laid great stress—some changes in the existing Bill are necessary. That is the *raison d'etre* of the Bill which is now before us.

It is impossible for the Local Government to make appointments to the post of Subordinate Judges without consulting the High Court and they have to take the opinion of the High Court. Would the executive service be filled by Government, without consulting their subordinates, without consulting the Commissioners and Deputy Commissioners. I do not, therefore, see with what sense or reason he can propose that the Local Government should ignore the recommendation of the High Court or act independently of the High Court. As a matter of fact, the clause in the Bill to which he proposes a change only recognizes this fact. The Local Government does consult the High Court. It cannot proceed any single step in making an appointment without consulting the High Court. Therefore, the amendment proposed by my friend appears to me to be altogether meaningless. Its acceptance has no significance either of advantage to the zamindars or of disadvantage to non-zamindars. I may inform my honourable friend that the Local Government also consists of non-Zamindars. Why does he fear the High Court? The matter is so obvious that it is not necessary for me to say anything, but as a member of the Select Committee, I see it necessary to defend the Bill as it stands; and I oppose the amendment.

Mr. Ganpat Rai: I move Sir—

"That the question be now put."

Mr. President: The question is —

"That the question be now put,"

The motion was carried.

Mr. President: Clause 4 under consideration. Amendment moved—

"That new section 22 (1) be omitted."

The question is that that amendment be made.

The Council then divided: Ayes 14, Noes 45.

AYES.

Mian Ahmad Yar Khan, Daultana.	Khan Bahadur Rai Wali Muhammad Khan.
Malik Firoz Khan, Noon.	Chaudhri Ghulam Muhammad.
Pir Akbar Ali.	Sayad Husain Shah.
Chaudhri Ali Akbar.	Rana Muhammad Jamil Khan.
Khan Sahib Pir Ali Haidar Shah.	Chaudhri Muhammad Hayat Khan.
Malik Karim Ullah Khan.	Sayad Muhammad Husain.
Chaudhri Ata Ullah Khan.	Chaudhri Shafi Ali Khan.

NOES.

The Honourable Sir John Maynard.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Khan Bahadur Mian Fazl-i-Husain.
The Honourable Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Sodhi Lal Singh.
Lala Atma Ram.
Lala Bishan Das.
Sardar Randhir Singh.
Sardar Dasaundha Singh.
Chaudhri Ghasi Ram.
Bawa Hara Singh, Bedi.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Sardar Kartar Singh.
Mr. K. L. Rallia Ram.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Nabi Bakhsh.
Chaudhri Kharak Singh.
Nawabzada Muhammad Irshad Ali Khan.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Gaupat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Mr. Manohar Lal.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Rai Bahadur Lala Sewak Ram.
Lala Uttam Chand.

The amendment was lost.

Mr. President: The question is—

"That clause 4 stand part of the Bill."

The motion was carried.

The Council then adjourned till 2 O'clock on Thursday, the 16th November, 1922.

SUPERINTENDENT BY THE
GOVERNMENT PRINTING PUNJAB.
353 PLC—475—28-11-28—SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Thursday, 16th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

2053—2054. Not put.

COMMUNAL REPRESENTATION IN THE SARGODHA MUNICIPAL COMMITTEE.

*2055. **Malik Firoz Khan, Noon**: Will the Government be pleased to state—

(*a*) what the population is of each of the three communities, Hindus, Sikhs and *Musalmans* in Sargodha,

(*b*) what the total strength of the Municipal Committee in Sargodha is to be for the future,

(*c*) the number of seats to be allotted to each community,

(*d*) whether the Government, when fixing the seats for the various communities, will kindly take into consideration the proportionate stake of the various communities in the district as a whole?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) It is presumed that the honourable member refers to the town of Sargodha only. The figures for the Municipality are :—

Hindus ...	8,139
Sikhs ...	2,168
Muhammadans ...	8,96

(*b*) and (*c*) The matter is still under consideration.

(*d*) It is intended that representation should be in proportion to population as modified by voting strength.

2056—2058. Not put.

LOAN OF RS. 50,000 TO MIAN ABDUL HAQ FROM MAMDOT ESTATE, FOR "MUSLIM OUTLOOK."

2059. **Rai Bahadur Lala Sewak Ram**: Will the Government be pleased to state—

(*a*) whether one Mian Abdul Haq applied in the year 1921 for a loan of Rs. 50,000 to be paid out of the funds of the Mamdot

*Malik Firoz Khan, Noon, being absent, his questions were put by Mian Ahmad Yar Khan, Daultana.

Estate, which is under the Court of Wards, in order to start a newspaper, and whether that application was rejected by the Financial Commissioner;

(*b*) whether in 1922 orders were passed by Government granting the said Mian Abdul Haq a subsidy of Rs. 5,000 per annum for three years and whether the subsidy for one year was paid before the paper was actually started;

(*c*) what were the grounds which induced the Government to change its view in 1922, and to give a donation instead of a loan;

(*d*) what part, if any, was taken by the Honourable Minister for Education in the matter of the grant of subsidy;

(*e*) what were the reasons which induced the Government to use the money of a ward for subsidising a sectional paper?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Yes.

(*b*) and (*c*) The attention of the honourable member is invited to the reply given to a somewhat similar question of Diwan Bahadur Raja Narendra Nath No. 2009.*

(*d*) The Honourable Minister for Education gave the Court of Wards his advice and opinion upon the reliability of the promoters of the newspaper.

(*e*) Government has not made use of the money of a ward as suggested. There is no reason why the funds of a Muhammadan land-owner should not be used to finance a paper promoted to advance the Muslim point of view.

Mian Ahmad Yar Khan, Daultana: Was the Nawab consulted about this matter? If so, did the Government receive any reply, and, if so, will the Government read out the reply to the Council?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Yes. Government received a letter from the Nawab, dated the 1st November 1922. It runs as follows:—

(Copy of a letter, dated the 1st November 1922, from the Nawab of Mamdot to the Financial Commissioner, Development.)

I FIND that a member of the Legislative Council, Punjab, is interesting himself in my affairs, and has put certain questions to Government purporting to indicate that it is in my interests this question is being put. I am writing to inform you that the honourable member who has put the question never consulted me, and has no authority whatsoever to proceed with this matter. A small grant that was made for the purpose of starting an English Muslim daily paper had my full approval. That such a paper was badly needed was mentioned to me by my numerous friends, and the small grant that has been made for it represents only in part my desire to serve the best interests of my community. The honourable member who has put this question does not seem to have in view the need of a Muslim paper to safeguard Muslim

* Vol. VI, pages 586-586.

interests ; and I trust this explanation of mine will satisfy him that in this respect the management of my estate has not only my full approval but, I am glad to be able to say, has the appreciation of my community.

Rai Bahadur Lala Sewak Ram : I wish to point out that the answer to part (*c*) is not covered by the answer to Diwan Bahadur Raja Narendra Nath's question.

Mr. President : Do you mean to say that part (*c*) is not answered by the answer given to Raja Narendra Nath ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : I think, Sir, that the answer is there.

DAMAGE TO LANDS DUE TO THE CLOSURE OF CERTAIN OPENINGS IN THE CHENAB RAILWAY BRIDGE.

2060. Khan Bahadur Chaudhri Fazl Ali : (*i*) Is it a fact—

(*a*) that from the year 1889-90 when out of the 64 openings in the Chenab railway bridge, 36 openings were closed, the river has carried away lands of the villages, Sheikpur, Kaulowala, Sian, Kaleke, Nat, Kotli Gohian and Sadhoke ;

(*b*) that since 1918-19, since when only 17 openings have been left, the erosion has increased still further so that in all some 2,000 acres have been carried away, the villages Kaleke and Kot Nathu having been destroyed ;

(*c*) that the bank of the river on Gujranwala side has been made safe by permanent embankments for some miles up the river bank, while on the other hand, the spurs erected for the safety of the Gujrat District have been carried away, and this has been a cause of destruction in villages Kothala, Pindi Tatar, Nat, Kotli Gohian and Sian ?

(*ii*) If the answers to (*a*) to (*c*) are in the affirmative, will the Government move the Railway authorities to kindly arrange during this winter to save these villages from destruction by erecting spurs ?

(*iii*) Will the Government be pleased to bestow lands by way of compensation on those whose lands have been carried away by the river since 1891-92 ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

2061. Not put.

DISTRESS IN LANDS FLOODED BY THE RIVER SUTLEJ.

2062. Sardar Bakhtawar Singh : Will the Government be pleased to lay on the table the answer to my question No. 1844* put on the 11th August 1922 ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

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* Vol IV, page 381.

ARMS RETURNED OWING TO INCREASE IN FEE ON ARMS LICENCES.

2063. Sardar Bakhtawar Singh: Will the Government be pleased to lay on the table the answer to my question No. 1845* put on the 11th August 1922?

Mr J. Wilson-Johnston: A reply to question No. 1845 has since been delivered to the honourable member and is now laid on the table.

Answer to question No. 1845.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The statement giving the required information is laid on the table.

Statement showing the number of guns, revolvers or pistols deposited by the people since the increase of fees on licenses for fire arms.

	District.	Guns.	Revolver or pistols.
1.	Hissar	...	...
2.	Rohtak	23	24
3.	Gurgaon	6	8
4.	Karnal	...	...
5.	Ambala	84	22
6.	Simla	...	...
7.	Kangra	...	...
8.	Hoshiarpur	2	3
9.	Jullundur	9	34
10.	Ludhiana	46	21
11.	Ferozepore	...	...
12.	Lahore	29	19
13.	Amritsar	53	20
14.	Gurdaspur	53	14
15.	Sialkot	7	2
16.	Gujranwala	...	...
17.	Sheikhupura	6	6
18.	Gujrat	8	10
19.	Shahpur	...	...
20.	Jhelum	...	...
21.	Rawalpindi	60	67
22.	Attock	...	...
23.	Mianwali	...	...
24.	Montgomery	...	...
25.	Lyallpur	...	...
26.	Jhang	...	...
27.	Multan	2	4
28.	Muzaffargarh	25	4
29.	Dera Ghazi Khan	...	...

*Volume IV, page 381.

ADMISSION OF SIKHS TO THE GOVERNMENT COLLEGE.

2064. Sardar Bakhtawar Singh : Will the Government be pleased to lay on the table the answer to my question No. 1846* put on the 11th August 1922 ?

Answer to question No. 1846.

The Honourable Khan Bahadur Mian Fazl-i-Husain : The information is laid on the table. Government does its best to meet the needs of all communities in this respect :—

Admission to 1st year class 1922.

	Hindus.	Muhammadans.	Sikhs.	Other Religions.
Number of applications (of eligible candidates).	120	68	29	1
Number admitted	60	52	14	1
Percentage of applicants admitted	50	76	48	100
Percentage of total admissions ...	47·3	40·9	11	0·8
Top marks of successful applicants	639	542	476	...
Lowest marks of successful applicants.	303	300	303	543

N. B.—Only applicants who passed in the 1st and 2nd Divisions of the Matriculation Examination were eligible for admission.

IRRIGATION OF PAKPATTAN AND MAILSI TAHSILS OF THE MONTGOMERY DISTRICT.

2065. Sardar Bakhtawar Singh : Will the Government be pleased to state—

(a) whether it is a fact that Government has under consideration the irrigating of unwatered tracts of Tahsils Pakpattan and Mailsi of Montgomery District ?

(b) If the answer is in the affirmative, when is the projected scheme expected to be taken in hand and by what time will it be completed ?

(c) How much of the land is expected to come under irrigation and whether the land will be sold or distributed by Government ?

* Volume IV, page 382.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia:

(*a*) The answer is in the affirmative.

(*b*) Work on it has already begun and irrigation may possibly begin in 1925-26. Final completion of the whole scheme will take two or three years more.

(*c*) 949·794 acres will be commanded, of which 897·000 acres more or less belong to the Local Government. A large portion of this will be sold at market value and most of the rest will be allotted in tenancies. It is impossible until the scheme is more fully developed to give more exact figures.

KUCHA BANDI IN MULTAN.

2066. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that lot of resentment and dissatisfaction is prevailing in Multan on the *Kucha Bandi* business?

(*b*) Will the Government be pleased to take the necessary action to stop *Kucha Bandi* being carried on?

The Honourable Sir John Maynard: (*a*) Yes.

(*b*) The matter is a delicate one in consequence of the alarm caused by recent incidents. The Deputy Commissioner has it under his consideration and Government is confident that he will deal with it with complete tact and discrimination.

COMMUNAL REPRESENTATION AMONG MUNSIFS AND SUB-JUDGES IN THE MULTAN AND MUZAFFARGARH DISTRICTS.

2067. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that out of 11 Munsifs and 4 Sub-Judges in the Multan and Muzaffargarh Districts there is only one Muslim Munsif?

(*b*) Is it a fact that these two districts have about a 90 per cent. Muslim population, and that in them the debtors are largely ignorant and poor Muslim zamindars?

Mr. H. D. Craik: (*a*) There are 10 Munsifs and 3 Sub-Judges in the Multan and Muzaffargarh Districts of whom two are Muhammadans.

(*b*) Eighty-four per cent. of the population of these two districts is Muhammadan.

COW PROTECTION.

2068. Lala Atma Ram: (*a*) Will the Honourable Minister for Agriculture please state whether his attention has been drawn to the resolutions adopted by the citizens of Calcutta in a meeting held on the 23rd September 1922 regarding cow protection?

(*b*) If so, what action, if any, does he propose to take in order to give effect to resolutions Nos. 1, 2 and 4?

The Honourable Lala Harkishan Lal: (*a*) Yes.

(*b*) A committee to consider the question was appointed in consequence of a resolution of this Council passed on 24th October 1921. The Ministry of Agriculture will take action upon the recommendations of this committee, which has not yet reported. The committee will be asked to expedite its report.

PROVINCIALIZATION OF SCHOOLS IN AMBALA DISTRICT.

2069. Lala Atma Ram: (*a*) Will Government be pleased to state—

(*i*) the amount budgeted for the year 1922-23 for the provincialization of Board High Schools in the Province;

(*ii*) the number of Board High Schools which could have been provincialized with this amount;

(*iii*) whether the whole of this amount has been spent for this very purpose. If not, why not;

(*b*) whether—

(*i*) it is a fact that out of five Board High Schools in the Ambala Division waiting for provincialization, only one of Rupar has so far been provincialized?

If so, will Government kindly state as to why it has been given preference over Sirsa High School;

(*ii*) it is a fact that the attention of the Hon'ble Minister for Education had already been invited for the provincialization of Sirsa High School and the public of Rupar had protested to the contrary;

(*c*) Government intends to provincialize any other High School from the Ambala Division this year? If so, will the Honourble Minister for Education be pleased to instruct his department to provincialize, first of all, the Sirsa School. If not, and if the whole amount budgeted has not been spent, will the Hon'ble Minister for Education, considering the claims of the Sirsa High School, order its immediate provincialization?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(*a*) (*i*) Rs. 1,29,300.

(*ii*) Six.

(*iii*) Six schools were taken over from the 1st October 1922, at an estimated cost of Rs. 52,000. No further schools have been provincialized owing to the financial stringency.

(*b*) (*i*) Yes. The Inspector placed Rupar before Sirsa in the order of urgency.

(*ii*) The local authority at Sirsa has asked for the provincialization of the school. Only a small portion of the public at Rupar protested against provincialization.

(*c*) The Finance Committee advised against the provincialization of any more schools this year.

TRANSFER OF TAHSIL HEADQUARTERS FROM ZAFARWAL TO NAROWAL.

2070. Chaudhri Ali Akbar: Will the Government be pleased to state—

(*a*) whether it is a fact that the transfer of Tahsil headquarters from Zafarwal to Narowal in the Sialkot District is under consideration?

(*b*) If so, what are the reasons for this change?

(*c*) Has Government taken into consideration the trouble and expenses the transfer of headquarter would cause to the litigant public of Zafarwal?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Yes.

(*b*) Recommendations for the change have been made on the ground of administrative convenience.

(*c*) The case is under consideration and the matters referred to by the honourable member will not be lost sight of by Government in coming to a decision.

WATER RATE IN THE LOWER CHENAB CANAL.

***2071. Sayad Husain Shah:** Will the Government be pleased to consider the desirability of reducing the water rate on the Lower Chenab Canal from sixth grade, as at present assessed, to fifth grade, as in the case of other canals, for such of the crops as get matured with one watering only?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The form in which the question is put is unintelligible, but it is believed to be intended to suggest that a crop which is matured on a single watering should be charged at the rate provided for a single watering before ploughing, not followed by a crop, instead of being charged at the full crop rate.

If this is the intention, it is regretted that Government is unable to consider it, for reasons which are too lengthy to enter into, but if the honourable member will see Chief Engineer, these will be explained to him.

2072—2074. Not put.

COMMUNAL REPRESENTATION IN THE RESULTS OF UNIVERSITY EXAMINATIONS.

2075. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that the percentage of successes among the Muhammadan candidates at the last F.Sc. (Medical and non-Medical) examinations of the Punjab University compares unfavourably with the results of previous years?

(*b*) If so, will Government be pleased to ascertain the causes?

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* Sayad Husain Shah being absent, his question was put by Sayad Muhammad Hussain.

The Honourable Khan Bahadur Mian Fazl-i-Husain :—

(*a*) Yes, but so does the general pass percentage—a statement for the years 1920, 1921, 1922 is laid on the table.

Year.	Number of Muhammadan candidates who appeared in F. Sc. Exam. (Medical and non-Medical).	Number passed.	Pass percentage	General pass percentage.
1920	100	59	59	*56·02
				† 64
1921	88	51	57·9	*64·8
				† 66·2
1922	98	38	39·6	*47·7
				† 50·8

* Shows pass percentage for Medical Group.

† Shows pass percentage for non-Medical Group.

(*b*) In view of the statement mentioned above, search for causes is unnecessary.

COMMUNAL REPRESENTATION IN EXAMINERS OF THE PUNJAB UNIVERSITY.

2076. Mian Ahmad Yar Khan, Daultana : Will Government be pleased to recommend to the Punjab University to adopt such measures as may give an equal representation to all communities on the list of Examiners?

The Honourable Khan Bahadur Mian Fazl-i-Husain : Government does not desire to interfere with the arrangements of the University the attention of the University will, however, be drawn to the question.

COMMUNAL REPRESENTATION IN MUHAMMADAN CIVIL OFFICIALS IN MULTAN.

2077. Mian Ahmad Yar Khan, Daultana ; (*a*) Is it a fact that a Hindu Additional District Magistrate has recently been posted to Multan and that a Muhammadan Police Officer has been transferred from this place?

(*b*) If so, will Government be pleased to state their reasons for this change?

(*c*) Will Government be pleased to maintain a fair proportion of Muhammadan officials a Multan in view of the high percentage of Muhammadan population in the Multan District?

Mr. H. D. Craik: (*a*) and (*b*). A Hindu officer, who happened to be available at the time, has been posted to Multan as Additional Deputy Commissioner for about a couple of months to assist the Deputy Commissioner in the extra work thrown upon him by the recent riots.

No Muhammadan Police Officer permanently posted to Multan has been transferred from there. A Muhammadan Deputy Superintendent of Police who had gone there for a short period to officiate as Superintendent of Police has been moved, on relief by the permanent incumbent, to officiate elsewhere.

(*c*) The maintenance of a fair proportion is always borne in mind.

2078.—*Cancelled.*

COMMUNAL REPRESENTATION IN THE AMRITSAR DISTRICT BOARD.

2079. Lieutenant Sardar Raghbir Singh: (*a*) Is it a fact that the representation of each community in proportion to its number of voters has always been secured by general election in the Amritsar District Board?

(*b*) Will the Government kindly lay on the table the correspondence between the Local Government and the Deputy Commissioners of Amritsar, Gurdaspur and Hissar on the proposal of introducing communal representation and state how many of them were against it?

(*c*) If the answer to (*a*) be in the affirmative, will the Government kindly consider the desirability of refraining from introducing communal representation in the Amritsar District Board?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) No.

(*b*) The cases are still under consideration and it is not in the public interest to lay the correspondence on the table.

(*c*) Does not arise.

DISPERSAL OF *AKALI JATHAS* BY FORCE.

2080. Lieutenant Sardar Raghbir Singh: Is it a fact that the dispersing of *Akali Jathas* by force and all other actions which have been taken by the police and civil authorities were taken in consultation with loyal Sikhs of the district?

(*b*) If so, will Government kindly state the names of those Sikhs?

Mr. H. D. Craik: (*a*) Government is not aware what persons were consulted by the local officers.

(*b*) This does not arise.

PERMANENT POPULATION OF SIMLA.

2081. Maulvi Muharram Ali Chishti: Will the Government be pleased to lay on the table the answer to my question No. 1672* put by me on the 8th August 1922?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the honourable member's question No. 1672 was, when ready, sent to Secretary, Punjab Legislative Council, for communication to the member. As requested it is now laid on the table:—

Answer to Question No. 1672.

The Honourable Khan Bahadur Mian Fazl-i-Husain: The figures compiled at the various censuses which have been held in Simla do not distinguish between permanent and other residents.

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* Vol. IV, page 230.

According to the figures that are available, and compiled about the middle of the years 1907 and 1921, the total number of resident have increased, since 1907, by about 19·6 per cent. The figures being 36,690 in 1907 and 43,907 in 1921 :

ARBITRATION SOCIETIES IN RURAL AREAS.

2082. Maulvi Muharram Ali, Chishti : Will the Government be pleased to lay on the table the answer to my question No. 1745* put by me on the 10th August 1922 ?

The Honourable Lala Harkishan Lal : The answer is laid on the table.

Answer to Question No. 1745.

The Honourable Lala Harkishan Lal : Orders for the abolition of the societies referred to have now issued. In these circumstances the information asked for by the honourable member is probably not required.

INCOME OF THE SIMLA MUNICIPAL COMMITTEE.

2083. Maulvi Muharram Ali, Chishti : Will the Government be pleased to lay on the table the answer to my question No. 1770† put by me on the 10th August 1922 ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : The answer to Council Question No. 1770 is laid on the table.

Answer to Question No. 1770.

The Honourable Khan Bahadur Mian Fazl-i-Husain : (*a*) Government grants and contributions to the Simla Municipal Fund amounted to Rs. 14,197 in the year 1920-21, and to Rs. 15,365 in the year 1921-22. In addition thereto the Government of India contributed Rs. 4 lakhs in 1920-21 towards the Simla Improvements Fund, of which the accounts are kept separately from those of the Municipal Fund.

(*b*) and (*c*). A statement is laid on the table giving the figures required for the years 1920-21 and 1921-22.

Statement of Municipal taxes, license fees, etc., paid during 1920-21 *by* (*a*) *Government and* (*b*) *private persons respectively.*

Nature of tax, etc.	Paid by Imperial Government.	Paid by Local Government.	Paid by private persons (including Government officials.)	Total.
	Rs.	Rs.	Rs.	Rs.
1. House and Ground Taxes	87,594	11,546	1,75,826	2,74,766
2. Water Tax	15,842	1,716	30,142	47,700
3. Water Meter rent ...	2,254	208	4,276	6,738
4. Excess water charges ...	41,477	4,743	16,973	63,193
5. Vehicle and Animal Tax ...	...	...	7,514	7,514
6. Dog Tax	...	...	3,752	3,752
7. License fees	...	...	3,844	3,844
Total ...	1,46,967	18,213	2,42,327	4,07,507
	1,65,180			

* Vol. IV, page 309.
† Vol. IV, page 325.

Statement of Municipal taxes, license fees, etc., paid during 1921-22 *by (a) Government and (b) private persons respectively.*

Nature of tax, etc.	Paid by Imperial Government.	Paid by Local Government.	Paid by private persons (including Government officials).	Total.
	Rs.	Rs.	Rs.	Rs
1. House and Ground Taxes ...	90,344	10,750	1,97,906	2,99,000
2. Water Tax	18,469	1,692	32,285	52,460
3. Water Meter rent ...	2,858	215	4,840	7,913
4. Excess water charges ...	41,167	4,083	26,359	71,609
5. Vehicle and Animal Tax ...	...	...	7,142	7,142
6. Dog Tax	...	...	4,068	4,068
7. License fees	...	...	4,628	4,628
Total ...	1,52,852	16,740	2,77,229	4,46,815
	1,69,592			

SURRENDER OF GRANTS.

Mr. Miles Irving (Financial Secretary) : With your permission, Sir, I desire to announce to the House the surrender of the sums of Rs. 56,500 and Rs. 17,300 voted by this House in respect of discount on General Stamps and Court-fees Stamps. When the budget for 1922-23 was presented the grant under the head Stamps for discount on General Stamps and Court-fee Stamps was reduced by one half. It was subsequently discovered that a mistake had been made. Under section 72-D(3) (*iii*) of the Government of India Act it is not necessary that proposals should be submitted to the Council relating to expenditure of which the amount is prescribed by or under any law. Discount in the case of both General Stamps and Court-fee Stamps is prescribed by rules issued by the Local Government under section 74 of the Stamp Act, 1899, and section 34 of the Court-fees Act, 1870 Therefore these sums are non-voted expenditure. The Government accordingly has surrendered the amounts granted by the House and has placed at the disposal of the Financial Commissioners sufficient provision for the current year as non-voted expenditure.

Mr. Ganpat Rai : Do I understand, Sir, that the Government can pay the full commission to the stamp vendors ?

Mr. Miles Irving : Government has provided sufficient sum under non-voted expenditure for this item.

Mr. Ganpat Rai : I am sorry I am not able to understand it. What I want to know is whether Government is allowing full commission or only half.

Mr. Miles Irving : I must ask for notice of the question.

THE PUNJAB COURTS (AMENDMENT) BILL.

Mr. President : The House was discussing the Punjab Courts (Amendment) Bill, and before the House continues the discussion of the Bill I should like to say a few words. The provisions of the Bill deal with certain administrative powers of the High Court, and consequently discussion of the proposals embodied in the Bill as touching the High Court are necessary and proper. This, however, does not in any way entitle members to reflect upon the Honourable Judges in any way or upon their absolute impartiality in dealing with materials available to them. It is quite possible for members to make any legitimate points without making any such reflections, and I desire to inform the House that if any member does exceed the limits I have set, I shall order him at once to discontinue his speech.

Mr. President : The question is—

"That clauses 5 to 9 stand part of the Bill."

Chaudhri Kharak Singh : [Amritsar-*cum*-Gurdaspur, (Rural)] : Sir, there are changes made in the body of clause 9 but no changes have been made in the heading.

Mr. President : I think you refer to the marginal notes ?

Chaudhri Kharak Singh : Yes, Sir.

Mr. H. D. Craik (Chief Secretary) : Marginal notes are not part of the Act and it is unnecessary to amend them.

Mr. President : The question is—

"That clauses 5 to 9 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 10 stand of the Bill."

The motion was carried.

Mr. President : The question is—

"That clauses 11 to 17 stand part of the Bill."

The motion was carried.

M. President : The question is—

"That this be the preamble to the Bill."

The motion was carried.

Mr. H. D. Craik (Chief Secretary) : Sir, I now move—

"That the Punjab Courts (Amendment) Bill be passed."

Mr. President : The question is—

"That the Punjab Courts (Amendment) Bill be passed."

Sayad Muhammad Husain: [Montgomery (Muhammadan) Rural]: Sir, I oppose the passing of this Bill into an Act. I am sorry that the day before yesterday some of my remarks were misunderstood. I never meant to reflect upon the Honourable Judges of the High Court. What I meant was this that the Government being more in touch with the people than the High Court, is in a better position to understand the claims of the majority, the backward classes, those who have not got the posts hitherto. Sir, the thing is that we want that the car of administration should not be rolled over our heads, but that we should be asked to participate in it by pulling its rope. No doubt the zamindars who form 95 per cent. of the population require their due share of the administration to be given them, but their rights are encroached upon. Everybody knows that if a minority secure a monoply in the appointments this has a very degenerating effect upon the community which is left backward. Even the tallest have to bend before the exigencies of time. This is civil work. If the Munsif is appointed not from the zamindar class but from the other class, the result is that he goes on passing decrees after decrees * * * * * * *

Mr. President: Though the member is not reflecting upon the Honourable Judges he is rather reflecting on a certain class of Civil judges. He says that a certain class of judges go on passing decrees after decrees without any consideration of the merits of the cases.

Sayad Muhammad Husain: If there is a zamindar judge he knows how much interest to cut down. Many times in the past Government has passed orders that the selection of the Munsifs will be from the zamindar classes, but unfortunately that has not been done so far. What I want is to ensure that the rights of the zamindars will be safeguarded. This is all I want. This is what I wanted the day before yesterday and this is what I want to-day. In this Bill as it stands no safeguard has been made to that effect. Had there been any safeguard, had there been any assurance given by Government that the High Court would be advised to take into consideration the full rights of 95 per cent. of the population, I would have been quite satisfied. My opposition to the Bill is a protest on behalf of my community, the zamindar community, which constitutes 95 per cent. of the population, that there must be some clause inserted in this Bill to the effect that the appointments will be given to this community in proportion to its strength. With these remarks I resume my seat.

Mr. Ganpat Rai: [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] Sir, I had no intention of speaking at all on this Bill. It is so simple that I did not expect any opposition, certainly not from my co-worker, Sayad Muhammad Hussain, but it is he who has made me rise and say a few words in support of this Bill. Sir, I ask my friend Sayad Muhammad Hussain and those who are a party in this case, whether any of them will please tell me by referring to history if in the Moghul Empire when *Qazis* or Head *Qazis* were appointed this principle which they are advocating to-day was ever acted upon. Was the recruitment of the *Qazis* and Head *Qazis* in the Muhammadan rule confined to this particular class or were they recruited from amongst the zamindars and non-zamindars? I have tried since the day before yesterday to look into certain books but I have failed to find any trace of it * * * * * * *

Mr. President: I do not think the discussion need go on this matter. The time for amending the Bill has passed. It is merely a question whether this Bill be passed or not.

Mr. Ganpat Rai (continued): Sir, I am refuting some of the arguments which Sayad Muhammad Hussain brought forward in his speech. With your permission, Sir, I will repeat it again. I ask any of my friends here to come forward and point out to me that this principle was ever acted upon during the time of the Moghul Kings. If you allow me, Sir, I will say, can any of my learned friends here come forward and point out to me that this principle was ever acted upon during the time when they held the sovereignty of this country. If they can point out, surely, Sir, I think there will be reason for the British Government and for the Local Government to follow the precedent. If they are unable to point out, then I think the Government would act wrongly in adopting new principles which the Muhammadans had not applied during their own rule. I appeal to this House to take this into consideration when giving their vote. I say these principles are being introduced with a view to keep up and prejudice the rights of the original proprietors of this country,—I mean the Hindus,—because the other communities, Muhammadans and Christians,—are foreigners * * * * *

Mr. President: Order, order. I cannot allow you to go on in this strain.

Mr. Ganpat Rai: With these remarks, I support the Bill being passed into an Act.

Chaudhri Kharak Singh [Amritsar-cum-Gurdaspur (Non-Muhammadan) Rural] (Urdu): Sir, being a zamindar I also agree with my friend Sayad Muhammad Husain that the zamindar class should be adequately represented in filling up the posts of Subordinate Judges. On that score, Sir, this Bill is not at all defective, for if the Local Government intend to relax rules, as to the qualifications of persons to be appointed Subordinate Judges, in favour of the zamindar class they will find a good deal of latitude in sub-clause (2) of section 4 of the Bill which runs as follows:—

"The Local Government may, after consultation with the High Court make rules as to the qualifications of persons to be appointed as Subordinate Judges."

It is therefore absolutely wrong to allege that the Bill will not properly safeguard the interests of the zamindar class. By framing these rules, the Local Government will, I hope, distribute all these appointments proportionately among all the communities according to their due shares. The rural members should not therefore oppose the Bill on the ground that it is calculated to injure the rights of the zamindar class. With these remarks I support that the Bill be passed.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural] Urdu): Sir, before I give my reasons for opposing this Bill, I would like to make it clear to Mr. Ganpat Rai that in the days of the Moghuls it had never been the function of the *Qazis* to make the appointments of Subordinate Judges. It was always the Government which used to regulate and control their appointments and the business of the *Qazis* was simply to adjudicate upon disputed matters according to the established law. Chaudhri Kharak Singh has not been able to calculate what loss the zamindar community would suffer if this Bill were placed on the Statue Book. This is because he is sitting far away

[Pir Akbar Ali.]

from the benches of the zamindar members and خیال همنشین در او اثر کرد (the ideas of his associates have influenced him).

This Bill proposes to substitute the word "Subordinate Judge" for that of a "Munsif", and it is alleged that this change was necessary because a Munsif has now been made a Gazetted Officer. The reason does not seem to be a plausible one, for where was any harm if he was to retain the title of "Munsif" on being made a Gazetted Officer? I think, Sir, the title of "Munsif" has got a greater affinity to justice than the word "Subordinate Judge."

Again, Sir, this Bill provides that the nomination of the Subordinate Judges will remain entirely in the hands of the Honourable Judges of the High Court and that the Local Government will only make the appointments of these nominees. This measure is not desirable at all, and I object to this on the ground that the Honourable Judges of the High Court are already too much occupied in their judicial functions to attend to this business in a satisfactory manner. Moreover, Sir, it would become sometimes very difficult for the Honourable Judges of the High Court to find fault with the work of their own nominees, in case a report of some corruption was made against any one of them. It is also apprehended that the High Court will not take into consideration the principle of communal representation in making these nominations whereas only a very few days ago this Council carried a resolution to appoint a committee to inquire into and report on the possibility of effecting communal representation in all Government Departments. This Council can certainly not bind the High Court to act upon that principle. Hence we apprehend that the interests of some communities might be injuriously affected if the High Court were to make the nomination of Subordinate Judges.

Sardar Dasaundha Singh: [Ludhiana-(Sikh)-Rural] (Urdu): Sir, this Bill seems to be quite a simple and harmless measure, and it was not to be expected that it would meet with so great opposition. It has apparently been opposed under the pretence of safeguarding the interests of the zamindar community. I think, Sir, it does not at all trample upon the rights of the zamindar class, and if it had been the case I would have been the first to oppose it. A gentleman has just now said that this council cannot bind the High Court on the question of communal representation. But I would like to ask him in return if we can possibly compel the heads of other departments to give effect to that principle. As a matter of fact it is a mistake to think that those highly enlightened Judges of the High Court would not attach any importance to that question. I would therefore appeal to the rural members to support this Bill through, for it is not at all repugnant to their interests. With these remarks I support the passing of this Bill.

Khan Bahadur Chaudhri Fazl Ali: [Gujrat (West Muhammadan) Rural] (Urdu): Sir, the use of the word "zamindar" has incited me to participate in the debate. It is most essential that the interests of all communities should be properly looked after, and in the case of a backward community like that of zamindars it is still more important for the Local Government to make adequate provisions for its advancement and progress. I oppose this Bill, Sir, on the ground that the nomination of Subordinate Judges having been placed in the hands of the Honourable Judges of the High Court, it is not expected that the latter would do proper justice to the rights of the zamindar community. Far be it from me to make any reflection on any of the

Honourable Judges, it is only our own backwardness which compels us to ask the Local Government to place the matter of nomination in the hands of such officials with whom the zamindars might have opportunities to come into contact. I have given this preference to the executive officers because they are better acquainted with the relative importance of all classes and communities, and they can judge which of them needs greater representation. Although our youths are not well advanced in education, yet the services which they have rendered in war cannot be ignored. It would therefore be conducive to their interests if the nomination of subordinate Judges were directly controlled by the Local Government. The zamindars deserve well of Government, and it is certainly not fair to give this power of nomination to the High Court. * * * * *

Diwan Bahadur Raja Narendra Nath: I rise to a point of order, Sir. The honourable member's (Khan Bahadur Chaudhri Fazl Ali's) remarks do not seem to be relevent to the matter under consideration.

Mr. President: I agree that his remarks do not seem to be relevant. Members are trying to bring forward reasons why the Bill should not be passed. There is no distinction drawn in the Bill between zamindars and other classes. I do not quite see how the relevancy comes in.

Khan Bahadur Chaudhri Fazl Ali (continued): Sir, I cannot understand why this Amendment Bill was thought necessary. The original Act, I think, was in no way defective. This Bill seems to be quite useless, and I therefore oppose it.

Mr. H. D Craik (Chief Secretary): Sir, I share my friend Sardar Dasaundha Singh's surprise that this should have been treated as a contentious measure. I wondered if the printer had dropped into this Bill some contentious word, something like 'gurdwara'. I think the opposition to this Bill is, as I tried to explain the day before yesterday, founded on a misapprehension as to what its effect will be. The only object of the Bill is to provide for the amalgamation of the class of officers now known as 'munsifs' with the class of officers known as 'subordinate judges'. I share with Pir Akbar Ali his regret that the good old fashioned name of 'munsif' is disappearing. But the name, I understand, is disliked by that class of officers and its disappearance is a recognition of the fact that they are as a matter of fact discharging exactly the same work under exactly the same conditions as those who are called 'subordinate judges'. That, Sir, in short is the object of the Bill.

But, Sir, objection has been taken to clause 4 because it is understood or thought that it gives to the High Court greater powers of appointment than that court enjoys at present. That, Sir, as I pointed out the other day, is not the fact. So far from giving the High Court greater powers the clause actually withdraws from the High Court certain powers which it now exercises. At present the subordinate judiciary consists,—I am sorry I have not got the exact figures with me now, and I hope honourable members will correct me if I am wrong—of roughly one-third subordinate judges and two-thirds munsifs. The munsifs are now appointed solely by the High Court and not by the Government on the recommendation of the High Court. Under this Bill that power of the Court disappears. That is to say, out of a body of (say) 150 officers, instead of 100 being appointed by the High Court and 50 by the Government, all the 150 officers, will be appointed by the Local Government. Surely, Sir, any objection based on this fear falls to the ground.

[Mr. H. D. Craik.]

Then, Sir, we have this question which so often comes up, the question of communal representation. I put it to the House, is not the fact that all appointments are to be in the hands of the Government a sufficient safeguard against any apprehension on that ground? Every appointment will require the approval of the Government, and that is a sufficient safeguard that the interests of all communities and all classes will be properly protected. What more do they want? After explaining these points I cannot really understand what ground there can be for opposing this Bill. I, therefore, ask with confidence all reasonable members of this House to pass this Bill without further discussion.

Mr. President: The question is—

"That the Punjab Courts (Amendment) Bill be passed."

The motion was carried.

THE INDIAN STAMP (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard (Finance Member): Sir, I present the report of the drafting committee of the Indian Stamp (Punjab Amendment) Bill. There have been no consequential amendments. All the amendments made by this House have been incorporated in the Bill as it now stands. I now move—

"That the Indian Stamp (Punjab Amendment) Bill be passed."

It is unnecessary for me to say more than very little in moving this motion. The Bill omits fifteen items in the schedule which must be dealt with as a matter for all-India legislation. The more important items omitted are stamps, receipts, promissory notes, bills of exchange and policies of insurance. The object of the Bill, as I have said several times before, is a fiscal object. We have a deficit, a normal recurring deficit of 123 lakhs of rupees every year, and this Bill is a portion of the measures which have been devised in order to restore the equilibrium in our finances. There have been in the items dealt with in my Bill no increase of stamp charge since 1869 and virtually none since 1879. The Bill follows the Bengal Bill very closely indeed, and where there are any departures they are mostly departures made in the course of amendment by this House. My Bill, as originally drafted, was calculated to have a yield of about 8 lakhs of rupees annually. Owing to certain amendments made by this House the yield is now reduced to 6 lakhs of rupees, but it is a matter for gratification that we shall have this amount in order to assist in restoring the equilibrium.

Mr. President: The question is—

"That the Indian Stamp (Punjab Amendment) Bill be passed."

Mr. Ganpat Rai: Sir, I just want to say a few words in opposing the passing of this Bill. My reasons for opposing this Bill are these. Originally when this law was introduced in this country the object was not to make any heavy revenue out of it, but a moderate revenue with a view to prevent forgeries (this was in 1879) and no attempt was made to raise a stamp duty. Then, secondly, I say that though it is said that these enhanced duties are required to make up the deficit of 123 lakhs, in my humble opinion and according to my conviction, this sum can be met by reducing lavish expenditure and by preventing waste. These are the two reasons for which I oppose this Bill.

I need not thank the Finance Member for the compliment which he paid me the day before yesterday, but I assure him that I have only done my humble duty to Government and to the people of this Province, and am glad that my tears have saved at least two lakhs of rupees.

Mr. President: The question is—

"That the Indian Stamp (Punjab Amendment) Bill be passed."

The motion was carried.

THE SIKH GURDWARAS AND SHRINES BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain [Education Minister]: Sir, I beg to move—

"That the Sikh Gurdwaras and Shrines Bill as reported by the Select Committee be taken into consideration"

In doing so I beg here, Sir, to take this opportunity of pointing out that the changes made in the Bill by the Select Committee are of two kinds; firstly, changes which clear up the position and, secondly, changes which really introduce a change. So far as the real changes are concerned they are three. The first and the most important change in the Bill effected by the Select Committee consists in the removal of the schedule and omitting clause 27 of the Bill in consequence of the omission of the schedule. Now, Sir, this change has been made in order to bring the Bill in exact accordance with the wishes of the Sikh members of this Council expressed in August last. As it was mentioned in the *Punjab Government Gazette* in which this Bill was published the Bill as published was, as desired by the Sikh members of the Legislative Council, except as I mentioned in the notification introducing the Bill, that I had on my own responsibility introduced the schedule thinking that the introduction of the schedule in the Bill would make it more acceptable to the non-Sikh members of the Council and the public outside than it was at the time. Sir, in that idea I was far from right. I discovered after a short while when memorial after memorial began to drop in that the Sikh members of this Council were in the right and I was in the wrong. When this matter was mentioned to the Select Committee they were unanimously in favour of omitting the schedule with the result that it does not now form part of the Bill. The second change made by the Select Committee is a slight one. It is in clause 5 of the Bill. .....

Mr. President: I hope the Honourable Minister has no objection to my pointing it out to him, that two days ago he did disclose what one particular member had done in the Select Committee. What a member said or thought in the Select Committee and which does not appear in the Select Committee's report, should not be disclosed. That is for the purpose of free and frank discussion in the Select Committee, and it is better that those matters should not be disclosed.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): I am fully aware of that principle, Sir, and I have no intention of departing from it.

The change in clause 5 of the Bill is a comparatively slight one. As regards the time given to different bodies for electing commissioners to the Board, the period of one month is reduced to 15 days. It is obvious that this is a slight modification. The third change made in the Bill is in clause 8. Clause 8 of the Bill originally provided for casual vacancies due to removal,

[Hon'ble K. B. Mian Fazl-i-Husain.]

death, resignation, and so on; and there was one clause governing the three contingencies. In the Select Committee two separate methods have been adopted for filling up these vacancies; (1) for death, which is a contingency over which human beings have little control, and (2) for resignations, removals, etc, and over which we have some control. Therefore, two methods have been adopted for these two distinct contingencies. Now, Sir, these are the three changes; and it will be noticed that there is really only one important change and that has been made with the object of bringing the Bill more in accordance with the wishes of the Council.

There are three other changes which have been made with the object of clearing what was indefinite before. The first one is in clause 3. It will appear that we have now made it absolutely clear that no one institution which has been declared to be a disputed *gurdwara* or shrine can remain under the rule of the Board of Commission for more than one year as a rule, and under no circumstances for more than three years. That again I trust is a change in the right direction in clearing up that which was originally left vague.

The second change which removes an ambiguity is in clause 6. In the original Bill we had put down that the period during which the Commissioners will hold office will be 2 years, but it was no where said that the Board could not exist for more than 2 years. In the Select Committee it has been made clear that the Board will be for two years and that under no circumstances can it exist for more than four years. That was done to meet the wishes of the Sikh members. It is not after all such a very temporary measure. It is for two years and may be for four years.

The third change is in clause 22. It will be noticed that in deference to the wishes of some for keeping alive the jurisdiction of the civil courts, we have made it clear that matters relating to third parties are not within the scope of the Bill.

These are so far as I can judge all the changes that the Select Committee have introduced. To sum up I trust I have shown that there is only one important change, and I trust the members will appreciate it.

With these words, Sir, I move that the Bill be now taken into consideration.

Mr. President: Sardar Dasaundha Singh has been trying to catch my eye for a long time. I do not know what he has to say whether he is rising to speak against the Bill or to a point of order. If the latter I will hear him before stating the question to the House.

Sardar Dasundha Singh [Ludhiana (Sikh), Rural]: I want the ruling of the chair on a rather important point. I will put in the form of an illustration because it may not be said that I question the ruling of the chair given the other day. Supposing an honourable member were to move that a certain Bill be taken into consideration and supposing I were to object to the motion under Standing Order 45 (1) (*a*), then in that case can the chair rule that the Standing Order is not suspended, say, for two or three days, and can it be ruled that on the third or fourth day, the Bill will be taken into consideration. On the other hand, the chair can rightly rule that the Standing Order cannot be suspended and the honourable member should take his chance three or four days hence because in that case any other member will have the right to bring forward the same objection. After having this ruling of the chair, I would like to bring forward the same objection that I object to this

motion, and I pray that the chair may not suspend the Standing Order 45 (1) (a). That is why I want this ruling.

Mr. President: The objection raised by the honourable member (Sardar Dasaundha Singh) does not seem to me to have any force. What was decided two days ago on the objection of Mr. Ganpat Rai was not that the Bill be taken into consideration. That is a matter for the House to decide. I gave my decision that I upheld the objection to the extent that I ruled that the motion for taking the Bill into consideration should not be put to the House till to-day. Now the motion can be put and no further objection can be taken.

The question is—

"That the Sikh Gurdwaras and Shrines Bill as reported by the Select Committee be taken into consideration".

Sardar Sangat Singh [Lahore (Sikh), Rural]: With your permission, Sir, I want to read my speech. Sir, I have heard with patience and surprise the speech of the Honourable the Minister for Education on the present temporary Bill * * * * *

The Honourable Khan Bahadur Mian Fazl-i-Husain: Has the honourable member permission to read his speech, Sir?

Mr. President: The honourable member has permission to read his speech from manuscript because I am aware he is not accustomed to speak; but he must remember that he should strictly confine his speech to five minutes.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Sir, Sardar Sangat Singh while reading his manuscript says that he has heard my speech with patience and surprise. I have delivered my speech now. How could he have heard my speech at the time he wrote out his manuscript.

Sardar Sangat Singh (continued): Sir, it is true that five or six months back I along with some other Sikh members of this Council gave our consent to a Gurdwara Bill being introduced. As the Minister cannot be unaware, our sole object was to avoid the serious situation which has actually arisen, thanks largely to the delay which has taken place. As we had anticipated, tension of an acute character has been created between the Government and the whole Sikh community.

Sir, it is quite unnecessary to go into the history of this tension which, I am sure, could easily have been avoided. Now the whole Sikh community is sore at heart. Cruel excesses have been committed. More than half the Sikh members of this Council have witnessed with their own eyes, the barbarous beating of the Akalis till they became senseless. As many as 1,500 men were beaten. Since then for a couple of months arrests of 100 men per day have been taking place. All this is being done in the name of law and order. But no enquiry committee is appointed. Is this fair? Is this the way to pacify the Sikhs and produce a calm atmosphere which is necessary before a settlement can be arrived at?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Is that relevant, Sir?

Sardar Sangat Singh (continued): Sir, the present Bill will not do. It will not meet the situation which has arisen. A temporary Bill, such as this one is, is now no remedy. The Sikh members find opposition to the Bill universally by the Sikhs throughout the Punjab, and personally I do not find one Sikh, whether independent or dependent on Government favours, support it. I am afraid the passage of the present Bill and its execution would bring serious consequences not to the Sikh community only

[*S.* Sangat Singh.]

but will not be in the interest of good Government and its former policy, and if it is passed against the wishes of the Sikh community it will remain a dead letter like the Rowlatt Act. I am unable to understand why this Bill is being forced upon us when we, the Sikhs, do not want it nor is it supported by the Hindus and the saner non-bigoted section of the Muhammadans who do not wish to interfere in the religious ideals of the Sikhs. In conclusion, Sir, I beg the Government to withdraw the present Bill.

Sardar Randhir Singh : [Sialkot-*cum*-Gurdaspur (Sikh) Rural] (Urdu): Sir, the Honourable Minister for Education has said that in July last we agreed to a Bill being brought forward. There is no doubt that we agreed. The state of things at the time, however, was different and we agreed under the impression that matters would be adjusted. Subsequently matters assumed dangerous proportions, and we, the Sikh members urged that a conference might be held regarding the matter, but the Honourable Minister did not accede to our request and every one knows the consequences that have ensued. At the end of October the Akalis began to flock to Guru-ka-Bagh and to make sacrifices. When the Bill was laid before us we unanimously declared that we could not agree to it. We do not know why the Bill has been now brought forward in spite of opposition. I would like to point out that Government had said that the Bill would not be introduced in case the Sikh members disagreed with its provisions. It is to be regretted that the Bill should be introduced notwithstanding the fact that the Sikhs are opposed to it. There are, at the present moment, three parties in the country—Moderates, Extremists and others. All of them are opposed to the Bill. The Press is opposed to it, and articles against the Bill are published day and night. We are confronted with a great difficulty. In case we allow the Bill to pass after introduction no result will ensue. We do not, therefore, wish to take responsibility upon ourselves because the Bill will not confer any benefit upon us or on the *gurdwaras*. If we do not agree to the Bill Government will say that it will not take any part concerning the question of *gurdwaras* because the Sikh members have not agreed to it. It has been said that all the outstanding questions will be settled through this Bill within two years. My humble submission is that after two years the same difficulties will again be encountered as are being encountered now, for the Bill will be operative only temporarily for two years. I hope, therefore, that the House will not pass the Bill. We Sikhs are in a minority in this Council, and we hope that the Hindu and Muhammadan brethren will help us in this matter by opposing the Bill. Had the Bill been of any use we should have accepted it without hesitation. We would have accepted it if it had been satisfactory or had afforded a hope of improving matters. As the Bill will not prove of any use I oppose it most strongly.

Sardar Bakhtawar Singh [Hoshiarpur and Kangra (Sikh) Rural] (Urdu) : Sir, after the conclusion of the Great War a wave has swept over the whole world, *i.e.*, autocratic and democratic parties have come into conflict. Democrary does not acknowledge autocracy. Bloodshed is taking place in the civilised countries owing to this wave. India is not a dead body that it should escape the effect of the wave. When so much is being heard about democratic rule the Sikhs who are a martial community could not have remained quiet. How could they have tolerated autocracy in the *gurdwaras* ? The Mahants desire that they should not be required to give an account of the money that was given to them for the poor and for religion, and that they should be allowed to lead dissipated lives in the shrines without being ever called upon for an explanation. When there is no autocratic rule in the shrines belonging to

other communities the Sikhs too cannot tolerate that the Mahants should behave despotically. I would advise Government to treat the two parties, *i.e.*, the Mahants and the Sikhs, as distinct from each other. The *gurdwaras* belong to the Sikh community while the Mahants are mere servants or trustees. The Mahants are wrong when they say that they have held possession of the *gurdwaras* for a long time. Supposing that a proprietor does not through a mistake examine the accounts of his property and supposing he afterwards examines the accounts it is not for the servant to assume the title of a proprietor. This is how matters stand at present. The Mahants are a kind of servants, while the Sikh community is the owner of the *gurdwaras*. What we want is that peace should be restored and such legislation passed as will prove of some advantage. My friend Maulvi Muharram Ali once said that when a community wants to have, say, 2 annas Government pays that sum, but when the community wants to have, say, as much as five rupees Government pays only one rupee instead of five. My submission is that the desire of the Sikhs has now increased. They have made sacrifices. Previously this very Bill was acceptable to them, but it is not acceptable now. Our eminent countryman, Mr. Shastri, who was a member of the Reform Committee, says as follows :—

"Events are moving rapidly, however, and already a movement is afoot to ask Parliament to shorten this period. Wise statesmanship must recognise facts and not stand on pedantic limitations. It is better to take a step now and ease the wheels of progress, rather than wait until people think action has been taken late and ungraciously, as though forced from unwilling hands. It is better to meet demands when they are within reason and moderation, rather than wait until they are clamorous and dictatorial."

The aspirations of the Sikhs were very low in the first instance. Had this Bill been given us immediately after the Nankana tragedy Government would have placed the Sikhs under an obligation, but it acted negligently and looked on. The community now treats with contempt the Bill which it would have accepted willingly. First deserve and then desire is a well-known English proverb. We now deserve to be given something better than this Bill. After a great deal of deliberation at Simla we requested Government in July to introduce the Bill. At the time the *Shrowani Gurdwara* Committee too would perhaps have agreed and matters would have been adjusted. That atmosphere no longer exists. After having made a large number of sacrifices the Sikh community is unwilling to accept this Bill. We the Sikh members were summoned on the 19th October in connection with this Bill, and we unanimously declared that we could not accept this temporary Bill, and that some permanent Bill might be given. Thereupon a permanent Bill was drawn up and we wanted to amend it in certain respects. God alone knows how the present Bill has come to be introduced. If Government has solicitude for us, it should give us a permanent Bill under which the Mahants should be declared servants or employees, and the management of all the *gurdwaras* should be in the hands of the Sikh community and not in those of the Mahants. If the present Bill is passed, it will remain a dead letter. With these remarks I strongly oppose the Bill.

Diwan Bahadur Raja Narendra Nath [Land-holders (General)] (Urdu): Sir, when I joined the Select Committee I approached the question before us from three standpoints, *i.e.*, from the standpoint of the Hindus, from the standpoint of the rights of the Sikhs and from the standpoint of administrative requirements.

[Raja Narendra Nath.]

If I committed any mistake, it was that I under estimated the intensity of feeling on which the demand of the Sikhs for reform of *Gurdwaras* was based. But it was a mistake showed by most people. The Guru-ka-Bagh incident has opened the eyes of all. The Sikhs have made sacrifices which have won the admiration of every one.

After considering the matter from all the three standpoints the conclusion to be drawn is that it is useless to take this Bill into consideration. I therefore oppose the Bill. The Hindu standpoint all along has been that the Hindus and the Sikhs should remain united, and the points of difference between them should be minimised. I have been making efforts to the same end. I would draw attention to the speech made by me in 1921 regarding the Gurdwara Bill introduced at the time and from which some of my friends had wrongly inferred that I wanted to sow discord between the Sikhs and the Hindus. My view as to the mutual relations between the Hindus and the Sikhs remains unaltered. I want to minimise their differences. I regret that this Bill does not meet the object I have in view. The second standpoint is whether the Bill is acceptable to the Sikhs or not. If there was any doubt as to this, it must have been removed after hearing the speeches of the Sikh members of this Council. At the instance of a very esteemed and respectable friend, in whose sound judgment I have confidence, I agreed to work on the Select Committee. But when I found that the Sikh members had not joined the Select Committee I declared in the Committee itself that discussion on the Bill was futile in the absence of the representatives of the community for whom the Bill was to be introduced. My request, however, was not acceded to. Although there was no Sikh member present in the Select Committee I preferred to take part in the deliberations of the Committee with a note of dissent. My submission is that the present Sikh members are the representatives of the whole Sikh community, and seeing that they are opposed to the Bill it is futile to proceed with it. The third standpoint from which this Bill can be considered is the standpoint of the peace of the province which is needed by all irrespective of religion and race. Peace will not be secured by this Bill. On the contrary, the disputed matters will take a new turn which I do not wish to discuss. Those who do not seriously think of the peace of the province now will eventually have to admit that that object is not gained by the Bill. In view of the three standpoints referred to above I oppose the Bill.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] (Urdu) : Sir, this Bill, intended as it is for the Sikh *gurdawaras*, affects both the Hindus and the Sikhs, namely, it affects the rights of both the communities. The other consideration which has prompted the Government to bring forward this Bill is the consideration of maintaining peace in the province. My friend Raja Narendra Nath has, in his diplomatic speech, brought out the three standpoints on which the Bill is based. I have learnt from the Sikh members of this House, who represent their community, that they are dissatisfied with this Bill. In case the Bill is given to the Sikhs in some form or other it will certainly not succeed in effecting a settlement of the present difficulties. I find that the Sikhs are bent upon making sacrifices, and if in spite of the passage of the Bill the situation remains as it is it will be said that no satisfactory result has ensued from the Bill. There was a tussle between the Hindus and the Sikhs. On the one hand, the former thought that their rights were being interfered with and on the other the latter became ready to make sacrifices. That situation does not exist now. Even Raja Narendra Nath, who is the President of the Hindu Sabha, has changed his opinion. Indeed the Raja Sahib's diplomatic speech shows that a settlement

has been effected between the Hindus and Sikhs. I would, therefore, advise that the Bill had better be postponed for a few days, say, for one month only. The Hindu members are agreeable to this. If peace is restored in a month it will from all points of view be preferable to the unrest that will remain even if the Bill is passed. When both the communities are willing to make a settlement Government should fall in with their wishes. I would advise Government not to pass this Bill, but to frame such a law as will have the concurrence of both the communities. The Bill should be postponed for the present.

Rai Bahadur Lala Hari Chand [West Punjab Towns (non-Muhammadan)] (Urdu): Sir, the object of this Bill was to protect the rights of the Sikhs and also, I take it, to put an end to the misconduct of those who hold possession of the *gurdwaras*. There is no doubt that at some places the Hindus and the Sikhs were divided, *i.e.*, there was discord between the Udasis, Sanatanis and the Sikhs, etc., and delay was consequently occurring in effecting a solution of the difficulties. But, as stated by my able friend Sayad Muhammad Hussain, a settlement has since been made between the two communities. The Hindus and the Sikhs, both of us desire that we should frame a Bill jointly for the settlement of the present disputes. It is my earnest request that the Bill might be postponed for ten days or a fortnight. Discontent will increase by the passage of the present Bill, *i.e.*, an unrest similar to that which followed the Rowlatt Act, will be produced. It is in the Government interest that I ask that the Bill ought to be postponed and both the Hindu and the Sikh communities should combine to draw up a satisfactory Bill. Sir, I reiterate my request for the postponement of the Bill.

Mr. K. L. Rallia Ram (Representative of Indian Christians): Sir, this Bill has been before this Council in some form or other for the last 18 months, and one appreciates the attempts made by Government and especially by the Honourable Minister for Education to introduce a measure which tends to throw oil over troubled waters and bridge over the cleavages, which, it is very regrettable, exist between the Government and the Sikh nation. Every right thinking man would support such a Bill; but there is one jarring note in our proceedings which mars the harmony of our deliberations, and that is the temper and the attitude of our Sikh and Hindu members. After all the Bill is meant for them. If they do not want it, I do not see that we have any moral right to inflict the Bill, however good it may be, on them. Every question has got a legal side as well as a moral side; and, in my opinion, the moral side is greater than the legal one. Government should act like a true physician. It should diagnose the disease first and then prescribe the remedy. No use telling a man that I lay down such and such a rule for you, and if you follow this, you will never get ill. The man says, "well I am ill now, and I want a remedy which will cure my present ailment. I do not want to hear what I should do when I get well." That is just the position before us. The Sikhs in unmistakable terms have told us more than once that they are sorely grieved over the Guru-ka-Bagh affair, and everybody, whether Hindu, Muhammadan or Christian, admits that the police at Amritsar exceeded its powers. No doubt they acted under law: yet one should act and use law with discretion. Sir, it is good to possess a giant's strength, but it is cruel to use it like a giant. .....

Mr. President: I do not think the honourable member is in a position to judge what the Police did, nor entitled to assert as if it were an

[Mr. President.]

admitted fact that the police exceeded its powers. I am not aware that the point has yet been decided. Further, I think his reference to a giant's strength does not help in deciding the matter before us.

Mr. K. L. Rallia Ram (continued): I bow to your decision, Sir. Reference has been made by more than one member here, and I only said the same more plainly. It reminds me of a couplet:

میں تپ غم سے مروں اور وہ کریں حق کا علاج
ہو مسیحا الگی طبیبوں کی تو اس کا کیا علاج

(I am dying of the fever of love and they are treating me for consumption. If the physicians have lost their sense, there is no help for it). The words of the Sikh Jathadar who was imprisoned lately are very pathetic and they show the difference between the Oriental and the Occidental mind. The Occidental mind naturally looks more to business, and rightly so with all its virtues, but the Oriental mind with all its faults looks also to the sentimental side. Of course, the Akalis have violated the law. It is right for Government to say that they have violated the law, they must suffer. But the Oriental mind looks at things from a different point of view. It also takes into consideration the past ties of friendship, and that is why this cleavage is becoming more bitter. I know that the Government is very anxious and is very sorry to come into conflict with the Sikh people. They appreciate their services, but, Sir, circumstances do arise in the history of a nation where ordinary law should not prevail and when those circumstances require great consideration. The Sikhs have from the very beginning stood by the Government. We remember a time when those poor people lived only on water and gave rice to their British allies. They rendered meritorious services. Now they are in trouble. As I have already said Government is legally quite right, but morally the Government should try at this juncture, when the Sikhs are moved by such religious feelings, to take steps to remedy this trouble .....

The Honourable Sir John Maynard: Is the honourable member dealing with the question whether this Bill should be considered by the House or not?

Mr. K. L. Rallia Ram (continued): Have I a right to give my reasons for opposing the Bill or not? I am not against the Bill, but I do not think it morally right to take advantage of a majority, even if you have got it here, when the Sikhs and Hindus who are going to be affected by it oppose it. They are all men of character, of culture; and I bow to their opinion, well considered opinion. It is going to affect them, and if they do not want it why should we inflict it on them, as my honourable friend the Raja Sahib has said. It is not going to help the situation at all. If the Government gives me a right reply and a satisfactory reply, I shall be the first man to support it; but so far as I can see the atmosphere, and so far as I can gauge the sentiments of the Sikhs and others concerned, I have no hesitation in saying that it is going to make matters worse. I would, therefore, advise the Government to defer the consideration of this Bill for one month or so, and in the meantime to invite the co-operation of all who are concerned; and I shall be the first man to support the Bill. I hope the Government will come down from its high pedestal of power and officialdom and look to the situation and respect the feelings of the people and not flout them.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural] (Urdu): Sir, I had presumed that after a mutual settlement between Government and the Hindus and Sikh members the Bill would probably be passed but I find that my presumption was wrong. It is now clear that both the Hindu and the Sikh members are opposed to the Bill. The position of the Muhammadan members is critical seeing that Government is bent upon passing the Bill. On this occasion a responsibility has devolved upon the Muhammadans which never devolved upon them before. If Government wants to take advantage of the votes of Muhammadan members then I will say that I am not prepared to vote with the Government. The Board mentioned in the Gurdwara Bill will be composed of three Sikh members, one of whom will be elected by the Parbandhak Committee, one by the Sikh members of the Legislative Council and one by Government representing the Sanatan school of thought. The fact is that neither the Sikhs nor the Parbandhak Committee desire to elect a member. When this is the case all the members of the Board will have to be nominate by Government. In other words the Board will be a Government Board which will not be accepted by the Sikhs The Government is actuated by well-meaning motives but its method of dealing with the situation is wrong. It would have been better to pass the Bill in July last. The Bill now is not acceptable to the Sikh community and it will never satisfy them. They will never be prepared to accept the Bill unless the Parbandhak Committee expresses its willingness to accept it. Sayad Muhammad Husain's opinion that the Bill should stand over is good and well-considered and both communities (Hindus and Sikhs) should combine to arrive at a settlement. This is my personal opinion because owing to my indisposition I have not been able to consult the Muhammadans. Nevertheless, I think that I enjoy sufficient esteem in this Council to be able to expound my views. It is no intention of the Muhammadans to be the cause of offending the Sikhs by inflicting the Bill upon them. This is a very critical moment. I for one will say that we cannot take upon ourselves such a responsibility. It is a blunder to pass the Bill at this stage when all the members of the Board will have to be nominated by Government. The Bill will give offence to the Sikhs. Government is bent upon getting the Bill passed by the aid of the votes of the Muhammadan members. But I urge that the Bill will remain a dead letter until a settlement is arrived at with the Parbandhak Committee and the Sikhs. The only way in which the situation can be improved is that the Gurdwara of Guru-ka-Bagh should be declared a disputed shrine, a settlement board be appointed forthwith and all the sikh prisoners should be released, otherwise it will be difficult for Government to get out of the tangle. The Sikhs should not be treated with rigour by the imposition of this Bill upon them. I want to say frankly that the Sikh community wants that everything should be conceded to them in the Bill, while on the other hand the Hindus too want something for the Mahants. Government wants to do justice. The policy of Government however has often remained that of drift with the result that everything has been set topsy-turvy. The Bill will serve no object. As a Muhammadan I say that a grave responsibility has devolved upon us and we must act with circumspection. The Muhammadan members of this Council must bear in mind the fact that if ever a measure concerning their religion comes up and action is taken with the help of Hindu and Sikh members of the Council they will then have no cause for complaint. Government will commit a blunder if it passes the Bill with the help of the Muhammadan members. As a Muhammadan I for one cannot take upon myself the responsibility of helping the passage of this Bill. I think that, if possible, the Muhammadan members of this Council should

[M. Muhammad Shah Nawaz.]

remain neutral. It will, to my mind, be in the fitness of the things if this Bill was postponed for the present. If, however, the Bill is to be passed and the board is to be constituted by the Government itself my own opinion is that it will increase troubles and the Bill will remain a dead letter.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, I am well aware of the difficulties of the Government. Undoubtedly the situation is due to the past policy of the Government. But who does not commit mistakes? To err is human and the Government is composed of human beings, not angels. Therefore we should not show a spirit of retaliation for the past mistakes of the Government. Let bygones be bygones. The Government is at present in a very embarrassed condition. I understand that the Government is prepared to show every regard for the religious susceptibilities of the Sikhs. But the Government will not sacrifice law and order and will not allow the Sikhs to encroach upon the rights of others (*Hear, hear*). Let us now see whether the present difficulties can be put to an end by this Bill? The reply to this is that the Bill is wrong in principle. Syad Muhammad Husain has misunderstood the position in saying that the Hindus and the Sikhs have come to a settlement. The fact is that they have united to oppose this Bill for quite different and even contrary reasons. This being the case we should not try to whitewash the whole matter. I had thought that all the difficulties about the *gurdwara* affairs will come to an end by the passing of the *Gurdwara* Bill. But certain of my Hindu and Muhammdan friends think that such a result is hardly possible. Therefore despite our sympathies with Government at this difficult hour we cannot support such a Bill—a Bill which would increase the troubles of Government. The Government might ask that if this Bill is not suitable we might suggest one that may be suitable. This is, however, a point on which no author and his critics have ever agreed. In the same manner Sir, our rôle with regard to this Bill is only that of a critic, when I see, Sir, that our two sister communities are in conflict with each other—the communities with whom our relations have always been those of friendship and love, we cannot be ignorant of their troubles. Therefore, Sir, I cannot help saying that the Government will be putting a good deal of responsibility upon its shoulders if it carries the Bill through in the teeth of such opposition. In stead of reconciling the two it will make both of them its enemies and the Bill will prove abortive. If a Bill were framed for the Muhammadans which they did not accept, I cannot conceive that the Sikhs and the Hindus would have in that case opposed the Muhammadans. Let the Muhammadans put themselves in the position of Sikhs and then think whether they would like to be opposed by others [Hindus and Sikhs] in their religious affairs? Finally it has been said آنچه بہ خود پسندی بد دیگران بسند "what thou doest not like for thyself, do not like it for others." In India religion is considered of paramount importance. I confess that some people give political affairs also a religious colour but then to say that the whole Sikh community is making a political capital out of a religious affair is improper if not absurd. Sir, the present step is a false one and is likely to lead to graver difficulties. In the board constituted under this Bill there will be three commissioners, one nominated by the *Gurdwara Parbandhak* Committee, one by the Sikh members of this Council and another by the Government. But what will happen is this that all the Commissioners of the Board will have to be appointed by Government and the Sikhs would then be justified to say that the Government had appointed men to

meddle with their religious affairs. Therefore taking all these circumstances into consideration the Government should hesitate in taking this step until the Hindus and Sikhs are reconciled and a calm and quiet atmosphere is created. I do not believe, Sir, that the Sikh community has broken once for all with the Government. The Sikhs have the same old regard and respect for the Government and so has the Government for them and the traditional loyalty of Sikhs will after all prevail and the same good relations will be restored.

With these words, Sir, I repeat that this Bill is not acceptable and I accordingly oppose the motion.

The Honourable Sir John Maynard (Finance Member): Sir, may I have just a few words. There are just one or two points to which I want to draw the attention of the Council. One of my friends adjured Government to come off its pedestal, to come down from its high altitude and try not to flout the people, that is to say he implied that Government's attitude throughout its dealings in this particular matter had been not to consult with those who were interested and to cling only to its own will in the matter.

Now, Sir, there is one portion of the long and painful negotiations with the Sikh community with which I myself have a particularly close acquaintance because I myself prepared the Bill, and I myself proposed to bring it forward before the Council, and I myself took a certain part which I will now endeavour to describe to this House. During the long and painful and protracted negotiations which had been going on between the Government and the Sikh community—negotiations on which we spent many, many hours in talking with the Sikhs themselves and in talking with one another in the hope of fixing upon some methods of meeting with the wishes of the Sikhs who always seemed to desire to continue the struggle—I held meetings of Sikh gentlemen in which I invited them to tell me precisely what they wanted. With the help of these Sikh gentlemen, I drew up a Bill which was prepared to be laid before this Council. I drew it up, I may say, at their dictation. Every single step from the very outset was taken according to their wishes. I then tried to persuade the Government of India to allow us to introduce this Bill before the Council; and I did succeed in persuading them that the Bill might be introduced. Then in the final stage there was a final meeting with those same Sikh gentlemen and about this same Bill which had been drawn up in accordance with their wishes and according to their dictation. Sir, what was the result of all that labour, after all those meetings with these Sikh gentlemen, after I had descended from the pedestal of Government and allowed myself to be made the mouthpiece of these Sikh gentlemen? They said to me "we have now changed our mind, we do not want this Bill." Did I at that time feel angry at this? Did I say to them "you have given me all this trouble for nothing. Like so many children you have changed your minds after giving all this trouble to your elders." No, nothing of the sort. They said "we no longer want the Bill you have prepared, we want the Bill which the Honourable Mian Fazl-i-Husain prepared. I said "all right." Did we then not return to the Bill which the Honourable Mian Fazl-i-Husain had prepared? The honourable members of this Council know what happened. We did return to the Bill which the Honourable Mian Fazl-i-Husain had drawn up. And now what is the result? Just as those Sikh gentlemen had told me after all that labour and after all that trouble "we do not want the fruits of your labour, we do not want your Bill", so now do they say to the

[Sir John Maynard.]

Honourable Mian Sahib in exactly the same way, with the same childish demeanour "certain events have made us angry, we do not want your Bill, we now repudiate it." Sir, that is the history of a few facts that will help to show the Council whether we, the Government, have stood high on a pedestal, or whether we have not rather abdicated all dignity in dealing with these men who are too childish to be pleased by anything. So much for the first point to which I wish to draw the attention of this House.

The next is this. It is suggested that if this Bill be postponed for a month or to some other period, may be a month or may be two, that those who are interested in this controversy will then come to an agreement together. There was never a falser hope held out. Why are the two parties united like this in opposing this Bill? The reason is this. For one reason it is objected to by one set of members of this House, and for an entirely different reason—indeed for a contrary reason—it is objected to by another set. The Sikhs, I do not mean the members present here but those who stand outside and are interested in seeing that peace should not be established, are confident that by opposing this Bill and by causing it to be postponed or perhaps dropped, they will be enabled to prevent peace being established, they will be enabled to continue that struggle the result of which, they hope, will be that they will get something much more drastic than this Bill. In other words, one party is opposing this Bill because it thinks it will get something more drastic and secure to the Sikh community a far more complete control over the shrines, because a far greater power of getting rid of the *Mahants* will be the result of the next Bill which may be presented in place of this Bill. The other party thinks that this Bill goes much too far. I am not merely attributing motives which are undisclosed. Their motives were quite clear from former speeches made before the present temporary alliance was cemented for a special temporary object. We have on the one hand one party to this alliance opposing in order that something far more drastic may be introduced in the future, and the other party to this same alliance opposing, because they desire that something far less should be given. When we have two parties to an alliance thus diametrically opposed in the objects which they have set before them, is there any possibility that there will be an agreement one month after? Sir, it is an impossible supposition. We know it is only a matter of postponing the trouble, a further delay during which the Government will, greatly against its will, be compelled to continue the arrest of Sikhs. The only result of this postponement, if this unnatural alliance in opposition to this Bill is successful, will be that for one month or more the Government will be compelled to continue arrests which they so much desire to put an end to.

Finally, Sir, there is one more thing that I have to say. What will be the effect of this Bill if it is passed. It will save an intolerable situation. The result of the Bill will be to calm the situation. If this Bill is passed, we are confident that it will be possible to create a Board which will put an end to this intolerable situation at that ill-omened place, the Guru-ka-Bagh. This is the first object which we have in view. I have taken it as an example It is only one of the many results which we hope to achieve by means of this Bill. The same method will be applicable to the other similar situations which may arise hereafter. If I can show that the result of the Bill will be to end these intolerable situations then surely I have demonstrated my case. The first

step under the Bill will be to create a board and to make the Guru-ka-Bagh one of the disputed shrines. A member opposite to me is laughing. He might have spared us that sneer when we are dealing with a matter which is so serious. Then, Sir, what will happen? The board will at once declare the Guru-ka-Bagh a disputed shrine between the Sikhs and *Mahant*. It will take possession of the land. It will enable to put an end to this intolerable situation. In that there is a sufficient justification for the refusal to postpone this Bill.

Mr. H. D. Craik: Sir, I beg to move—

"That the question be now put."

Mr. President: I think it is such an important matter that I should allow some more members who wish to speak to do so. We have heard much on one side and I am waiting to hear something on the other side in support of the measure.

Lieutenant Sardar Raghbir Singh [Amritsar (Sikh), Rural] (Urdu): Sir, the Honourable Sir John Maynard has just stated that as soon as the Bill is passed they will notify Guru-ka-Bagh a disputed *gurdwara*, the Board will then take possession of it, the situation will then be changed and there will be peace in the country. In my opinion, Sir, there will be no change in the present situation though perhaps there may be some change in the law. The Board will have to be appointed by the Government itself since neither the *Gurdwara* Committee nor the Sikh members will send in their men. Therefore I do not see how the Sikhs will refrain from proceeding to Guru-ka-Bagh? It is true that the Government possesses force. May be the Government is thinking of deterring the Sikhs by the use of force in some way, *e.g.*, by *lathis* or bullets.

The Honourable Sir John Maynard: I take objection to those remarks, Sir. It is most improper.

Mr. President: The honourable member should not even suggest that the Government might desire to shoot down Sikhs. I think he better apologise.

Lieutenant Sardar Raghbir Singh: I withdraw my remarks, Sir.

That even the Government has not considered this Bill suitable is shown by the fact that another Bill was framed after it in consultation with the Sikh members for which purpose they were invited for the 20th October. If this Bill had been considered suitable then why should another have been prepared? This one is neither acceptable to the Hindus nor to the Sikhs. It would have been better if a Bill acceptable to both would have been prepared. The Bill before the Council is only to be thrust upon us. With these words I oppose the motion.

Malik Firoz Khan, Noon [Shahpur-West (Muhammadan), Rural]: Sir, It is time that a few words were said in order to clear the position of some of my friends, the Mussalman members of this Council. It has been dinned into our ears for the last two weeks that this question is between the Hindus and the Sikhs and that the Muhammadans have nothing to do with it. It has been said "Either support us in opposing this Bill and making it a failure or remain neutral." I wish to say, Sir, that it has caused many painful hours

[M. Firoz Khan, Noon.]

of contemplation and it is very difficult for the Mussalmans to decide as to what to do. But we also realise, Sir, what our duty is being members of this body which along with the executive is responsible for the keeping of law and order in the country and for the maintenance of peace of this province. (*Hear, hear*). That is not all, Sir. We are also interested in this matter from another point of view. If we were to accept the principle that we should not interfere when two sister communities are quarrelling then there can be no just and lasting peace. Suppose the Mussalmans and the Government were to keep themselves aloof in the matter and say 'fight out the quarrel for yourselves,' what will be the result? The result will be that the Hindus, who are in the majority, will have their own way and the Sikhs will not be able to get reforms. Similarly, Sir, if the Sikh members were in a majority they will have their own way and the other community will have no say in the matter. This I have suggested, Sir, in order to justify the action that the Mussalman members of this Council ought to take in order to bring about peace between the two warring communities. Before I say anything further on the point, let me assure our Sikh brothers in this Council that they have the heartiest sympathy of the Mussalman members in their religious feelings which is at stake and we want to see it settled peacefully. At the same time we do not wish to be blamed afterwards that we unjustifiably and unfairly colluded with one community in order to encroach upon the rights of another. We do not want to have that blame on our shoulders because we have to get on with the other communities in this Council. That is not all, Sir, That is not the only point which justifies our interference in the matter but there is still another point. We as members of this Council are part and parcel of Government. It is our foremost duty to help the Government in keeping the peace of the Province. If we are here to hinder the Government, then I say, Sir, what is the use of the Legislative Councils. If we are here to remain neutral, then I suggest, Sir, that the members are not doing their proper duty. They ought to do what they think is correct and just. I for one think that it is the duty of all members of this Council to help Government at this hour of extreme trial and to get it out of the difficulty.

Let me say, Sir, that we have got to consider as to what is the point of view of our Hindu friends in this Council. For the last one week I have consulted many of them. I have implored them to tell me what it is really they want. I have said to them: please express your real feelings on the subject. Do you want this Bill or do you not? Do you think this Bill gives sufficient powers or do you think it does not? I assure you, Sir, that I have not got a straightforward answer. It was only this morning that I was talking to a gentleman and we got into a rather hot discussion and I said to him: For God's sake do not give me cunning answers.....

Mr. President: I must warn the honourable member that he must not tell us what the honourable members may have said outside the Council, or we may have a dispute as to what was said.

Malik Firoze Khan, Noon: I am not referring to any of the honourable members. I am only referring to the opinion that I have gathered from the other community. As far as I could gather.....

Mr. President: What I want is that you should not say in this House what some other members of the House told you outside the House.

Malik Firoze Khan, Noon: Sir, what I was going to tell you was not said to me by a member of the House but by an ordinary man, a well-educated man much senior to myself and it was said outside the four walls of the House.

I asked him, Sir, to tell me what was at the bottom of his heart. I asked him whether he wanted me to oppose the Bill or to support it, and for what reasons, whether he thought the Bill gave too much power or too little. He was not prepared to answer this question. But after a little discussion he gave me a frank answer with a straightforward mind like a true Indian and his reply was this. He said: "I do not like this Government. I am opposed to this Government and I want to see the Government in trouble. That is the reason why I want to oppose this Bill." Sir, if any member wants to oppose this Bill on the score that he wants to see Government in trouble....

Sardar Dasaundha Singh: I rise to a point of order. The honourable member is casting a reflection upon those who vote one way or the other.

Mr. President: I have not heard any reflection.

Malik Firoz Khan, Noon (continued): Sir, if a member is deciding to oppose the Government on a principle of that nature, then I implore him to think twice before he throws this province into a very serious situation. We have not only to look to the interests of this province, we have to look to the interests of India as a whole. This is a question which concerns also the Government of India because my honourable friends well know that these are times when the world, when Europe and Asia are not in peace. There are movements at large the result of which we cannot at present tell. I implore the members of this Council to think twice before they give their vote in order not to make it impossible for the Government to carry on. I just wish to warn them of certain dangers. Things on the frontier are not calm. I for one can never sit with equanimity when I think of all that is going on on the frontier. Bolshevik movements are afoot.....

Mr. President: I think that is rather far-fetched.

Malik Firoz Khan, Noon: I was only saying that any disturbance in our province has very serious effects on the external policy of the country. If the internal administration of the country is weak, if the people themselves are warring with Government, then the Government of India or our Home Government cannot face its enemies as it would if there were peace in the country.

Before I resume my seat I want my Sikh brothers to remember that in giving them this Bill we are not taking anything from them, but we are giving them something.

Mr. C. M. King (Financial Commissioner): Sir, I beg to move—

"That the question be now put."

Mr. President: I am sorry, but I must allow a full discussion.

Sardar Dasaundha Singh [Ludhiana (Sikh), Rural] (Urdu): Sir, before I come to the subject proper I think it necessary to invite the attention of the Council to another point. I could never imagine that a man of Sir John Maynard's calm and imperturbable temperament will give expression to his enraged feelings by comparing our demands with childish freaks. If

[S. Dasaundha Singh.]

the truth of the statement, to which he has referred before the House, is laid bare, I believe the analogy will be considered unjustified. The Bill about which we were consulted by him was not acceptable to us as it contained the provision of appeal but at last we submitted to this as well when we were told that it was not in the power of this Council to do away with this provision but when that Bill was received back from the Government of India we were told that not only the right of appeal will remain.***

Mr. President: The honourable member is going into a great deal of detail as to what has been said outside the Council. I am aware that Sir John Maynard said generally that the Sikh members at one time did agree to the Bill that was drafted and then they changed their mind, but now we are getting into a very detailed discussion of the actual words, which Sir John Maynard used outside the House.

Sardar Dasaundha Singh: It is necessary for me, Sir, to refer to it in the course of my speech.

Mr. President: You cannot say what the Honourable Sir John Maynard said; your recollection may be wrong. The House does not know what he said. It is most undesirable.

Sardar Dasaundha Singh: I simply wanted to show, Sir, why we could not agree to it. It was simply because something else was brought in.

That not only there will be a right of appeal but that there will also be a right for the transfer of suits. We had then frankly told Sir John Maynard that we could not accept such a Bill even if it were of a permanent nature, because with the right of transfer of suits the opposite party could claim for transfer in every case on the specious ground that the Tribunal consisted of all the Sikhs and that it, therefore, could not expect justice from them. As the Government was not inclined to give Sikhs a satisfactory and permanent Bill we could not help facing back on the temporary Bill. May I ask, Sir, what sin we committed in so doing and what is there of childishness in this? Further this temporarily Bill was agreed upon when the circumstances were different from now. Afterwards one or two other Bills were framed of which one was prepared by the Chief Khalsa Diwan, but even that was not accepted by Government although that was presented by a moderate body while the other was such that it was not even acceptable to that very moderate body, the Chief Khalsa Diwan. May I ask, Sir, if the Bill in hand aims at setting right the present disturbed condition? Many of my friends have thrown light on different sides of the case and I do not want to repeat what they have said; and then we are not sure that it will even become a law and if it ever becomes law it will make the position of the Government worse. All the Hindu speakers and all but one of the Muhammadan speakers have opposed this Bill and the Government should not, therefore, put much faith in its getting through. Even if it is passed it will be difficult to bring it to operation owing to the united opposition of the Sikh members and the *Gurdwara* Committee. If the Government appoints the whole of the Board itself the object of the legislation will be vitiated. Sir John Maynard says that under this law they will notify Guru-ka-bagh a disputed *Gurdwara* so as to make over its possession to the Board. When all the members of the

Board are appointed by the Government in the first place I think that no Sikh who has the good of the community at heart will come forward to become its member but even if the Board is constituted somehow, its opposition will be greater. Such being the case, I do not see how a statesman of Sir John Maynard's wisdom can say that this Bill will solve the difficulty. Supposing today you notify Guru-ka-bagh as a disputed *Gurdwara*, to-morrow, on the other party raising a quarrel you also notify Nankana Sahib and Darbar Sahib as disputed shrines. What will be the consequences of this? A much graver situation will surely arise. Therefore, so long, as the reformers who are making so many sacrifices, have not any faith in the constitution of the Board, it is idle to think that this line will solve the situation. It has been said that the united opposition of the Hindus and the Sikhs against this legislation is because they are bent upon opposition to the Government. But that is no ground for passing the Bill. The opposition may be from any point of view, but it is as clear as day-light that both Hindus and Sikhs are opposed to this legislation and it will not be wise for the Government to carry it through despite this concerted opposition. It has also been said that no suggestion for the solution of the problem has been put forward. From the very inception of this movement the Sikhs are determined to reform the administration of the sacred places. This is explained by the endurance at about 1,500 Sikhs who were subjected to a wholesale beating and the arrests of more than 5,000 men. What I mean is this as has also been pointed by Mian Muhammad Shah Nawaz, that before any settlement is arrived at it is necessary to satisfy the reformers who are making so many sacrifices, and in doing so it is necessary that further arrests should be stopped and some sort of undertaking should be given that those who have been arrested or convicted in connection with the present affair will be released, only in such a case is any legislation possible. If the Government really wishes to solve the difficulty as it has repeatedly asserted and we, who have been going from one place to another with this end in view also wish that the situation should not go worse, it should act as suggested above. Had we felt that this Bill could even lessen the difficulties instead of removing them altogether. We would not have opposed it, but when we feel that it will increase the difficulties we cannot help opposing it. In my opinion if the Government withdraws the Bill at this stage it will be with good grace, otherwise at some other stage it might prove harmful to its prestige. This is a religious matter and I think no member will come forward to interfere in an affair which so vitally concerns the Sikh religion.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu): Sir, as only a very short time is left I will speak in Urdu. A lengthy discussion has been going on, on the motion for the consideration of the Bill, the time for its passing is yet to come. Some 13 members have expressed their views and it is not necessary for me to reply to each one of them separately. I will, however, meet their arguments collectively but before, doing so I would like to emphasise one or two points. In the first place there is nothing which the Sikh community demands that is in the possession of the Government and it declines to give the same to this gallant and deserving community. I assure you, Sir, had such been the case, the Government would have never refused to meet the wishes of a community which has rendered so devoted and gallant services to the Empire. The Government as well as every member of this House has full sympathy with

[Honourable Khan Bahadur Mian Fazl-i-Husain.]

the Sikhs in the matter of reforming the administration of *Gurdwaras* and turning out immoral *Mahants*. The second question is about the property. Personally I quite agree with the Sikhs that no one should be allowed to establish private rights upon the property that is *Waqf*. But the adjudication of this matter rests with the courts. The Sikhs, however, do not want to have the cases of *Gurdwaras* decided by the Munsifs and Judges of civil courts and hence it is that we provide for them a special court exclusively meant for the purpose not because we think the courts cannot or do not administer justice fully but only because there it takes a long time while in such matters a speedy method of disposal has been considered desirable. At the same time the Government cannot ignore the rights of *Udas s* and if the Sikhs have rendered gallant and splendid services to the Government, it is against the sense of justice to reward those services from the pockets of others. What they claim can only be given by courts or by this Council by means of legislation. The dispute is thus not between the Sikhs and the Government but between the former and a section of the community. The first Bill which we had prepared for this purpose provided for the constitution of a Board of three members, one from the *Mahants*, other from the reformers with a European as President. In the present Bill the Commissioners are all three Sikhs. The story of the renewal of this Bill is that on the 10th of August last, I think that was the date my Sikh friends asked me in writing to bring up the Bill prepared by me and have it carried through in the following September. Accordingly this Bill was drawn up and its sanction from the Government of India was received in September. But the Bill that was acceptable in that month has become useless in the month following : why ? The arguments put forward are that at Guru ka-Bagh some 1,500 Sikhs who broke the law were belaboured and something like 5,000 have been imprisoned for the same reason. But I ask how this has affected the provisions of the Bill ? *A* breaks the law and *B* punishes him, but why should the rights of a third party the Udasis be seized upon on this account ? I assure you, Sir, that I have for months applied myself to the solution of this problem and have framed not one but five Bills. A gentleman suggested to me that I should prepare a Bill that would be most acceptable to Sikhs, and that bill to be of only one section providing that any *Gurdwara* on which the *Parbandhak* Committee laid its hands should become its property. But how can I dare frame such a Bill unless the Council agrees to approve of it. Further if I attempt to introduce a Bill which would satisfy the Sikhs, the other party attacks me at once. Both the parties are bound to be dissatisfied—the one because it loses something and the other because it does not get what it claims. The only way in which both of them can be satisfied is that they should come to terms. Sardar Dasaundha Singh has made a mention of another Bill. In that case the Sikh members were opposed to the provisions of the right of appeal, but at last they acquiesced. However when the clause about the transfer of suits was introduced in it owing to the Government of India having laid stress upon that they were very much put out. After all we agreed not to introduce that clause, but then the members jumped at the clause of the appeal as well. Mention has also been made about the Bill framed by the Chief Khalsa Diwan, but the Government could not introduce it as it makes so much in roads on the rights of the other party. In the circumstances this Bill, whether good or bad, is such that it makes an honest attempt to settle the disputes. It will I hope also settle the

Guru-ka-Bagh affair. However, if the Sikhs and Hindus come to terms after some time and agree to another Bill this Bill could be repealed. I assure the House, Sir, that if there will be any evidence of the agreement of these two communities in the near future, we shall not be in a hurry in bringing this law into operation. It has been pointed out that this measure does not concern the Muhammadan members I am also a Muhammadan and in my capacity as a Minister of the Government and this Council I consider it my duty to express my opinion and so should do the members of this House in their capacity as the members of this Council. I can assure you, Sir, that I have spent more time on this matter than any Sikh member might have done, but I confess that I have not been able to frame a Bill that would satisfy both sides and could be easily passed in this House. With these words, Sir, I request that the motion for the consideration of this Bill may be allowed.

Mr. President: The question is—

"That the Sikh *Gurdwaras* and Shrine Bill as reported by the Select Committee be taken into consideration."

I may explain it to the House that the fate of this question will in all probability decide the fate of the Bill. If the vote is in favour of the motion then the Bill will be proceeded with to-morrow and discussed clause by clause. If the vote on the other hand is that the Bill be not taken into consideration then we shall proceed to the next item of business on the list.

The Council then divided: Ayes 41, Noes 33.

Ayes 41.

The Honourable Sir John Maynard.
The Honourable Khan Bahadur Mian Fazl-i-Husain.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Khan Muhammad Abdullah Khan.
Mr. Nawab Din, Murad.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Chaudhri Ata Ullah Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghulam Muhammad.
Sayed Ghulam Muhammad Shah.
Sardar Jamal Khan.
Rana Muhammad Jamil Khan.
Khan Sahib Amir Khan.
Khan Bahadur Sayed Mehdi Shah.
Chaudhri Nabi Bukhsh.
Chaudhri Muhammad Hayat Khan.
Sayed Muhammad Raza Shah.
Khan Muhammad Saif Ullah Khan.
Nawabzada Muhammad Irshad Ali Khan.
Khan Bahadur Khawaja Yusaf Shah.
Chaudhri Shafi Ali Khan.
Dr. C. A. Owen.

Mr. Edward Ernest Clarke.

Noes 38.

Sodhi Lal Singh.	Rai Sahib Misar Mela Ram.
Lala Atma Ram.	Mr. Moti Lal, Kaistha.
Sardar Bakhtawar Singh.	Sayad Muhammad Husain.
Sardar Balwant Singh.	Chaudhri Kharak Singh.
Sardar Randhir Singh.	Mian Muhammad Shah Nawaz.
Sardar Dasaundha Singh.	Maulvi Muharram Ali, Chishti.
Sardar Sahib Risaldar Dilbagh Singh.	Diwan Bahadur Raja Narendra Nath.
Chaudhri Ghasi Ram.	Mr. Ganpat Rai.
Captain Sardar Gopal Singh.	Rai Sahib Lala Panna Lal.
Bawa Hare Singh, Bedi.	Lieutenant Sardar Raghbir Singh.
Rai Bahadur Lala Hari Chand.	Rai Sahib Choudhri Raja Singh.
Bawa Hardit Singh, Bedi.	Mr. Manohar Lal.
Rai Sahib Sardar Harnam Singh.	Sardar Sangat Singh.
Sardar Kartar Singh.	Rai Bahadur Risaldar Sarup Singh.
Mr. K. L. Rallia Ram.	Rai Bahadur Lala Sewak Ram.
Rai Sahib Chaudhri Lajpat Rai.	Rai Sahib Lala Thakar Das.

Lala Uttam Chand.

The motion was carried.

The Council then adjourned till 2 o'clock on Friday, the 17th November 1922.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Friday, 17th November 1922.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

DISTRICT BOARD AT AMRITSAR AND DISPENSARY AT RAMDAS.

2084. Maulvi Muharram Ali, Chishti: Will the Government be pleased to lay on the table the answer to my question No. 1776* put by me on the 10th August 1922 ?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the honourable member's question No. 1776 is laid on the table.

(*Answer to question No.* 1776.)

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) For the Ram Das Dispensary Rs. 10,000. For the Lopoki Middle School Rs. 10,316.

(*b*) Yes, there were, and the Chairman of the District Board inspected the building personally and found that in the dispensary building at Ram Das the bricks and mortar used were of inferior quality and accordingly he directed the District Engineer to make payment to the Contractor at the reduced rate. The Contractor concerned and the Sub-Overseer who supervised the building have been suitably dealt with by the Board. The School building was found on the whole good.

(*c*) In view of the above Government do not propose to take any further action in the matter.

DISTRIBUTION OF WORK AMONG THE MEMBERS OF THE EXECUTIVE COUNCIL AND MINISTERS AND SECRETARIES, ETC.

2085. Maulvi Muharram Ali, Chishti: With reference to the *ad-interim* reply given to Council question No. 1434,† put on 31st July 1922, will the Government please supply the answer now if it is ready, and if not, say when it may be expected ?

Mr. H. D. Craik: The answer to council, question No. 1434 is laid on the table.

(*Answer to question No.* 1434.)

The list of transferred subjects is contained in Schedule II of the Devolution Rules (Volume VI of the Punjab Legislative Council Manual) and shows the subjects which are dealt with by Ministers. Subjects not included in that list are dealt with by Members of the Executive Council. The rules

* Volume IV, page 827.
† Volume IV, page 4.

of Executive business are published in the same volume. It is not considered necessary or desirable to publish any further particulars regarding the internal distribution of business between Members of the Government and Secretaries.

GRANT FOR PRIMARY EDUCATION TO LAHORE MUNICIPALITY.

2086. Maulvi Muharram Ali, Chishti: (*a*) Arising out of the answer to question No. 1468,* will the Government be pleased to state whether up to the present time any grant for Primary Education has been sanctioned for the Lahore Municipality? If not, what are the reasons?

(*b*) If the reply to (*a*) be in the negative, will the Government be pleased to state, when the Government intends to make a grant and of what amount?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) The ordinary grants have been paid up to date; but not the grants on account of the introduction of compulsory education.

(*b*) The latter grants will be paid as soon as the expenditure statements (which have been asked for and have now been received) have been examined. It is not possible to assess the grant until the statements have been examined.

PROSECUTIONS FOR POLITICAL OFFENCES.

2087. Maulvi Muharram Ali, Chishti: With reference to the *ad-interim* reply given to question No. 1470,† put by Rai Sahib Lala Thakar Das on 31st July, will the Government be pleased to give the answer if it in ready?

Mr. J. Wilson-Johnston: The information has been collected and tabulated and is now being printed.

TEMPORARY SERVICES OF THE CIVIL ASSISTANT SURGEONS IN THE MILITARY DEPARTMENT FOR THE PURPOSES OF PENSION AND PROMOTION.

2088. Maulvi Muharram Ali, Chishti: Arising out of the last portion of the answer to question No. 1480,‡ will the Government be pleased to state whether it has considered the question of counting the temporary services of the Civil Assistant Surgeons in the Military Department for the purposes of pension and promotion. If not, will the Government be pleased to state the approximate period within which the decision of the Government in the matter may be expected?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the first part is in the affirmative, and therefore the second part of the question does not arise.

PERMANENT REVISION OF THE SALARIES OF ASSISTANT SURGEONS.

2089. Maulvi Muharram Ali, Chishti: Arising out of the last portion of the answer to question No. 1481,‡ will the Government be pleased to state whether it has received any answer from the Government of India to the

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* Volume IV, page 22.
† Volume IV, page 25.
‡ Volume IV, page 31.

enquiries referred to in the answer? If so, will the Government be pleased to notify the substance of the reply?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (1) A reply has been received from the Government of India.

(2) A copy of Punjab Government (Ministry of Education) Resolution No. 25421, dated 19th October 1922, is laid on the table for the information of the honourable member.

ORDER OF THE PUNJAB GOVERNMENT.

MINISTRY OF EDUCATION.

RESOLUTION No. 25421, DATED 19TH OCTOBER 1922.

THE Punjab Government (Ministry of Education) are pleased to confirm, with effect from 1st April 1920, the rates of pay provisionally sanctioned in Punjab Government Resolution No. 3207 (Home—Medical), dated 31st January 1921, for officers of the Punjab Civil Medical Service.

ORDER.—Ordered that a copy of this resolution be forwarded to the Government of India, Home Department, and to the Inspector-General of Civil Hospitals, Punjab, for information.

Ordered also, that it be published in the *Punjab Gazette* for general information.

FAZL I-HUSAIN,
Minister for Education.

A. LATIFI,
Offg. Secretary to Government, Punjab, Transferred Departments.

NAMAL DAM.

2090. Maulvi Muharram Ali, Chishti: Arising out of the answer given to question No. 1482,* will the Government be pleased to state whether it will be pleased to make some special arrangements for protecting the old shrine known as *Khangah-i-Hafiz Ji Sahib* and the *pucca* mosque (referred to in the answer) from again collapsing in the event of overflowing of the *Nammal Dam*?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The matter is receiving the attention of Government.

INUNDATION CANALS IN SHAHPUR AND CONSTRUCTION OF SHAHPUR BRANCH OF THE LOWER JHELUM CANAL.

2091. Sayad Ghulam Muhammad Shah: (*i*) (*a*) With reference to the answer to question No. 784(*a*)† of 1921, will the Government be pleased to inform the Council whether any complaints about the deficience of water in the Inundation Canals and consequent bad harvests in the area watered by them have since then been made to the canal or district authorities?

(*b*) If so, are the Government prepared to reconsider the completion of the Shahpur Branch of the Lower Jhelum Canal?

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* Volume IV, pages 31-2.
† Volume VI, page 212.

(*ii*) (*a*) With reference to the answer to question No. 784(*c*), what have the Government done since then to push on the settlement of compensation terms with the owners of the private canals as recommended by the Sanitary Board?

(*b*) Can the Government award compulsory compensation to the said owners according to law in public interest?

(*c*) If so, will the Government be pleased to do so now?

(*iii*) If answer to (*ii*) (*b*) is in the negative, will the Government be pleased to consider the desirability of constructing the said Shahpur Branch without linking it with and independently of the Inundation Canals?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: It is regretted that the answer to the question is not yet ready. It will be submitted to the honourable member when ready.

COMMUNAL REPRESENTATION OF AGRICULTURIST SUB-JUDGES IN THE PUNJAB.

2092. Pir Akbar Ali: Will Government kindly lay on the table the following information:—

The total number of Sub-Judges in the Punjab belonging to each community showing how many of them are agriculturists?

Mr. H. D. Craik: A statement is laid on the table—

No. of Sub-Judges.	*Hindus*	*Muhammadans.*	*Christians.*	*Sikhs*
64	35	21*	5	3

RECRUITMENT OF SUB-JUDGES AND COMMUNAL REPRESENTATION.

2093. Pir Akbar Ali: (*a*) Is it a fact that the recruitment of Sub-Judges in the Punjab is generally made from the Munsifs on the recommendation of the High Court?

(*b*) If so, how many Munsifs, giving figures by communities, were recommended by the High Court for appointment as Sub-Judges or Extra Assistant Commissioners in the year 1920?

Mr. H. D. Craik: (*a*) Yes.

(*b*) Out of the 14 Munsifs recommended by the High Court for appointment as Extra Assistant Commissioners in the year 1920, 6 were Muhammadans, 5 Hindus, 2 Sikhs and one Indian Christian.

MUSLIM EXTRA ASSISTANT COMMISSIONERS AND SUB-JUDGES AND THEIR DESIRE TO WORK AS EXECUTIVE OFFICERS.

2094. Pir Akbar Ali: Is it a fact that most of the existing Muslim Extra Assistant Commissioners or Sub-Judges, when asked, expressed their desire to work as executive officers?

Mr. H. D. Craik: Thirty Muhammadan officers were asked to express their preference. Two failed to reply—and 22 expressed a preference for the executive line.

* 12 of these are of the Zamindar classes.

AGRICULTURIST SUB-JUDGES IN THE PROVINCE.

2095. Pir Akbar Ali: Is it a fact that the number of Sub-Judges belonging to the agriculturist class is very small in the Province? If so, will Government kindly consider the desirability of making up this deficiency?

Mr. H. D. Craik: Twelve out of 64 Sub-Judges are of the zamindar classes.

As regards the second part of his question, the honourable member is referred to paragraph 4 of Punjab Government resolution No. 4572-S. of the 3rd of October 1919.

COMMUNAL REPRESENTATION IN SUBORDINATE EDUCATIONAL SERVICE.

2096. Pir Akbar Ali: (*a*) Will Government be pleased to state what is the number of sanctioned posts in the 1st grade of the Subordinate Educational Service?

(*b*) How many appointments in this grade are at present held by the *Muslims*?

(*c*) Will Government consider the advisability of increasing the number of appointments in this grade so as to offer chances of promotion to the more competent *Muslims* now serving in the second grade?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(*a*) 30 (thirty).

(*b*) 7 (seven).

(*c*) The matter is under consideration.

EXECUTION OF BONDS BY SUB-ASSISTANT SURGEONS.

2097. Khan Bahadur Malik Muhammad Amin Khan: With reference to the answer given to question No. 1380* put on the 9th March last by Diwan Bahadur Raja Narendra Nath, will the Honourable Minister for Education please state—

(*a*) whether it is a fact that, contrary to the Government of India letter No. 768, dated 31st July 1920, referred to in the answer, the 'public students' are being compelled to execute new bonds of ten years' service;

(*b*) whether it is a fact that Sub-Assistant Surgeon Ghulam Husain who has been a 'public student' during his studentship, at present at Civil Hospital, Amritsar, has been made to execute bond of ten years' service;

(*c*) If so, what are the reasons for this;

(*d*) whether Government is prepared to consider the advisability of removing the artificial distinction between 'public students' and others?

The Honourable Khan Bahadur Mian Fazl-i-Husain: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

AKALI INJURED AT HASAN ABDAL.

2098. Sardar Balwant Singh: (*a*) Is it a fact that on 30th October 1922, the people of Hasan Abdal in trying to stop a train conveying *Akali* convicts, received severe injuries?

(*b*) If the answer to this is in the affirmative, will the Government be pleased to state the number of the injured?

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* Volume III, page 804.

The Honourable Sir John Maynard: (*a*) It is a fact that some persons were injured at Hasan Abdal under the circumstances indicated in the question owing to the impossibility of stopping the train in time.

(*b*) According to information received from the Railway authorities the injured persons numbered 11.

DUTY ALLOWANCE IN CIVIL AND IRRIGATION SECRETARIAT.

2099. Rai Bahadur Lala Sewak Ram: Will Government kindly state—

(*a*) whether it is a fact that in some of the branches of Civil and Irrigation Secretariat offices, duty allowance of Rs. 50 was sanctioned by Government;

(*b*) whether it is a fact that this duty allowance was intended to be in addition to and separate from the 20 per cent. allowance which was permanently added to the salary of employees in these offices;

(*c*) whether it is a fact that in some cases full duty allowance for the work they are doing is not being given to the employees, and that in some cases 20 per cent. allowance has been included and merged in Rs. 50 duty allowance?

(*d*) If so, what are the reasons that have led the authorities to act at variance with Government orders?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Three special allowances *to a maximum of Rs. 50* each were sanctioned by Government for the Irrigation Secretariat.

(*b*) This allowance is given in addition to pay. Nothing is known about the "20 per cent. allowance which was permanently added" as stated by enquirer.

(*c*) It is within the discretion of the Head of the Office to grant the special allowance at any rate within the maximum limit sanctioned. The answer to the latter portion of this question is in the negative as far as it relates to the Irrigation Department.

(*d*) Reply to (*c*) above disposes of this part of the question.

The Honourable Sir John Maynard: (*a*) Seven duty allowances were sanctioned for the senior grade clerks in the grade of Rs. 75—5—150 of the Civil Secretariat, but these were not duty allowances of Rs. 50 a month but duty allowances rising to a maximum of Rs. 50 a month.

(*b*) These duty allowances have nothing to do with the temporary increase of 20 per cent. on existing pay granted to all employees pending a revision of the pay of the Civil Secretariat.

(*c*) In some cases the permanent revision of pay as eventually sanctioned did not give an increase as high as 20 per cent. on the pay previously drawn, and in these cases the incumbents naturally lost part of the 20 per cent. increase sanctioned as a temporary measure.

(*d*) The reasons have been explained in the preceding answers. This answer only covers the Civil Secretariat. The Secretary in the Irrigation Department will reply in so far as his Department is concerned.

LAND REVENUE ASSESSMENT IN DIPALPUR AND PAKPATTAN TAHSILS.

2100. Maulvi Muharram Ali, Chishti: (*a*) Arising out of the answers to questions Nos. 1221* and 1547,† will the Government be pleased

* Volume III, page 180.
† Volume IV, pages 110-11.

to state if it has considered the question of the revenue assessment in Dipalpur ?

(*b*) If so, will the Government kindly announce its orders ?

(*c*) If not, will the Government kindly state approximately the time within which the orders may be announced ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*), (*b*) and (*c*) The assessment report of Dipalpur with relative review of Commissioner and the draft orders of the Financial Commissioner are now under the consideration of Government and it is hoped that orders will shortly issue.

PAY OF CHAPRASIS AND JAMADARS.

2101. Maulvi Muharram Ali, Chishti : (*a*) Arising out of the answer to question No. 1552,* will the Government kindly state if it has issued orders on the resolution of the 11th January 1922 regarding the pay of Jamadars and Chaprasis which were promised to be announced "shortly" ?

(*b*) If so, will the Government announce those orders ?

(*c*) If not, will the Government kindly state the approximate time within which the orders will be announced ?

The Honourable Sir John Maynard :

(*a*) No.

(*b*) This does not arise.

(*c*) Probably by about 1st February 1923.

POLITICAL OFFENCES.

2102. Maulvi Muharram Ali, Chishti : Arising out of the second paragraph of answer to my question No. 1553,† will the Government be now pleased to state the number of persons who have been convicted since the beginning of 1921 of political offences and have subsequently been released on apology or promise of good behaviour ?

The Honourable Sir John Maynard : A list of the persons who have been convicted during the first six months of the current year of political offences and have subsequently been released on apology or promise of good behaviour has already been supplied to the honourable member through the Council office,—*vide* Punjab Government letter No. 26303 (Judl.), dated the 26th October 1922, a copy of which is laid on the table for his information.

2. The information for the year 1921 was not easily obtainable, but will now be collected if the honourable member so desires.

No. 26303, dated 26th October 1922.

From—The Home Secretary to Government, Punjab,

To—The Secretary, Punjab Legislative Council.

WITH reference to the concluding portion of the Honourable Sir John Maynard's reply to question No. 1553 put by Maulvi Muharram Ali, Chishti, in the Punjab Legislative Council on the 2nd of August 1922, I am directed by the Governor in Council to forward for the information of the Honourable the President and favour of communication to Maulvi Muharram Ali, Chishti, the accompanying statement, in triplicate, showing the names with descriptions of the persons who were convicted during the first six months of the current year, of political offences, but who were subsequently released on apology or promise of good behaviour.

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* Volume IV, page 114.

† Volume IV, page 115.

Serial No.	District.	Name and description.	Section under which convicted.	Date of conviction.	Sentence.	Date of release.	REMARKS.
1	Rohtak ...	Hafizud Din, son of Hussain Khan, Rajput, of village Khorri.	Section 17 (1) of Criminal Law Amendment Act.	17th February 1922.	6 months' R. I. ...	10th May 1922	
2	Karnal ...	Abdul Aziz Khan, son of Doctor Karim Bakhsh, of Panipat.	Criminal Law Amendment Act, 1908 (Section 17) and Section 117, Indian Penal Code.	21st January 1922.	18 months' R. I. ...	Not known.	
3	Do. ...	Abdul Wahab, son of Abdul Razad, Shaikh, of Panipat.	Ditto ditto	Ditto	Ditto ...	Ditto.	
4	Ambala ...	Yusf Ali, son of Nathu, caste Rain, of Kumasi.	Section 17 of Act XIV of 1908.	18th March 1922	6 months' R. I. ...	Ditto.	
5	Do. ...	Amjad Ali, son of Ali Nawaz, caste Sayed, of Kumasi.	Ditto ditto	Ditto	Ditto. ...	Ditto.	
6	Do. ...	Raghbir Dial, son of Parabh Dial, Brahman, of Kharar.	Ditto ditto	3rd March 1922	6 months' R. I. and Rs 50 fine.	Ditto.	
7	Do. ...	Girdhari Lal, son of Gainda Mal, Bania, of Kharar.	Ditto ditto	Ditto	1 year's R. I. and Rs. 250 fine.	Ditto.	
8	Ludhiana	Balauri alias Muhammad Sharif, son of S. Muhammad Aqil, of Jagraon.	Ditto ditto	19th January 1922.	1 year's R. I. and Rs. 200 fine or in default of payment of fine 3 months' further R. I. ...	7th July 1922.	
9	Lyallpur...	Amir Bux, son of Chaudhri Nathu.	Section 17 (2) of Act XIV of 1908.	10th April 1922	2 years' R. I. ...	11th August 1922.	
10	Do. ...	Bhagwan Singh, son of Dayal Singh.	Ditto ditto	16th May 1922	6 months' S. I. ...	Ditto.	
11	Do. ...	Noor Muhammad, son of Umar Din.	Ditto ditto	2nd April 1922	1 year's R. I. ...	Ditto.	
12	Do. ...	Ram Narain, son of Jawala Das.	Ditto ditto	29th March 1922	1 year and 3 months' R. I.	20th May 1922	Released on promise of good behaviour till the decision of his case by the High Court Judges.

PUNITIVE POLICE.

2168. Maulvi Muhammad Ali, Chishti: Will the Government be now pleased to give an answer to my question No. 1557,* put by me on the 2nd August 1932?

Mr. J. Wilson-Johnston: An answer to the honourable member's question No. 1557 has been delivered to the Secretary, Punjab Legislative Council, and is laid on the table.

(Answer to questions Nos. 1556 and 1557.)

The Honourable Sir John Maynard: The table below gives the particulars asked for, save that the total population and not the male population only, and that the dates of sanction and not of actual location are shown in each case. The exact particulars asked for in these two matters are not on record.

* Volume IV, page 152.

Table referred to in answer to

Serial No.	Name of places where Punitive Police Posts are located.	District.	Population.	Strength.			
				Inspector.	Sub-Inspector.	Head Constable.	Constables.
1	Lak Bahadar ...	Jhang ...	1,073	...	...	1	4
2	Sabhra ...	Lahore ...	4,115	...	1	Mounted 1	Mounted 8
3	Maira Jaffar, Mira Aku and Mira Buari.	Rawalpindi	533	...	...	2	8
4	Harlo Sabari ...	Lahore ...	3,744	...	1	Mounted 1	Mounted 8
5	Bohar	Rohtak ...	5,456	...	1	1	6
6	Makhi Kalan and Makhi Khurd.	Lahore ...	2,022	...	1	Mounted 2	Mounted 8
7	Dhaular	Attock ...	2,454	...	...	1	4
8	Bikhiwind, Bahbar and Bafaka.	Lahore ...	4,039	...	1	2	12
9	Pindori Gola ...	Amritsar ...	1,900	...	...	2	7
10	Nangli and Ghukkiwind ...	Do. ...	1,227	...	...	2	10
11	Jhabbal Kalan	Do. ...	3,295	...	1	2	20
12	Kasel	Do. ...	4,800	...	1	2	12
13	Jehgal	Lahore ...	984	...	1	1	10
14	Jhajjar	Rohtak ...	11,494	...	1	3	23
15	Pandori Bibi Tavoli, Dhakowal, Mamayan Khurd and Harkhowal.	Hoshiarpur	3,654	...	1	2	15
16	Samalsar	Ferozepore	3,216	...	1	2	12
17	Sehana	Ambala ...	3,825	...	...	2	8
18	Shahpur	Do. ...	1,975	...	...	2	6
19	Sohsara	Do. ...	1,137	...	...	1	4

Questions Nos. 1555, 57.

Cost.	Initial cost.	Amount to be realized per head.	Date of commencement of the Punitive Police Post.	Detail of the conduct of the inhabitants which necessitated the posting of the Punitive Police, information as to whether the majority or minority were responsible and the approximate proportion of the minority.	Measures adopted by Government in order to protect loyal and innocent persons.	Information as to whether there has been any improvement in the situation since the imposition of Punitive Police.
Rs. A. P.	Rs. A. P.	Rs. A. P.				
1,915 0 9	85 0 0	1 3 9	6th June 1921.	Being in a disturbed or dangerous state, in consequence of which the Local Government considered it expedient to increase the number of Police. The majority of the inhabitants are believed to have been responsible. The proportion of the minority cannot be stated.	Examinations, where recommended by local officers.	No improvement reported.
5,815 13 7	2,916 0 0	2 11 3	7th September 1921.			
5,736 13 7	170 0 0	6 15 0	22nd September 1921.			
6,893 3 2	2,631 0 0	3 4 3	15th November 1921.			
4,548 2 2	110 0 0	0 13 4	12th November 1921.			
9,158 5 7	8,240 0 0	0 3 1	30th November 1921.			
1,901 12 9	85 0 0	0 12 11	20th January 1922.			
7,286 10 4	286 0 0	1 13 9	7th February 1922.			
5,593 4 5	156 0 0	1 15 6	22nd February 1922.			
4,611 4 0	204 0 0	1 1 6	Ditto			
10,253 8 0	374 0 0	1 3 1	Ditto			
7,348 14 6	288 0 0	1 9 3	Ditto			
5,708 12 0	297 0 0	0 1 7	25th April 1922.			
12,282 14 0	755 0 0	1 5 11	Ditto			
8,017 2 0	459 0 0	0 2 10	Ditto			
6,858 2 5	675 0 0	2 3 1	5th May 1922			
3,886 5 7	270 0 0	1 12 7	26th May 1922			
3,759 9 2	270 0 0	0 0 6	Ditto			
1,934 6 9	135 0 0	1 13 4	Ditto			

Serial No.	Name of places where Punitive Police Posts are located.	District.	Population.	Strength. Inspector.	Sub-Inspector.	Head Constable.	Constables.
20	Nagoki	Amritsar ...	2,846	...	...	2	10
21	Marhana	Do. ...	1,304	...	1	—	6
22	Ghawind	Lahore ...	3,304	...	1	1	11
23	Hudiara	Do. ...	3,780	...	1	2	12
24	Basian	Ludhiana ...	3,046	...	1	1	15
25	Halwara	Do. ...	2,203	...	...	2	16
26	Seahor	Do. ...	2,055	...	...	2	15
27	Nathwal	Do. ...	1,623	...	...	1	9
28	Bilaspur and Bijwara ...	Hoshiarpur	4,723	...	...	1	6
29	Bachiwind	Amritsar ...	1,771	...	...	2	8
30	Landa	Ferozepore	...	...	...	...	3
31	Mani Majra	Ambala ...	3,258	...	...	2	10
32	Dhudial	Jhelum ...	3,197	...	1	1	8
33	Chak Nos. 41-G. B., 42-G. B., 43-G. B., 44-G. B., 46-G. B., 47-G. B., 48-G. B., 49-G. B., 50-G. B., 52-G. B., 529-G. B., 530-G. B., 531-G. B., 234-G. B., 225-G. B. and 227-G. B.	Lyallpur ...	12,850	...	1	5	50
34	Rooke Kalan ...	Ferozepore	3,201	...	1	2	12
35	Middle Khera, Fatta Khera, Sikhwal and Kambarwal.	Do.	4,088	...	...	2	8
36	Raunta and Takhtpura ...	Do.	3,958	...	...	4	28
37	Mallan	Do.	2,758	...	...	2	8
38	Moga Mandi	Do.	14,164	...	1	3	20
39	Ghail Kalan ...	Do.	2,674	...	1	2	12
40	Karali	Ambala ...	2,688	...	...	1	8

Cost.	Initial cost.	Amount to be realised per head.	Date of commencement of the Punitive Police Post.	Detail of the conduct of the inhabitants which necessitated the posting of the Punitive Police. Information as to whether the majority or minority were responsible and the approximate proportion of the minority.	Measures adopted by Government in order to protect loyal and innocent persons.	Information as to whether there has been any improvement in the Punitive Police since the imposition of these Police.
Rs. a. p.	Rs. a. p.	Rs. a. p.				
4,679 4 0	324 0 0	1 11 3	26th May 1922			
2,010 3 7	162 0 0	1 10 7	Ditto			
6,429 13 0	324 0 0	2 0 6	Ditto			
7,215 8 0	378 0 0	3 0 6	7th May 1922			
7,482 10 0	432 0 0	2 9 8	Ditto			
6,787 7 2	486 0 0	2 4 1	Ditto			
6,469 3 0	459 0 0	2 5 11	Ditto			
9,041 6 10	270 0 0	2 6 7	Ditto			
3,087 7 2	189 0 0	0 11 11	Ditto			
2,037 3 7	270 0 0	1 12 10	6th June 1922			
793 10 5	...	...	Ditto			
4,572 0 0	324 0 0	1 8 1	15th June 1922			
4,092 13 7	243 0 0	1 10 8	6th June 1922			
22,040 0 0	1,485 0 0	1 14 10	13th June 1922			
...	...	...	...			
...	...	...	...			
6,633 2 5	378 0 0	2 4 6	Ditto			
4,280 9 7	270 0 0	1 1 0	23rd June 1922			Improvement at Takhtpura has been reported.
12,035 1 7	918 0 0	3 3 9	Ditto			
2,589 1 7	270 0 0	1 0 11	Ditto			
14,158 12 6	891 0 0	1 1 0	Ditto			No improvement reported.
7,048 14 5	378 0 0	2 12 5	Ditto			
8,895 13 7	540 0 0	1 8 0	11th July 1922			

Recognition, please recommended by local officers.

Brought a disarmed or dangerous state in consequence of which the Local Government considered it expedient to increase the number of Police. The majority of the inhabitants are believed to have been responsible. The proportion of the minority cannot be stated.

Serial No.	Name of places where Punitive Police Posts are located.	District.	Population.	Strength. Inspector.	Sub-Inspector.	Head Constable.	Constables.
41	Rupowal, Ramdaspur, Ambala and Gardhiwal.	Hoshiarpur	5,293	...	1	1	10
42	Khandala Jathan, Baich, Shahbazpura, Khakh, Basi Jalal.	Do.	3,860	...	...	2	20
43	Bundala, Samra, Bilga, Pandra.	Jullundur...	14,143	...	1	2	Foot 10 Mounted 8
44	Orara	Lahore ...	1,959	...	1	1	6
45	Kot Futhi, Babbalpur, Gondpur, Sarhala Khurd, Badon and Dihana.	Hoshiarpur	6,774	...	1	3	30
46	Jia Bagga and Jhadu ...	Lahore ...	2,720	...	1	2	20
47	Thoa Mahrara Khan ...	Attock ...	4,914	...	1	1	9
48	Pakhowal, Chauhra, Kukar, Mazara, Moranwali, Burki Khas, Chabilpur, Wahidpur	Hoshiarpur	5,270	...	1	2	25
49	Jamsher, Patara, Bobana Bhagowal and Biving.	Jullundur...	7,470	...	1	2	Foot 7 Mounted 5
50	Haripur, Kandolah, Ghunial, Pindori, Nijran Khurdpur.	Do. ...	6,554	...	1	2	Foot 10 Mounted 5
51	Banga, Jhingrana and Mahal Gohala.	Do. ...	7,750	...	1	3	Foot 17 Mounted 8
52	Daulatpur and Auri ...	Do. ...	2,655	...	1	1	Foot 8 Bicycle sowars 2
53	Hardo Sahori ...	Lahore ...	2,744	...	1	1	6
54	Isharke	Sheikhupura	1,460	...	...	...	8
55	Bundala, Samna, Bilga, Pandua.	Jullundur...	14,143	...	1	2	10
56	Jondiala	Do. ...	5,490	...	1	2	12
57	Daud Khel	Mianwali ...	5,973	...	...	3	10

Cost.	Initial cost.	Amount to be realized per head.	Date of commencement of the Punitive Police Post.	Detail of the conduct of the inhabitants which necessitated the posting of the Punitive Police, information as to whether the majority or minority were responsible and the approximate proportion of the minority.	Measures adopted by Government in order to protect loyal and innocent persons.	Information as to whether there has been any improvement in the situation since the imposition of Punitive Police.
Rs. A. P.	Rs. A. P.	Rs. A. P.				
5,567 0 0	297 0 0	1 1 11	12th July 1922			
6,811 4 0	864 0 0	2 4 10	Ditto			
7,874 11 7	600 0 0 375 0 0	0 10 1	10th August 1922.			
	975 0 0					
4,897 3 2	189 0 0	3 4 5	Ditto			
13,936 4 0	681 0 0	2 5 0	Ditto			
9,894 4 0	894 0 0	3 13 5	17th August 1922.			
4,844 13 7	243 0 0	1 0 7	19th August 1922.			
12,057 14 0	729 0 0	2 6 9	28th August 1922.			
7,512 12 0	1,000 0 0 378 0 0	1 8 3	12th June 1922.			
	1,378 0 0					
8,284 6 0	1,000 0 0 489 0 0	1 7 9	Ditto			
	1,489 0 0					
10,572 4 0	600 0 0 621 0 0	1 5 4	Ditto			
	1,221 0 0					
6,156 13 7	648 0 0	2 8 0	3rd July 1922			
6,692 3 2	2,331 0 0	3 4 6	15th November 1921.			
4,263 1 7	243 0 0	3 1 3	23rd September 1922.			
7,874 11 7	975 0 0	0 10 1	10th August 1922.			
6,974 10 5	378 0 0	1 5 5	9th September 1922.			
6,431 4 0	324 0 0	1 2 1	25th September 1922.			

Being in a disturbed or dangerous state, in consequence of which the Local Government considered it expedient to increase the number of Police. The majority of the inhabitants are believed to have been responsible. The proportion of the minority cannot be stated.

Exemptions, where recommended by local officers.

No improvement reported.

RELIGIOUS LIBERTY AND THE MENIAL STAFF OF THE CIVIL HOSPITALS.

2104. Maulvi Muharram Ali, Chishti: Arising out of the last portion of the answer to question No. 1560,* will the Government be pleased to state if it has now considered the matter and with what result?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The honourable member is referred to the reply given to question No. 2019.†

PUNITIVE POLICE.

2105. Maulvi Muharram Ali, Chishti: Will the Government be pleased now to give an answer to question No. 1556,‡ put by me on the 2nd August 1922?

Mr. J. Wilson-Johnston: An answer to the honourable member's question No. 1556 has been delivered to the Secretary, Punjab Legislative Council and is laid on the table.§

SEATING ARRANGEMENTS FOR WITNESSES IN COURTS.

2106. Maulvi Muharram Ali, Chishti: (*a*) Arising out of the answer to question No. 1586,‖ will the Government be pleased to state the names of any court-house at Lahore, Amritsar, Gujrat, Jhang, Gujranwala, Lyallpur, Multan and Sheikhupura, where a covering of matting and "usually" a durrie is supplied for the seating of witnesses; and name any other district in which durrie or matting is supplied for this purpose in the court-houses?

(*b*) If on enquiry the Government is satisfied that in no court-house matting or durries exist for the seating of witnesses, will the Government be pleased to make necessary arrangements for the purpose?

Mr. J. Wilson-Johnston: It is regretted that the answer to this question is not yet ready. Enquiries are being made and when complete a full reply will be furnished to the honourable member.

PRESS *COMMUNIQUE* ISSUED BY *SHIROMANI GURDWARA PARBANDHAK* COMMITTEE IN CONNECTION WITH HAPPENINGS AT GURU-KA-BAGH.

2107. Sardar Sangat Singh: Has it been brought to the notice of Government that the *Shiromani Gurdwara Parbandhak* Committee has been issuing Press *communiqués* from time to time dealing with the recent happenings connected with Guru-ka-Bagh?

Mr. H. D. Craik: Yes.

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* Volume IV, page 121.
† Volume IV, page 589.
‡ Volume IV, page 121.
§ Volume IV, pages 768-69.
‖ Volume IV, page 158.

ADVISORY SUB-COMMITTEE IN THE IRRIGATION DEPARTMENT.

2108. **Malik Karimullah Khan:** Will the Government be pleased to state—

(*a*) what consideration guide the Government in the appointment of members to Advisory Sub-Committees attached to the circles of various Executive Engineers of the Irrigation Department;

(*b*) whether, when making such appointments, any attempt is made to consult the irrigators of the circles concerned;

(*c*) Is it a fact that one member of the Sargodha Committee does not possess any agricultural land whatsoever while another is a Government servant?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

NEW GOVERNMENT INTERMEDIATE COLLEGES AND P.E.S. AND S.E.S.

2109. **Malik Karimullah Khan:** (*i*) Will Government kindly state the names of those of the Headmasters of Government High and Normal Schools in the senior most grades of the Subordinate Educational Service who are M. A.s?

(*ii*) (*a*) Will Government be pleased to state the places where it is proposed to establish the new Government Intermediate Colleges?

(*b*) How many new posts will be created in the Provincial Educational Service and Subordinate Educational Service?

(*c*) In appointing new men to these posts, will Government be pleased to consider the claims of suitable M. A.s already serving in the Subordinate Educational Service?

The Honourable Khan Bahadur Mian Fazl-i-Husain: I. Following are the names of the Headmasters that hold the degree of M. A.:—

	Rs.
Malik Muhammad Husain, Officiating Headmaster, Government High School, Dera Ghazi Khan	210—250
M. Aghar Khan, Headmaster, Government High School, Kahror	140—190
M. Ghulam Rasul Shauq, Headmaster, Government High School, Jampur	140—190
L. Mohan Lal, Headmaster, Government High School, Kahon	140—190

II. (*a*) The proposed Intermediate Colleges are proposed to be opened at Lyallpur, Gujrat and Campbellpur.

(*b*) and (*c*) It is too early to think of these things.

AMALGAMATION OF THE TWO SUBORDINATE EDUCATIONAL SERVICE LISTS.

2110. **Malik Karimullah Khan:** Will Government be pleased, pending the amalgamation of the two Subordinate Educational Service lists, to permit transfers between teachers in the old and new Government High Schools?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The amalgamation of the two Subordinate Educational Service lists is nearly complete.

STANDARDISING OF THE STAFF OF GOVERNMENT HIGH SCHOOLS.

2111. **Malik Karimullah Khan:** Will Government be pleased to state—

(*a*) what steps have so far been taken to provincialise the staffs of the Government High Schools;

(*b*) what reductions in staff have been sanctioned to be made in the case of each of the old Government Schools;

(*c*) what additions to the staff have been sanctioned for each of the new Government Schools;

(*d*) when will orders be issued making the new appointments in such school as require more teachers?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Part (*a*) of the question is not clear. Staffs of Government High Schools are necessarily provincial.

(*b*) is under consideration.

(*c*) ditto ditto.

(*d*) No date can be fixed at present.

CASE OF HARBANS SINGH AT GURU-KA-BAGH.

2112. **Captain Sardar Gopal Singh:** (*a*) Is it a fact that one Harbans Singh, son of Lachhman Singh, village Dharowal, District Sheikhupura, was felled to the ground at Guru-ka-Bagh on 13th September 1922 and a big police *lathi* was set across his neck and four policemen were made to sit over it till the said Harbans Singh became senseless and was taken away to Amritsar in the Sikh Ambulance Lorry? If so, how is he now?

(*b*) If Government is not aware of it, will Government please now make a thorough enquiry and inform the House of the result and also please state what steps Government is going to take in this case?

Mr. J. Wilson-Johnston: (*a*) No such incident has been reported to Government or to the local authorities.

(*b*) If Harbans Singh will lodge a complaint before a Magistrate, it wil be investigated by the Court.

NAIB-TAHSILDAR SHER SINGH AND MEDICAL COMFORTS FOR THE *AKALI* WOUNDED.

2113. **Captain Sardar Gopal Singh:** (*a*) Is it a fact that Mr. Dunnett, the District Magistrate of Amritsar, gave a written permit to the

Shiromani Gurdwara Parbandhak Committee for sending medical comforts for the sick and wounded Sikhs at Guru-ka-Bagh on or about the 7th September last on the request of the Shiromani Gurdwara Parbandhak Committee, but in spite of that M. Sher Singh, a Naib-Tahsildar in charge of the post at Raja Sansi Bridge, either under instruction of any Police officer or of his own accord, took possession of all the said medical comforts which were meant for the sick and wounded Sikhs at Guru-ka-Bagh and distributed them among the police?

(*b*) If so, what action the Government has taken or intends to take against those who seized the comforts? If no action is contemplated, will Government give reasons for the same?

Mr. H. D. Craik: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

TAHSILDAR ZAHUR-UD-DIN AND COMPROMISE.

2114. Captain Sardar Gopal Singh: Is it a fact that on or about 26th September last, Mahant Sundar Dass and Baba Kehr Singh approached the Deputy Commissioner of Amritsar with M. Zahur-ud-Din, Tahsildar, Ajnala, for effecting a *razinama*, but they were dissuaded?

Mr. H. D. Craik: On the 26th of August the Tahsildar, Ajnala, arrived at the Deputy Commissioner's house and said that he had brought Baba Kehr Singh of Patti and Mahant Sundar Dass, who were ready to make a compromise. The Deputy Commissioner interviewed these two gentlemen together, and explained that it was his business to protect every one's rights, but that a friendly settlement was a good thing, and that he would put no difficulty in its way. The Deputy Commissioner said nothing to dissuade either party from effecting a compromise.

MULTAN RIOTS.

2115. Sayad Ghulam Muhammad Shah: Will Government be pleased to state the number of persons (by community) arrested in connection with the Multan riots?

Mr. J. Wilson-Johnston: The honourable member's attention is invited to the Press *Communiqué*, dated the 18th September 1922, a copy of which is laid on the table. Government is making a further enquiry from the local officers and a full reply will be given in the due course.

PRESS *COMMUNIQUE*.

The following, which contains the latest reports from Multan with regard to the recent disturbances, is published for information:—

Situation is improving. A meeting was held to-day largely attended by Hindus and Muhammadans. Unanimous resolutions were passed regarding the opening of a Multan Relief Fund, the constitution of a general committee for the collection of funds and payment of compensation and of a smaller committee for the assessment of compensation. Over twelve thousand rupees was promised at the meeting, and it was decided to make a joint appeal to the Muhammadan and Hindu communities of the Punjab to subscribe

towards the fund. All communities are fairly represented on the two committees and the Deputy Commissioner was appointed Chairman of both, the latter was also given the power to nominate Tahsil Sub-Committees for the purpose of collecting funds. A moderate spirit was shown by both sides at the meeting which was a very marked success and represents the first real movement towards conciliation. The total number of persons arrested up to date is 376, of these 244 were arrested under the Security Sections and 132 under Cognizable Sections. Of the latter, 104 are Muhammadans, 28 are Hindus. On the first day nine arrests were made, on the second day 181. The police and troops could have made more arrests on the first day, but had they done so they would have completely lost control of situation and the loss of life and property must have been very much greater than it was. The first duty of the police and troops was to expedite the taking of the *tazias* out of the city, in the hope that this would ease the situation. After the first day every effort was made to make arrests. Casualties are: deaths 7 (Muhammadans 2, Hindus 5); grievous hurt 45 (Hindus 34, Muhammadans 11), simple hurt roughly 500 (Muhammadans 150, Hindus 350).

KUCHA-BANDI.

2116. Sayad Ghulam Muhammad Shah: (*a*) Will Government kindly state whether *kucha-bandi* is being done in Multan? If so, by what community?

(*b*) What steps has the Government taken to stop it? If not, will the Government be kind enough to take early steps to prevent *kucha-bandi*?

(*c*) Will Government be pleased to take action against the persons responsible for *kucha-bandi*?

The Honourable Sir John Maynard: (*a*) Yes. So far as is known to Government no obstructions have been erected by any persons except those belonging to the Hindu community.

(*b*) and (*c*) The honourable member's attention is invited to part (*b*) of the answer to question No. 2066.

ANNOUNCEMENT RE. GURU-KA-BAGH AFFAIR.

The Honourable Sir John Maynard (Finance Member): The Council will be interested to hear that the Mahant of Guru-ka-Bagh has informed Government that he no longer requires the protection hitherto afforded by the Police to his rights in the land adjoining the shrine; and the Police, with the exception of a small number for the protection of the Mahant's person are accordingly being withdrawn. The result will be that the arrests of persons entering upon the land will cease. This has been brought about by the intervention of a public spirited gentleman well-known in the Punjab and beyond it, who has taken a lease of the rights of the Mahant and desires to restore peace by putting no obstacles in the way of the persons who claim to cut wood for the *langar* of the shrine. The idea of this solution emanated from the gentleman himself but the Government has encouraged and welcomed it.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural]: Sir, I have been asked to make a statement concerning the resolution which I moved on the 31st of the last month. Now, not in pursuance of that resolution but in our

individual capacity we went over to Amritsar—Sardar Sangat Singh, Sardar Raghbir Singh, and myself to see whether any compromise was possible. We sent a man to the Mahant but he had no intention of even coming over to us. We also visited the Gurdwara Prabandhak Committee and we came to the conclusion that as long as the Mahant was assuming that attitude there was no possibility of any compromise. In view of the announcement that has been made to-day, I do not think it is in any way necessary for us to have a Committee of five of us, because that dispute is now over and arrests are naturally stopped.

THE SIKH GURDWARAS AND SHRINES BILL.

Mr. President: The Council will now proceed to the consideration of the Sikh Gurdwaras and Shrines Bill in detail. I have received notice of only one amendment which is to clause 5.

The question is;

"that clauses 1 to 4 stand part of the Bill."

The motion was carried.

Diwan Bahadur Raja Narendra Nath: I suggest, Sir, that each clause may be taken up separately. There may be some very important clauses.

Mr. President: Very well. Next is clause 5.

I call upon Mr. Latifi to move his amendment.

Mr. A. Latifi (Secretary, Transferred Departments):

With your permission, Sir, I move—

"That in sub-clause 4 of clause 5 the words 'of not less than 5 years' standing' and 'for not less than 5 years' be omitted; and the following be added at the end after the word 'post':—

', or a graduate of a recognized university'".

The object of sub-clause (4) of clause 5 as it now stands, is to ensure that the gentlemen elected as Commissioners to perform the difficult and delicate duties entrusted to Commissioners under the act should be sufficiently qualified to perform such duties. The sub-clause, as it now stands, however unduly restricts the powers of the electors. Under the sub-clause the two bodies of electors are bound either to elect an official of Government or a pensioner of Government or a legal practitioner who is, as is known to the Council, an "officer of the Court." I feel that the object which this clause has in view, will be sufficiently met if my amendment is carried. A person with the training of a graduate of a recognized university ought to be quite capable of discharging the functions entrusted to the Commissioners. We naturaly expect that the responsible bodies that will elect the Commissioners will see that in addition to being graduates their nominees also possess the experience necessary for their duties. I, therefore, trust that the small amendment which I have put in, will commend itself to the Council.

Mr. President: Clause under consideration—

Amendment moved:

"That in sub-clause 4 of clause 5, the words 'of not less than 5 years' standing' and 'for not less than 5 years' be omitted; and the following be added at the end after the word 'post':—

or a graduate of a recognised university".

The question is that that amendment be made.

Diwan Bahadur Raja Narendra Nath [Punjab (Landholders) General] : Sir a Commission composed of young men who are fresh from University will command no confidence, and I oppose the amendment on this very ground. The object of specifying qualifications for Commissioners of Boards is that we may have men of experience or men of judicial and legal experience who may be able to adjudicate properly intricate questions of law and fact which come before the Commission. If the appointment to a Commission is laid open to young men fresh from the university, I think the very object of constituting the Commission is frustrated. With these few words Sir, I oppose the amendment.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, Clause (4) of section 5 runs as follows :—

"Each Commissioner nominated under sub-section (2), or sub-section (3) shall be a Vakil, Advocate or Barrister of not less than five years' standing or a person who has held a civil judicial post for not less than five years."

Mr. Latifi's amendment is as follows :—

"In sub-clause 4 of clause 5, the words 'of not less than 5 years' standing' and 'for not less than five years' be omitted; and the following words be added at the end after the word 'post' :—

"or a graduate of a recognised university."

The object of the above amendment is that the scope for nominating members to the Board of Commissioners may not become restricted. That is to say, a youngman of twenty who has just obtained his degree and is fit to serve as Commissioner should not be debarred. The Raja Sahib's argument that a youngman of twenty should not in view of his youth be nominated to the Board of Commissioners is not sound. I think this amendment gives wide scope to the appointing agency. I do not wish to say anything more. If the House accepts the amendment, I too am prepared to accept it.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan (Rural)] (Urdu) : Sir, I and my colleagues do not concur in the Education Minister's opinion that this amendment will afford facility. The original clause is as follows :—

"(4) Each Commissioner nominated under sub-section (2) or sub-section (3) shall be a Vakil, Advocate, or Barrister of not less than five years' standing or a person who has held a civil judicial post for not less than five years."

The intention originally was that the matter being a complicated one experience and special qualifications will be needed to free it from complication. Persons of young age should not, therefore, be allowed to serve on the Board. Only persons who possess ability and experience and are advanced in years should serve on the Board. If Vakils or Barristers are appointed to the Board, they should be of not less than five years' standing, and that if a Provincial Civil Service of the Judicial branch is appointed, he should have held his post for not less than five years. The object of the amendment is that the five years' restriction should be removed. This means that a person

who passed the Law Examination less than a year ago might be appointed to the Board even though he may be unable to understand its objects. The same argument also holds good in the case of the Judicial Officers as we may ask a fresher to serve on the Board. There is no restriction whatsoever of having passed an examination for Council Membership, but the restriction that a man who is a graduate will be eligible has been imposed merely for making nominations to the Board irrespective of age and experience. The only reason why a rule of this sort is going to be laid down is that if a Vakil or a Barrister of five years' standing is not available and no person can be got hold of from among judicial officers, of similar standing people might be taken from other directions. If the members are nominated to the Board in this way, the public too will have ground for saying that this method has been adopted because they could not secure good men. With these remarks I oppose the amendment.

Mr. President: Clause under consideration:—

Amendment moved—

"That in sub-clause 4 of clause 5, the words 'of not less than 5 years' standing' and 'for not less than 5 years' be omitted; and the following be added at the end after the word 'post':—

"or a graduate of a recognized University."

The question is that that amendment be made.

The Council then divided: Ayes 37, Noes 26.

AYES 37.

The Honourable Sir John Maynard.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Khan Muhammad Abdullah Khan.
Mr. Nawab Din, Murad.
Khan Bahadur Diwan Abdul Hamid Khan.
Mian Ahmad Yar Khan, Daultana.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Chaudhri Ata Ullah Khan.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Sardar Jamal Khan.
Rana Muhammad Jamil Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Raza Shah.
Khan Muhammad Saif Ullah Khan.
Khan Bahadur Khawaja Yusaf Shah.
Chaudhri Shafi Ali Khan.

NOES 26.

Sodhi Lal Singh.
Lala Atma Ram.
Sardar Balwant Singh.
Lala Bishan Das.
Sardar Randhir Singh.
Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Chaudhri Ghasi Ram.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Sardar Kartar Singh.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misr Mela Ram.
Chaudhri Kharak Singh.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Rai Bahadur Lala Sewak Ram.
Khan Bahadur Malik Muhammad Amin Khan.
Rai Sahib Lala Thakar Das.
Lala Uttam Chand.

The amendment was carried.

Mr. President: There is another error in sub-clause 4 of clause 5 to which attention has been drawn. Instead of the word 'Barrister' which is not the proper word the expression 'Barrister-at-law' should be used. I assume that the House will have no objection to that change being made.

The Council gave assent.

Mr. President: The question is—

"That clause 5 as amended stand part of the Bill"

The motion was carried.

Clauses 6 to 24 were passed clause by clause without discussion or division.

Mr. President: The question is—

"That clause 25 stand part of the Bill".

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural] (Urdu): Sir, I wish to say something about section 25 of the Bill because I am opposed to it. The section runs as follows:—

Penalty for resisting.

"Any person resisting or obstructing the Board or any one acting on its behalf or under its instructions in taking possession of a disputed *gurdwara* or shrine under this Act and any person interfering with such possession when taken shall on conviction by a Magistrate of the 1st Class be liable to a fine not exceeding one thousand rupees, or to rigorous imprisonment for a term not exceeding 12 months or to both."

The Honourable Member for Finance has to-day announced to us the gratifying news that a well-wisher of the country has taken the land attached to Guru-ka-Bagh on lease from the Mahant and that arrests have ceased since the the lease was taken. The above arrangement having been made I do hope other people of the same views (for the Akalis enjoy a reputation for bravery throughout India—about which we read a great deal in the newspapers also) will come forward to follow the above mentioned example. This being the case nothing will be gained by retaining section 25 which provides one year's imprisonment, or a fine of Rs. 1,000, or both. Those who wanted

to cause obstruction on religious grounds have already endured a good many hardships. You should now work for their benefit as well as for the benefit of the Mahants. As appears probable the Gurdwara Bill will be passed whether you retain section 25 or expunge it. My request is that the section might be expunged. Those who are making themselves a party to the passage of this Bill should not obstinate about each and every section of it. If they were to seriously consider and it is hoped that they will do so, they will not pass this section. With these remarks I oppose section 25 of the Bill.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I should like to ask, through you, a question from the Honourable Minister for Education. Supposing that after the Bill is passed the Shiromani Gurdwara Parbandhak Committee does not allow the Board of Commissioners to take possession of the *gurdwaras*, what remedy has been proposed for such an eventuality. Both the Sikhs and the Parbandhak Committee are opposed to this Bill so there is bound to be obstruction against the taking of possession and arrests will be re-started as before. I am not aware if Government has considered this aspect of the case. In case it has considered it I should like to know what remedy it has proposed.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu) : Sir, it seems to me that the members who are opposed to this Bill have become tired of saying 'no' to every section of the Bill and they have therefore thought it desirable to make a speech once more. I quite appreciate this because monotony is tiresome and it is natural for man to seek variety. But my friends have thought of making speeches when the Bill has reached almost its last clause. There are altogether 26 sections in the Bill and now speeches have started regarding section 25. My esteemed friend, Mr. Ganpat Rai, is the only member of this Council who has all along taken interest in the Bill. He has been taking part in all the Committees that were appointed to consider the Bill and he has been raising objections against almost all the sections but he never said anything regarding section 25. On another occasion when both of my esteemed friends, *i.e.*, Maulvi Muharram Ali, Chishti, and Mr. Ganpat Rai had the kindness to take part in the discussions of the Select Committee no question was raised regarding section 25. Moreover, on the 7th April 1921, Mr. Ganpat Rai wrote a long note of dissent regarding the Bill and in that note too he allowed section 25 to stand thinking that the section was suitable. Nor did he raise any objection against it in the Select Committee. He now says we should do away with this rule regarding punishment. Really it amounts to this. No one breaks the rules of this Council for four days. Should we be justified in cancelling all the Standing Orders of this Council for the simple reason that they were not broken. It is the rules that maintain dignity. If this Council desires that the Boards should not get possession and this Bill may remain a useless measure it is open to them to expunge this section but if, on the other hand they desire to make the Bill a success no one will agree with Mr. Ganpat Rai. My friend, Maulvi Muharram Ali, Chishti, has raised a reasonable question. These difficulties had been foreseen by the Government and they have received sufficient consideration. My submission is that if any difficulty is confronted efforts will be made to solve it with the help of our Council. Before concluding I would like to say that Mr. Ganpat Rai's opposition to this clause is not based on any principle except the principle of breaking the monotony of proceedings. With these remarks I request, Sir, that the amendment may be rejected and section 25 passed.

Diwan Bahadur Raja Narendra Nath [Punjab (Landholders) General] (Urdu) : Sir, I think that the question covered by Mr. Ganpat Rai's amendment has arisen out of Mr. Latifi's amendment. If the work of the Board is so easy that it can be entrusted to youngmen then where is the necessity for laying down so much fine and imprisonment in the section as penalty. In view of the reasons advanced by Mr. Ganpat Rai I have nothing more to say.

Mr. President : The question is—

"That clause 25 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 26 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That this be the preamble to the Bill."

The motion was carried.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, I move—

"That the Sikh Gurdwaras and Shirines Bill be passed."

It is not necessary for me now to enter into any lengthy description of the Bill which has been before the Council, has been carefully considered and various provisions of it duly passed. It may, however, interest the Council to know that the Bill is not really such a very timid and poor measure as some Sikh members would have us believe. The Bill does give real power for good to the Board. There is, for instance, a provision in clauses 12 and 16 to appoint Managers and Committees and giving them power of managing properties. Then there is clause 18 which gives really large powers as to the application of the funds of the *gurdwaras*. Provision is made that regular accounts will be kept. No *gurdwara* under this Board can possibly be mismanaged or money squandered by the Managers of Committees in charge of it.

Then, Sir, I come to a provision which to my mind is of supreme importance and that is the provision which enables this Board as an authoritative Board to bring about compromises and settlements between those in possession of *gurdwaras* and those who seek reform. Had this Bill been enacted in to law last year, I have no doubt that this provision would have enabled those who seek reform for the sake of religious reform to bring a good many *gurdwaras* under pure and honest administration. However, it is better late than never, and I hope that when this Board of Commissioners is in working order a great deal will be achieved in that direction.

Then, Sir, there is another thing. The history of many a *gurdwaras* is at present in the dark. I have only to illustrate this contention by referring the *gurdwara* at Gurdaspur to show how widely divergent views are held by the two sides. The leading vernacular daily of Lahore, the *Bande Mataram* has made its columns available for the Gurdwara Parbandhak Committee to show its case that it is really a *gurdwara* and also for the Mahants to show that really it is a *shiwala* and not a *gurdwara*. And, Sir, reading it as a lawyer I see that there is a good deal to be said on both sides. Were I a

Judge, to decide the matter, I would find it extremely difficult to decide it either in favour of the Gurdwara Parbandhak Committee or the Mahant. I trust that that institution would not be a disputed *gurdwara*; otherwise there is no doubt, the Commissioners will find it very difficult to decide their case. So clause 24 which enables this Commission to institute exhaustive inquiry into the foundation of the *gurdwaras*, the objects with which they were founded, the aims that the founders had in instituting them are all matters of supreme importance; and I have no doubt this Commission will collect matters of great historical interest and may be in a position, in course of time, to bring out a gazetteer of *gurdwaras* which will be a monument of industry and research and will throw a great light on these difficult matters.

Then, Sir, it will appear that one great thing which this Bill does is that it does not encourage litigation forthwith. It gives breathing time to all parties. The Board first takes possession of the *gurdwara*. During this period the reformers and the people in possession may talk matters over with each other and bring about compromise, and therefore the need for a permanent legislation for those institutions may never arise because whenever there is a compromise or settlement, it can be duly registered and to all intents and purposes it is as good as a decree of a court of law. Therefore I claim that this Bill does more or less the work of a *Panchayat*, saves people from ruinous litigation in expensive Civil courts and enables them to arrive at a compromise to settle their differences.

Then, Sir, so far as the persons in possession are concerned, the Udasis, I can show you that every effort has been made to do as little harm as possible to their vested interests. But if, I may say at once, an Udasi or a Mahant is a bad man, a wicked man, then this Bill has no sympathy with him. It will turn him out of the shrine bag and baggage. He has no business to remain in a place of worship belonging to the Sikhs. Therefore I trust when these provisions have been fully explained that it will be realized that while on the one hand, the Bill gives a good deal of power to the Sikhs for the reform of their *gurdwaras*, it at the same time does not do any very great harm to the Udasis and others interested in these institutions. Therefore, I hope that, although there was a keen division of opinion yesterday when the motion for bringing this Bill under consideration was carried, to-day a more conciliatory attitude will appear from those members on the opposite benches who all along have sympathised with me in my difficult task of trying to find a solution of a problem which is exceedingly difficult and with which Government has been face to face for some time past. I hope, Sir, that the goodwill shown to the Bill by the members of this Legislative Council will go some way in making the task of its administration easy. In view of the announcement made by the Honourable Sir John Maynard earlier in the afternoon to-day, there is no reason why, if all of us work together and co-operate in the real sense of the term, an atmosphere of peacefulness, calm and reconciliation cannot be brought about. In my opinion, now is the time when we should work hard and lay aside our differences to do the right thing. There are many ways in which the right thing can be done, provided that our object is the same. I trust the members of this Council will avail themselves of the opportunity to show their spirit of co-operation, of reconciliation, of putting their shoulders to this hard task to bring about peace.

Sardar Dasaundha Singh [Ludhiana, (Sikh,) Rural] : I rise, Sir, to oppose this motion ; and at the very outset I would like to make it clear that we, the Sikh members, have opposed it because after great consideration and after thoughtful hours we came to the conclusion that this Bill was no remedy for the evil that existed. Now, Sir, whenever we approached the Government, and we did so several times, and when we prayed to Government to give us some satisfactory legislation which could remedy the evil, then we were told that the Government could not get any measure which the Government liked through the Council. Now that was an excuse which to my mind had some weight. But after the passage of this Bill through this Council, I have come to the conclusion that that excuse had absolutely no base If not for any and every measure, at any rate in connection with this Gurdwara legislation, the Government could get any legislation, however drastic it might have been, through the Council. They have succeeded in getting a measure through the Council which is extremely unpopular so far as the Sikh point of view is concerned. It is neither liked by the extremists nor by the moderates nor by the masses at large. If, as the passage shows, it is popular with any class, it is with those members of this Council who have voted for it. When the Government could get such a measure passed, then I am extremely doubtful whether that excuse of the Government which was put forward often had any weight whatsoever.

Now, Sir, we oppose this Bill, firstly, because it is a temporary piece of legislation. It gives rise first of all to a mere inquiry that might be of interest to a historian, that might be of interest to future generations who might take the trouble of going through those heavy volumes, but so far as the present evil is concerned, it is of little use. Rather a lot of money and labour will be lost in preparing this voluminous record and even in civil courts, later, it would not have much weight. Then, Sir, there is another very great difficulty about this legislation, and that is that after two or three or four years when the period of this temporary legislation is over, the same trouble will rise over again. The Honourable Mover has said that it will bring about peace and calm, and that it would not encourage immediate litigation, but, Sir, this means that after three or four years there will be the same trouble over again, and the Sikhs may have, what is our greatest fear, to make the same sacrifices over again for the sake of this reform. Now, Sir, there was only one good about this Bill, and that was why we wanted it before, and that was why we wanted it at the very outset, but to my mind that good is no longer there. Yesterday I believe the Honourable Mover remarked that the happenings at the Guru-ka-Bagh had absolutely no relevancy so far as this piece of legislation is concerned ; why should it have affected the opinion of anybody so far as this legislation was concerned. Now, Sir, to my mind it is a very important matter. The first point about this Bill that was urged before us, and we too appreciate it was that it will bring about many compromises. Now, Sir, would any member of this Council for a moment believe that, when the Government is ready to help a Mahant to the extent that in protecting him for a small piece of land the Government is ready to beat mercilessly and to disgrace hundreds of Sikhs and when for the sake of protecting that small piece of land, the Government is prepared to send over five thousand Sikhs to the Jail, any Mahant would at all take into consideration that he should compromise a matter because the property was to be taken charge of by the commission for one or two or three or four years.

That hope of compromise which existed sometime ago is no longer there. When there is no hope of compromise this Bill can do absolutely no

good. Now, Sir, first of all we object to it because it is a temporary piece of legislation. Secondly, we object to it because it cannot serve the purpose for which this Bill is intended. Now, Sir, from the Government point of view it has been brought forward not so much because they are very eager to give reforms to the Sikhs, but because they want to remedy the situation. Now, Sir, if this object is not gained, it will have a very bad effect from the Government point of view. So far as this aspect of the question is concerned, my submission is that when the Bill is thrust upon the Sikhs it cannot achieve its object. It is not being thrust upon the extremists only but it is thrust upon the moderates also. Could you for a moment believe the charge that is being laid against us that we are playing into the hands of the extremists? Would anybody believe that we are opposing this Bill simply because the Gurdwara Parbandhak Committee does not want it? We are members who stand condemned by the Gurdwara Parbandhak Committee. We are excommunicated by them. Therefore we are in no very great eagerness to do all that they bid us to do. We oppose this piece of legislation not so much because the Gurdwara Parbandhak Committee does not want it but because we realise that this is not the remedy for the situation. Now, Sir, it may be that some of those gentlemen who have voted for it and who have been voting for it may be under the impression that we are being duped by the Hindus. We are not mere children, even though we may be called as such. We are not quite blind to our interests. We are not traitors to our own community. We are reasonable men and we have been doing our best, in fact, ever since our life in this Council began, we have been thinking on no other question so very deeply as we have done on this one question. This is the question in which our community's very deep interests are involved. This is a question on which our community is at war with the Government. We cannot be forgetful for a moment that we cannot afford to be at war with the Government. We are a small community and we have been the favourites of the Government for long (*Hear, hear*) and so we cannot afford to be against the Government on any question. Unfortunately this is a religious question and on a religious question one cannot afford to be in any way compromising. Now, Sir, considering all these points if we oppose the Bill then it cannot be said that we are doing so because we are being duped by somebody. We oppose this Bill because our conscience bids us to do so. Now, Sir, when we stand here as the representatives of the moderate opinion among the Sikhs and when the moderates do not want the Bill then for whom is this Bill meant. How can it achieve the object for which it has been brought forward by the Government? When that object which the Government has in view cannot be achieved, why should the Government persist? If the Government, go a step further, then they may defeat the very object for which this Bill is intended. My fear is not that this Bill would not succeed, but that it will make the situation much worse. I would not be so very anxious about the Bill if my fear had not been that. Supposing, Sir, there is a tribunal, as I said yesterday, which will consist of the nominees of the Government, then that will be a much worse body in the view of the Gurdwara Parbandhak Committee than the Mahant himself. How would they for a moment agree to the possession of any Gurdwaras being made over to that tribunal or board. There have been troubles before, but the troubles which would arise if this Bill comes into operation will be of a much more serious character. Therefore, I submit, Sir, that this Bill would not achieve the object for which the Government has brought it forward and for which the Government is so anxious to see it through this Council.

[S. Dasaundha Singh.]

Then, Sir, it was said by my friend Malik Feroz Khan, Noon, the other day that they were in favour of this legislation and they were voting for it simply because something was being given to the Sikhs. This argument has been put forward by many other members. I say, Sir, that there is very little logic in it. For anything and everything that is given to a man he can never be faithful, because there are good things and there are bad things in the world. I submit, Sir, when they take so much trouble to force something upon us, why should they not give us something which we want and why should they not join us in getting us something which we desire? We might then be more thankful to them.

In conclusion I would submit, Sir, that if this piece of legislation passes into an Act then there is very great danger of very serious consequences. I would ask the official friends of mine and the non-official friends too to weigh the consequences of bringing this Bill into force. The official friends of mine may be under the impression that they are doing something which is in the interests of good Government though to my mind that does not seem to be plausible. So far as my non-official friends are concerned I appeal to them, and I appeal to them very strongly, because this is a question in which our religious susceptibilities are concerned. What will those gentlemen be thought of by the future generation when they see that in a religious question, in a question in which the religious susceptibilities of the Sikhs were concerned, the Muhammadan members of this Council went against them and that they were a party to a measure which was thrust upon them against their interests. They cannot say that it is to our interests. They cannot say that it is to our interests, because we have repeatedly said that it was not to our interests. Therefore I appeal to them to consider twice before they vote for this piece of legislation. With these remarks I oppose the motion.

Mr. Ganpat Rai [Lahore—Ferozepore-*cum*-Sheikhupura (non-Muhammadan), Rural] (Urdu): Sir, as a Hindu I strongly oppose this Bill. I have been taking a special interest in the proceedings from the very beginning as the Honourable Education Minister has himself admitted. Sir, about a year and-a-half ago the Gurdwara reform movement began and it was not known then whether it would remain a purely religious reform movement and would not affect the rights of any other class or community. We, the Hindus, have been very closely studying it and have arrived at this conclusion that the Sikhs are effecting this reform with honest intention and without injuring the interests of any other community; and that is the reason, Sir, why the Hindu members of this Council are whole-heartedly supporting them.

As for this piece of legislation, Sir, we, the Hindu members, sincerely advise Government not to thrust it upon the Sikhs because in its present form it is not acceptable to the latter and its passage would involve Government in greater difficulties. What we have suggested is to postpone the Bill for a month or so and allow the Hindu and Sikh members, who are now fully united, to make an amicable settlement and also between the Akalis and the Mahant at Guru-ka-Bagh. It is probable that we might in the meantime frame another Bill of a nature which might be acceptable to all. The Honourable Education Minister in reply said that if the passage of this Bill was delayed even for a single day, it would make the situation still more intolerable. Does the Honourable Minister need to be told that the Bill even if passed cannot possibly be enforced at least before a month is out after the assent of His Excellency the Governor-General. The Select Committee has fixed the period of 15 days for Parbandhak Committee and in case they

fail to nominate the nominee then the Sikh members will have 15 days more. A Commissioner under the Bill cannot begin the work before that time. I cannot understand why the Government do not allow the Hindus and Sikhs to find a solution of their difficulties for themselves, and postpone this Bill for the present. Supposing the Bill were passed in the teeth of opposition from both Hindu and Sikh members, what would happen? The Shiromani Parbandhak Committee, who are to appoint one of the Commissioners, would have nothing to do with it and the same would be the case with the Sikh members of this Council. Will not this suffice to seal the fate of this Bill? Again, it was alleged yesterday that our alliance with the Sikh members was unnatural. Shall I ask the honourable member to say if this alliance is not natural and spontaneous? Those who doubt in our sincerity with the Sikhs should remember that in our homes we keep the *Granths* and pay it the same reverence as we do in the case of our Vedas. In view of these facts will you call our alliance unnatural? Not only this but what we find that in numerous families real brothers born of the same father and mother one is a Sikh and the other Hindu and they live together, eat together. Not only this but Sikhs and Hindus intermarry. Is this an "unnatural alliance"? Sir, what the public understand is that Government does not desire to see Hindus and Sikhs united. I assure this House that for the last three or four days we have felt so sincerely united that we are sure to make an amicable settlement, and shall be able within a fortnight to draft such a Bill if this Bill is not passed on which both the communities shall agree. .....

The Honourable Sir John Maynard: I repudiate this charge that the Government does not desire to see Hindus and Sikhs united.

Mr. President: I think the suggestion is quite unjustifiable. At first I did not stop the member because he said he was expressing the public views, but now he seems to be trying to show that it is his own opinion. If so, I must ask him to apologise.

Mr. Ganpat Rai: Sir, if I have wounded the feelings of any member in this House, I apologise. I was simply expressing the public opinion and with that public opinion I agree.

Mr. President: As far as I understand the honourable member is ascribing a motive to Government in framing this legislation, that they wish to keep the Sikhs and the Hindus at enmity. This is a most improper motive to ascribe. I must ask him again to withdraw it.

Mr. Ganpat Rai: I have no hesitation in apologising because I have said that I am expressing the public view before this House.

Sir, the Government have only misunderstood our attitude. We are not opposing them with a view to increase their troubles, we are, on the other hand, sincerely co-operating with them. We do not desire that by passing this Bill Government might have to confront a situation still more intolerable than it is at present. With these remarks I oppose this motion.

Rai Sahib Lala Thakar Das [North-West Towns (non-Muhammadan), Urban] (Urdu): Sir, As a member of this Council I am in duty bound to advise the Government on this question. I have personally discussed it with several prominent persons and all of them have vehemently opposed this Bill.

[R. S. Lala Thakar Das.]

Government should, therefore, see that the passage of this Bill will be another mistake of policy. I have not come across any precedent of this nature in the proceedings of the House of Commons in which a measure might have been thrust upon some community in the teeth of its protests. Sir, if with the votes of the Muhammadan members this Bill is passed into law the whole world will say that dyarchy has completely failed. I therefore oppose the passage of this Bill.

Rai Sahib Lala Panna Lal [North-West Towns (non-Muhammadan), Urban] (Urdu): Sir, I cannot help saying a few words and advising the Government on this question since I have taken the oath of allegiance for sincerely co-operating with them.

I have to tell the Government plainly that this piece of legislation is altogether useless and even if passed will remain a dead letter. The Government should not mis judge the situation and make themselves unpopular. Government's persistence in passing this Bill will amount to their flouting public opinion. I think therefore that the passage of this measure would increase unrest. In these circumstances the only expedient course left to Government is to postpone the Bill for sometime and wait for a Bill which might be prepared in the meantime by the Hindu and Sikh members jointly. The Government might reserve to themselves the right of rejecting it if it did not serve the right purpose. The Government should not call the alliance of the Hindus and the Sikhs as unnatural. * * * * * *

The Honourable Khan Bahadur Mian Fazl-i-Husain: Nobody said that.

Rai Sahib Lala Panna Lal: Something to that effect was said yesterday.

Mr. President: I did not hear any words to that effect.

Rai Sahib Lala Panna Lal: It was said it was an unnatural alliance.

The Honourable Khan Bahadur Mian Fazl-i-Husain: In opposing the Bill, not otherwise.

Rai Sahib Lala Panna Lal: Sir, I would like to make it clear that whatever difference existed between the Hindus and Sikhs, on account of some political reasons, has been completely removed, and it is very strange why the Government do not leave them to their own will. Government should not expedite the passage of this Bill and I plead for postponement.

Main Ahmad Yar Khan, Daultana [Multan East (Muhammadan), Rural]: Sir, I had no intention of speaking on this Bill and even now I do not want to discuss the merits of the Bill. But as Sardar Dasaundha Singh and some other friends have made some remarks about the Musalmans who supported this Bill yesterday I am obliged to say one or two words. The reason why we supported this Bill yesterday and why we joined with the Government was this, that we honestly believed that what the Government was doing was decidedly for the good of the Sikh community. (*Hear, hear*). We are the true friends of the Sikhs (*Hear, hear*).

and according to the famous poet of Greece a true friend always does what is right and so often gives pleasure and seldom pain, not wishing the latter but not shunning it either if he deems it best. I do not want to say any word about those non Sikh members who are opposing this Bill but I want to remind my Sikh friends the famous verses of that great Eastern philospher S'adi.

شنیدم گوسپندے را ازدگے
رہا کرد از دہان و * * * *

. . . . . .

. . . . . .

Diwan Bahadur Raja Narendra Nath : Sir, I take objection to that quotation.

Mr. President : I should like to hear the translation of the whole quotation.

(This was then explained to Mr. President by the Interpreter.)

Mr. President : I ask the honourable member not to continue the quotation.

Mian Ahmad Yar Khan, Daultana : (continued) I have said my say, Sir, and I beg to support the Bill.

Rai Bahadur Lala Sewak Ram : [Multan Division (non-Muhammadan), Rural] (Urdu) : Sir, I strongly oppose this motion. The history of this Council will be read with great sorrow, so far as the portion dealing with this Bill is concerned. It shall remain on record how a piece of legislation was passed by the Government in 1922, against the Sikh community with the votes of Muhammadan members.

The Sikhs may not accept this Bill, but the Government must pass it. That is a very astounding plea and is just like a saying مدعی سست گواہ چست (the plaintiff is indifferent, yet the witness is so particular).

I have to express regret that an honourable member has called the Hindu-Sikh alliance as unnatural.

Mr. President : Only in reference to this particular Bill.

Rai Bahadur Lala Sewak Ram. Sir, I mean to say in opposing this Bill. It would have been better if this alliance was regarded as natural and the Government had allowed us to frame a Bill which we could put into a practical shape. Perhaps the Honourable Minister seems to have been trying to win medals by expediting the passage of this Bill. If that be his aim I may inform him that we are ready to give him one, but he should not flout public opinion by passing this Bill in the teeth of opposition. I appeal to the Muhammadan members that they would not create this undesirable precedent of supporting the Government in a measure which relates entirely to the Sikh community. With these remarks I oppose the passing of this Bill.

Rai Sahib Chaudhri Raja Singh [Ambala Division (Sikh), Rural] (Urdu), Sir, it is regrettable to find that a piece of legislation is being forcibly thrust upon us, although we are not ready to accept it.....

Mr. President. The honourable member is reading a written manuscript. Is he not accustomed to speak ?

Rai Sahib Chaudhri Raja Singh : No, Sir.

Mr. President. You will be allowed only five minutes.

Rai Sahib Chaudhri Raja Singh : Thank you, Sir. We do not want this legislation which in August last might have been good enough for meeting the Sikh situation at the time, but to cope with the present crisis which had so rapidly and seriously arisen is beyond the powers of this Bill as now presented. We therefore respectfully urge the Government to withdraw the Bill. Sir, this movement is entirely a religious one, we want to wrest our *gurdwaras* and the property attached with them from the hands of the notorious and licentious Mahants.

Sir, the sacrifices of the Sikhs for the cause of their religion, in the present, their hour of trial, and their services in the Great War called for a different treatment at the hands of the Government. It is our sincere desire at this juncture, Sir, that the Bill be withdrawn.

Malik Firoz Khan, Noon. Sir, I move :

"That the question be now put."

Mr. President : The question is—

"That the question be now put."

The motion was carried.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu) : Sir, in replying, I think, it would save time if I speak in Urdu. Most of the matters which have been repeatedly mentioned in to-day's speeches are the same which were discussed yesterday. I was anxious to hear some remark on the points I made yesterday, but on that score I have been disappointed.

It has been said over and over again that Government is at war with the Sikhs and is not giving the latter something to which they are fully entitled. Sir, the fact of the case is that a quarrel is going on between the two parties, one desirous of effecting *Gurdwara* Reform and the other opposing it. The Government is not at all opposing the Sikhs in effecting this reform, but its position is something like this. The weaker party has sought protection under law, which every person has a right to demand. The Government as the maintainer of law and order had to lend the necessary protection to the Mahants without any ill-will against the Sikhs.

It has been suggested, Sir, that this Bill be postponed for the present in order to bring about a settlement without the intervention of the new legislation, and that a compromise is about to be effected between the Sikhs and the Hindus. I am delighted to hear this. Nothing will please Government better than a mutual agreement between those seeking reform and those standing in the way of reform. This mutual good will is to be welcomed as it is quite different from compelling a person to make a compromise by showing him a pistol. A compromise should be voluntary and without any coercion or show of threat. If a hundred persons go and stand round a Mahant dictating a compromise it is just like showing a pistol to him. Such a compromise, Sir, will not be a voluntary one and shall not put an end to this controversy.

Another objection raised to this Bill was that it is a temporary measure Sir, was this Bill not a temporary one in August last when the Sikh members asked me to introduce it as it was to their liking. It was temporary from the

very beginning and on that score, Sir, the objection does not carry any weight. This Bill, Sir, shall remain in force for two years certain and at the most for four years in all, and shall in no way prevent those who are interested in the controversy from coming to an agreement.

Another objection against it is that since it deals with an entirely a Sikh question, a non-Sikh should not force the Sikhs to accept his suggestions, and that the Sikhs had twice thought before rejecting this piece of legislation Sir, I would have seen force in this reasoning, had not the same members told me that this Bill was not a strong one, and that they wanted a stronger legislation. And, Sir, what they want can neither be supplied from the Muhammadans nor from the Government, but, on the other hand, they want something from a third party which is not willing to surrender it. In view of these facts what the Government can do is to meet their demand so far as justice will permit. It is not right, however, to allege that the question is a purely religious one. The controversy is no longer over the Guru-ka-Bagh *Gurdwara*, but over the property attached to it. The dispute is over the income accruing from this property—whether it should go to the *Mahant* as he has been appropriating it for years and years or to the *Akalis* who contend that the income accruing therefrom should no longer be wasted by the Mahant on his personal enjoyments. I do not hold, Sir, that a *waqf* property should be transferred by any one charged with its administration to his own name and personal use. But all the same the question remains no longer a purely religious one. We are sitting here, Sir, in this Council to discuss worldly affairs and it is not fair to give the present question unnecessarily a religious colour. Still I do not say that one should not fight over his rights. Sir, fourteen Sikh members of this Council assured me in August last that this Bill would probably be acceptable to the Shromani Parbandhak Committee, and I wonder why the same measure which was regarded in August last as an efficacious remedy is now declared to be fatal poison.

A friend of mine whom I do not find sitting in the Council has suggested without discussing its merits, that this Bill should be postponed for the present, and that the Hindu and Sikh members would within a fortnight draft a private Bill and introduce it in the Council. Apparently the argument for postponement would sound as most reasonable and it was said what objection has the Government in allowing the postponement, unless it be to prevent the parties from coming to an agreement privately? Sir, I did not expect such unworthily motives being attributed to Government, and it was certainly beneath the dignity of the honourable member to entertain such a mean idea. I hope no member of this Council believes in these false statements. If this matter can be amicably settled we shall welcome such settlement. چشم ما روشن دل ما شاد (our eyes shall be bright and our heart glad). Since that honourable member holds that this Bill cannot be enforced before a month is out, and I admit that he is perfectly right in holding that view, I hope that those Honourable members who have taken the task of effecting a compromise between the parties and of drafting a private Bill acceptable to all, will continue their efforts to translate the suggestion into reality. I shall even wait for a few days more than a month and if they prepare a Bill acceptable to all, the Government will welcome it and glady give it its support. It shall be a day of great pride for the Council and for the whole of India and the Government shall feel no hesitation in withdrawing this Bill.

The honourable member from the Ambala City has drawn the attention of this House to some imaginary things. He could have realised that nearly 5,000

[Hon'ble K. B. Mian Fazl-i-Husain.]

arrests have been made in 50 days. His complaint that Government has not tried to find a solution at the very outset is not supported by facts. We tried to bring about a Conference of Sikhs and Hindus as early as February 1921, but to no purpose. After that in April we tried for the passage of this Bill, but we had to give up the attempt. Then, Sir, the Hindus and the Sikhs met together again, but could not overcome their differences. Again in August 21 the Government invited by telegrams the Hindu and the Sikh members of this Council to Simla, where perhaps it was due to the cooling effect of the climate that they all welcomed this piece of legislation. Having come to this hot climate they changed their opinions again and could not be reconciled. Will the honourable member from Ambala still say that Government has not tried to meet this intolerable situation from the very beginning.

A rich friend of mine from the opposite benches had taken upon himself to save something from his enormous wealth and to award me a medal. I assure him that my heart is full of gratitude, and I trust I will continue to win his golden opinions, and by the time new elections come my breast will be ablaze with the medals he will have conferred on me.

Another honourable member has said that even if the Bill was rushed through it could not be made effective. I think, Sir, when this session is adjourned the honourable members opposing it would think over the Bill again and find it a really useful measure, which can put an end to all difficulties. I hope righteousness will prevail in the end. With these remarks, Sir, I close my speech and hope the honourable members will support the passing of this Bill.

Mr. President: The question is—

"That the Sikh Gurdwaras and Shrines Bill be passed."

The Council then divided: Ayes 40, Noes 30.

AYES.

The Hon'ble Sir John Maynard.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieut.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Khan Muhd. Abdullah Khan.
Mr. Nawab Din, Murad.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haidar Shah.
Malik Karim Ullah Khan.
Chaudhri Ata Ullah Khan.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Sardar Jamal Khan.
Rana Muhd. Jamil Khan.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Raza Shah.
Khan Bahadur Khawaja Yusaf Shah.
Chaudhri Shafi Ali Khan.
Dr. C. A. Owen.
Mr. Edward Ernest Clarke.

NOES.

Sodhi Lal Singh.
Lala Atma Ram.
Sardar Bakhtawar Singh.
Sardar Balwant Singh.
Lala Bishan Das.
Sardar Randhir Singh.
Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Chaudhri Ghasi Ram.
Bawa Hara Singh, Bedi.
Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Rai Sahib Sardar Harnam Singh.
Sardar Kartar Singh.
Mr. K. L. Rallia Ram.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Sayad Muhammad Husain.
Chaudhri Kharak Singh.
Nawabzada Muhd. Irshad Ali Khan.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Mr. Manohar Lal.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakar Das.

The motion was carried.

TRUNK TELEPHONE LINES BETWEEN LAHORE AND LYALLPUR AND LAHORE AND FEROZEPORE.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Member for Revenue): Sir, I beg to move—

"That the Government should guarantee an annual income from the Trunk Telephone Lines to be erected between Lahore and Lyallpur and between Lahore and Ferozepore of Rs. 8,050 and Rs. 6,000, respectively, for a period of ten years".

In moving this, I beg to point out, Sir, that it is only a sort of guarantee which we have to give to the Government of India in case this Trunk Telephone connection is made. The actual thing that will happen is that the subscribers who use the line will pay from their pockets for trunk calls for the use of the line.

(At this stage Mr. President left the chair and the Deputy President took his place.)

If their subscriptions do not come up to the figures I have mentioned then the Local Government will have to make up the deficiency. I may inform the House, however, that very probably this will not happen as it has not happened in the past. Therefore I hope the Council will give me the permission to give the guarantee required by the Government of India.

The Deputy President: The question is—

"That the Government should guarantee an annual income from the Trunk Telephone Lines to be erected between Lahore and Lyallpur and between Lahore and Ferozepore of Rs. 8,050 and Rs. 6,000, respectively, for a period of ten years".

Chaudhri Kharak Singh: May I ask for one word of explanation, Sir? May I know what benefit will be derived by the Punjab Government from this installation?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The public of this province will derive benefit by the use of these telephone connections. These connections will also facilitate the administration inasmuch as the Government can have information quicker of such occurrences as the riots at Multan, etc.

Mr. Ganpat Rai: If the honourable member will agree to the period being reduced to five years I shall not oppose the motion. Otherwise I shall have to oppose it.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I may tell my honourable friend (Mr. Ganpat Rai) that the period has been fixed by the Government of India. It is not in our power to reduce the period.

Mr. A. Latifi (Secretary, Transferred Departments): I may tell the honourable member (Mr. Ganpat Rai) that it is as a matter of favour that the Government of India have agreed to earmark the money for the Punjab Government rather than to the Madras Government. I have asked them to wait because I have told them that there was every reasonable prospect of the Punjab Legislative Council agreeing this guarantee which is purely a formal matter. If the Council refuses, the Madras Government will have the money for the telephone and this Government cannot have the installation.

The Deputy President: The question is—

"That the Government should give an annual income from the Trunk Telephone Lines to be erected between Lahore and Lyallpur and between Lahore and Ferozepore of Rs. 8,050 and Rs. 6,000, respectively, for a period of ten years".

The motion was carried.

TRUNK TELEPHONE LINE BETWEEN LAHORE AND MULTAN.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): Sir, I beg to move—

"That the Government should guarantee an annual income from the Trunk Telephone Line to be erected between Lahore and Multan of Rs. 15,000 for a period of ten years."

The motion was carried.

SUPPLEMENTARY DEMANDS FOR GRANTS.

IRRIGATION GRANT.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): I beg to move, Sir,—

"That a supplementary sum not exceeding Rs. 35,00,000 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 1923 in respect of irrigation."

This is in connection with the Sutlej Valley Project which is under construction. It so happened that in the beginning we estimated a shorter expenditure and so we came to the Council for a small amount. But we find now that with a greater amount of expenditure we will be able to finish the work a year earlier and the province will be greatly benefited thereby. We will be earning something like four lakhs a year.

The Deputy President: The question is—

"That a supplementary sum not exceeding Rs 35,00,000 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 1923 in respect of irrigation."

Mr. Ganpat Rai: I should like to know, Sir, from what source this expenditure is to be met.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : It will be met from loans.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural : I object to this item not on consideration of the merits of the case but from a different point of view. So far up to this time all the sums that have been spent have not been brought to the notice of the Finance Committee. The Finance Committee has till now been offered no opportunity to scrutinise or criticise the expenditure of the Government and to see whether the sums have been properly spent or not. I think the Finance Committee and the Council should have a right to go into these matters. What I want is that the members of the Finance Committee should be in close touch with the expenditure incurred by the Government.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) : Sir, I think my honourable friend, who is also a member of the committee, has misunderstood the duties of the Finance Committee. He says that there is no check. So far as I understand there is a Public Accounts Committee which checks the accounts, and therefore if I am right, and I think I am right, I hope the honourable member will withdraw his remarks.

Sayad Muhammad Husain : I withdraw, but what I wanted was that the Public Accounts Committee should have a look into them.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : That it will naturally do.

The Deputy President : The question is —

"That a supplementary sum not exceeding Rs. 35,00,000 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 1923 in respect of irrigation."

The motion was carried.

EXCISE GRANT.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923 in respect of Excise."

The Deputy President : The question is —

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923 in respect of Excise."

Rai Bahadur Lala Sewak Ram : Sir, no details have been given for which this expenditure is required.

The Honourable Lala Harkishan Lal : There is the explanatory memorandum. It is as long as it could possibly be.

Mr. Ganpat Rai : Sir, in the excitement we missed it. I have read it, and I support that the grant be made.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I oppose this motion. My reasons are quite recently we sanctioned a large amount for the Excise Department. The pay of the establish-

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ment has been increased considerably. Promotions have been given, and the staff, which was to be dispensed with, has been retained so that the work may be done with efficiency. That work also includes the detection of illicit distillation and smuggling of opium. Why then a Criminal Investigation Department Branch be added to this Department? The city police will readily co-operate with the Department in these matters—the police for which this Council has sanctioned generous grants. Those who come in touch with these cases—I mean the lawyers,—are well aware what an appreciable part the police takes in the investigation of these cases. In face of the existence of all these facts, there seems to me no valid reason for alloting this sum; and especially at such a period of financial stringency, it will be nothing short of extravagance to spend so much money as proposed. We have just sanctioned lakhs of rupees and I would submit, Sir, that there should be some end to these demands. Moreover, the proposed system will be very troublesome. It will give rise to false allegations and will demoralise the staff. I, therefore, strongly oppose this motion.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur (non-Muhammadan) Rural] (Urdu): Sir, I support this motion. Maulvi Muharram Ali has asked why in the presence of the ordinary police and the Criminal Investigation Department we should have another department for the work of detection of illicit distillation and opium smuggling? But I wish to tell him that such cases are neither detected by the police nor by the Criminal Investigation Department, but they are almost invariably reported by the neighbours of the offenders. Therefore, so long as there is no allurement for these people they would not assist in the detection of this kind of crime. I know of a case in which an informer was murdered. Hence in a matter where the informers have to act at the peril of disgrace, social boycott and even their very lives, there must be some strong temptation held out to them to do the work. If this is not done, these crimes will go on increasing I, therefore, support the motion."

Mr. C. M. King (Financial Commissioner): Sir, I think my friend, Maulvi Muharram Ali, Chishti, has somewhat misapprehended the reason why we are making this demand for rewards. The greater part of these rewards is intended to be paid not to officials but to non-officials and so far as these rewards to non-officials are concerned the reasons why it is necessary to reward them have been set forth by my friend Chaudhri Kharak Singh who comes from Gurdaspur and knows well the only methods by which we can obtain information about illicit distillition and smuggling from Indian States on the border. I quite agree with my friend Maulvi Muharram Ali, Chishti, that there is a very great danger of false cases being brought up, but I can assure him that the greatest possible care is taken in all these matters to see that false cases are detected and that people are not unduly oppressed.

(At this stage Mr. President resumed the chair.)

There is one point I wish to make, and that is that unless you have some such system of obtaining informers by rewarding them handsomely, you will never get information as to illicit distillation or smuggling except very casually from enemies of the person who is the illicit distiller or the smuggler. As the legal gentlemen who form the majority or a large number of this Council are aware, the evidence of enemies is always a tainted evidence, and it is very difficult to get conviction on that sort of evidence. Therefore we have to be on the look out toget informers to give us the information. They often do not givetheir names.

The honourable member (Maulvi Muharram Ali, Chishti) said that we have a large Excise establishment, but I can assure him that our Excise establishment is very small, and if we abandon this system of giving rewards to informers and obtaining our information by giving them rewards, if we abandon that system we shall have to have a whole army of detectives to prevent illicit distillation and smuggling. We shall have to have about as many men as the number of the police because we have districts like the riverain tracts in which a great deal of illicit distillation takes place and where we cannot be certain of getting information about illicit distillation unless we have some information from the people themselves.

I am sure that the members will agree with me that if an informer runs the risk of coming to an Excise officer and giving him information which leads to the detection of a man working a still on a commercial scale or which leads to the detection of a whole gang of smugglers it is right that that informer should be handsomely rewarded. We have in a way to bid against the reward which the man may get from the actual smuggler or the distiller, and unless we are prepared to pay handsomely these illicit distillers and smugglers, some of them big men, could buy off these informers and prevent them from coming to Government to give information. That is the reason for these rewards.

As to the present condition, the Council voted Rs. 8,000 for rewards for the whole province and for the whole year. The whole of that sum has been distributed by me to the Deputy Commissioners, and there is not a farthing in my hand as a reserve for future rewards. I can assure the members that the expenditure is always very carefully scrutinized and the money very carefully spent. If the Council refuses this grant there is a real danger of losing Excise revenue.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, in view of the explanation given by the Financial Commissioner, I do not press my opposition.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 10,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Excise."

The motion was carried.

APPOINTMENT OF A COMMITTEE TO CONSIDER WAYS AND MEANS OF INCREASING REVENUE.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to move—

"That this Council recommends to the Government to appoint a committee of officials and non-officials to consider ways and means of increasing the revenue in order to restore equilibrium in the Provincial finances and to provide for essential developments."

I think I can save time at a later stage by saying that the object of this committee would be very largely an educative object, and therefore whether so directed by the Council or not, the majority of the members of this committee will be elected members. If they were not elected members, my object in

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proposing this committee would not be achieved. The object of this committee will be to consider ways and means of restoring equilibrium in the provincial finances by increasing the revenue. There are of course two ways of increasing the revenue, but the question of reducing the expenditure is being considered by another committee which is already considering the possible reductions in the various departments; and it would not be proper to duplicate their task by asking the new committee to investigate the expenditure as well as the revenue. I do not doubt that their recommendations will make it possible for us to save a considerable sum of money. The objects of the committee which I am now asking are the investigation of possible means of increasing the revenue.

Now, Sir, I am sorry I should be addressing a rather thin House as I want to bring home to the members the objects of the committee which I am asking. We all know that our financial position is very bad. This financial position is not peculiar to the Punjab; it is common to India and it is common to a very great portion of the whole world at the present time. To put it briefly, money is worth less than it was before. The value of money in relation to commodities has fallen. Now that is a thing with which historians are familiar because it has happened before. But in our own case the extreme suddenness of the situation has the effect of an economic revolution. It is easy for a man to understand what the meaning of this change is. Everyone of us knows from his own experience that as an employer of men and as a buyer of commodities he loses nowadays all round. He has to pay heavy wages, he has to pay heavily for what he buys. As an employer of men and as a buyer of commodities he is losing all the time. On the other hand, if he happens to be selling something he is a gainer. As a seller he is in a position of some advantage in comparison with his former condition. As an employer and as a buyer he loses, as a seller he gains. Now if honourable members will consider for a moment the position of Government, they will see that Government employs a great many people, and has to buy a great many things It is a great employer and a great buyer; but it is not a great seller. The only things that it can sell are its possessions in the form of the Crown lands, the water in the rivers and the wood in the forests. Therefore as an employer of men and buyer of commodities, it loses a great deal, and as a seller it gains but little because its selling functions are small, and it is prevented from raising the price of some of those things which it has to sell. The result is that it finds itself in an extremely disadvantageous position. I would just recall to the memory of the Council what the financial conditions were prior to the year in which the reforms were introduced. There had been during the War a very strict economy exercised. In consequence development had been suspended, and some increases of expenditure were over-due. We had a good balance at our command. That good balance when it was carefully analysed resolved itself simply into this that we had in our hands the sale price of the lands which we had sold. Once you have sold your Crown land, it is gone, and a balance derived from such sale-proceeds is not one which can be replenished from the same source again. I would refer to a third condition also. At the close of the War there was an immense rise of prices. There was therefore an increase of salaries long over-due. All employees our were suffering from high prices and found their salaries quite insufficient to live upon. It was an absolutely compulsory matter to increase salaries very liberally. I should like to point out to the gentlemen of

this Council that in my first budget speech delivered in 1921 I drew the attention of the Council to this matter. I pointed out that the Council was actually spending rather more than its income; and I also at that time hinted at the possibility of fresh taxation if this condition should not be in some way redressed. I mention this because recently it was said that I did not give a fair warning to the members of this Council of what was coming.

Next I turn to the readjustment of revenue and expenditure which was made at the time of the introduction of the reforms. Members of this Council will remember that there was prior to the reforms a system of what was called divided heads. We took part of the receipts and bore part of the expenditure under different heads. That was considered to be incompatible with provincial autonomy and financial independence. That system was abolished and replaced by one under which the whole of the expenditure and the whole of the revenue under each particular head belonged either to one party or to the other, either to the Central or to the Provincial Government. In consequence of that change in our relations with the Government of India we received a much larger sum than we received before. There was a committee which investigated the question arising out of these peculiar circumstances. The results of its deliberations were briefly this: that a certain sum out of the largely increased revenues falling to the Province was to be paid annually to the Government of India and a certain sum was left to the Punjab. The amount left to the Punjab under this arrangement, that is to say the additional spending power conferred upon the Province by the reforms, amounted theoretically to 114 lakhs a year. That was the result—the theoretical result—of the adjustment which was made. Now, Sir, we find at the present moment as I have constantly impressed on this House, that we have in our revenue and expenditure after putting aside all items of capital expenditure, a normal recurring deficit of 123 lakhs a year. The question which this House is entitled to put to me is this: How is it that the theoretically increased spending capacity of 114 lakhs is now changed into a normal recurring deficit of 123 lakhs? Or, in other words, why is a surplus of 114 now converted into a deficit of 123?

The two sums together make up 237 lakhs. Now it is perfectly right for this House to say that the position is that we are 237 lakhs worse than we theoretically were supposed to be. Why is it that we are 237 lakhs worse than we were at the time the reforms were introduced? This question requires an explanation, and if I do not answer that question I should be failing in my duty to this Council. Sir, the sum is made up this way. First of all there is that item of expenditure on non-gazetted establishments which accounts for the greater part of the difficulty. That sum comes to 140 lakhs every year. This is the amount by which we have increased our expenditure on non-gazetted establishments in consequence of the increase in their salaries which was forced upon us by the enormous rise in prices. The next item of increase is on the gazetted establishments. That increase comes to 25 lakhs. The next item of importance, or rather of even greater importance, is the increase in the working cost of irrigation. That increase is chiefly due to an increase in the cost of materials and labour. This increase comes to 48 lakhs. These are the three principal items in which the expenditure has increased. In addition to these there has been a very great drop in the Excise receipts. During these three years there has been a fall of 25 lakhs in the annual

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excise revenue. If you add these four figures together you arrive at the figure 238 lakhs. Now this is almost precisely the figure which I set out to explain to you. We are 237 lakhs worse than we expected to be, and I have given you figures which account for deterioration to the amount of 238 lakhs.

In addition to this I should like to remind the House that there has been a considerable development in the expenditure of the beneficent departments. That expenditure I do not either decry or desire to stop; but it is a factor which must be taken into consideration. The expenditure in the beneficent departments has risen very greatly partly owing to increase of salaries but largely due to the real expansion of the beneficent activities of certain departments, particularly Education.

I must just go very briefly into the question of our overdrafts in order to show to the House that it is not only the recurring deficit which we have to consider but also the actual overdrafts and to point out that it is not sufficient merely to keep your expenditure within the income but also you must repay the overdrafts. In the beginning of the coming financial year your overdraft, omitting all capital items, including loans and anything which can be debited to capital, your overdraft upon the Government of India will come to 29 lakhs. We cannot have any additional taxation in the beginning of the next financial year, because we have got to wait and to persuade the Council that additional taxation is necessary. So, we cannot safely assume that we will be able to get more revenue by additional taxation until the second half of the coming financial year. Therefore on the favourable assumption that we are able to introduce fresh taxation in the second half during the coming year there would be an addition to this overdraft of something like 42 lakhs. The total added together comes to 171 lakhs, and we have to provide for these overdrafts in our calculations. We have to pay off 171 lakhs of overdrafts in addition to bringing about equilibrium of annual revenue and expenditure. These overdrafts cannot be repaid immediately. If we assume that we shall repay them in five years, you will then have to pay off 34 lakhs every year. Thus you must add 34 lakhs to the normal annual recurring deficit of 123 lakhs in order to find the total required for the restoration of equilibrium. Thus you see that we have to find an additional revenue of 157 lakhs. Fortunately we have already found 31 lakhs by passing the Court Fees and Stamps Acts and therefore the remaining sum is 126 lakhs per annum.

This I fear is not the whole case. We have not made adequate provision for the beneficent departments more particularly Education. The Honourable the Minister for Education has told us quite recently that for every boy added to the primary school class we must calculate an expenditure of something like Rs. 12 per annum or Re. 1 per month. Therefore if you want to add 70,000 boys in the primary class you have to add 8½ lakhs to the annual expenditure. This is only an illustration. I mean that you must not be content with only producing bare equilibrium in your finances, but we have also to provide for the expansion of the activities of the beneficent departments. If we provide for this expenditure we may conclude that an additional revenue of 160 lakhs per annum would be necessary in order to restore equilibrium and also provide for the necessary development of the beneficent departments.

I mention all these things here briefly because it is desirable that everybody should face facts and see what is possible to do. There are some who say that it is possible to settle matters by bringing about a reduction in the contribution to the Government of India. On that point I want to say that all the Finance Ministers in India visited the Government of India and held a conference in April last. We all of us put forward the strongest arguments that we could in order to convince the Government of India, but they replied "We have got our own difficulties, we have got so much difficulty in making both ends of our own budget meet that we cannot give up any portion of the contributions."

Another possible method is retrenchment or reduction in expenditure. I do not doubt for one moment that the labours of the committee which is at present sitting will be very fruitful. I am sure they will show us the way to make a very substantial reduction in expenditure. But if any one supposes that, without a complete upset of the machinery of Government involving very great reduction in the work which is being done by the beneficent departments, he can raise by retrenchment even one quarter of the sums required for the restoration of equilibrium, he deceives himself completely.

Then, Sir, some members without realising the true position may suggest that it is possible to go on overdrawing our account with the Government of India. The Government of India is our banker. Our banker gives us reasonable credit. But there is a limit to his patience. If one goes on spending more than his income and increasing the overdraft, the banker will one day say "Your cheques will no longer be cashed." If I say to the House that this is the position to which we may be reduced shortly in our transactions with the Government of India, I am not exaggerating the facts. A letter which we recently received from the Government of India showed that the banker is becoming restive. They say "You are spending such and such sums on education and hospitals. We notice that this is what the Punjab Government proposes to do. We should point out that it is our money that is being spent and so we must request that quite different negotiations should be entered upon with us as to the terms on which we are willing to advance money. If this is what you want you will have to give us some special terms in order to induce us to allow you to continue making overdrafts." This is a process, Sir, which I fear will be carried very much further very soon unless we show that we are able to restore equilibrium. The sudden stoppage of these overdrafts by the Government of India will have such embarrassing effects and in particular would be so injurious to the beneficent departments that this House ought not for one moment to think of continuing this method of conducting its finances.

There is one course only for making up the deficit and that is to consider new proposals for increasing the income. It is desirable that every possible method should be considered, the drawbacks of each and all of them should be investigated and the probable yield of the different kinds of taxes should be carefully looked into. Of course Government is responsible for devising methods by which to increase the revenue, but it seeks to convince this House and it seeks to take this House into its confidence. That is why I have adopted this method of moving the House to recommend the appointment of a committee. It is desired to show the committee all the facts, to bring before them all possible methods and to convince them what the true position is and what the remedies may be.

Mr. President: The question is—

"That this Council recommends to the Government to appoint a committee of officials and non-officials to consider ways and means of increasing the revenue in order to restore equilibrium in the Provincial finances and to provide for essential developments."

The question is that that resolution be adopted.

Diwan Bahadur Raja Narendra Nath: May I know, Sir, what the relations of this committee will be to the Standing Finance Committee which this House has appointed? May I know whose recommendations will be accepted, whether the recommendations of the Standing Finance Committee or of this Committee? That is a question which I should like to be answered, Sir, before the House expresses an opinion on the motion before it.

The Honourable Sir John Maynard: This is a matter which the Council should decide.

Mian Muhammad Shah Nawaz: I desire to ask, Sir, whether the report is to be submitted to the Council or to the Local Government.

The Honourable Sir John Maynard: The report will be published and submitted to the Local Government and not to the Council. Reports are not submitted to the Council.

Mian Muhammad Shah Nawaz: May I ask, Sir, whether the report will come to the Council for discussion?

The Honourable Sir John Maynard: The report will be published, but will not be discussed by this Council.

Mr. President: It was hoped that the business of the Council would be over today, but it is obvious that we must have another meeting tomorrow.

Diwan Bahadur Raja Narendra Nath: Sir, most of the members have left, thinking that there will be no more meetings of the Council, and I think this matter can come up in the next session. Members of the Council must get notice of the dates of meeting.

Mr. President: If the honourable members will see the notice that was sent them they will find in it that the meetings were announced to be from the 30th of October to the 17th November, as then arranged, but it is within the power of the President while the Session is still going on to order that the Council will sit on any date that he thinks proper. I could not tell this morning that the Sikh Gurdwaras and Shrines Bill and other items on the list of business would not be concluded today? Unfortunately we have not got through the business. I thought that this matter of the committee would go through without any discussion at all. We have a member who wishes to make an amendment to it. We have no time now and if the Council wishes to discuss it, it must meet tomorrow.

Mr. Ganpat Rai: Sir, all we say that had the announcement been made in the morning that the Council will meet again tomorrow, it would have been all right, but as it is the House is already thin and it will be thinner still tomorrow because so many members have already left. If you want to carry the resolution in a thin House you are welcome, but it will be a *ex parte* resolution. I hope that a special session will be called if the matter is so urgent, but to pass such an important resolution in these circumstances I think will not be proper and our action will be condemned by the public.

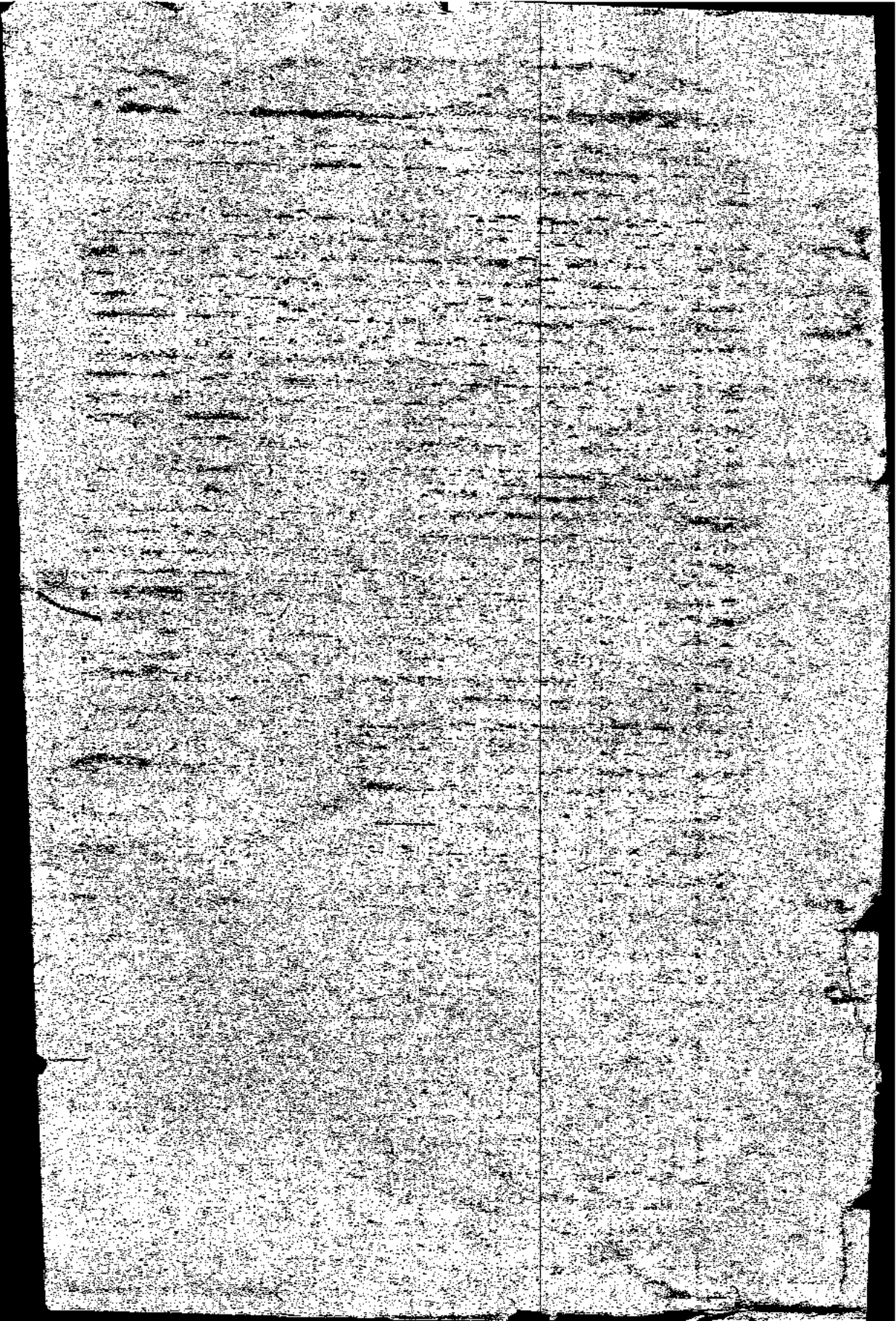
Mr. President: How can you be condemned? You are asked merely to appoint a committee to consider ways and means of increasing the revenue. That commits you to nothing.

Chaudhri Kharak Singh, [Amritsar-*cum*-Gurdaspur (non-Muhammadan) Rural] (Urdu): Sir, it has been said that the committee appointed under the resolution will send its report not to this Council but to the Local Government. The matter is evidently an important one and it is not proper to discuss it in a thin House. The notice is very short and many members have left Lahore. If this matter is put before the House tomorrow, the decision as stated by Mr. Ganpat Rai, will be *ex parte*. I think the case is not so urgent and can very well stand pending till the next session. By that time the Government can do whatever it likes. If the Government can get the report of a Select Committee on an important Bill in a couple of days, it can also get the report of this committee in a short time. I accordingly think that the matter may be postponed till the next Session.

Maulvi Muharram Ali, Chishti, [Lahore City (Muhammadan) Urban] (Urdu): Sir, the opinion of Mr. Ganpat Rai, and that of Chaudhri Kharak Singh should not be taken as the opinion of all the non-official elected members. I do not agree with them. The matter is of great urgency. We should rather care for the treasury which is becoming thin every moment than the House being thin? Many members were aware that, if necessary, the session would be extended. Those who could not stay in the House till the close of the sitting have it appears little interest in the matter. The present motion has not come by surprise; it has been on the agenda for some time. It has been said that the proceedings will be *ex parte*. How could that be when there are all parties present. I think the matter ought to be taken up tomorrow.

The Honourable Sir John Maynard: Sir, in view of the fact that the members knew that this item was on the agenda and if they absent themselves from the meeting they do so knowingly, I see no reason why the question should not be considered tomorrow.

The Council then adjourned till 2 O'clock on Saturday, the 18th November 1922.



PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Saturday, 18th November 1922.

The Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

SECRETARYSHIP OF THE COUNCIL.

Mr. President : I have to announce to the Council that His Excellency the Governor has accepted the resignation by Kanwar Dalip Singh of his appointment as Secretary to this Council, and that he has appointed Sardar Abnasha Singh and Hakim Ahmad Shujaá to be Secretary and Assistant Secretary and Interpreter respectively of the Council. I also have pleasure to inform the Council that His Excellency has desired me to communicate to Kanwar Dalip Singh his appreciation of Kanwar Sahib's services as Secretary of this Council.

RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO CONSIDER WAYS AND MEANS OF INCREASING REVENUE.

Mr. President : The Council will now proceed to consider the motion—

"That this Council recommends to the Government to appoint a Committee of officials and non-officials to consider ways and means of increasing the revenue in order to restore equilibrium in the Provincial finances and to provide for essential developments."

The Honourable Sir John Maynard (Finance Member) : The object of this resolution was to associate members of this House with the Government is making this important investigation. I notice that several of those who would be likely to take a prominent part in the discussion are not present. In these circumstances, my object in bringing forward the resolution would be defeated, if I should proceed with it now. I should much prefer to proceed in a fuller House. Therefore, Sir I would propose that the discussion of the resolution be postponed to the next sitting.

Mr. President : Will you move a formal motion ?

The Honourable Sir John Maynard : I move, Sir—

"That the discussion of the motion before the House be postponed to the next sitting of the Council."

I have given already my reasons for this motion.

Mr. President : The question is—

"That the discussion of the motion before the House be postponed to the next sitting of the Council."

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, I do not agree with the Honourable Finance Member's motion to postpone the discussion on the resolution. Had the absence of the members been not intentional, it would have been a good reason for postponement. Those who have absented themselves can well be called strikers and I advise the Government to pay no heed to them and proceed with the business before the Council without any hesitation whatsoever. The absentees only want to obstruct the Government and I think it will not be a good precedent not to proceed with an item on the agenda on the ground that the strength of the House is not sufficient. I therefore oppose the motion for postponement.

Malik Firoz Khan, Noon [Shahpur-West (Muhammadan), Rural] (Urdu): Sir, I take exception to Maulvi Muharram Ali's statement that some of the members have been intentionally absent. It was expected that the session of the House would adjourn *sine die* yesterday, and consequently some of the members left Lahore under that impression. Khan Sahib Amir Khan, Sardar Dilbhag Singh and Sayad Mehdi Shah had to leave Lahore yesterday because they had to attend meetings of their District Board at Lyallpur. Their absence was therefore not at all intentional. With these remarks I support the Honourable Finance Member's motion for postponement.

Chaudri Ali Akbar [Kangra-*cum*-Gurdaspur (Muhammadan), Rural] (Urdu): Sir, I support Malik Firoz Khan's view that the absence of some members is not intentional. Chaudhri Kharak Singh, for example, had to leave because he was also to attend to-day a meeting of the District Board for which he had arranged previously. I therefore support the motion.

The Honourable Sir John Maynard (Finance Member) : I have only to say one word, Sir. I do not think that this is likely to form a precedent. The circumstances are rather peculiar. No doubt it was really believed by many members that the sitting of the Council would not be continued to-day ; and I also recognise there was an atmosphere of tension due to the nature and circumstances of the discussion which took place yesterday. In these circumstances I think the best course is to accept the motion I have moved and to postpone the discussion to the next sitting.

Mr. President : Before I put the motion to the House, I should like to say a few words. There is no doubt that I am to blame to a certain extent for not stating, either at the beginning of the session yesterday or the day before, that it was just possible that we should not get through all our business yesterday and that therefore we might have another sitting to-day and undoubtedly my announcement that we should sit to-day did take members by surprise and many of them had made their arrangements to leave, and therefore it is quite [illegible] or that the consideration of a resolution which seems to interest members a good deal should be postponed. If this is done, of course, I imagine, His Excellency will not prorogue the session, but the session will carry on till we next meet which, as far as I understand, is likely to be some time early in January ; and as President of the Council, I see no objection to the motion which has been proposed by the Honourable the Finance Member. The question is—

> "That the motion 'that this Council recommends to the Government to appoint a Committee of officials and non-officials to consider ways and means of increasing the revenue in order to restore equilibrium in the Provincial finances and to provide for essential developments' be adjourned until the next sitting of the Council."

The motion was carried.

THE PUNJAB LOANS LIMITATION REPEAL BILL.

Mr. President : The Council will now proceed to the next item on the list of business, namely, the Punjab Loans Limitation Repeal Bill.

Rai Sahib Panna Lal [North-East Towns (Non-Muhammadan), Urban] (Urdu) : Sir, I think it would be better if we postpone the taking into consideration of the Bill on the same ground that this piece of legislation concerns the interests of the public and the strength of the House is not sufficient.

Mr. President : The postponement cannot be considered unless there is a motion before the House to postpone, and I do not know that this matter is likely to cause so much discussion that the members will desire it to be postponed.

Pir Akbar Ali [Ferozepore (Muhammadan), Rural] : Sir, I beg to move—

"That leave be granted to introduce the Punjab Loans Limitation Repeal Bill."

Mr. President : The question is—

"That leave be granted to introduce the Punjab Loans Limitation Repeal Bill."

The motion was carried.

Pir Akbar Ali : Sir, I introduce the Punjab Loans Limitation Repeal Bill.

Pir Akbar Ali [Ferozepore (Muhammadan), Rural] : Sir, I beg to move—

"That the Punjab Loans Limitation Repeal Bill be taken into consideration at once."

Sir, this is a very benevolent Bill that is going to be discussed now. In all parts of British India the limitation is three years. But in 1904 in the Punjab only it was raised from three to six years. The consequence has been that the money-lenders have been given three years more to accumulate interest, and the debtors are crushed under the heavy interest they have to pay. There is also another reason for reducing the period to three years. After three years it becomes very difficult for a debtor to prove that there has been want of consideration or that there has been fraud. A third reason is that this Bill at this particular time will certainly help to bring the Government some revenue. I, therefore, submit, Sir, that the Bill be taken into consideration at once.

Mr. Manohar Lal (Punjab University) : With your permission, Sir, I should like to ask the learned Legal Remembrancer to Government whether he has examined the Bill in his department and whether he considers that the Bill is in form and meets with his approval and whether it does not require examination.

Mr. N. H. Prenter (Legal Remembrancer) : Sir, the Bill is not in its usual form and the language too is not satisfactory. I did receive a copy of the Bill, but I thought, as it was a private Bill, I should not tinker with it. I understood that the proper stage to examine a private Bill would be the Select Committee stage. The language of the Bill as at present drafted is unintelligible to me.

Mr. Manohar Lal (Punjab University) : I understand, Sir, that the motion before the House is that the Bill be taken into consideration at once. The next motion will be that the Bill be pas[illegible] There is no stage when the Bill can be improved by the Select Committee.

Mr President : It is open to any member to move that instead of its being taken into consideration at once it should be referred to a Select Committee.

Mr. N. H. Prenter (Legal Remembrancer) : I beg to move, Sir—

"That the Bill be referred to a Select Committee and the Select Committee be directed to send in its report four weeks hence."

Mr. President : Motion under consideration.

Amendment moved—

"That the Bill be referred to a Select Committee and the Select Committee be directed to send in its report four weeks hence."

The question is that that amendment be made.

Malik Firoz Khan, Noon : [Shahpur West (Muhammadan) Rural] I should like to suggest one word to Mr. Prenter. I would request him to add to his amendment the following :—

"That the Select Committee do consist of members originally proposed by Pir Akbar Ali."

Mr. President : I will take up that question after the decision on the present motion of referring the Bill to the Select Committee.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, I support Mr. Prenter's motion to refer this Bill to a Select Committee, on the same principle as was applied to the preceding motion. It would be better if we postpone the discussion till the next setting of the Council. This aim would be realised if we submit it to a Select Committee.

Pir Akbar Ali [Ferozepore (Muhammadan), Rural] (Urdu) : Sir, this Bill is so brief and simple that any flaws existing in its body, may be removed in a 10 or 15 minutes' time. I would like to know from Mr. Prenter if it can be improved upon within such a short period. If it cannot be done, however, I have no objection to accept the amendment. But the personnel of the Select Committee should be the one I have proposed.

Mr. N. H. Prenter (Legal Remembrancer) : I do not think, Sir, that it is possible to examine the the Bill in ten or fifteen minutes. If the members will kindly look at clause 3 of the Bill which runs as follows :—

"The Punjab Loans Limitation Act I of 1904 is hereby repealed."

and the two sub-clauses (*a*) and (*b*) included therein which run as follows :—

"That Act shall not affect the cases now pending."

"Suits which owing to the repeal of the Punjab Loans Limitation Act I of 1904 would become time barred may be instituted within one year from the date on which this Act comes into force,"

they will see that these two sub-clauses have no bearing on the main clause. As a matter of fact, they should have formed separate clauses by themselves. And then there are other matters which should be thoroughly examined before

this Bill is passed into an Act. I do not think it is possible to examine this Bill in ten or fifteen minutes.

Mr. President: The question was—

"That the Punjab Loans Limitation Repeal Bill be taken into consideration at once."

To that an amendment has been moved—

"That the Bill be referred to a Select Committee and the Select Committee be directed to send in its report four weeks hence."

I agree with Maulvi Muharram Ali Chishti's remarks that this is a very thin House, and if the amendment is carried, the Bill can be properly discussed at the next sitting.

The question is that that amendment be made.

The amendment was carried.

Mr. President: We now have to appoint members of the Committee under Standing Order 41.

Pir Akbar Ali: I move—

"That the Select Committee appointed to consider the Punjab Loans Limitation Repeal Bill should consist of the following members :—

(1) The Honourable Sir John Maynard,

(2) Mr. Manohar Lal,

(3) Mian Muhammad Shah Nawaz,

(4) Malik Firoz Khan, Noon,

(5) Mian Beli Ram,

(6) Sardar Kartar Singh,

(7) the Legal Remembrancer, and

(8) the Mover."

Mr. President: Before I put the motion, I would ask the honourable member whether he has the consent of these gentlemen to serve on the Select Committee.

Pir Akbar Ali: Sir, I have taken the consent of the following members to serve on the Committee :—

(1) The Honourable Sir John Maynard,

(2) Malik Firoz Khan, Noon,

(3) Sardar Kartar Singh,

(4) Mr. Prenter, and

(5) the Mover.

I have not taken the consent of the rest.

Mr. President: The proper procedure of course is that honourable members should in a case like this obtain the consent beforehand of all those whom they wish to serve on the Select Committee, but as this is the first occasion when a private Bill is being brought forward, I do not wish to press that point too much. I appoint under Standing Order 41 Diwan Bahadur Raja Narendra Nath to serve on the Committee.

[Mr. President.]

The question now is :—

"That the Select Committee appointed to consider the Punjab Loans Limitation Repeal Bill should consist of the following members :—

(1) The Honourable Sir John Maynard,
(2) Malik Firoz Khan, Noon,
(3) Sardar Kartar Singh,
(4) Mr. N. H. Prenter,
(5) Diwan Bahadur Raja Narendra Nath, and
(6) the Mover (Pir Akbar Ali).

Rai Sahib Lala Panna Lal: Sir, I beg to move—

"That the names of Rai Bahadur Lala Hari Chand and Nawabzada Muhammad Irshad Ali Khan be added."

Mr. President: Have you the consent of those gentlemen ?

Rai Sahib Lala Panna Lal: Yes, Sir.

Mr. President: The motion was—

"That the Select Committee appointed to consider the Punjab Loans Limitation Bill should consist of the following members :—

(1) The Honourable Sir John Maynard,
(2) Malik Firoz Khan, Noon,
(3) Sardar Kartar Singh,
(4) Mr. N. H. Prenter,
(5) Diwan Bahadur Raja Narendra Nath, and
(6) the Mover (Pir Akbar Ali).

To that an amendment has been moved—

"That the names of Rai Bahadur Lala Hari Chand and Nawabzada Muhammad Irshad Ali Khan be added."

The question is that amendment be made.

The amendment was carried.

Mr. President: The question now is—

"That the Select Committee appointed to consider the Punjab Loans Limitation Bill should consist of the following members :—

(1) The Honourable Sir John Maynard,
(2) Malik Firoz Khan, Noon,
(3) Sardar Kartar Singh,
(4) Mr. N. H. Prenter,
(5) Diwan Bahadur Raja Narendra Nath,
(6) Rai Bahadur Lala Hari Chand,
(7) Nawabzada Muhammad Irshad Ali Khan, and
(8) Pir Akbar Ali.

The motion was carried.

Mr. President: Before adjourning the House I would request the members to keep an eye on the *Gazette* to see whether this session is prorogued or not. If it is not prorogued then the continuous list of non-official business which has already been arranged will be carried on. There may be a fresh ballot for resolutions which may come in hereafter, but if the Council is not prorogued the resolutions already on the list of non-official business will be taken up in the order in which they at present stand.

The Council then adjourned *sine die*.

868 PLC—475—25-11-22—SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Monday, the 26th February 1923.

THE Council met at the Council Chamber at two of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

D. J. Boyd, Esquire.
Colonel R. Heard.
Rai Sahib Lala Ganga Ram.

ANNOUNCEMENTS FROM THE CHAIR.

GOVERNOR'S AND GOVERNOR-GENERAL'S ASSENT TO BILLS.

Mr. President : I have to acquaint the Council that His Excellency the Governor and His Excellency the Governor-General have been pleased to give their assent to the following measures :—

1. The Punjab Town Improvement Act, 1922.
2. The Court Fees (Punjab Amendment) Act, 1922.
3. The Punjab District Boards (Amendment) Act, 1922.
4. The Punjab Village Panchayat Act (Amendment) Act, 1922.
5. The Simla House and Rent Act, 1922.
6. The Indian Stamp (Punjab Amendment) Act, 1922.
7. The Punjab Courts (Amendment) Act, 1922.
8. The Sikh Gurdwaras and Shrines Act, 1922.

PROCEDURE REGARDING GRANT OF LEAVE TO WITHDRAW A MOTION.

Honourable members will recollect that in November last I raised the question of the procedure to be adopted when a member asks for leave to withdraw a motion. The points for decision are whether, on a request for leave to withdraw, a formal question is to be put or not, and if not, then what is to be done if the House generally agrees, but one or more dissentient voices are raised. I stated that I hoped later on to be able to report the practice in other Chambers. I am now able to do this and to inform the House that in all Chambers, following the practice in the House of Commons, leave to withdraw is refused if a single dissentient voice is raised. I propose, if the House concur with me, to follow this procedure in future except in cases where the objection raised appears to be purely frivolous and obstructive, and not to be due to a genuine desire that minority should have opportunity for expression of their views. In such cases of apparently frivolous objections, I propose to ask all members who object to leave being given to stand in their places, and to decide thereupon according to the circumstances of each case, it being understood that if an appreciable number of members, 20 or less according to the strength of the House at the time, so rise in their places, leave to withdraw would be taken to have been refused by the House.

Thus the ordinary rule would be that one dissentient voice would connote refusal of leave, while in the exceptional cases above indicated, the President might call on objecting members to stand in their places, and be guided by the result. In no case would a formal question be put.

[Mr. President.]

The matter is one for my decision as a point of order, but I should like to have an indication that the House approve of the procedure which I propose to adopt.

Diwan Bahadur Raja Narendra Nath : Sir, the House should have time to consider this important matter. I think it would be better if we had an opportunity to discuss the matter amongst ourselves.

Mr. President : Well, I have no objection at all.

Diwan Bahadur Raja Narendra Nath : If your announcement is printed and circulated, it would be advantageous.

Mr. President : That will be done.

QUESTIONS AND ANSWERS.

SUPERINTENDENTS OF POLICE AND FIRST CLASS MAGISTRATES.

2117. Maulvi Muharram Ali Chishti : (*a*) Arising out of the answer to my question No. 1746,* is the Government aware of the fact that there is a general complaint that the Superintendents and Assistant Superintendents of Police, when joining a district, do not generally call on Indian Magisterial Officers of Provincial Services as directed by the Punjab Government Circular ?

(*b*) If the reply to (*a*) be in the negative, will the Government be pleased to make an enquiry into the matter if specific instances of failure to comply with the orders on the subject are brought to the notice of the Government ? If not, why not ?

(*c*) Does the Government intend to rescind or relax the orders contained in the circular in question ? If so, on what grounds ?

The Honourable Sir John Maynard :—

(*a*) No.
(*b*) Yes.
(*c*) No.

DISPUTE OF MUHAMMADANS AND SIKHS OF RAJA JANG.

2118. Maulvi Muharram Ali Chishti : (*a*) Arising out of question No. 1436,† will the Government be pleased to enquire whether the Muhammadans of Raja Jang are now not obstructed from saying the *Azan* or call to prayers loudly ?

(*b*) If they are still obstructed, what are the reasons ?

Mr. D. J. Boyd : (*a*) As a result of the compromise referred to in the answer to Council question No. 1436,† the Musalmans of Raja Jang agreed to abide by the wishes of the Sikh land-holders and in consequence do not call to prayers loudly. The question of obstruction therefore does not arise.

ACCOMMODATION IN JAILS.

2119. Maulvi Muharram Ali Chishti : (*a*) Arising out of the last part of the answer to question No. 1469,‡ will the Government be pleased to state the total number of the prisoners who have been released after having served two-thirds of their sentences and what is the number of political prisoners amongst those so released ?

(*b*) Have the cases of all those prisoners (including political prisoners) who have served two-thirds of their sentences been examined up to this time ?

*Vol. IV, page 309. †Vol. IV, page 10. ‡Vol. IV, page 23.

The Honourable Sir John Maynard: (*a*) 795 prisoners have been so released. This figure includes 4 or 5 political prisoners. No prisoners have been excluded from the benefits of the system by reason of their offences having a political complexion.

(*b*) The work is continuous because new cases naturally arise daily in which prisoners have completed the requisite portion of their sentences. The proportion of cases so far dealt with is not very large, because only the Central Jails had hitherto been dealt with. Arrangements for dealing with prisoners in all the jails of the Province were made only in January last.

CANDIDATES FOR EXTRA ASSISTANT COMMISSIONERSHIP AND DEPARTMENTAL EXAMINATION IN THE HIGHER STANDARD.

2120. Pir Akbar Ali: Will the Government be pleased to state—

(*a*) how many candidates accepted from January 1919 to April 1921 for Extra Assistant Commissionership, completed their Departmental Examination by the Higher Standard and produced necessary certificates of riding and good health, before the 1st of April 1921;

(*b*) how many out of such candidates have been appointed Extra Assistant Commissioners, with reasons for those who have not been appointed Extra Assistant Commissioners?

Mr. H. D. Craik: (*a*) Sixty-one candidates were accepted between January 1st, 1919, and April 1st, 1921, and of this number 45 had completed their Departmental examination by the latter date.

Ten candidates only were required under the rules to produce certificates of riding and good health: all ten produced the health certificate, but only two had produced the riding certificate before 1st April 1921.

(*b*) The candidates in question have all been appointed Extra Assistant Commissioners.

MUSLIM REPRESENTATION ON THE RAWALPINDI MUNICIPAL COMMITTEE.

2121. Khan Sahib Pir Ali Haidar Shah: (*a*) Is it a fact that the Musalmans of the Rawalpindi town have submitted a memorial to Government praying that they be granted a separate representation (according to the proportion of their population) on the local Municipal Committee?

(*b*) If so, would the Government be pleased to state what action the Government contemplates taking in the matter and when will the decision be announced?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) Yes.

(*b*) The matter is under the consideration of Government, but it is not possible to state when a decision will be reached on it.

COMMUNAL REPRESENTATION IN THE STAFF OF THE GOVERNMENT HIGH SCHOOL, RAWALPINDI.

2122. Khan Sahib Pir Ali Haidar Shah: Will the Government be pleased to state—

(*a*) whether it is a fact that since the establishment of the Government High School at Rawalpindi no Muslim Headmaster has ever been in charge of the school?

[Khan Sahib Pir Ali Haidar Shah.]

(*b*) whether it is also true that the 2nd Master of the same school has all through been a non-Muslim ?

(*c*) If answers to (*a*) and (*b*) be in the affirmative, would the Government be pleased to provide the school with either a Musalman Headmaster or a 2nd Master ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : (*a*) Answer is in the affirmative except that Hafiz Ahmad Din officiated as Headmaster for a few weeks in 1918.

(*b*) Answer is in the affirmative except that M. Abdul Latif and M. Imam Din held the post of 2nd Master for a few days short of a year in 1919 and 1920.

(*c*) The matter is under consideration.

REVISION OF PAY OF CLERKS IN THE EDUCATION DEPARTMENT.

2123. Khan Sahib Pir Ali Haidar Shah : Is it a fact that the question of the revision of pay of the Senior Clerks and Head Clerks of the offices subordinate to the Director of Public Instruction has long been under the consideration of the Government ? If so, would the Government be pleased to accord requisite sanction to afford immediate relief to the persons concerned ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : (*a*) The reply is in the affirmative.

(*b*) The question awaits the Standing Finance Committee's decision. It will be laid before the Committee at its next meeting.

URDU GIRLS' SCHOOLS IN THE RAWALPINDI DIVISION.

2124. Khan Sahib Pir Ali Haidar Shah : (*a*) Would the Government be pleased to lay on the table a comparative statement showing the number with names of Urdu Girls' Schools in the Rawalpindi Division for the years ending on the 31st March 1917 and 1922 ?

(*b*) If the number of such Girls' Schools has decreased, the reasons justifying the fall may please be stated.

The Honourable Khan Bahadur Mian Fazl-i-Hussain : (*a*) The statement is laid on the table.

(*b*) The decrease of 8 schools is due to the difficulty of getting efficient teachers and the apathy of parents who are not enthusiastic in sending girls to schools.

Comparative statement showing the Urdu Girls' Schools in the Rawalpindi Division for the years ending 31st March 1917 and 1922.

FOR THE YEAR 1917.			FOR THE YEAR 1917—*contd.*		
No.	Name of school.		No.	Name of school.	
1	Bahtar	Managed by District or Municipal Boards.	7	Ajnala	Managed by District or Municipal Boards.
2	Cambellpur		8	Golliki	
3	Fatehjang		9	Gujrat	
4	Hasan Abdal		10	Jalalpur Jatan	
5	Kalu Kalan		11	Kunjah	
6	Talagang		12	Phalia	

For the year 1917—contd.			For the year 1917—concld.		
No.	Name of school.		No.	Name of school.	
13	Bara	Managed by District or Municipal Boards.	46	Gujrat Mission	Aided or unaided.
14	Bishandaur		47	Helan	
15	Chakri		48	Jaura Kamana	
16	Darapur		49	Kakrali	
17	Jhelum		50	Kharian	
18	Jajial		51	Do.	
19	Kala		52	Mehri	
20	Pind Dadan Khan		53	Nanshehra	
21	Rohtas		54	Naurang	
22	Sanghoi		55	Tihal	
23	Daud Khel		56	Bhowri	
24	Mianwali		57	Chakwal	
25	Do.		58	Dalwal	
26	Trag		59	Dhoda	
27	Rawalpindi		60	Dharabi	
28	Bhakkar		61	Dul Mial	
29	Bhera		62	Jhelum Mission	
30	Girot		63	Murid	
31	Jhawarian		64	Odarwal	
32	Khushab		65	Toba	
33	Midh Ranjha		66	Thoha Bahadur	
34	Sahiwal		67	Bhakkar	
35	Sargodha		68	Chakrala	
36	Shahpur City	Aided or unaided.	69	Daud Khel	
37	Chauntra		70	Do.	
38	Musa		71	Khana Khel	
39	Pindi Gheb		72	Mochh	
40	Wala		73	Watta Khel	
41	Ara		74	Gujar Khan	
42	Bhagowal		75	Kurren	
43	Darwa		76	Rawalpindi Mission	
44	Dhooria		77	Do. —(Lalkurti S. E. G.)	
45	Gujrat Islamia		78	Shahpur Sadr	

Comparative statement showing the Urdu Girls' Schools in the Rawalpindi Division for the years ending 31st March 1917 and 1922—concluded.

	For the year 1922.			For the year 1922.		
No.	Name of school.		No.	Name of school.	
1	Campbellpur	Managed by District or Municipal Boards.	36	Chakrala	Managed by Dist. or Municipal Board.
2	Chauntra		37	Daud Khel	
3	Hasan Abdal		38	Mianwali	
4	Hazro		39	Do.	
5	Kalu Kalan		40	Mochh	
6	Mirza		41	Ausia	
7	Nakka Kahut		42	Rawalpindi M. B. No. 5	
8	Pindi Gheb		43	Sagri	
9	Shamsabad		44	Bhakkar	
10	Talagang		45	Bhera	
11	Ajuala		46	Kotla Sayadan	
12	Daulatnagar		47	Miani	
13	Dhaman		48	Sahiwal	
14	Dingah		49	Sargodha	
15	Duggal		50	Shahpur City	
16	Goliki		51	Adhwal	Aided or unaided.
17	Gujrat		52	Chahan	
18	Jalalpur Jatan		53	Hun	
19	Jhiranwali		54	Bhagowal	
20	Jokalian		55	Dhooria	
21	Kharian		56	Gujrat Islamia	
22	Kalla Chaur		57	Gujrat Mission	
23	Kunjah		58	Pind Aziz	
24	Lakhanwal		59	Suk Kalan	
25	Makhanwali		60	Chakwal	
26	Pahrianwali		61	Dhoda	
27	Phalia		62	Dhatabi	
28	Qalrabad		63	Dul Mial	
29	Bhet		64	Jhelum Mission	
30	Bishandasr		65	Murid	
31	Chakri		66	Notak	
32	Jhelum		67	Chunga Bangial	
33	Pind Dadan Khan		68	Gujar Khan	
34	Rohtas		69	Rawalpindi Mission	
35	Bhakkar		70	Rawalpindi (Lalkurti S. P. G.)	

URDU GIRLS' SCHOOLS IN THE RAWALPINDI DISTRICT.

2125. Khan Sahib Pir Ali Haidar Shah: (*a*) Is it a fact that there are very few Urdu Girls' Schools in the Rawalpindi District as compared with Gurmukhi and Hindi Girls' Schools?

(*b*) Would the Government be pleased to lay on the table a comparative statement giving the names of Gurmukhi, Hindi and Urdu Girls' Schools in the same district?

(*c*) If the answer to (*a*) be in the affirmative, would the Government be pleased to take immediate steps to increase the number of Urdu Girls' Schools?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(*a*) Yes.

(b) Statement enclosed.

(c) The position will be carefully considered.

2. I am intending to propose a little Conference to discuss this and other matters connected with the education of girls.

Comparative statement giving the names of Gurmukhi, Hindi and Urdu Girls' Schools in the Rawalpindi District for the year ending 31st March 1922.

	Gurmukhi.	*Hindi.*	*Urdu.*
Managed by District or Municipal Boards.	1. Banda.	Aided. 1. Choha Khalsa.	1. Ausia.
	2. Barkibadhal.	2. Rawalpindi Arya Middle.	2. Rawalpindi M. B. No. 5.
	3. Basali.	3. Rawalpindi S. D.	3. Sagri.
	4. Bhagpur.	4. Sagri.	4. Changa Bangial.
	5. Daultala.		5. Gujar Khan.
	6. Dera Khalsa.		6. Rawalpindi A. M. Mission Middle.
	7. Dhamali.		7. Lalkurti S. P. G. Mission.
	8. Dhamial.		
	9. Ghongrila.		
	10. Gujar Khan.		
	11. Guliana.		
	12. Haryal.		
	13. Harnal.		
	14. Kahuta.		
	15. Kallar.		
	16. Kauntrila.		
	17. Kuree.		
	18. Nara.		
	19. Narali.		
	20. M. B. Middle, Rawalpindi.		
	21. Rawalpindi M. B. No. 1		
	22. Do. M. B. No. 2		
	23. Do. M. B. No. 3		
	24. Do. M. B. No. 4		
	25. Riwat.		
	26. Syed.		
	27. Takhtpari.		
	28. Thoha Khalsa.		
Aided.	29. Doberan.		
	30. Kahuta.		
	31. Kanyat Khalil.		
	32. Machhia.		
	33. Mughal.		
	34. Nakrali.		
	35. Rawalpindi Khalsa Middle.		
	36. Rawalpindi S. N.		
	37. Sukho (Bedi Kapur Singh).		
	38. Sukho (B. Maha Singh).		

SECULAR AND RELIGIOUS EDUCATION FOR MUHAMMADAN GIRLS IN THE RAWALPINDI DIVISION.

2126. **Khan Sahib Pir Ali Haidar Shah** : Will Government be pleased to afford facilities in the Urdu Girls' Schools in the Rawalpindi Division for Muhammadan girls to acquire secular and religious education together?

The Honourable Khan Bahadur Mian Fazl-i-Husain : The question will be considered on the receipt of a formal application on the subject from the Rawalpindi Division.

2127. Not put.

INAM KHWARS AS ZAILDARS IN JHELUM DISTRICT.

2128. *Malik Karim Ullah Khan : (*a*) Is it a fact that no such office as that of a *Zaildar* existed in the Jhelum District prior to the last settlement, and that the persons who were in receipt of *inams*, granted in former times, were made to perform those duties without any additional remuneration for it ?

(*b*) Is it also a fact that the *inam* enjoyed by a family in perpetuity on certain conditions is lost to it in case it ceases to hold the office of *Zaildar* ?

(*c*) What are the lowest and the highest amount of monthly fees paid to an *inam khwor* in the district, and how do they compare with those prevailing in other districts ?

(*d*) Will the Government take steps to bring this district on a level with other districts in the province in this matter ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) It is a fact that no *Zaildari* agency, so called, existed in the Jhelum District before last settlement, or does now exist. Its place is taken by *inamdars* known as *Ilaqadars* who, under the conditions on which their original *inams* were granted, could be called on to perform the duties of *Zaildars*.

(*b*) Yes, because inability to hold the office of *Ilaqadar* involves non-fulfilment of the conditions of the grant.

(*c*) The lowest and highest annual *inams* paid in the Jhelum District to *ilaqadars* are Rs. 75 and Rs. 499-8-0, respectively. The average annual *inam* paid to *Zaildars* in the province is Rs. 162 for the lowest grade and Rs. 290 paid to the highest grade.

Sufedposhi inams in the Jhelum District vary from Rs. 30 to Rs. 50 per annum. The average for the province is Rs. 67 per annum.

(*d*) The matter will be considered at the time of the next settlement of the Jhelum District, due in 1931.

AGRICULTURISTS IN THE INDIAN AND PROVINCIAL EDUCATIONAL SERVICES.

2129. Malik Karim Ullah Khan : (*a*) Will the Government kindly lay on the table a statement showing how many posts in the Indian Educational Service and Provincial Educational Service are held by members of the agricultural tribes according to creeds ?

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*Malik Karim Ullah Khan being absent his questions were put by Mian Ahmad Yar Khan Daultana.

(*b*) If the number of agriculturists is inadequate, does the Government contemplate taking any action in the matter?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) The requisite statement is laid on the table.

Statement showing by creed the number of appointments held by agriculturists in the Indian Educational Service and Provincial Educational Service.

Name of creed.	*I. E. S.*	*P. E. S.*
Hindus	...	3
Muhammadans	...	10
Sikhs	1	...

(*b*) Government is already bearing the matter in mind.

COMMUNAL REPRESENTATION AMONG HEADMASTERS OF BOARD ANGLO-VERNACULAR SECONDARY SCHOOLS.

2130. Malik Karim Ullah Khan: Will Government kindly lay on the table a statement showing for each Educational Division the following:—

(*a*) The number of Board Anglo-Vernacular Secondary Schools and the number of Headmasters in these according to creeds;

(*b*) The number and names of the schools that will be provincialised from April 1922;

(*c*) The number by creeds of the Headmasters that will be posted to those schools?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) and (*c*) The required statement is laid upon the table.

(*b*) The matter is still under consideration.

No.	Name of Division.	Number of Board Anglo-Vernacular Secondary Schools.	Number of Headmasters.				Total.
			Christians.	Muhammadans.	Hindus.	Sikhs.	
1	Multan ...	20	...	8	12	...	20
2	Jullundur ...	16	...	2	12	2	16
3	Rawalpindi ...	21	1	11	9	...	21
4	Ambala ...	15	1	2	12	...	15
5	Lahore ...	18	...	5	13	...	18
	Total ...	90	2	28	58	2	90

HEADMASTER, PIND DADAN KHAN HIGH SCHOOL.

2131. Malik Karim Ullah Khan: (*a*) Is it a fact that the new Headmaster of the provincialised High School, Pind Dadan Khan, is an under-graduate?

[Malik Karim Ullah Khan.]

(*b*) Will Government consider the advisability of posting a better qualified man as Headmaster in this school ?

The Honourable Khan Bahadur Mian Fazl-i-Husain :

(*a*) Yes.

(*b*) The matter is under consideration.

HEADMASTERS OF NEWLY PROVINCIALISED HIGH SCHOOLS.

2132. Malik Karim Ullah Khan : (*a*) Is it a fact that all the Headmasters of the newly provincialised High Schools in the province have been put in class II (Rs. 140—10—190) of the Subordinate Educational Service ?

(*b*) Will Government consider the desirability of appointing some of them in class I (Rs. 200—10—250) ?

The Honourable Khan Bahadur Mian Fazl-i-Husain :

(*a*) Yes.

(*b*) There are at present no sanctioned posts in class I to which these Headmasters could be appointed. The creation of such posts would involve a large additional expense. The suggestion will be examined.

COMMUNAL REPRESENTATION AMONG EXAMINERS OF THE EDUCATION DEPARTMENT.

2133. Malik Karim Ullah Khan : Will Government kindly lay on the table a statement showing the number according to creeds of the examiners that have been appointed this year for the various examinations conducted by the Department of Education ?

The Honourable Khan Bahadur Mian Fazl-i-Husain :

The statement giving the required information is laid on the table.

Statement showing the number according to creeds of the Examiners appointed during the year 1922-23 for the various examinations conducted by the Punjab Education Department.

No.	Examination.	Christians.	Hindus.	Muhammadans.	Sikhs.
1	Oriental Language Teachership Examination in Punjabi.	...	...	...	1
2	High School Examination for Europeans	13	7	...	...
3	Middle School Examination for Europeans.	10	3	2	1
4	European Teachers' Certificate Examination.	8	1	...	...

No.	Examination.	Christians.	Hindus.	Muhammadans.	Sikhs.
5	Physical Training Instructors' Examination.	2	...	...	...
6	Vernacular Final Examination	6	35	33	8
7	Middle Standard Examination for Indian girls.	4	9	5	2
8	Senior Vernacular Certificate Examination for Women Teachers.	4	10	4	2
9	Junior Vernacular Certificate Examination for Women Teachers.	4	9	4	3
10	Oriental Teachers' Certificate Examination.	1	3	3	...
11	Senior Vernacular Certificate Examination for Men Teachers.	4	8	6	3
12	Junior Vernacular Certificate Examination for Men Teachers.	3	13	11	3
13	Junior Anglo-Vernacular Certificate Examination for Men Teachers.	10	5	5	...
14	Senior Anglo-Vernacular Certificate Examination for Men Teachers.	13	4	1	...
15	Drawing Masters' Certificate Examination.	1	...	1	...

DISTRICT INSPECTORS OF SCHOOLS.

2134. Malik Karim Ullah Khan: (*a*) Will Government kindly state the names of the districts where it has been decided to post, from April 1922, a Subordinate Service District Inspector of Schools in place of a Provincial Educational Service Officer?

(*b*) Will Government please state the reasons for the above?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) District Inspectors in the Subordinate Educational Service have been posted to Simla, Hissar, Kangra, Sheikhupura, Mianwali and Muzaffargarh districts with effect from the 1st May, from which date the spring postings have been made.

(*b*) It will be observed that the districts to which Subordinate Educational Service officers have been posted are the smaller districts in the Province, and Government considered that it was justified in reserving a certain number of posts in the Provincial Educational Service for Headmasters of large and important Government High Schools.

MUHAMMADAN HEAD ASSISTANT IN THE DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

2135. Malik Karim Ullah Khan: (*a*) Is it a fact that one of the Head Assistants in the office of the Director of Public Instruction was due to retire long ago, but has been allowed extension of service year after year for the past few years?

(*b*) How long do Government propose to permit him further extension of service?

(*c*) Has Government received any representation from the Musalmans of the province asking for the appointment of a Muhammadan Head Assistant in the Establishment Branch of the Director of Public Instruction's office?

(*d*) What action does Government propose to take in the matter?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) Yes, but such extensions are permissible under Article 459 of the Civil Service Regulations. Ministerial officers who have attained the age of 55 years may be required to retire, but should ordinarily be retained in service so long as they remain efficient until they attain the age of 60. The ministerial officer in question has not yet reached the age of 60.

(*b*) The ministerial officer in question will take leave in October preparatory to retirement on 3rd January next.

(*c*) Yes.

(*d*) The general question has already received consideration and a Muhammadan Head Assistant has recently been appointed.

This matter is under consideration.

CLERKS EMPLOYED IN PUBLIC WORKS DEPARTMENT OFFICES IN THE PUNJAB.

2136. Malik Karim Ullah Khan: Will Government kindly lay on the table a statement showing by creed the number of clerks employed in the office of Chief Engineers, Superintending Engineers, Executive Engineers and Sub-Divisional Officers in each Division in the Province?

The Honourable Lala Harkishen Lal:—

A Statement giving the information asked for is laid on the table.

Statement showing the number of Clerks employed in the Public Works Department, Buildings and Roads Branch.

Class	Chief Engineer's Office.	Superintending Engineer, Circle, Calcutta.	Executive Engineer, Division, Calcutta.	Sub-Divisions.	Superintending Engineer, Circle, Orissa.	Executive Engineer, Division.	Sub-Divisions.	Superintending Engineer, Circle, Chota Nagpur.	Executive Engineer, Division.	Sub-Divisions.	Superintending Engineer, Circle, Bhagalpur.	Executive Engineer, Division.	Sub-Divisions.	Superintending Engineer, Circle, Patna.	Executive Engineer, Division.	Sub-Divisions.	Sanitary Engineer's office.	Superintending Engineer, Circle, Gorakhpur.	Executive Engineer, Division.	Sub-Divisions.	Office of the Superintending Engineer, Roorkee.	Electric Engineer's Office.	Examining Architect to Government Public Works.	Principal Head Draftsman.	Secretary, Communications Board, and Head Draftsman, Darjeeling.	Total.
1st Class	1																									1
2nd Class																						1				1
3rd Class																										
4th Class																							1			1
5th Class																								1	1	2
6th Class																										
7th Class																										
8th Class																										
9th Class																										
10th Class																										
11th Class																										
12th Class																										
13th Class																										
14th Class																										
15th Class																										
16th Class																										
17th Class																										
18th Class																										
Total ...	1	1	3	5	1	3	5	1	3	5	1	3	5	1	3	5	1	1	3	5	1	1	1	1	1	63

SIKHS POSTED TO SCHOOLS IN THE JULLUNDUR DIVISION.

2137. **Malik Karim Ullah Khan:** Will Government kindly lay on the table a statement showing the names of the Sikhs who were working in board or private schools in the Kangra District before they were taken into Government service and posted in the various districts in the Jullundur Division during the last five years?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The required statement is laid on the table:—

STATEMENT.

Name of the teacher.	*Name of the District to which posted.*
Bhai Harbans Singh	Kangra.
Bhai Qabil Singh	Ferozepore.

INSPECTOR OF SCHOOLS, AMBALA DIVISION.

2138. **Malik Karim Ullah Khan:** (*a*) Is it a fact that the present Inspector of Schools, Ambala, was drawing Rs. 250 in March 1919?

(*b*) Is it a fact that he was promoted to the Rs. 400 grade in the Provincial Educational Service in April 1919?

(*c*) How many officers of the different creeds did he supersede in the process of this promotion?

(*d*) Is it a fact that two or three months after his promotion to the Rs. 400 grade he was appointed to a post in the Indian Educational Service?

(*e*) How many more officers of the different creeds did he supersede in the course of this second promotion?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) Yes.

(*b*) Yes.

(*c*) There were six officers above him, *viz.*:—

Hindus	5
Muhammadan	1

(*d*) Yes.

(*e*) There were nine officers above him, *viz.*:—

Hindus	4
Muhammadans	3
Sikh	1
Christian	1

It should, however, be clearly understood that recruitment to Indian Educational Service is effected directly as well as by selection.

PRINCIPAL, LUDHIANA GOVERNMENT COLLEGE.

2139. Malik Karim Ullah Khan: (*a*) Is it a fact that the present Principal of the Ludhiana Government College is officiating in the Indian Educational Service?

(*b*) How many officers has he superseded in the course of this promotion?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) Yes.

(*b*) As seniority in the Punjab Educational Service confers no claim or right in the matter of appointment to the Indian Educational Service, it cannot be said that the officer in question has superseded anyone.

ENHANCEMENT OF CANAL RATE ON *SHAFTAL* CROP ON THE LOWER JHELUM CANAL.

2140. Malik Karim Ullah Khan: (*a*) Is it proposed to enhance the canal rates (*abiana*) on *Shaftal* by two and-a-half annas per *kanal* on the Lower Jhelum Canal?

(*b*) If so, will Government consider the question of the scarcity of fodder before coming to a final decision on the subject?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) *Shaftal* is a crop which takes water in both the *Rabi* and *Kharif* crops, and is, therefore, liable to be assessed on both crops. In order, however, to encourage this useful crop it is intended that it shall be assessed once only, in the *Rabi* crop, under Class IV at Rs. 3-12-0 per acre instead of assessing it in each crop at Rs. 2-8-0 per acre, making a total of Rs 5 per acre. There will thus be a decrease, and not an increase, in the *abiana* assessed on this crop.

(*b*) This part does not, therefore, arise.

CASES TRIED BY CANAL DEPARTMENT OFFICERS.

2141. Malik Karim Ullah Khan: (*a*) Is it a fact that in all cases coming up before the officers of the Canal Department no dates for taking up cases are fixed or announced to the public concerned?

(*b*) Is Government aware that this uncertainty about the proceedings of the officers causes inconvenience to the people?

(*c*) Will Government kindly take steps to remove the grievance of the people in this respect.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) and (*b*) By "public concerned" the principals and witnesses in the case in question are presumably meant, and their attendance at the court can be secured only by the issue of warrants or summons as provided for in the Criminal Procedure Code in which the time, date and place of hearing are necessarily stated. Thus the Government has no reason to suppose tha

[The Hon'ble S. B. S. S. Sundar Singh, Majithia.]

cases coming before Canal Officers are taken up without fixing and announcing to the persons concerned the date of hearing;

(c) If any concrete cases can be adduced the necessary enquiry will be made.

COMMUNAL REPRESENTATION AMONG HEADMASTERS IN GOVERNMENT HIGH SCHOOLS.

2142. **Malik Karim Ullah Khan:** Will Government, taking into account the old as well as the new Government Schools, kindly state the total number of Headmasters in Government High Schools by creeds—

(a) as it stood on the 1st March 1921,

(b) as it stood on the 1st April 1921,

(c) as it stood on the 31st March 1922,

(d) as it stood on the 1st April 1922?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The statement giving the required information is laid on the table:—

Statement showing the number of permanent Headmasters of Government High Schools, Punjab, belonging to different communities.

	Hindus.	Muhammadans.	Sikhs.	Christians.
(a) 31st March 1921	15	6	3	3
(b) 1st April 1921	29	19	4	3
(c) 31st March 1922	18	14	4	6
(d) 1st April 1922	18	14	4	4

SUPPLY OF INFORMATION TO PROFESSOR GULSHAN RAI BY THE DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

2143. **Malik Karim Ullah Khan:** (a) Is it a fact that the services of a Head Assistant in the Office of the Director of Public Instruction have recently been placed at the disposal of Professor Gulshan Rai of the Lahore Sanatan Dharam College for supplying him information in connection with the Education Department?

(b) If so, is this procedure in accordance with the departmental rules and regulations? If not, what action do the Government propose to take in the matter?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(a) No.

(b) This question therefore does not arise.

RESIDENT HOUSE SURGEON, RIPON HOSPITAL, SIMLA.

2144. Dr. C. A. Owen: Will the Government be pleased to state :—

(*a*) whether it is a fact that a Commissioned Military Assistant Surgeon has been brought direct from Military duty to an appointment in the Punjab Civil cadre and posted as Resident House Surgeon in Ripon Hospital, Simla ;

(*b*) whether it is a fact that the Medical Committee which sat in 1920 did not stipulate that the appointment in question should be reserved for a Commissioned Medical Officer ;

(*c*) whether it would not be more economical to appoint a junior Military Assistant Surgeon for three years as in the case of the Walker Hospital ;

(*d*) what pay and allowances the newly appointed Military Assistant Surgeon draws ;

(*e*) whether a special "non-practising" allowance of Rs. 250 a month is allowed to this Assistant Surgeon ;

(*f*) whether in spite of the "non-practising" allowance he still continues private practice or not ?

(*g*) if the answers to (*a*), (*b*) and (*c*) be in the affirmative, will the Government please furnish reasons for the importation of the Military Assistant Surgeon referred to in (*a*) and consider the desirability of conforming to the suggestion contained in (*c*) ?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) A Commissioned Officer of the Indian Medical Department from Military employ has been appointed Deputy Medical Superintendent and Resident Medical Officer, Ripon Hospital, Simla. The services of the present incumbent were specially asked for by the Inspector-General of Civil Hospitals, Punjab.

(*b*) The Committee which met in Simla in 1920 recommended the appointment of a whole-time experienced Assistant Surgeon of the Indian Medical Department and the Inspector-General of Civil Hospitals, Punjab, considered a Commissioned Officer as the most suitable for this special appointment.

(*c*) Government are advised that a junior officer would not be suitable for the appointment, the duties of which require the exercise of considerable tact and judgment, and to appoint such an officer would mean sacrificing efficiency for economy.

(*d*) The present incumbent draws his grade pay in the Indian Medical Department—Rs. 500—and in addition an allowance of Rs. 250 per mensem.

(*e*) The allowance of Rs. 250 per mensem is not termed a "non-practising allowance." It is given to compensate the incumbent for the high cost of living in Simla and for the loss of private practice from which he is debarred.

(*f*) It appears that the incumbent of the appointment has been doing some private practice, but he has been ordered by the Inspector-General of Civil Hospitals, Punjab, to cease doing so forthwith.

[The Honourble Khan Bahadur Mian Fazl-i-Husain.]

(*g*) The reasons for the appointment of a Commissioned Officer are given at (*b*) and (*c*), and as at present advised Government are not prepared to apoint a junior man.

CASES OF DIPHTHERIA AT BISHOP COTTON SCHOOL.

2145. Dr. C. A. Owen: Will Government be pleased to lay upon the table the answer to my question No. 1872 * put on 30th October 1922.

The Honourable Khan Bahadur Mian Fazal-i-Husain: The answer is laid on the table:—

(*Answer to question No. 1872.*)

(*a*) Yes, fifteen in all up to the 20th September 1922.

(*b*) Since the beginning of the School term on the 1st June six cases have occurred,—one on 4th, one on 7th July, one on 5th, one on 15th, one on 16th and one on 18th September.

(*c*) None.

(*d*) The Civil Surgeon, Simla E., is the Medical Officer of the School, which he visits regularly. Each case as it occurred was brought to his notice on the date of development of symptoms.

(*e*) All the students received prophylactic inoculation against diphtheria on the 23rd and 26th March 1922, and all suspicious cases or cases of sore throat were immediatly segregated. Four boys who recovered from the disease and in whose throats diphtheria bacilli were detected after recovery were segregated and none was released from segregation until examination of swabs from their throats gave negative results. One persistent case is still segregated and will be sent home to his parents when an escort can be obtained. The four fresh cases which have occurred this month cannot be traced to this boy. The focus of infection has not yet been found; investigations are still being carried on, and all boys with unhealthy throats—about 59 out of about 200—are being subjected to repeated bacteriological examination, so far without detection of any carrier among them; the last two boys who developed diphtheria were not among the 59. It has been decided to close the school until 1st February 1923.

(*f*) As already stated under (*c*) above there have been no diphtheria carriers in the school.

2146. Dr. C. A. Owen: Arising out of the answer to question No. 1872 † put by me on the 30th October 1922, will the Government be pleased to state—

(*a*) whether it is a fact that the eight boys of the Bishop Cotton School who suffered from diphtheria in March last and were treated in the Fever Hospital were not bacteriologically examined on discharge from the hospital to ascertain if they were free from infection then;

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* Page 401, Vol. IV.

† Please see page 401, Vol. IV, and the answer to question No. 2145 above.

(*b*) whether it is a fact that the school was never placed in complete quarantine, although diphtheria cases occurred from time to time;

(*c*) whether Government is contemplating the introduction of the system of throat examination before admitting boys to Simla schools;

(*d*) whether Government is prepared to consider the desirability of appointing a whole-time Medical Officer for the European and Indian schools at Simla to ensure better health of the students, the cost being borne proportionately by the schools concerned?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The routine examination by one throat swab of the boys discharged from the Fever Hospital on the 17th April 1922 was not made. The cases were all mild, and were in hospital from 25 to 34 days, and were not discharged until their throats appeared normal, and as a prolonged period elapsed after their discharge before the next case occurred, the one swab, had it been taken, would have proved negative.

(*b*) On the occurrence of the subsequent cases in July the whole school was put in quarantine for a few days and the contacts for a longer period.

(*c*) No. If the boys are to be examined *before* admission, that means before they come to Simla, and it would be for the parents to have the examination carried out at their homes if this measure were required by the school.

(*d*) The answer is in the negative. This matter has already been considered by the authorities of the European Schools in Simla and rejected.

RESOLUTIONS.

AMALGAMATION OF THE CANAL AND REVENUE ESTABLISHMENTS.

Sayad Muhammad Husain [Montgomery (Muhammadan)—Rural] (Urdu): Sir, I beg to move the following resolution:—

"That this Council recommends to the Government to amalgamate the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Qanungos and Deputy Collectors with Tahsildars; and place them all under the direct control of the Deputy Commissioners."

This resolution, Sir, aims at the removal of a very old grievance of the zamindar community. The question of amalgamating the Canal and Revenue Patwari agencies is of no less than 40 years' standing. The people have agitated against the present system and the Government were also alive to it.

In 1901 when dealing, as Financial Commissioner, with this problem, Sir Lewis Tupper dismissed it as impracticable. In 1903 the Irrigation Commission appointed by the Government of India was confronted with the same problem, but it was shelved. Due to agitation in Lyallpur and other colonies, a Colonies Committee was appointed, witnesses were examined, among whom Sir Malcolm Hailey and Sir Popham Young were the most important. The following remark of Mr. Hailey is very important in this connection:—"I do not think that officers of the Irrigation Department

[Sayad Muhammad Husain].

would fail to realise their duties towards irrigators simply because they do not carry out the assessment themselves." Sir Popham Young was a strong advocate of the principle embodied in this resolution. The committee also heard the evidence of other well-informed and respectable witnesses, some of them being European missionaries in the canal areas, who sympathised with the popular view. But unfortunately the committee could not come to any unanimous decision, the result being that the grievances of the people were left unredressed. Sir Popham Young whose sympathies with the popular cause will always be gratefully remembered by the people emphasised the advantages of such an amalgamation in a separate note of dissent, and exposed the defects of the present system. It will certainly be of some interest if I read out a passage or two from this note. Sir Popham Young has advanced some positive arguments in favour of this change, which he says are—

"(1) the people desire the change ;

(2) the maintenance of a double staff of Patwaris is a great burden on the people, which, short of absolute necessity, we have no right to impose on them ;

(3) great administrative inconvenience is caused by the establishment of an independent assessing agency in the heart of a revenue district ;

(4) grave political dangers must arise if the system is persisted in ;

(5) no departmental agency is suited to deal with assessment matters in India, closely associated as those are with the ruling of the country. The Canal Department is particularly unsuited to this work ; and

(6) the legitimate work of the canal engineers suffer owing to their association with matters of assessment."

Another passage from the same note will show how far the defects of the present system engaged the attention of Sir Popham Young who says :—" Nor is it only from the zamindars who come in direct contact with the Colonies Committee that the suggestion has been made. Native officers and men have impressed this upon their Commanding Officers as one of the reforms most rgently needed. Commissioners and Deputy Commissioners of districts remote from the colonies have heard the same tale. British officers engaged in Remount, Veterinary and other inspecion duties which have required them to move freely about in the colonies have stated in the plainest terms that assessment by the Canal Agency is regarded by the people as constitution a serious grievance. European missionaries have told us how irksome the present system is. European and native gentlemen having little direct connection with the colonies, but obviously well-informed as to the general sentiment of the people, have stated that there is a very strong feeling that district officers should control all assessment operations. And some Canal officials have admitted that the feeling exists."

It is therefore quite clear, Sir, that the present system is awfully defective and exposes the people to great inconvenience. It also costs the Government much without giving any extra advantages. A Canal Patwar practically does all that is already done by a Revenue Patwari. The Zilladars and

Deputy Collectors do very little in addition to what is done by the kanungos, the Naib-Tahsildars and Tahsildars. I myself, as a Zamindar, can confidently say from personal experience that such of the duties as are discharged by these officers of the Canal Department can very satisfactorily and with great economy be discharged by officers of the Revenue Department. The Zilladars have very big *halqas* and they generally check the fields after they have been cut, while the revenue-checking authorities do it in time. Thus they hardly take any extra pains to discharge their duties.

The proposed amalgamation, Sir, would save the Government expenditure and effect a much needed retrenchment. About 56 lakhs are being spent on the Canal Department and a saving of 19 lakhs can be effected by my proposal.....

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Sir, am I to understand whether the honourable member means that the reduction of one-third would bring in 19 lakhs?

Sayad Muhammad Husain: Yes, Sir. We discussed this point in the Retrenchment Committee, of which I was a member, and we came to that conclusion. Nobody was able to rebut it at that time.

Mr. President: May I ask the honourable member how this is relevant?

Sayad Muhammad Husain: Yes, Sir, it is quite relevant. I am saying all this to rebut the argument of the Canal Department that this staff is absolutely necessary for the Canal Department. I say that there is much more important work in store for them. Instead of diverting their attention upon this petty assessment work for which they are not suited they must attend to other work more important than this.

Sir, this assessment work greatly interferes with the more important duties of canal engineers. The attention of canal engineer is unduly distracted from the work of construction and maintenance to crop inspection. Of course, the distribution of water is one of the fundamental duties of canal officers, but it would be a great improvement in the way of fair distribution of water if the "Delta System" as advocated by the late Chief Engineer, Mr. Bates, is introduced.

Sir, I am not alone in holding this opinion. If the house permits me I may read the opinion of a very responsible member of the Government, I mean, Sir John Maynard. His evidence before the Colonies Committee greatly helps the principle underlying my resolution. He said, "My view is that the attention of irrigation officers is unduly distracted from the work of construction and maintenance (for which expert Engineers are required) to crop inspection and vexed questions of agricultural requirements, that they are wrongly called upon to deal with complaints and petitions, for which a *quasi*-judicial training and a trained habit of constant accessibility are essential; and that their very proper zeal for the reputation of the department unfits them to decide questions on which the volume of the receipts is dependent. The functions which I would assign to them are the following:—

(1) To bring the water to the mouth of the water course.

(2) To determine where each outlet should be located and what area each can supply. In other words, to plot out what in Multan and Muzaffargarh is known as *Chaklandi*.

[Sayad Muhammad Husain.]

(3) To determine the size of the outlet to the water-course, in accordance with the information supplied to them as to the area to be irrigated from it, the water of the soil, and the level of land.

(4) To indicate the alignment of each water-course in order that it may be able to do the duty assigned to it.

"Everything else in the way of distribution of water, recording irrigation and assessment of the demand should be done by the so-called "land-revenue staff" acting together with the proposed consultative bodies, if these bodies should be brought into existence, and alone otherwise. The same staff should adjudicate on questions of unauthorised irrigation and *abzais*; and irrigation officers should cease to exercise magisterial powers. Powers under section 68 of the Canal Act would be transferred to the Deputy Commissioner.

"Under the proposed system the zilladars would become Naib-Tahsildars and Qanungos according to their grade. The Canal Patwaris would disappear. The Revenue-Patwaris' circles would be made smaller, and a single patwari would do the work of the circle. The Deputy Collectors would be additional Revenue Assistants. The Executive Engineer would have his Sub-Divisional Officers and Sub-Overseers (and I suppose *pansal navises* too) for the technical work of construction and maintenance."

This is the weighty opinion, Sir, of an experienced official. The present system has become so very corrupt that it needs a speedy remedy. Experiments would not help. Mere experiments would result in irreparable loss, as it would have been the case if the Alienation of Land Act was not passed and enforced at once. Hence instead of trying this scheme in a limited area, I would persist in demanding this radical change throughout. If the Government desire to make the Delta Scheme a success the dual system should be abolished forthwith Then the department would become a beneficient one in the real sense of the word. .....

Mr. C. M. King: I rise to a point of order, Sir. Are these things in order?

Mr. President: Will you just repeat what Mr. King objects to?

Sayad Muhammad Hussain: It will pave the way for the delta system. I am basing my arguments on this.

Mr. President: I think that is quite relevant.

Sayad Muhammad Husain: Sir, the Honourable the Revenue Member spoke to me sometime ago that these Canal Patwaris should disappear in case the delta scheme is introduced.....

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I rise to a point of order, Sir. The honourable member is not in order in quoting what I talked to him outside the house.

Sayad Muhammad Husain: I am sorry, Sir. I thought I was right; but I see that I am not. Sir, the proposed separation of the judicial and executive functions is likely to lighten the burden of the District Magistrates. Hence they could safely be entrusted with this additional work. With these remarks, Sir, I move the resolution.

Mr. President: The resolution moved is—

"That this Council recommends to the Government to amalgamate the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Qanungo and Deputy Collectors with Tahsildars; and place them all under the direct control of the Deputy Commissioners."

The question is that that resolution be adopted.

I now call upon Lala Atma Ram to move his amendment.

Rai Bahadur Lala Sewak Ram [Multan Division—(Non-Muhammadan)—Rural]: Sir, will you allow us to speak on the resolution before the amendment is moved?

Mr. President: Does the House desire to discuss the resolution first?

[Cries of "No, no."]

Lala Atma Ram: [South-East Towns—(Non-Muhammadan)—Urban]. Sir, I beg to move—

"That the words 'to attempt an experiment on a unit of area of not less than one *Rajbaha*, of the amalgamation of' be substituted for the words 'to amalgamate' and the word 'Collectors' be substituted for the words 'Deputy Commissioners'."

After these amendments, the resolution will run as follows—

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Rajbaha*, of the amalgamation of the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Qanungos, and Deputy Collectors with Tahsildars; and place them all under the direct control of the Collectors."

Sir, the idea involved in this resolution is a good one, and in view of our financial difficulties it is necessary that we should curtail our expenditure and make reductions. But at the same time we have to see how far this amalgamation is practicable. It is a fact that though both the Canal and Revenue Patwaris bear the same designation yet their duties are quite different. The Canal Patwari has to measure and distribute canal water and keep its record while the Revenue Patwari has to maintain land records which are essential for assessment of land revenue and for knowing the rights of tenants and landlords. In the same way the duties of the Zilladars and Deputy Collectors are different from those of Qanungos and Naib-Tahsildars and Tahsildars. Therefore in order to see how far the amalgamation is practicable it is necessary that we should first make an experiment on a unit of area of not less than one *Rajbaha*. If on experiment we find that amalgamation is practicable and successful, then we can extend it to other parts of the Punjab.

The reason why I have *substituted* the word 'Collectors' for 'Deputy Commissioners' is a simple one. I have made this amendment because the highest Revenue officer in the district is designated as the 'Collector' and not 'Deputy Commissioner.' With these few words I hope the members will give their hearty support to these amendments.

Mr. President: The main resolution proposed was—

"That this Council recommends to the Government to amalgamate the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Qanungos and Deputy Collectors with Tahsildars; and place them all under the direct control of the Deputy Commissioners."

[Mr. President.]

To that amendments have been moved to—

"(i) *substitute* the words 'to attempt an experiment on a unit of area of not less than one *Rajbaha*, of the amalgamation of' *for* the words 'to amalgamate' and

(ii) *substitute* the word 'Collectors' *for* the words 'Deputy Commissioners.'"

The question is that those amendments be made.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West —(Muhammadan)—Rural] (Urdu): Sir, I rise to oppose the amendment of my honourable friend Mr. Atma Ram. When the honourable member accepts the resolution under discussion on principle, I wonder to see him moving such an amendment, which restricts the scope of operation of the resolution. I don't think that the resolution aims at something impracticable. The change can be effected conveniently and advantageously. It aims not to do any harm to either party. Time and march of events have justified the sound opinion of Sir Popham Young who characterised the system as useless and defective. It is time to change it for the better. We, who are the victims of this dual system, know from our personal experience what hardship, inconvenience and unnecessary waste of time and money it causes. A Canal Patwari does what a Revenue Patwari does before him, and so is the case with Zilladars and Deputy Collectors. They go about doing the same work done by other officers of the Revenue Department. I quite fail to see the necessity of this system of double checking. The Revenue Department is reliable enough, and their entries can be depended upon. Then why have at the same time another costly department to do a work not very much dissimilar? This causes the zamindars much extra trouble and hardship. They are feeling quite dissatisfied with it. And it stands to reason that their long standing grievance should be redressed. The experimental stage is gone and some radical change is wanted. Then, why postpone it any longer? The resolution proposed by my honourable friend, Sayad Muhammad Husain, aims at introducing that much needed change. Let us not stand in the way and obstruct its operation. It is, Sir, with this view that I oppose the amendment of my honourable friend.

3 P.M.

Chaudhri Ali Akbar: [Kangra-*cum*-Gurdaspur—(Muhammadan)—Rural] (Urdu): Sir, I don't feel convinced of the fact that the amendment of my honourable friend Lala Atma Ram will help us in the solution of the question. I think it helps to make the introduction of the proposed change, of very little consequence. The interests of the zamindars will suffer if the amendment were accepted by the House. The zamindar wants somebody to be over his head, who is accessible to him at the time of some unexpected calamities like inundations and droughts, to hear his grievances and redress them. This the present system denies him and he suffers from it.....

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Sir, may I rise to a point of order. How is the honourable member in order in speaking on the resolution and not on the amendment which is before the Council?

Mr. President: I think he is in order. The substance of the resolution and the amendment is in part the same. The amendment assumes that the resolution will be approved but in a restricted form.

Chaudhri Ali Akbar—(continued): I therefore propose that the business of water assessment be placed with the Deputy Commissioner because he is more easily accessible to the zamindars.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Sir, what I understand by this amendment is that the mover wants an experiment to be tried on a unit of area not less than one *Rajbaha*, while he is speaking on the whole subject.

Mr. President : The House might reject both the amendment and the original resolution. I do not think it is possible to be very strict to define where an amendment ends and a resolution begins. A member may urge reasons for holding that the substantive resolution should be accepted in preference to the amendment.

Chaudhri Ali Akbar (continued) : Sir, I cannot tolerate the whittling down of the resolution by this amendment. Our experience of the last settlement is against it, and I therefore cannot support the amendment in the present circumstances.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders—(General)] (Urdu) : Sir, I rise to support the amendment of Lala Atma Ram. My honourable friend, Chaudhri Ali Akbar, has not perhaps looked into the amendment thoroughly. The amendment provides for what he wants. The mover of the amendment wants the experiment to be made at least on a *Rajbaha*. He does not say that it should not be tried on a system of Canal. This rests with the Government to decide. But to try it throughout the Punjab with all the changes which it will necessitate in the present system will be simply revolutionary. It will upset everything. (Hear, hear). I quite agree with the mover of the resolution in saying that some such change is required. But I fail to see the harm in first trying it on a limited scale. That would be no bar to extend its scope later on to the whole Province, if it proves successful. The question was also raised and considered in the Retrenchment Committee, of which I was a member, and we, after thorough discussion of the whole question came to the conclusion that it would be better to try it as an experiment on a system of canal. This was the view which I then held and I still stick to it. There are many things which at first sight appear to be all-round useful and advantageous ; we cannot see their dark side until they are tried in practice. Then there comes the question of the technical duties of the department. Every one agrees that it should be left to the experts. So there remains no question of change as far as the scientific side of the department is concerned. It is not impossible that when the scheme of amalgamation is given a practical shape, there may be a little or no saving of money. With these few words, Sir, I readily support the amendment and hope that the Government will accept the resolution in the amended form.

Mian Beli Ram [Hoshiarpur (Non-Muhammadan) Rural] (Urdu) : Sir, I come from a district where no such troubles exist. The Hoshiarpur District has very little of its area irrigated by canals. The *Shah Nahr* from the Beas provides for the irrigation of an inconsiderable part of it. But still there seems to be no reason why the arrangement which proves satisfactory in this limited area should not hold good in the colonies elsewhere. There we leave the technical side of the question to the District Board Engineer, and the other work to the Revenue Patwaris, all of whom are given some extra allowances for it. This clearly shows that in the Hoshiarpur District we have no separate Patwaris for the Canal, and the work is carried on by Revenue Patwaris. Moreover, the resolution is only a recommendation to the Government. They are not bound to act upon it. Then I don't understand why there should be so much of hair-splitting over it. It is admitted on all hands that the change proposed in the resolution will certainly better

[Mian Beli Ram]

the circumstances under which the zamindars are living now-a-days. It will, lessen their burdens and remove an old standing grievance. The zamindars will thus be put under the direct control of the Deputy Commissioners, whose good offices they will certainly avail of to their advantage. These will be no ordinary gains and I think that the proposal is worth trying. But at the same time I quite agree with my honourable friend Raja Sahib in saying that it will not be without danger and difficulty to try it on a big scale. With these few observations, Sir, I lend my support to the motion.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : I have not understood the last speaker, Sir, whether he has supported the amendment or the resolution.

Mr. President : I understand he supports the amendment.

Maulvi Muharram Ali, Chishti [Lahore City Muhammadan urban] (Urdu) : Sir, I have followed the debate with interest. But I feel constrained to say that some of the arguments advanced by my honourable friends are confusing and contradictory. All that I can make out of the speeches delivered by my friends in support of the resolution or amendment is that they unanimously think that the Revenue Patwaris are more honest and reliable than the Canal Patwaris. This is not quite correct. The Canal Patwaris are not invariably dishonest and unreliable, and, on the other hand, the Revenue Patwaris are not always honest and reliable. Both of them have their own black sheep and, I believe, in equal percentage. The amendment moved by my honourable friend certainly wants to bring about what we proposed to do in the Retrenchment Committee. The amended resolution when put into practice will certainly give us an idea of the burden which is proposed to be put on the shoulders of the Deputy Commissioners and an idea of how the amalgamation works. The Deputy Commissioners have much to do, and I think them to be already overworked. If they are reluctant in their *mulaqats* and do not receive their visitors with courtesy they fail to perform one of the most important duties imposed upon them and are considered to be haughty, and inaccessible. Much of their time is absorbed in this *mulaqat* business and it will be impossible for me, in the short time at my disposal, to give details of their innumerable and multifarious duties. They have hardly a breathing time and we can't expect from them the characteristics of the famous wooden horse who did not require any sleeping, eating, drinking or any kind of relief or rest. This new work will certainly add to their responsibilities and *primâ facie* it can hardly be presumed that they will have sufficient time to perform these new duties satisfactorily. I request the Council not to think of burdening them to the breaking point. This will impair the efficiency of the administration. My honourable friend Sayad Muhammad Husain said that after the diagnesis of the trouble the immediate step should be to begin the treatment, but I am of the opinion that we should take as much care as possible to see whether the treatment is proceeding on right lines. This can only be gained by making an experiment as suggested in the amendment. To complain of the corruption of the Patwaris will not remove the trouble.

This is no remedy for that. If there are corrupt Canal officials, we should try to get better men appointed in their places. When we charge a Government official with receiving bribes, we have to make, simultaneously,

the humiliating confession that he enters in a dirty bargain in which our non-official brethren are a part—rather a party—which makes an offer. The giving of illegal gratification reflects as badly upon the national character as the accepting of it. We should feel ashamed of it. Let not selfishness blind us to an extent as to make us ignore the distinction between fair and foul. My honourable friend Sayad Muhammad Hussain said that he had personal experience while he had to deal with 12 or 13 Canal Patwaris who took bribes. I do not know what he means by "*personal experience*" and in what sense he has used these words? The report of the Bribery Committee shows that very few departments are above corruption and I think it unfair to single out the Canal Department for general condemnation. If they are to be turned out on this very ground, then I fear there will be very few departments which will escape the same treatment. With these few words I support the amendment.

But, Sir, I would beg leave of you to submit a word before I sit down. My honourable friend Lala Beli Ram has just remarked in his speech that as the resolution is simply in the form of a recommendation to the Government, and as the latter is not bound to give effect to it, we had better send it on to the Government in whatever form it be possible for us to do. Sir, I beg to submit that I strongly dissent from that view and do not want to be a party to such a resolution which is disposed of in a light manner with that idea. Such a course, if adopted, will seriously tell upon the responsibility of all the proceedings of the Council. I am most jealous for maintaining the self-respect of our Council. It will impair the prestige of the Council in the public eye. I hold quite a different view and think that we should first thoroughly thrash the matter out and carefully weigh its pros and cons in the Council and then approach the Government for its acceptance. In such a case the Government will think thrice before rejecting our resolution. If we do so, we shall be lending further weight to our recommendations and adding to the prestige of the Council at the same time.

Rai Bahadur Lala Sewak Ram: I beg to move, Sir,—

"That the amendment be now put."

Mr. President: The question is—

"That the amendment be now put."

Sayad Muhammad Husain: Have I no right to speak, Sir?

Mr. President: If this motion is carried you will have no right to speak on the amendment.

The motion was lost.

Pir Akbar Ali [Ferozepore—Muhammadan (Rural) (Urdu)]: Sir, I deem it my painful duty to rise to oppose the amendment of my honourable friend Lala Atma Ram, when it is admitted by the mover of the amendment that the resolution moved by my honourable friend Sayad Muhammad Husain will certainly remove a very old grievance. I strongly support the resolution and I do not know why the mover of the amendment should try to restrict the scope of the resolution by such an amendment. Now, Sir, the resolution is.....

Mr. President: You must not intentionally speak on the resolution alone and avoid the amendment. I admit that to a certain extent the sub

[Mr. President.]

stance of the resolution and the amendment are the same and not entirely contradictory. But I am not giving you leave to speak on the resolution alone and not on the amendment.

Pir Akbar Ali: As I have already admitted, Sir, the solution of the amendment depends much upon the Resolution. I will join both the questions together as far as I can, Sir. I shall confine my remarks to the amendment only. I hope that my friend Maulvi Muharram Ali, Chishti, will excuse me when I say that his speech in support of the amendment sounded like the diplomatic speech of a lawyer. He has tried to remain in the good books of both the sides. In my opinion, if the resolution is admitted to be useful, its scope should not be limited. There has been much talk about the corruption prevailing in the Canal Department. I am of the opinion that the department in question is not the only department which deserves such a scathing criticism.

There are many others too, which are as corrupt as the Canal Department. Sir, when I weigh the advantages and disadvantages which will result if the resolution is accepted, I think the advantages far outweigh the disadvantages. The main advantage will be that we shall be enabled to effect a considerable saving. It will improve the efficiency of the administration. Moreover, it will enable us to get better men, who will discharge their duties more conscientiously. Those who think that if the change is effected, the water rates will fall are not right. With these remarks I oppose the amendment.

Malik Firoz Khan, Noon [Shahpur West—(Muhammadan)—Rural]: Sir I associate myself heartily with the principles underlying the resolution moved by my honourable friend from Montgomery. But I think before we decide upon an important question of this nature we ought to investigate it more thoroughly than it looks to me is the desire of the honourable member. It is the desire of everybody, Sir, that there should be economy in this Province, and it is also the desire of everybody that we should try and save as much money as possible. But before we decide the fate of the whole department, I think, Sir, that some more cogent reasons and a greater time are required to decide that question than what my honourable friend expects from this Council. I heartily associate myself with my friend, Mr. Atma Ram, who has moved his amendment. Although he only says that the experiment should be tried on a unit of area of not less than one *Rajbaha*, I think that the experiment should be tried on a larger scale than a *Rajbaha*. I remember reading in the report of the Retrenchment Committee that Government has itself accepted the principle of acting on the system of a canal, that is, something larger than a *Rajbaha*. I think that this Council which has the power to decide the fate of this department, the whole of this Canal Department, should not adopt a policy which I would call a guillotine policy. It is not right, Sir, without any previous experiment or trial to decide upon the abolition of a whole department which has been working efficiently for a long time. The amalgamation of the two systems is in itself to me a very mixed blessing because of one or two reasons that I am going to give you. For instance, if you bring the distribution of water under the civil authority, then I submit that the very minute control that the department is exercising over the distribution of water and the realisation of rates will not be exercised by the revenue department, which is...

Sayad Muhammad Husain: I did not ask in my resolution that the distribution of water should be handed over to the Revenue Department. It will still remain in the hands of the Canal Department.

Malik Firoz Khan, Noon: That explanation by my friend simplified my question all the more. If we say that we have got only to separate the realisation of the occupiers' rate and still keep the distribution of water which is now being carried on by the Canal Department under the Canal Department, how is it possible that the Naib-Tahsildars can be amalgamated with the Zilladars? If you abolish the Zilladars, you will have to ask someone else to distribute the water.

The only thing that I have been able to see is that the Canal Patwari has got to go and look over the same fields as the Revenue Patwari has to go to for the purpose of land revenue. That is certainly a duplication of work but only so far as the Patwaris' are concerned. As far as the distribution of water is concerned, it is impossible to take the department out of the control of the canal authorities; and it cannot be suggested that the Zilladars should be abolished. I wish to give one simple illustration to the Council in support of the argument that I am putting forward and that is that the average irrigation in this province from canals, the distribution of whose water is looked after by the Canal Department, is about 15 to 20 thousand acres per 50 cusecs of water. Of course, I speak subject to correction, but I think on an examination it will be found that my figures are correct. On the other hand, you take the case of the Dera Ghazi Khan District where the Canal and Revenue Patwari agencies have already been amalgamated. There the amount of irrigation is, Sir, 1,000 cusecs of water to irrigate about 15 to 20 thousand acres. So that you see that an experienced department having nothing else but the distribution of water to do, spends 50 cusecs to irrigate that area which the Civil Department takes a thousand cusecs to do. That sort of result is inevitable because it is impossible for the Civil authorities to exercise the same sort of check. .....

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Mr. C. M. King (Financial Commissioner): The Civil authorities at Dera Ghazi Khan do not control the water.

Malik Feroz Khan, Noon (continued): The Deputy Collector there is only doing judicial work and not the distribution of water. There is no Canal Patwari there. This is as far as my information goes, and I hope it will prove correct to Mr. King later on. So you will see that even for the purpose of economy, we should have a department which has a very keen eye over the distribution of water. The zamindar himself does not know as to how much water is necessary for his crops. Unless you have a specialised department looking after it, you cannot pull on.

Then, Sir, there will be a lot of heart-burning between the officials who will be transferred from one department to the other. That is a matter of detail which it is unnecessary for me to go into here. I want to tell this Council that before deciding a question of this nature, before abolishing the whole department on arguments which were brought forward a quarter of a century ago, they should consider the matter well before adopting a guillotine policy. I think the consent of the Government as given in the Retrenchment Committees' report is quite sufficient, and if the Government is prepared to act up to that suggestion, that would meet the situation quite well. It will be a very unsafe policy to launch upon a scheme of wholesale abolition of the department.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : I would at this stage, Sir, confine myself only to the amendment which has been proposed by Lala Atma Ram, and I will deal with the general question of the resolution at a later stage. Maulvi Muharram Ali, Chishti, and Malik Firoz Khan, Noon, have put the case from their point of view with which I entirely agree.

It has been said here, Sir, that this experiment should not be tried and that we should with one stroke of the pen do away with this Department of the Canals so far as it concerns Patwaris, Zilladars, and Deputy Collectors. The first experiment that was tried on this subject, as my friend, the Sayad Sahib, in his opening speech said, was after the Canals Committees considered the question thoroughly. I need not go into that question here ; but we have had one side of the question there. The Government has not seen the other side, *i. e.*, by putting the work in the hands of Revenue Patwaris which is going to be tried now. To say that we should do away with the whole of the Revenue Department would be taking risks which I do not think Government could advisably take. Therefore, Sir, I would be willing to accept the amendment by my learned friend Lala Atma Ram, as it gives Government a chance of starting the scheme and finding out whether it could be successfully worked and extended.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan)] (Urdu) : Sir, I oppose the amendment as it can only mean that the reform which the people have been wanting and trying to materialise for a long time should come to nothing. The authorities of the Canal Department and the speakers who have spoken for the amendment would like it to be shelved or delayed and the experimentation has been devised as a means to that end. . . . . .

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Sir, I rise to a point of order. It is not right to say that Government does not intend to make that experiment. Government is going to try the experiment, if it is possible to do so.

Mr. Ganpat Rai (continued) : The Honourable Revenue Member has not followed me. Otherwise he would not have troubled the Council with the remarks which he has made.

Sir, the experiment is tantamount to scrapping. I do not mean to say that the Government would not make an experiment. This question was discussed before the Retrenchment Committee and . . . . . .

Mr. President : We are not discussing what happened in the Retrenchment Committee. You cannot refer to the details. You can only refer to what is in the report.

Mr. Ganpat Rai (continued) (Urdu): The point is that Sayad Muhammad Husain has read to us a translation of the weighty opinions of such experienced officers as Lieutenant-Colonel Sir Popham Young and Sir John Maynard. These opinions express the desirability of taking away the business of assessment from the Canal Department and handing over the duties to the Revenue Department. The failure of the experiment made in this behalf in the Lyallpur and Shahpur Districts was a foregone conclusion. The fact is that if the Government were to wish whole-heartedly to make it a success it would be done. Since they remained pre-occupied with the idea of risks, it was bound to fail. The proposal for undertaking an experiment is being accepted under compulsion and not without reluctance. . . . . .

Mr. President: The Honourable Member for Revenue has already repudiated that insinuation that he won't try to make the experiment a success. It is not therefore desirable to impute any such thing to him.

Mr. Ganpat Rai (continued in Urdu): The poor zamindars are groaning under the weight of a double staff of Patwaris. They cannot tolerate this dual system any longer and they insist on the abolition of one set of Patwaris. The zamindars are the most loyal law-abiding subjects and therefore it ought to be the duty of the Government to extend help to a loyal people in their miseries. The Government should be bold and not timid in helping the agriculturists, and success will surely result.

For forty years past the zamindars have been agitating against this system because there is a deep resentment at being saddled with two petty tyrants. Let us extricate them from this misery.

The Government should not persist in refusing this demand. It is not simply our opinion. It has been endorsed by experienced officers. Hence if Government faced any difficulties after effecting the proposed amalgamation and made mistakes, they would have the satisfaction to know that they were doing the thing according to the advice of experienced officers. They should remedy the defects to make the scheme successful. No substantial reason has been advanced in support of the amendment except that there is risk of this and that. Government should give up the idea of an experiment and accept the resolution in its original form. With these remarks I oppose the amendment.

Khan Bahadur Chaudhri Fazl Ali: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: The original resolution proposed runs:—

"That this Council recommends to the Government to amalgamate the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Qanungos and Deputy Collectors with Tahsildars; and place them all under the direct control of the Deputy Commissioners."

To that resolution amendments have been proposed—

"(i) *substitute* the words 'to attempt an experiment on a unit of area of not less than one *Rajbaha*, of the amalgamation of' *for* the words 'to amalgamate;'

"(ii) *substitute* the word 'Collectors' *for* the words 'Deputy Commissioners'."

I will deal with the first amendment first. The second amendment will be put to the vote afterwards. The question is that the first amendment be made.

The Council then divided; Ayes 32, Noes 28.

AYES 32.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. D J. Boyd.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. A. Latifi.
Mr. C. M. King.
Mr. E. R. Abbott.
Colonel R. Heard.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Sodhi Lal Singh.
Malik Firoz Khan, Noon.
Lala Atma Ram.
Sardar Bahadur Gopal Singh, Labana.
Sayad Ghulam Muhammad Shah.
Sardar Jamal Khan.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narenda Nath.
Mr. Manohar Lal.
Khan Bahadur Khawaja Yusaf Shah.
Rai Sahib Lala Thakar Das.
Dr. C. A. Owen.
Mr. Edward Ernest Clarke.
Mr. W. R. Macpherson.

NOES 28.

Mian Ahmad Yar Khan, Daultana.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Rai Sahib Lala Ganga Ram.
Lala Bishan Das.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghasi Ram.
Captain Sardar Gopal Singh.
Bawa Hardit Singh, Bedi.
Sardar Allan Khan.
Rana Muhammad Jamil Khan.
Sardar Randhir Singh.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Chaudhri Nabi Bakhsh.
Mr. Moti Lal, Kaistha.
Khan Bahadur Raja Muhammad Akbar Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Hussain.
Chaudhri Kharak Singh.
Mian Muhammad Shah Nawaz.
Mian Beli Ram.
Mr. Ganpat Rai.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadar Lala Sewak Ram.
Khan Bahadur Malik Muhammad Amin Khan.

The amendment was carried.

Mr. President: The question now is:

"That in place of the words 'Deputy Commissioners' the word 'Collectors' be substituted."

The amendment was carried.

Mr. President: The resolution before the Council now is—

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Zaildari*, of the amalgamation of the Canal and Revenue Patwari agencies; and Zilladars with Naib-Tahsildars and Qanungos, and Deputy Collectors with Tahsildars; and place them all under the direct control of the Collectors."

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan) Rural]: Sir I beg to move the following amendment:—

"That the words 'and Qanungos' be omitted" and

"That after the word 'Tahsildars' the words 'and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time' be inserted."

The resolution will then read:—

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Rajbaha* of the amalgamation of the Canal and Revenue Patwari agencies; and Zilladars with Naib-Tahsildars; and Deputy Collectors with Tahsildars and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time; and place them all under the direct control of the Collectors."

I hope that the honourable mover of the original resolution will not hesitate to accept my amendment, since it is not proper that an honour once given should be taken away. It will prove very derogatory to the Zilladars if, in the proposed amalgamation they were relegated to the ranks of Qanungos. In the same way as regards the second part of my amendment I must say that to bring a Deputy Collector to the level of a Tahsildar who is a non Gazetted officer would be a gross injustice. I therefore propose that a Deputy Collector drawing more than Rs. 300 be made an Extra Assistant Commissioner and I have no hesitation in proposing Tahsildarship, first grade, in the case of one drawing less than Rs. 300. I need not further encroach upon the time of the Council and I trust the House will accept this amendment.

Mr. President: The original resolution as amended was:

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than on *Rajbaha*, of the amalgamation of the Canal and Revenue Patwari agencies; and Zilladars with Naib-Tahsildars; and Qanungos, and Deputy Collectors with Tahsildars; and place them all under the direct control of the Collectors."

To that an amendment is now proposed—

"That the words 'and Qanungos' be omitted and that after the word 'Tahsildars' the words 'and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time' be inserted."

The question is that these amendments be made.

Sayad Muhammad Husain: [Montgomery—(Muhammadan)—Rural.] Sir, I have no objection to accept the second part of the amendment, but the first part of the amendment I leave to the authorities to decide. As has been suggested by Sir John Maynard they may either be converted into Naib-Tahsildars if their service is more than five years, and if less than five years, they may be converted into Qanungos. I leave that to the authorities. I hope my friend will have no objection in accepting this position.

Mr. Ganpat Rai [Lahore and Ferozepur-*cum*-Sheikhupura (non-Muhammadan)] (Urdu): Sir, I strongly support this amendment.....

Malik Firoz Khan Noon: May I rise to a point of order, Sir. May I suggest one thing, that as the honourable mover of the resolution has accepted and there is nobody going to speak against the amendment, I think it is unnecessary to support an amendment of that sort.

Mr. President : It is for the Council to accept the amendments and not for the honourable mover.

Mr. Ganpat Rai (continued) : I should point out, however, that the original motion did not seek to harm the Zilladars and Deputy Collectors by lessening their salaries. It has been alleged that the Zilladars accept bribes...

Malik Firoz Khan Noon : Is it relevant, Sir?

Mr. Ganpat Rai (continued in Urdu) : Sir, I submit that it was mentioned as one of the arguments for the abolition of the Canal agency.

Malik Feroz Khan Noon : Sir, I beg to move—

"That the question be now put."

Mr. President : I do not think the amendment has been sufficiently discussed yet.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu) : Sir, I sympathise with the amendment of Lala Sewak Ram. Allow me to point out that an attempt to safeguard the rights of certain classes of individuals has been set on foot even now. The amendment is surely beneficial. It proves the necessity of the experiment only to a limited extent. It is absolutely essential that the scheme as proposed by the original motion should in the first instance form the subject of an experiment.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] : (Urdu) : Sir, I would not have risen to speak but for Raja Sahib's remarks. He points out that the proposed amalgamation is beset with grave dangers as evinced by the present amendment. But I have the courage to say that this apprehension has arisen from this amendment alone which is entirely uncalled for at this stage. Those who are opposed to the proposed amalgamation perhaps think that they might succeed in defeating our object by presenting a coloured description of such imaginary fears. If the Government admit that the proposed scheme is a useful one and will effect great economy they ought to devise means for overcoming the obstacles. The House should not feel hesitation in supporting the resolution simply because the interest of certain individuals will suffer thereby. Sir, I had to say this only in reply to Raja Sahib's remarks; otherwise I support the amendment.

Malik Firoz Khan Noon: [Shahpur West (Muhammadan), Rural] : I move Sir,

"That the question be now put".

Mr. President: The question is.

"That the question be now put".

The motion was carried.

Mr. President: The resolution as amended so far runs :—

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Ruibaha*, of the amalgamation of the Canal and Revenue Patwari agencies, and zilladars with Naib-Tahsildars and Qanungos, and Deputy Collectors with Tahsildars; and place them all under the direct control of the Collectors."

To this an amendment has been moved and the resolution as amended would read as follows:

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Rajbaha*, of the amalgamation of the Canal and Revenue Patwari agencies, and Zilladars with Naib-Tahsildars, and Deputy Collectors with Tahsildars and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time; and place them all under the direct control of the Collectors."

The question now is:

"(*i*) That the words 'and Qanungos' be omitted, and
(*ii*) That after the word 'Tahsildars' the words 'and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time' be inserted."

The motion was carried.

Mr. President: The question now is:

"That the resolution as amended be adopted."

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): Sir, the acceptance of the amendments which have just been carried by this House have made my task lighter. I must assure the House before I deal with the subject further that Government is not only going to start an experiment on one *Rajbaha* as has been proposed, but that it would try its best to carry out this experiment or proposal on one of the canals. (Hear, hear.) We are as much anxious as this House that the experiment should prove a success. (Hear, hear.) If it does, as I hope it would, then the question would arise for its extension to the other canals also. Nobody is more anxious than myself that this experiment should succeed. From the point of view of the provincial finances, it is absolutely necessary that something should be done to make the two ends meet. Some of my friends who have spoken to-day have said a good deal to malign the Canal Department. I feel it my duty to defend the Department from such attacks. I must say that this Department has been doing its work so well for a very large number of years. There may be certain black sheep in the service—subordinate service—of the Department, who may have afforded material for the consideration of the Corruption Committee; but to condemn the Department as a whole I feel is not justified. As Member in charge of this Department, I must try my best to protest against accusations which may not be wholly correct.

I now propose to deal with the points raised by my friend (Sayad Muhammad Hussain) in the course of his opening speech. My friend mentioned that Sir Lewis Tupper shelved the proposal without giving due consideration to it. At least that is what I understood him to say. I will try and... .....

Sayad Muhammad Husain: I never said these words.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Well that is what I understood. You used the word 'shelved.'

(*Here Mr. President vacated the chair which was taken by Mr. Manohar Lal, the Deputy President.*)

I would say that Sir Lewis Tupper, who was one of our best Financial Commissioners, considered the question thoroughly and then came to the

[The Hon. S. B. Sardar Sundar Singh Majithia]

conclusion that the experiment could not be tried. The greatest difficulty at the time was about *kharaba* which afforded easy means of temptation to the lower subordinates. The Colonies Committee fully considered this point and they recommended that unlimited *kharaba* as a whole should be abolished. This recommendation of that Committee was accepted and we tried our best to see where crops had failed so that proper *kharaba* for such failure might be given.

Now as regards the expenditure my friend in the course of his debate said that one-third reduction of the staff would give us something like 19 lakhs. I have to-day tried to get information from the Canal Department as to the cost of the Patwaris, Zilladars and Deputy Collectors; and I am told that the number of Patwaris in the Canal Department is 2,394 including apprentices; that of Zilladars 244, *viz.*, 220 permanent and 24 probationers; and the number of Deputy Collectors is 33. The total cost of this establishment is:—

	Rs.
Patwaris	7,08,624
Zilladars	2,68,240
Deputy Collectors	1,51,020
Total ...	11,27,884

Now if we abolish all this staff, we get a saving of something like Rs. 11,27,884. I fail to understand how by the abolition of one-third of this staff my friend gets a figure of 19 lakhs. However much we may be in favour of retrenchment, however much we may be anxious to effect every possible economy, I cannot understand how the figure of 19 lakhs has been arrived at.

Now coming to the duties of the different Patwaris. I need not go into these details because now the resolution has been amended, and in its amended form, it is quite acceptable to Government. In fact as I have said we are going to try this experiment on a much larger scale than has been proposed by my friend Lala Atma Ram. The question of trying it on all canals will be considered later on. If the system is found to work successfully in one place, it will be extended to other canals so as to give the necessary retrenchment. I need not detain the Council any longer on this subject; and I hope that now that the resolution has been amended, it will be carried in its amended form.

Pir Akbar Ali [Ferozepore (Muhammadan) Rural] (Urdu): Sir, In my opinion not one *Rajbaha*, but a whole system of a canal should form the subject of experiment . . . . .

5 P.M.

Diwan Bahadur Raja Narendra Nath: I rise to a point of order, Sir. Can the honourable member speak after the official member has spoken?

Mr. Deputy President: Yes; he is in order. The Government member spoke for the first time on the resolution. He has not spoken as a final reply.

Pir Akbar Ali (continued in Urdu): Sir, This canal should be chosen with great care, so that the scheme be brought into operation with ease and complete success. It has been said by the Hon'ble Revenue Member that even

if the work of assessment be taken away from the Canal Department the net saving would be "lakhs," which the honourable the mover (Sayad Muhammad Husain) had estimated at nineteen lakhs.

Mr. Deputy President: The resolution as amended runs thus :—

"That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one *Raibahá*, of the amalgamation of the Canal and Revenue Patwari agencies, and Zilladars with Naib-Tahsildars, and Deputy Collectors with Tahsildars and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time; and place them all under the direct control of the Collectors."

The question is that this amended resolution be adopted.

The motion was carried.

Sayad Muhammad Husain: Have I not a chance to speak, Sir?

Mr. Deputy President: The honourable member had a chance but he did not avail himself of it.

Sayad Muhammad Husain: May I know at what stage, Sir?

Mr. Deputy President: Before I put the question to the House.

RESOLUTION REGARDING CONSTRUCTION OF TUBE WELLS IN *BARANI ILAQAS*.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, I beg to move—

"That this Council recommend to the Government (*a*) that tube wells be constructed in *barani ilaqas* and water rates levied there as in the case of Irrigated areas, and (*b*) that wherever the zamindars request to purchase these tube wells, they be sold to them at their actual cost and facilities be provided for the payment of the same."

Sir, it is not necessary to dilate upon the usefulness of constructing tube wells in *barani ilaqas* and allowing the zamindars to purchase them at cost price. Those who know the advantages accruing from irrigation will not oppose this resolution. Taking into consideration the vagaries of monsoon it is necessary that there should be such means as to cope with a drought or the excess of rainfall either. The tube wells will be of great help in both cases. In a meeting of this Council the Minister for Agriculture had quoted some figures dealing with the quality of wheat exported from this Province, and had remarked that the zamindars were a prosperous class. To refute this contention I have collected certain statistics. In the Tahsil of Gujrat, zamindars were in debt to the extent of Rs 70,91,525 This sum did not include debts which the zamindars owed to the banks or any other debts which had not been raised on the security of land. It only represented the burden of land. Including other Tahsils, the zamindars of the Gujrat District, according to official documents, owed as much as Rs. 1,49,84,319. Whatever they do realise by exporting wheat is spent on defraying the interest charges. Thus it is evident that these people are not really prosperous. It is our own fault that we zamindars do not bring our miseries to the notice of the authorities. Once I had a talk with the Hon'ble Minister of Agriculture about tube wells scheme and I was informed that the scheme involved an expenditure of several crores of rupees which owing to financial stringency Government were not prepared to undertake. But I submit, Sir, that the Government should not totally ignore the necessity of tube wells, but undertake to spend as much as they could afford to

[Khan Bahadur Chaudhri Fazl Ali]

do. (*At this time Mr. President resumed his seat.*) *Barani ilaqas*, in this way, are sure to produce so much wheat that the agitation against its export will stop of itself. Heretofore nothing has been done by the Government towards providing irrigation for the *barani ilaqas*. I trust the Hon'ble Minister for Agriculture would reconsider the problem and set apart annually a certain sum out of the Provincial Revenues for this purpose. With these remarks, Sir, I move my resolution.

Mr. President: The resolution before the Council is :—

> "That this Council recommends to the Government (*a*) that tube wells be constructed in *barani il qas* and water rates levied there as in the case of irrigated areas, and (*b*) that wherever the zamindars request to purchase these tube wells, they be sold to them at their actual cost and facilities be provided for the payment of the same."

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, I have great pleasure in supporting this resolution. I am quite one with the construction of tube wells but as to the levying of water rate, the resolution is somewhat ambiguous So far as I understand, it means that after making provision for the maintenance charges the rate wil be 6 per cent. on the capital amount spent. I have a relative in the United Provinces who is an expert in this matter and I have often inquired of him about the estimated cost of constructing a tube well. So far as this information can help me, a tube well can be sunk and worked satisfactorily if water is found at a depth of 15 to 40 feet. The initial cost of constructing a well which will irrigate nearly 300 acres may be estimated at Rs. 10,000. To this may be added the recurring expenditure of Rs. 4,000 or Rs. 5,000 annually to work it. The Government are charging a water rate of Rs. 5 on the average in the canal colonies and if the same rates were made applicable to lands irrigated by tube wells it will be difficult for the Government to sink such wells in suitable soil. Japan and Mexico are the places where tube wells are used on an extensive scale and with success. What is needed in the Punjab in this connection is courage and experimentation. The time is ripe now for making a beginning in this respect. My personal knowledge tells me that tube wells will prove profitable. During the course of *Chenab*, *Jhelum* and *Bari Doab* canals there are falls, which can be utilised for the purpose of generating electricity and working tube wells. There is room and plenty of it for the working of tube wells in *Ilaqa Hithar* in Lahore and in Amritsar and Jullundur where success will be certain as well as profitable. In the *barani ilaqas* of the Indus, known as *Thal*, tube wells will prove of immense service. There is an unlimited supply of water there under the surface which awaits utilisation. Sir, what is required is courage, enterprise and sympathy with the workers on the soil. Our country will remain grateful, for centuries to come, to those who irrigate our lands by canal construction. I submit, however, that supposing, which God forbid, the heads of canals were broken by earthquakes, etc., even such prosperous areas as those of Lyallpur and Sheikhupura, etc., will starve in less than two months. Tube wells will in such a case readily take the place of canals. Where there are no perennial canals, tube wells ought to be constructed. At the time of heavy rains and floods the soil beneath the surface receives deposit of water. This can be utilised and the way to do it is tube wells Government have not completely solved the problem of water by canals. Tube wells will make up the deficiency of canals to the great prosperity and agricultural advancement of our country.

Mian Beli Ram [Hoshiarpur (Non-Muhammadan), Rural] (Urdu): Sir, no one can possibly go against the resolution But, the question is that we have no funds for the purpose. Hence the discussion is unnecessary.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders—General] (Urdu): Sir, I have the fullest sympathy with the resolution. If my prayers could be of any avail, I am prepared to pray to God every day of my life for the success of tube wells even if these could be workable at the cost of canal irrigation and half as much again. But, tube wells are a very costly affair. Their success depends on the depth where water can be found. In Gujrat, for example, one could not say with certainty that even ordinary wells not to speak of tube wells could be sunk at a uniform cost. There were places where there was salt water. Even engineers cannot tell where good water is to be had. In their opinion it was necessary first to sink the tube well and then to work it for a time before forming an opinion as to their success or failure. Steam power is necessary for the working of the tube wells and the prices of coal fluctuate. Hence the fixing of a rate is impossible. The rate may come up to from Rs. 12 to Rs. 18 per *acre*. It is very difficult for the Government to bear this burden. However, different estimates for different places may be made. Government may, however, help people in the construction of these wells but only in individual cases. It is very difficult for Government to establish a system of such wells.

Rai Sahib Lala Ganga Ram [Ambala-*cum*-Simla (Non-Muhammadan), Rural] (Urdu): Sir, I come from a district where water is scarce and people generally depend upon rain. Perhaps the Hon'ble Mr. President and Mr. Abbot will fully appreciate how badly our people suffer whenever rain fails. If a remedy can be found for mitigating the trouble consequent on drought, of the zamindars of Ambala, it can be found only in tube wells. But then the question of financial stringency precludes us from applying that remedy. But as asked by the hon'ble mover of the resolution Government should do as much as their present resources would allow them. As for the question of water rate it can be settled in the case of every place according to its condition and circumstances. With these remarks I support the motion.

Chaudhri Ali Akbar [Kangra-*cum*-Gurdaspur (Muhammadan), Rural] (Urdu): Sir, I wonder why this resolution has met with so much opposition. The Honorable mover has nowhere, in his speech, said that tube wells be sunk in the Gujrat District. Zamindars of the Shakargarh Tahsil are ready to pay double the amount of water rate which is ordinarily paid in irrigated areas. Only they want water. There are no canals there. Tube wells are absolutely essential in those districts. The welfare of the whole Province should be sought. The Sutlej Project will eat up 22 lakhs but the districts I am talking about are dependent on God alone. If there is a drought, people leave their homes and go in search of labour to other districts. Irrigation or sinking of tube wells is a business proposition. The Government should take in hand both the easy and the hard propositions. Tube wells will prove beneficial to both the people and the Government from a business point of view.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur Rural], (Urdu): Sir, sinking of tube wells will prove harmful financially. Even by accepting the estimate of Mian Shah Nawaz that the initial expense on a tube well will be Rs. 10,000 and the annual charges Rs. 7,000 or say Rs. 5,000, the zamindars will have to be ready to pay about Rs. 32 per *acre*. This

[Chaudhari Kharak Singh]

calculation does not include any provision for deterioration of the plant. In Shakargarh the ordinary depth is 60 feet, and the tube well of the district court is 70 feet deep. Under these conditions the rate of Rs. 5 will bring about net deficit. This deficit in the last resort will have to be recovered from the people who will be benefiting by the tube wells as well as from others. It is understood that when the tube wells begin to draw up sand instead of water, the initial cost has to be spent again. I oppose the motion.

Mian Shah Nawaz: I still maintain that tube wells are sure to bring in profit. I have only said that initial cost will amount to Rs. 5,760.

Sayad Muhammad Hussain [Montgomery (Muhammadan), Rural]: Sir, I am sorry to state that the motive underlying the resolution of Chaudhri Fazl Ali has been misunderstood both by my friend, the Raja Sahib and Mr. Kharak Singh. What Mr. Fazl Ali means, and I think he is right in that, is that it is fair on the part of the Government to undertake the experiment and that it should not be left to the zamindar. I know it from my own experience that it costs about Rs 15,000 to sink a tube well. Is it possible for an ordinary zamindar to take the risk of initial expense of Rs. 15,000, a little more or less? Besides the present working expenses are prohibitive. Mr. Jacob told me that it was Rs. 25 per acre. But I may say that if this experiment of sinking tube wells proves successful it will revolutionise the whole irrigation system. Is it right that all the people who have got facilities for irrigation, who live near by rivers should benefit while those who are not so fortunately situated should remain poor for ever but be taxed? If the tube well experiment becomes successful we may evolve a system by which it will be worked on a much cheaper scale.

Again Mr. Fazl Ali does not want the experiment to be tried all over the province at once. It may be tried in some selected localities.

It is an established fact that unless we extend the system of wells or of other irrigation we cannot safeguard against famine. Raja Sahib was once a Deputy Commissioner of Gujrat, but he was not sympathetic with the zamindars (Laughter). I have seen the small boys in the district of Gujrat and also young men and women going to the hills to fetch Makki from there. In times of famine they had to go to the hills to fetch Makki and after spending it in two or three days they went up again. Had these things been revealed to our friend, Raja Sahib, he would have sympathised with them and he would have advocated the cause of the people by insisting on the sinking of tube wells. Now Government spends large sums on irrigation projects. Why should they not spend something on this experiment? It would be difficult for an ordinary zamindar to risk the expense and get the machinery, whereas it would be nothing if the Government spent a few thousands on the experiment. With these few words I heartily support the resolution of Chaudhri Fazl Ali.

The Council then adjourned till 2 P.M. on Tuesday, the 27th February 1923.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Tuesday, the 27th February 1923.

The Council met at the Council Chamber at two of the clock, Mr. President in the chair.

QUESTIONS AND ANSWERS.

DISTRIBUTION OF LAND IN THE LOWER BARI DOAB COLONY.

2147. Sayad Muhammad Hussain: With reference to the answer given to my question No. 1634* on the 3rd August 1922, will Government say whether it has by now received the final report of the completed allotments, and, if so, will they lay on the table a statement showing the total area allotted under—

(*i*) Tree planting.

(*ii*) Half resumable grants and how much of the aforesaid areas have been alloted—

(*a*) to jungalies,

(*b*) to agriculturists of other districts,

(*c*) to non-agriculturists ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*i*) Tree-planting—

The honourable member is referred to the reply given to his question No. 1634 on the 3rd August 1922.

(*ii*) Half resumable grants—

(*a*) 29,000 acres
(*b*) 51,000 acres
(*c*) *Nil.*

Total ... 80,000 acres.

COMPENSATION FOR LAND ACQUIRED FOR THE NEW SUTLEJ VALLEY CANAL.

2148. Sayad Muhammad Husain: (*a*) Is it a fact that practically all the land of village Sulemanke and two or three other villages in its vicinity has been acquired by the Government for the new Sutlej Valley Canal ?

(*b*) Is it also a fact that the proprietors of the above said village have refused to accept money compensation ?

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* Page 185, Vol. IV.

[Sayad Muhammad Husain.]

(*c*) If the answers to the above are in the affirmative, will the Government kindly state—

(*i*) what action it has taken to ameliorate their condition :

(*ii*) whether it will consider their claims in priority to all others when distributing the lands or give them land in exchange ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) A good deal of land has been acquired in the villages referred to for the Sutlej Valley Canal Project.

(*b*) Yes.

(*c*) (*i*) Government has offered land in exchange for the land acquired.

(*ii*) Government is prepared to give land in exchange at once as soon as the necessary arrangements can be made.

DISTRIBUTION OF LAND IN THE SUTLEJ VALLEY CANAL COLONY.

2149. Sayad Muhammad Husain : (*a*) Is it a fact that many villages in the districts of Shahpur and Gujrat situated on the banks of the River Chenab have lost much of their lands by diluvian ?

(*b*) If so, will the Government consider their claims when distributing land in the Sutlej Valley Canal Colony ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) Government is aware that villages on the banks of rivers in the plains both lose and gain land continually owing to river action.

(*b*) Owing to the alterations of loss and gain it is exceedingly difficult to make satisfactory compensatory allotments for diluvian, but such allotments have been given in the past and the desirability of giving them in the future will not be overlooked.

2150. Sayad Muhammad Husain : (*a*) Is it a fact that Sialkot is a district of petty owners whose holdings are exceedingly small ?

(*b*) If so, will the Government kindly make ample provision in the Sutlej Valley Canal Colony Scheme for the poor zamindars of Sialkot district ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (*a*) Yes.

(*b*) The zamindars of Sialkot have received liberal allotments of colony grants in the past and the special conditions of this and other similar districts will not be overlooked in future colony schemes.

2151. Sayad Muhammad Husain : (*a*) Is it a fact that villages Momdipur, Madina and Sh. Chogani in the tahsil of Gujrat have lost most of their land on account of diluvian, and most of their inhabitants are in a helpless condition ?

(*b*) If so, will the Government see its way to make a special provision for these villages in the Sutlej Valley Colony Scheme ?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia : (*a*) Government has no information on the subject.

(*b*) Government cannot bind itself at present to allot land on account of diluvian to specified villages, but, as stated in the answer to question No. 2149, the desirability of making such allotment will not be overlooked, and it is hoped that it will be found possible to afford relief in cases of real hardship.

WATER-SUPPLY, JULLUNDUR DISTRICT.

2152. Rai Sahib Misar Mela Ram : Is it a fact that supply of water in the drinking wells and irrigation wells of the Jullundur District is diminishing to a serious extent ?

(*b*) If the answer is in the affirmative, will the Government be pleased to adopt some remedial measures ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : It is regretted that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

RATE OF DEATH AND SICKNESS AMONG AKALI PRISONERS.

2153. Sardar Balwant Singh : Will the Government be pleased to state —

(*a*) the number of prisoners of each community confined in the following jails and the average death and sickness rate among the prisoners of each community separately :—

1. Jullundur.	4. Ambala.
2. Multan.	5. Attock For.
3. Montgomery.	6. Mianwali.

(*b*) the number of Sikh prisoners in the jails mentioned in (*a*) who were convicted in connection with Gurdwara cases and the rate of death and sickness amongst them in the months of October and November 1922 ;

(*c*) the reasons of higher rate of sickness, if any, among the prisoners convicted in connection with the Sikh Gurdwara cases than among the other prisoners in the above jails ?

The Honourable Sir John Maynard : It is regretted that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

2154. *Cancelled.*

CIRCULAR REGARDING AGE ENTRY IN SCHOOL REGISTER.

2155. Khan Bahadur Raja Muhammad Akbar Khan : Is it a fact that the Inspector of Schools of the Rawalpindi Division has issued a Circular No. 6152, dated 10th September 1920, to the effect that no alteration of the age entry in the school registers can be sanctioned ? If so, will Government consider the advisability of cancelling this circular ?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Yes. The circular is in accordance with the regulations, and there appears to be no justification for its cancellation. But the Punjab Education Code is under revision, and it is now intended to consider provision in the revised edition for the rectification of wrong entries of the date of birth in case of *bona fide* mistakes.

FEE CONCESSION TO ZAMINDAR PUPILS.

2156. Khan Bahadur Raja Muhammad Akbar Khan: Is it a fact—

(*a*) that the agriculturists of Rawalpindi Division have applied for the continuance of half rate fee concession to their sons in the Secondary Schools;

(*b*) that they had been enjoying this concession for several years;

(*c*) will Government be pleased to consider the advisability of continuing this concession?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) Yes.

(*b*) Yes.

(*c*) The continuance of the concession for another year with effect from October 1922 has already been sanctioned.

FEE CONCESSION TO SONS OF SOLDIERS.

2157. Khan Bahadur Raja Muhammad Akbar Khan: Is it a fact that concessions of fee or scholarship to the sons of soldiers could not be given in many cases as the sum allotted for the purpose was insufficient?

(*b*) If so, will Government kindly allot more funds to each district to let all the deserving people reap the benefit of it?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Government is not aware that the concessions granted to the children of Indian soldiers have ever been refused on the score of paucity of funds.

OBSERVANCE OF HOLIDAYS IN JAILS.

2158. Khan Bahadur Raja Muhammad Akbar Khan: Has the attention of Government been drawn to rule 201 of the Jail Manual? Will the Government be pleased to direct that festivals like *Id*, *Baisakhi*, etc., be observed as holidays in jail and the prisoners be exempted from labour on these days?

The Honourable Sir John Maynard: Government is aware of the provisions of rule 201 of the Jail Manual. Government is not prepared to increase the number of holidays to be observed in jails.

AVERAGE COST OF DIET OF PRISONERS.

2159. Mr. Moti Lal, Kaistha: Will the Government please state what is the average cost of the diet of a European prisoner in the Punjab and what was the average cost of the diet of a special class Indian prisoner before their ghee ration was reduced to 1 chhatak and what is the average cost now?

The Honourable Sir John Maynard :

	Rs.	A.	P.
The average daily cost of a European prisoner is ...	1	4	6
An Indian (special class)—			
With 2 chhataks of ghee	0	10	8
With 1 chhatak of ghee	0	8	8

DIETARY OF SPECIAL CLASS PRISONERS.

2160. **Mr. Moti Lal, Kaistha :** Is it a fact that the Government has discontinued a special diet scale for the special class prisoners ? If so, when were orders issued to this effect ?

The Honourable Sir John Maynard : It is not a fact that the special diet scale has been discontinued for those prisoners of the special class who were enjoying the concession prior to 11th November 1922. With effect from that date special prisoners with the exception of those referred to above have been given the diet prescribed for ordinary prisoners, but are allowed at their own expense additional food brought in from outside the jail subject to its approval by the Medical Officer.

SUPPLY OF NAPKINS, ETC., TO FEMALE PRISONERS.

2161. **Mr. Moti Lal, Kaistha :** (*a*) Is it a fact that the Jail Manual allows a certain number of towels and napkins to every European female prisoner while none are allowed to an Indian female prisoner ?

(*b*) Is it also a fact that the Jail Committee has recommended a certain number of towels being supplied to every female prisoner ?

(*c*) If so, has this recommendation been acted upon in this province ? If not, why not ?

The Honourable Sir John Maynard : (*a*) The Jail Manual, as amended in 1922, provides for towels or napkins for both European and Indian female prisoners, and it has always been the practice to provide Indian female prisoners with these articles.

(*b*) Yes.

(*c*) Yes.

SUPPLY OF LOIN CLOTH TO MALE PRISONERS.

2162. **Mr. Moti Lal, Kaistha :** Will the Government be pleased to state whether the Jail Committee has recommended the supply of separate *langota* (loin cloth) to each male prisoner ?

(*b*) If so, has this been done in the Punjab ?

(*c*) If the reply be in the affirmative, are there any jails in which it had not been done ? If the reply be in the negative, what is the reason for the same ?

The Honourable Sir John Maynard : (*a*) Yes.

(*b*) Yes.

(*c*) *Langotas* are supplied to male prisoners in all Punjab jails.

UNDER-TRIAL PRISONERS AND LABOUR.

2163. Mr. Moti Lal, Kaistha : Is it a fact that the under-trial prisoners have to do all kinds of labour in the Punjab jails ?

(*b*) If so, will the Government be pleased to order that the days of detention as under-trial prisoners be counted as part of the sentences ?

The Honourable Sir John Maynard : (*a*) No. The honourable member is referred to paragraphs 809 and 813 of the Punjab Jail Manual.

(*b*) Does not arise.

SUPPLY OF NEWSPAPERS TO SPECIAL CLASS PRISONERS.

2164. Mr. Moti Lal, Kaistha : Will Government be pleased to consider the advisability of allowing newspapers or monthly magazines to special class prisoners in the Punjab ?

The Honourable Sir John Maynard : The question has been recently considered by a conference of jail authorities from all provinces and a negative decision has been arrived at.

SUPPLY OF CONVEYANCE TO PRISONERS.

2165. Mr. Moti Lal, Kaistha : Is it a fact that under the Jail Manual a conveyance has to be provided for every European prisoner if the distance to be traversed is more than 5 miles, while in the case of Indians there is no such provision, and even the *highest class of Indians* are obliged to walk on foot for long distances ?

The Honourable Sir John Maynard : The reply to the first part of the question is in the affirmative. As to the second part the Medical Officer of a jail has discretion, and in practice Indian prisoners of superior social status are usually given a conveyance.

PATHAN CONVICT OFFICIALS AND POLITICAL PRISONERS.

2166. Mr. Moti Lal, Kaistha : (*a*) Is it a fact that illiterate Pathan convict officials were placed in authority over educated prisoners imprisoned for political offences ?

(*b*) Has not the practice of placing convicts in authority over other prisoners been condemned by the Jail Committee ?

The Honourable Sir John Maynard : (*a*) Prisoners promoted to convict official ranks are not necessarily of much education. They are required to be able to count. The promotion is by selection, and certain rules (paragraph 380 of the Jail Manual) have to be complied with. No distinction is made with regard to the classes of prisoners of whom any convict official may have charge.

(*b*) The honourable member is referred to paragraph 84 of the report.

TRANSFER OF PRISONERS IN THE DHARAMSALA SUB-JAIL TO OTHER JAILS.

2167. **Mr. Moti Lal, Kaistha:** Will Government be pleased to order that the prisoners in the Dharmsala Sub-jail should not be transferred to other jails till after the expiration of the periods of appeals of their sentences and the decision of their appeals?

The Honourable Sir John Maynard: Prisoners are kept for one month after conviction in the Dharmsala Jail. Within this time there is a reasonable chance of their appeals being decided. To detain them longer would cause overcrowding, and in the case of long-term men would be inadvisable on the grounds of safeguarding.

POLITICAL PRISONERS IN THE PUNJAB TREATED AS SPECIAL CLASS PRISONERS.

2168. **Mr. Moti Lal, Kaistha:** Will the Government please state what was the total number of political prisoners (other than Akalis) in the Punjab on the 15th of December 1922, and how many of them were treated as special class prisoners?

The Honourable Sir John Maynard: The number of prisoners (other than Akalis) convicted of offences of a political nature, who were confined in Punjab jails on the 15th December 1922, was 369. Of these 105 had been classified in the special class, but only 93 accepted the treatment prescribed for special class prisoners.

NUMBER OF AKALI SPECIAL CLASS PRISONERS.

2169. **Mr. Moti Lal, Kaistha:** Will the Government please give the total number of Akali prisoners, distinguishing those sentenced for offences committed at Guru-ka-Bagh from those punished otherwise, and also the number of special class prisoners among them?

The Honourable Sir John Maynard:—

The total number of Akali prisoners in jail on 1st January 1923 was	3,597
The total number of those sentenced for offences in connection with Guru-ka-Bagh was	3,148
Total number of Akalis otherwise punished	449
Total number of special class Akalis	53

Of the last named 25 have refused special treatment.

EXPENDITURE ON CREATION OF NEW POSTS IN THE FOREST DEPARTMENT.

2170. **Mr. Moti Lal, Kaistha:** Will the Government please state how many new posts have been created in the Forest Department within the last five years and what is the total additional expenditure incurred thereby?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The number of posts that have been created in the Forest Department within the last five years is:—

1 Chief Conservator.
2 Conservators. (1 in abeyance.)
24 Deputy and Assistant Conservators. (11 posts vacant).
23 Provincial Forest Officers. (3 posts vacant).
9 Forest Rangers. (22 posts vacant).
8 Deputy Rangers.
39 Foresters.
130 Forest Guards.
3 Office Superintendents. (1 post vacant.)
54 Clerks.
1 Daftri. (Comes under reduction.)
3 Jamadars.
33 Peons.
5 Special and Temporary appointments. (3 under reduction shortly.)

2. The total monthly cost at present incurred is Rs. 84,280 approximately.

APPOINTMENT OF CAPTAIN WILSON AS DIVISIONAL FOREST OFFICER.

2171. Mr. Moti Lal, Kaistha: Will the Government please state what are the qualifications of Captain Wilson who was last year appointed as Divisional Forest Officer, Kulu?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Captain Wilson has never held the post of Divisional Forest Officer, Kulu.

He has a long record of timber exploitation and saw-mill experience in Canada and of extraction work in the Argentine.

RATES OF DAK BUNGALOWS.

2172. Mr. Moti Lal, Kaistha: Will the Government please state what are the rates of rents charged in the Dak Bungalows of this province? Has there been any increase in these rates during the last 20 years? If not, will Government consider the advisability of increasing the rates in view of an increase of prices all around?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:—

(1) A copy of the existing rules* is laid on the table.

(2) There has been no increase in the rates during the last 20 years.

(3) The question of increasing the rates will be considered by Government.

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*Not printed.

COST OF PANDOH BRIDGE ON LARJI-MANDI ROAD.

2173. Mr. Moti Lal Kaistha: Will the Government please state how much money has been spent on Pandoh Bridge on Larji-Mandi Road? When is this bridge reported to be completed and thrown open for traffic?

The Honourable Lala Harkishan Lal: A sum of Rs. 2,75,000 approximately will be the cost of constructing the Pandoh Bridge on Larji-Mandi Road. The bridge will probably be completed in the cold weather of 1923-24, if the work progresses satisfactorily and no mishaps occur.

ROAD FROM BAJAURA TO MANALI.

2174. Mr. Moti Lal Kaistha: Will the Government be pleased to improve the road from Bajaura to Manali so as to be fit for wheel traffic.

The Honourable Lala Harkishan Lal: Improvements to the road from Bajaura to Sultanpur may possibly be put in hand next financial year to make it fit for wheeled traffic, but its further extension to Manali as a cart road is not at present contemplated.

2175. *Cancelled.*

PROGRAMME OF WORK OF THE COUNCIL FOR THE 28TH FEBRUARY 1923.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura non-Muhammadan]: Sir, I want to say a word and that is that the official programme has been served very late. It was given to us here yesterday when the Council proceedings commenced. We are entitled to two days' time to send in our amendments and we have not two days for that. The official business is of complicated nature and to prepare amendments we require time. There are so many grants and bills coming up. How can we send our amendments if we do not get two days' notice? I would therefore request you to either disregard the rule about two days' notice or else to postpone the official programme to a later date.

Khan Bahadur Sayad Mehdi Shah: Sir, I beg to second the motion.

The Honourable Sir John Maynard (Finance Member): Is the honourable member's complaint in connection with the supplementary grants?

Mr. Ganpat Rai: Not only in connection with the supplementary grants but with reference to Bills also.

The Honourable Sir John Maynard: I am not quite sure what to suggest in regard to the change of programme. It is desired by Government that the House should have full opportunity of considering the agenda and full opportunity of putting in amendments. I think that perhaps it would be best to meet this difficulty by saying that Government will lay aside the rule regarding the two days' notice for amendments.

Mr. Ganpat Rai: In the circumstances nothing can be done, but we should have been very much obliged if we had been given time. Fifteen days' notice is required for non-official business. Do not you think that it is unfair that the official business comes upon us by surprise? It is of a complicated

[Mr. Ganpat Rai.]

nature and we should be given sufficient time to think, otherwise we will go on opposing several things without understanding them and much time will be wasted. I appeal to you, Sir, that we should be fairly treated.

Mr. President: I am sure the House will recognise that the Finance Department has not intentionally sprung this upon the House. They have been endeavouring to get these estimates and demands out and I know that we have been pressing them too, but it was an unavoidable delay. The Standing Orders and Rules actually do not admit of my dispensing with the two days' notice, but in the circumstances I do not see anything else to be done but to set aside the Standing Orders for this occasion and allow notice to be as short as the Finance Department can possibly allow. (*Turning to the Finance Member*). I think it is only fair that they should have a little time to consider these supplementary grants. What is the shortest amount of notice that you can allow them?

The Honourable Sir John Maynard: If they send in their amendments tonight and we receive them to-morrow morning we will do our best.

Mr. Ganpat Rai: If this Council is adjourned to-day then only can we send in our amendments to-night. You cannot very well expect us to send them in after having been here up to six o'clock. Either we expect that some other day should be given or we shall bring our amendments orally.

The Honourable Sir John Maynard: It is possible that we might be able to discuss supplementary grants on the 28th. I think Mr. Ganpat Rai will follow the same rule which the much maligned bureaucracy is following in these days. The much maligned bureaucracy does not stop work at six o'clock. It has to work till late at night.

Mr. Ganpat Rai: The much maligned or not maligned bureaucracy is paid for doing the work. We are not (laughter).

The Honourable Sir John Maynard: They are paid to work up to 4 o'clock.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban]: Sir, with your permission I would say that it would be in the interest of Government if some more time is given us for the consideration of official business. The programme was served yesterday at 2 o'clock and we were here up to 6 o'clock. I think the Government will not grudge being somewhat liberal towards the non-official members. We cannot give blind vote and discuss things without understanding them. It is not only in the interests of both officials and non-officials but in the interests of the public that some more time be given, otherwise we are bound by your ruling.

The Honourable Sir John Maynard: Another suggestion has occurred to me, Sir, which would give the members sufficient time. After the presentation of the budget on the 1st of March, we should proceed with the supplementary demands. I think that would be quite sufficient.

Mr. Ganpat Rai (Rural): I may mention one fact at this stage, Sir. We are going to put in an application which has already been signed by some of the members and will be signed by others in the course of the day

that the balance of the day after the presentation of the budget on the 1st March may be allotted for non-official business.

Mr. President: It is a Government business day, and I see no objection to Government business being taken up on that day. You will have sufficient time.

Mr. Ganpat Rai: Then, Sir, I understand that only the supplementary demands will be taken up on the 1st March instead of to-morrow, and the legislative business will be taken up in the order in which it stands on the list of Government business at present.

Mr. President: If there is any reasonable cause for postponement of any legislative business, I will consider it at the time.

Mr. Ganpat Rai: That is to say we will be able to bring in our amendments without giving two days' notice.

Mr. President: I shall probably agree to this as regards legislative business.

RESOLUTION *RE* CONSTRUCTION OF TUBE WELLS IN *BARANI ILAQAS*.

Mr. President: The resolution before the Council is :—

"That this Council recommends to the Government—

(*a*) that tube wells be constructed in *barani ilaqas* and water-rates levied there as in the case of irrigated areas, and

(*b*) that wherever the zamindars request to purchase these tube wells, they be sold to them at their actual cost and facilities be provided for the payment of the same."

Lala Atma Ram [South-East Towns (Non Muhammadan), (Urban) (Urdu)]: Sir, I beg to move the following amendments :—

"(*i*) After the word 'constructed' the words 'as an experiment' be inserted.

(*ii*) Substitute the words 'some *barani ilaqa* forming a unit of area of not less than one Tahsil' for the words '*barani ilaqas*.'"

It seems to me that Chaudhri Fazl Ali's intention seems to be to recommend to the Government to construct tube wells in all the *barani ilaqas* by and by and according as funds can be easily spared. But the words of the motion do not clearly convey this meaning. We should pass the motion couched in such words as the Government could accept. My amendment does not recommend just one Tahsil, but at least one Tahsil. If the Government so pleases it may make the experiment in a larger area. I know there is a deficit of 123 lakhs, and hence the Government cannot afford to construct tube wells in the whole area at a time. Anyhow if Government are going to give effect to the resolution, famine-stricken areas should form the subject of this experiment. When the benefit of constructing tube wells is realised, more and more tube wells should be constructed. I hope my amendment will be accepted.

Mr. President: The resolution as originally proposed reads :—

"That this Council recommends to the Government—

(*a*) that tube wells be constructed in *barani ilaqas* and water-rates levied there as in the case of irrigated areas, and

(*b*) that wherever the zamindars request to purchase these tube wells, they be sold to them at their actual cost and facilities be provided for the payment of the same."

[Mr. President.]

To that an amendment has been moved, and if that is adopted, the resolution will run :—

"That this Council recommends to Government—

(a) that tube wells be constructed as an experiment in some *barani ilaqas* forming a unit of area of not less than one Tahsil and water-rates levied there as in the case of irrigated areas, and

(b) that wherever the zamindars request to purchase these tube wells, they be sold to them at their actual cost and facilities be provided for the payment of the same."

The question is that that amendment be made.

Sayad Muhammad Husain : [Montgomery (Muhammadan), (Rural)] : I think, Sir, that the first amendment is reasonable, and I hope my friend Chaudhri Fazl Ali will have no objection to accepting it. Of course the tube wells have not passed the experimental stage. We have yet to make an experiment ; and this is what he wants. He does not mean that all the *baran ilaqas* should be converted into land to be irrigated by tube wells all at once.

As regards the second part of the amendment, I cannot unfortunately agree on technical grounds. My friend Lala Atma Ram has said that we should not hold the experiment beyond one compact tahsil.

Mr. President : He did not say that. He distinctly said that the experiment should be tried in not less than one tahsil.

Sayad Muhammad Husain (continued) : Sir, I think that it can be construed, by holding the experiment in one tahsil, that the condition of the land there is not such that tube wells would be useful. It is no use trying the experiment in one particular tahsil. It should be tried in different districts, in different parts of the country in order to investigate and find out the subsoil water phenomena ; and then the Agricultural Department will be in a position to form some idea as to the success of tube wells in one particular area and failure in another. These are things for consideration. The best thing would be to perform the experiment in different districts, like Gujrat, Gurgaon, Rohtak, etc. Then we will be in a position to say that in certain tracts the experiment has been a success and in others a failure. The original resolution conveys more sense. It leaves in the hands of Government and the Agricultural Department the choice of the place. It does not specify that it should be carried on at a certain place. Of course, the *baran ilaqas* are all over the Punjab. It does not mean that it should be started everywhere. It will be for the Agricultural Department to choose the proper place where these tube wells should be constructed, and I think the Government Member will now throw some light on the matter.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan), Rural] (Urdu) : Sir, in moving this resolution I did not like to recommend to Government something which was either impracticable or heavily burdensome to the exchequer. My proposal did not call for a long speech. Hence I confined myself to making a short one. Before allowing the discussion to drift further I would like to request the Honourable Minister for Agriculture to enlighten this House on the subject. It would also help us if we are informed of the difficulties in the way or the benefits expected. I have no hesitation in accepting the first part of the amendment. As for the second part which,

aims at restricting the area of experimentation to one Tahsil, I would take exception on the score, that one tahsil is undoubtedly an insufficient area. The point at issue, Sir, is not whether a profitable experiment should decide whether or not to construct tube wells, but whether or not these would prove at all beneficial. Some *ilaqas* will certainly offer many difficulties. If such *ilaqas* are to be taken as the criterion, the whole proposal will be scrapped. Let us leave the whole matter to the Department of Agriculture, which should carefully decide as to which area to select. I do not ask the Government to begin to work over the whole of such *ilaqas*. My point is that those parts of these *ilaqas* should forthwith be brought under tube wells which are in a ruinous condition. We need not look for pecuniary profit. If one *ilaqa* yields a water-rate of say from Rs. 10 to Rs. 12 per *acre* and another only one rupee, let not this last alternative deter us from doing the work, the aim of which should be not pecuniary gain but the welfare of the people. For these reasons, Sir, I cannot accept the latter part of the amendment although I do accept the first part. I invite the Honourable Minister for Agriculture to enlighten us how far he is prepared to give effect to this resolution. I offer to leave my proposal to his judgment.

The Honourable Lala Harkishan Lal (Minister for Agriculture) (Urdu): Sir, Before I say anything about the tube wells, I would like to set forth certain figures pertinent to the matter in hand. According to the Land Revenue Administration Report for the year 1920-21, the amount of the cultivable area of land in the Punjab was 5 *crores* and 62 *lakhs* of *acres*. Of it 4 *crores* and 41 *lakhs* was under cultivation while the area which could not be cultivated was one *crore* and 32 *lakhs* of *acres*. There were 2 *lakh* and 54 thousand *pucca* wells and 29 thousand *kacha* wells. The land irrigated by wells including *sailaba* was 35 *lakh acres* and without *sailaba* 13 *lakh acres*. The total was 48 *lakhs* of acres. The land which was irrigated by canals and came under cultivation in the year under review was 78 *lakhs* of *acres* and *sailaba* 18 *lakhs* and *barani kasht* was one *crore* and 45 *lakhs* of acres and so on. Our experiment thus would cover one *crore* and 45 *lakhs* of *acres*. When the *Thal* and Sutlej projects came into operation this area will be decreased by say 20 or 25 *lakhs* of *acres*. Still the land to be brought under cultivation by means of tube wells will be about a *crore* and a quarter *acres*. If we consider the situation according to Mian Muhammad Shah Nawaz's estimates, that 260 *acres* require one tube well, then 56,000 such wells will have to be constructed for the irrigation of 145 *lakhs* of *acres* of *barani* land. Then if we construct one well weekly and four more in one year, it will take us one thousand years to complete our task. A sum of 75 *crores* of rupees will have to be spent and interest charges on this capital will be four and half *crores*. Income including water-rate and revenue might be nearly 12 *crores*. Expenses will be 28 *crores*. Net deficit will be 16 *crores* annually. The present revenue of the Province, after deduction provincial contribution to the Government of India, is 8 *crores*. Thus, if we double the land revenue to-day, all of it will be eaten up by the tube wells scheme. If the House, after I have quoted these figures, would still press for adopting this resolution my name and that of Chaudhri Fazl Ali's will ever be remembered by generations to come. But is the Government in a position to give effect to this scheme? I need not hesitate to reply in the negative in view of the present financial stringency. To think that we do not know much about tube wells is erroneous. The Government have made experiments in this direction and are still endeavouring to find some less expensive

[The Hon'ble Lala Harkishen Lal.]

and cheap solution of this problem. In Muzaffargarh, it some times so happens that water can be had at a depth of 10 feet and at others at a depth of 25 feet. There in the "*Khajuri Bagh*" Rs. 5 is spent per acre for each watering. If wheat requires watering thrice, the cost mounts up to Rs. 15 per acre for one season. Add to it watering for *Kharif* then Rs. 25 per acre per annum will be the expenditure involved The information supplied by Mian Muhammad Shah Nawaz is not far wrong. His estimate gives us a deficit of 16 crores, but the "*Khajuri Bagh*" experiment tends to bring it to 25 crores.

Mr. Miller Brownlie an expert in tube-well irrigation and whose services are now at the disposal of the Punjab Government as Agricultural Engineer, has written an important book on tube-wells.

It would certainly enlighten this House if I read a few lines from page 49 of this book. He says, "A plant is capable of irrigating seven acres per day of 16 hours to a depth of 3 inches. If waterings are given at intervals of 20 days during the hot weather or *Kharif* crop and at an interval of 30 days during the *Rabi* crop, then the area watered per annum is 350 acres at an initial cost of Rs. 7,200—*Kharif* crop costing Rs. 26 per acre and *Rabi* crop costing Rs. 17 per acre." Another difficulty is that if we begin to work the whole of the vast tract of *Barani Ilaqas* as a matter of policy then it requires money and time.

Our experiment in the Muzaffargarh garden as well as the opinion of Mr. Miller Brownlie, as is evident from the above passage, show that the scheme is too costly to be adopted. A similar idea occurred to Mr. Abbott who thought that it was possible to utilise tube-wells. Hence he consulted Mr. Miller Brownlie who sent a report on it.

With your permission, Sir, I will read out a few passages from this report :—

"*Chak Kuriana.* The unappropriated Government waste land in this area amounts to 11,634 acres, the average sub-soil water level appears to be 13 feet, and allowing for roads, villages, channels, etc., crops may be raised on 11,200 acres. To develop this area, thirty-two tubes are required, each having an average discharge of 1½ cusecs. Considering independent tubes in the first instance, the capital cost for the whole area amounts to Rs. 8,51,000, the annual recurring charges being Rs. 4,14,192, giving an irrigation rate of Rs. 37 per acre per crop. There would be very great difficulty of control in working this area by independent tubes and therefore an alternative is proposed.

"*Running all 32 tubes electrically from one cent. al generating station.*—This proposal will require a capital cost of Rs. 12,80,000, the annual recurring charges amounting to Rs. 4,11,580 representing an irrigation rate of Rs. 36-12-0 per acre per crop.

"*Chak Gumiana.*—In this area the unappropriated Government waste land amounts to 5,250 acres—deducting for roads, channels, villages 5,000 acres are assumed to be culturable. Considering independent tubes, the capital cost amounts to Rs. 4,10,000, the annual recurring charges being Rs. 1,98,725, representing a charge of Rs. 39-12-0 per acre per crop. The remarks regarding difficulty of control apply to independent tubes in this area as in Chak Kuriana.

"Electrically run tubes in this area, controlled from a central station, require a capital fund amounting to Rs. 6,60,000, the annual recurring charges being Rs. 2,15,540, representing an irrigation charge of Rs 43 per acre per crop.

"For purposes of comparison details have been worked out for a combined scheme embracing the areas in Kuriana and Gumiana chaks or a total of 14,881 acres of which 16,000 will be cultivated. The capital cost of this scheme amounts to Rs. 18,57,000, the annual recurring charges being Rs. 5,91,472, representing a rate of Rs. 33-9-0 per acre per crop.

"In all above projects, interest on capital has been taken at 8 per cent., depreciation at 7½ per cent. and repairs at 1½ per cent. For purposes of comparison a table is appended showing the main features of the projects. It has not been considered necessary to submit the numerous sheets of calculations relative to the respective merits of steam, oil, electricity, high *versus* low tension generators, etc.

"It is doubtful if the public will be prepared to take up irrigation on this land at a rate of Rs. 36 to Rs. 37 per acre per crop, but, by combining the Jhang area with a low lift area on canal land thus bringing the irrigation rate per acre for the combined area down to Rs. 18 to Rs. 20 per acre a company could immediately be floated to develop the total area of thirty to forty thousand acres."

These facts have been arrived at by a gentleman who should be considered an expert of very high attainments in this branch of knowledge, indeed, he has spent the best part of his life in research work regarding tube-wells.

As an Agricultural Engineer of the Punjab Government he is now making experiments to enhance the quantity of water in the ordinary wells by sinking only tubes which draw water fr m the sub-soil. And I can say that he has met with considerable success in this connection.

I cannot provide more information than what I have already given except that the tube-well proposals are fraught with difficulties and are bound to prove harmful. No good will result from such schemes. The estimate of expenses that has been brought forward moreover, relates to the locality of Jhang where water is found at a depth of 20 to 23 feet and if other parts of the Punjab are taken into consideration where the depth is greater still, the expenses will be correspondingly greater. The depth, for example, of 46 feet will involve more than double the expenses that the depth of 23 feet involve. In these circumstances, Sir, if the House still presses the matter further, the resolution will remain a mere scrap of paper.

Moreover, Sir, ...

Mr. President: The honourable member is really speaking to the main resolution, but I have allowed him to do so because the mover of the resolution particularly requested that the Minister for Agriculture should enlighten the House on the pros and cons of the question, and though it is irregular I think the House will wish me to allow the Minister to proceed.

(Cries of 'yes')

The Honourable Lala Harkishan Lal *(continued)*: Moreover, Sir, experiments are being carried on to find out how far tube-wells are likely to

[The Hon'ble Lala Harkishen Lal.]

succeed. The Government cannot for the present give effect to this resolution so long as our research and experiments do not disclose a useful result.

So much, Sir, for the Scheme itself. We have also to study whether the villages would be able to work a tube-well. Their experience of the indeginous method cannot have any bearing on it. So outsiders will have to be engaged and schools will have to be established to train men for the purpose. No statistics are there to tell us how long it will take. In the Punjab, at the present time the depth at which water can be found in different places is not known. A survey for this purpose will have to be undertaken. Sir, in the present circumstance all the honourable members will have to admit that a water rate of Rs. 36 or Rs. 37 per acre is exorbitant and the Zamindars will not pay. Thus the working of wells will be full of obstacles and as a matter of practical politics it would require a great deal of time and an immense amount of money.

It should not be construed from my statement that the Minister for Agriculture or the Government do not here sympathise with the Zamindar community. I need hardly say that the Government are never forgetful of the services that the Zamindars render to their country. For the amelioration of their condition, the Government have established Co-operative Credit Banks and an extensive system of canals and a Department of Agriculture. In the presence of such institutions it would not be proper to say that the Government did not care for the Zamindars. Similarly it would be a mistake to suppose that I as Minister for Agriculture am not sympathetic. During the term of my office I have seen many villages. Wherever I went among the Zamindars of the Punjab, they have asked for three things, *i.e.*, land, water and the payment by Government of the salary of the Sub-Inspector of the Co-operative Bank. It is possible to accede to the third request some day. As for their demand for water, the Government is helpless; since notwithstanding that nature has provided the Punjab with immense sources of water, yet the available water is not sufficient to meet the present demand. The Government, however, are doing their best in this behalf. Co-operative Banks have set on foot the consolidation of holdings in *Barani Ilaqas*. If the Council continued granting money for the purpose, the operation will greatly mitigate the troubles of the Zamindars in connection with the supply of water.

In this connection if we build another one hundred thousand ordinary wells over and above the 253,000 that we already have, it would be better. Zamindars should be helped in this way for they are fully experienced in the use of ordinary wells, and the Government do help the Zamindars in this connection by granting *taqavi*. Although a good deal of expenses will have to be incurred in this connection yet this measure is sure to produce water in plenty. At the same time we are contemplating means to put a stop to the waste of water which for a time remains standing on the surface of the land, then disappears either by evaporation or flowing into the sea.

Besides, if the Government had money, and the Council granted it, a survey of the Punjab can be made with regard to such water. Moreover, we have still to complete our canal programme and utilise the water available on the surface. After doing all this, the question regarding the present scheme

will assume a different complexion. I therefore recommend to Chaudhri Fazl Ali to withdraw his resolution. Operating the scheme in one Tahsil will be of no avail. However, if the discussion of the scheme was meant to elicit informtion, I have given whatever was in my possession.

Khan Bahadur Chaudhri Fazl Ali: I beg leave to withdraw my resolution, Sir.

Mr. President: I think if the honourable member has any intention of withdrawing his resolution, it will be proper that Lala Atma Ram should first ask the leave of the House to withdraw his amendment subject to the understanding that the resolution is withdrawn and then it will be in order for the mover to withdraw his resolution. At present the question before the House is whether the amendment should be made or not.

8 P. M.

Lala Atma Ram: I beg leave, Sir, to withdraw my amendment.

The amendment was by leave withdrawn.

Khan Bahadur Chaudhri Fazl Ali: I beg leave Sir, to withdraw my resolution.

The resolution was by leave withdrawn.

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*RESOLUTION *RE.* ANNUAL GRANT TO THE AITCHISON COLLEGE, LAHORE.

Mr. President: Malik Firoz Khan, I think you are not moving your resolution.

Malik Firoz Khan, Noon: [Shahpur West (Muhammadan) Rural]: I withdraw my resolution, Sir.

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†RESOLUTION *RE.* THE RELEASE OF SIKH PRISONERS.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders—General]: Before Sardar Randhir Singh moves his resolution, I would request him to postpone it for a few days if the Government have no objection, and if you, Sir, allow it. The resolution deals with a very important matter and we are not yet in a position to deal with it properly. Perhaps a few days' postponement may lead to smooth the difficulties underlying the recommendation embodied in the resolution. If the honourable member accepts my proposal and if Government have no objection, I move—

"That the moving of the resolution be postponed to a few days later."

Sardar Randhir Singh [Sialkot-cum-Gurdaspur (Sikh), Rural]: I have no objection to the suggestion made by Raja Narendra Nath, if Government has none.

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*That this Council recommends to the Local Government to recommend to the Government of India that the annual grant to the Aitchison College, Lahore, be increased to Rs. 80,000.

†That this Council recommends to the Government that all persons arrested in connection with Guru-ka-Bagh affair, the Kirpan cases and Gurdwara movement be immediately released.

Mr. President : It is a matter for the House to decide. The House is quite at liberty to accept the motion that the matter be postponed. Unless Government allows it to be moved on some official business day, it will have to be postponed to the next day allotted for the same class of business, *i.e.*, 23rd March.

The Honourable Sir John Maynard : (Finance Member) There is no objection on the Government side to allowing this resolution to be moved on the 8th of March. I understand that the Government business for that day is not very heavy.

Mr. President : The question is—

"That the resolution standing in the name of Sardar Randhir Singh be postponed until the 8th of March."

This motion was carried.

RESOLUTION RE SEPARATE ACCOMMODATION IN JAILS FOR POLITICAL PRISONERS.

Mian Beli Ram [Hoshiarpur—(Non-Muhammadan), (Rural)] : Sir, with your permission, I move the following resolution :—

"That this Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails and to appoint for each such jail a non-official committee to superintend."

I think this resolution is more for the benefit of the Government to remove misunderstandings that exist at present regarding the administration of jails. I belong to one of those unfortunate districts in which many people have been apprehended either in connection with the Akali movement or the Gurdwara movement as it is called or for other political offences. I know when they were removed far from their homes, where their relations could not easily reach them, all sorts of things were said. Sometimes it was complained in the press, and some times rumours were started from which very mischievous consequences might follow, if the rumours were allowed to spread. We have constantly to contradict those false rumours and to ascertain what the real position is. Sometimes it is said that people are removed and kept in a climate where they might die or where they might be tortured or treated in a bad manner. It was to remove that sort of misapprehension that it occurred to me that I should request Government that political prisoners should not be kept with ordinary prisoners, and for this reason also that political prisoners should not be mixed up with ordinary culprits because in their case the motives are very different from those of ordinary prisoners. They are not those low class people actuated with love of crime and inducement to demoralisation. They generally belong to that class which is known as the patriots, who may be misguided by excess of zeal, who may be induced for want of good advice to take extreme steps, whose methods may be objectionable but whose motives cannot be questioned. I am therefore against their being treated as ordinary culprits and their being kept with ordinary culprits. There is also a danger of these political prisoners taking the opportunity of infusing those dangerous ideas in ordinary culprits which may have very bad effects. That is another reason for avoiding their contact with ordinary culprits. I am sure Sir John will readily accept this principle that political prisoners should be kept separately from ordinary prisoners. I do not want to adduce any further reasons in support of it and to take time of the Council unnecessarily.

There is then another difficulty about healthy and temperate climate This I think I am required to explain. By healthy I mean to say that there should be no local disease, such as boils, etc., at that place. This is one object. The other is that political prisoners should not be kept in places which are very hot or which are very cold. They should not suffer on account of bad weather. They should be accorded more considerate treatment than ordinary prisoners. They being men of position actuated by good motives are entitled to better treatment. The last thing is that if they are kept as now,there would be all sorts of rumours getting afloat; all sorts of motives would be imputed to the officials. I know they are baseless. But we are bound to avoid all chances for such rumours. The only remedy that I have thought of is that instead of ordinary officials being in sole charge of such jails there should be non-officials to superintend, to see that the prisoners are properly treated, are properly fed and properly clad and that their grievances are fully listened to and redressed properly. I know that there are what are called jail visitors, but I dare say that that arrangement is not adequate and does not meet the requirements of the situation The jail visitors must be men of independence and position, men who would listen to both sides and who would also have sufficient courage and ability to represent to the Deputy Commissioner or any other authority, for the time being, of the jail and to see that the grievances are fully removed, and misunderstandings corrected. I therefore urge in this resolution that there should be some committee to superintend, not only to go and make remarks in the books that such and such a thing is bad, but to see that everything is properly done. In order that misunderstanding may be removed, in order to impress on the people that Government is doing all that is necessary for the comforts of the political prisoners, it is necessary that such an arrangement should be made. If people are allowed to believe that their relations and friends are being treated cruelly then it will create estrangement and alienate the Government and the consequences will be very undesirable. It is for these reasons that I move this very modest resolution and I trust the Government will accept it.

Mr. President: Has the honourable member sufficiently explained what he means by superintendence? Does he mean that the non-official committee should usurp all the functions of the ordinary superintendent of jails and be in executive charge of jails? When I admitted the resolution I tried to get some more clear definition from the honourable member as to what he meant, but I could not get it.

Mian Beli Ram: (continued) I have submitted what I meant. My idea is that mere visiting the jails and making remarks in the jail books is not sufficient. I want that the non-official committee should have power to press their views and carry out their recommendations. They should have real substantial powers in the superintendence of the jails along with the officials I never meant that the officials should be excluded from authority, but what I meant was that they should be supplemented by persons who may have legal and social position to enforce their views on the jail authorities and see that they are carried out.

Maulvi Muharram Ali, Chishti [Lahore City, (Muhammadan), (Urban)] (Urdu): Sir, there are two points in the resolution on which I do not agree. I admit that political prisoners ought to receive a better treatment than that accorded to ordinary prisoners. The Government too have accepted this principle, and have issued a circular to the magistrates dealing with such

[M. Muharram Ali Chishti.]

prisoners to decide also as to the class of treatment to be accorded to them in the jails. In this respect even the High Court has been vested with power to interfere with the decision of the lower courts. This means, therefore, Sir, that the question as to the classification of political prisoners no longer remains with the executive but is entirely at the disposal of the judiciary. If, therefore, there has been any negligence in this respect the fault lies with the judiciary and not Government.

I desire that the power to decide the question whether a political prisoner should be accorded special class treatment in jail or not should remain with the judiciary. The Government have already accepted this principle and my friend has not been able to make a good case against this established principle. The second point where I differ with the honourable mover is about separate jails. I differ from him here not on principle but on the question whether Government treasury can bear the expenses which this change would involve. I am perfectly one with the mover in demanding separate accommodation for political prisoners. There is a good deal of discontent expressed in the press and outside. But then the question is whether funds are available for this purpose. Keeping the political prisoners in the same jail with the ordinary offenders against law is objectionable also from another view point, since the former are likely to spread disaffection against Government among the latter too. And since the political prisoners do not take part in violence, the habitual offenders when politically disaffected would certainly indulge in violence I, therefore, support the provision of separate jails for political prisoners, provided funds are available. Other arguments advanced by the honourable mover do not appeal to me at all. As for false rumours, I dare say that they are spread for some ulterior aims. Hence, these would not be stopped even by the means advocated by the mover, since false rumours are given currency by those who are the determined enemies of Government. There is no remedy for that. Next even if it be admitted that separate jails are essential and that Government are ready to provide funds for the purpose, it has not been pointed out by the honourable mover which of the districts would afford temperate and healthy climate. Simla, I fear, has no accommodation for new jails. My friend Mian Beli Ram would have done better if he had explained where to build new jails. We are quite laymen in this connection. Hence, doctors alone could decide it. The present jails at Mianwali and Multan are not however unhealthy. (A voice, very hot place.) Sir, no district is immune from diseases. Had the mover named a district or districts, I would have been able to either support or oppose the suggestion. He could have told us about those districts in which jails were situated and which were particularly unhealthy. The second portion of the resolution, it seems to me, is the result of ignorance on the part of the mover. He has told us, Sir, that there should be such visitors as would take part in superintendence. I understand that the mover means that the proposed committee should work along with the jail authorities, and that its recommendations should be given effect to. That, I take, would mean dual management. The result of it would be

دو مدعی مرغی حرام Too many cooks spoil the broth.

Such a proceeding will institute rivalry. The two managements will clash, resulting in nobody's control. What would happen in this contingency? The answer is that in every case His Excellency the Governor

will have to be appealed to. As a matter of fact, however, there does exist a committee for every jail. The mover wants that there should be impartial and just people on the committee.

Members of this House or men elected by this House are there already on the committee. All of them can visit the jails in the Punjab, and report on the condition of prisoners. They are empowered to investigate. The committee proposed by the honourable mover is likely to hamper the functions of the jail authorities and I therefore oppose the proposal. Of course I do not object to the committee inspecting and advising, but I cannot countenance interference. If from among the non-official members of the House, some one could be made an honorary Inspector-General of Jails, then surely it will be a nice suggestion. But, some of us, who are professional people, *e.g.*, myself and the honourable mover Mian Beli Ram, are not in a position to accept the honour.

However, so long as there are paid men to do the work, let them not be interfered with, for the sake of upholding the prestige of management. Our part is to investigate the truth of a complaint and to expose irregularities and to press the Government to take proper action.

Mr. President: The honourable member said in the early part of his speech that he agreed with the first part of the resolution provided it was tempered by the fact that money was forthcoming and that he disagreed with the latter part of the resolution. Does he wish to move an amendment to the resolution? I shall have to ask whether any member objects because there is no notice of amendment.

Maulvi Muharram Ali, Chishti continued: Sir, I support the first part of the resolution provided there are funds available. Sir, I beg to move the following amendment—

"That after the word 'purpose' the words, 'provided sufficient funds are available' be added."

The condition of the provincial exchequer is only too evident. The tax-payer is already over-burdened with the cost of the Police. This will be an extra burden on the poor.

Mr. President: Does any member object to that amendment?

Mian Beli Ram: I object to it, Sir.

Mr. President: I uphold the objection.

Maulvi Muharram Ali, Chishti: The second part of my amendment which I move is—

"That the words 'and to appoint for each such jail a non-official committee to superintend' be omitted."

Mr. President: The original resolution is—

"That this Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails, and to appoint for each such jail a non-official committee to superintend."

To this an amendment has been moved—

"That the words 'and to appoint for each such jail a non-official committee to superintend' be omitted."

[Mr. President.]

The question is that that amendment be made.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders General] I wish to say a few words on the whole question, Sir.

Mr. President: I think in a case like this where it is merely the case of omitting a few words, you must confine yourself to the amendment.

Diwan Bahadur Raja Narendra Nath: I do not want to say anything. These words were unnecessary, and the mover of the resolution has no objection to accepting the amendment.

Mr. President: The question is—

"That the words 'and to appoint for each such jail a non-official committee to superintend' be omitted."

The amendment was carried.

Mr. President: The resolution as amended now runs as follows:—

"That this Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate, as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails."

The question is that resolution be adopted.

Mr. Ganpat Rai (Lahore and Ferozepore-*cum* Sheikhupura—(Non-Muhammadan), (Rural)] (Urdu: Sir, Nobody should feel reluctant to support the resolution as amended, nor should the Government hesitate to accept it, for the Government need have no objection to the jails being good with regard to climate. It has been said that the judiciary have the power to decide as to which class a prisoner should belong to. But in very rare cases the judiciary have adjudicated as to whether special class treatment be accorded or not to political prisoners. Again the execution of the order is left in the hands of the executive. The resolution does not raise 4 P.M. the question of classification of prisoners and the powers of judiciary. All that it aims at is that all political prisoners be accommodated in jails situated in healthy parts of the Province and exclusively separate from ordinary convicts. As for the expenses which the change would involve, the honourable member in charge need not feel perturbed, for in giving effect to this resolution the question of expenses does not necessarily arise. All that is needed is sympathetic consideration of the matter on the part of the honourable member in charge. Sir, what the resolution recommends is not based on any political reason. The change which this resolution demands is calculated to create a very good impression on the public and remove their general complaints against the Government. I keep a scrap book and collect cuttings from newspapers relating to the complaints arising out of the treatment of political prisoners, as I am also a member of the Jail Committee. However, lately, I became so much so pressed by them that I gave up recording these complaints in the book as there was no end to them, but the complaints are there as ever. If the resolution is adopted, I am sure the complaints will decrease though not wholly disappear. The complaints regarding Dera Ghazi Khan and other Jails are coming in. We are very much grieved when we read about these things in the papers. Every now and then, the Government issues *communiqués* refuting the allegations, but the truth is that the present system of investigation regarding these complaints is that those who have been alleged to have maltreated the prisoners are asked about the truth

of the matter. What these people say is put in Government *communiqués*. The investigation should be conducted in the manner that one or two independent men should be deputed to join the investigating officers.

Mr. President: The honourable member is going beyond the scope of the resolution.

Mr. Ganpat Rai (continued): Sir, this will be for the benefit of the Government as well, which will thus be saved from imputations which may be false. Keeping separate jails will entail some travelling expenses only. In any case, such a measure will benefit all, the Government, the people, the political prisoners but particularly the Government.

Dewan Bahadur Raja Narendra Nath [Punjab Landholders—General (Urdu)]: Sir, the matter before the House is an exceedingly simple one, and I do not think that it requires any elaborate speech in its support. The keeping of political prisoners with ordinary criminals in the same jails is undoubtedly undesirable. It reminds one of a story from Shekh Sadi (طوطی را با زاغ هم قفس کرد) which means that a parrot and a crow were caged together much to the discomfort of both. Such a company is unpleasant, to say the least of it, to both the parties. Their ways of living, habits, and requirements are quite different from each other. They come from different classes of society. This is a source of trouble to the Government as well. The Superintendent of Jail recognises the difference between them and wants to accord better treatment to the political prisoners. But he is at the same time responsible for the discipline in the jail, which is not very easy to enforce under such circumstances. The question of varying standards of discipline in the same jails for different class of prisoners is frought with difficulty. Such a classification for better treatment is resented by the ordinary culprits. It also engenders bitterness of feeling among the prisoners against the Jail authorities, and thus makes the work of maintaining the discipline in the jails more difficult. The resolution in question provides the best remedy for this trouble. I understand that my friend the honourable mover did not intend to restrict the term "Political Prisoners" to those prisoners only whom the magistrates select for special treatment in jails. But his resolution seems to aim at keeping all those prisoners, whether selected by the magistrates to receive special class treatment or not, in jails situate in healthy and temperate climate, separate from the ordinary offenders against law. Sir, I venture to think that the objections raised by my honourable friend Maulvi Muharram Ali, Chishti, do not apply. The mover of the resolution does not want the Government to build new jails for such prisoners. He only wants some jails situated in healthy and temperate climate to be set aside exclusively for the accommodation of such prisoners. If this part of the proposal is accepted, the last part providing for the appointment of a Non-official Committee to superintend such jails presents no difficulty. For we have already got a Committee of Jail Visitors on which are placed some of the most able non-official members of this Council. I do not think the committee asked for by the honourable mover will constitute a better representative body. The fears expressed in some quarters that the arrangement to accord preferential treatment will interfere with the control of the Superintendents is absolutely unfounded. The honourable mover of the resolution Sir, has made it abundantly clear that he does not want anything which will interfere with the administration of

[Diwan Bahadur Raja Narendra Nath.]

the Jails Department. I trust, after hearing this explanation, the honourable mover of the resolution will accept the resolution in the amended form, and I hope that the Government will also accept it.

Mian Muhammad Shah Nawaz [Lahore—(Muhammadan), (Rural)] (Urdu): Sir, I heartily support this resolution. Political prisoners deserve more considerate and better treatment than what is meted out to ordinary culprits. Such prisoners are characterised as first class misdemeanants in England.....

The Honourable Sir John Maynard: May I correct that statement of fact, Sir. That is not the case. It is not the case that they are classed as first class misdemeanants.

Mian Muhammad Shah Nawaz (continued): I am very sorry that I have not brought the book. Otherwise I would have proved my statement from Parnell's speech. However, I do not wish to contradict Sir John Maynard. Only the other day I read an article in the 'Servant of India' in which the question was discussed in detail and there they were called first class misdemeanants. They are provided with better dietary, better clothing and better accommodation than the ordinary prisoners. I think, Sir John Maynard shall have to admit that political prisoners in England receive better treatment than ordinary criminals. But here we see quite a different thing. The prisoners though they are classified as A or B are not treated well. It was last year in the month of *Ramzan* that the relatives of certain such prisoners came to me with a painful account of the grievances of their men in jail. The prisoners in question were political prisoners. But what was the treatment which the Jail authorities meted out to those unfortunate men? They were refused ice, milk and better food for their fasts. I interviewed the Honourable Member in charge of the Jail Department and brought all this to his notice. He heard my request and promised to help me in the matter. I did not wish to say anything here about the reply I received from the honourable member later on. I was informed that the Government could not accede to the request. I was grieved to see that such an inhuman and inconsiderate treatment is being meted out to those who were keeping fasts in accordance with the tenets of their religion. The political prisoners had offended against the State and not against their conscience. They have sacrificed a great deal for the cause of their religion and motherland, nobody can bear to see them treated with ordinary felons.

The Honourable Sir John Maynard: I rise to a point of order, Sir. The question under consideration is the separation of political prisoners from other prisoners in jails.

Mr. President: The same thing struck me also. I think the honourable member is out of order in referring to ice-water, etc.

Mian Muhammad Shah Nawaz (continued): Very well, Sir, I bow to your decision. The seasonal and climatic conditions were extremely severe and I wanted them to be removed to some better station, at least, if not to the hills.

Mr. President: The honourable mover has said that he does not insist on their being sent to the hills. He only meant places which are not particularly unhealthy or intemperate. The speaker is out of order in bringing in the question as to whether the prisoners should be sent to the hills or not.

Mian Muhammad Shah Nawaz (continued) : Sir, it is an open secret that political prisoners are generally detained in Dera Ghazi Khan, Attock and Mianwali Jails. I can confidently say that none of these places is temperate or healthy. Take the case of Dera Ghazi Khan. It is a notoriously unhealthy place. The mosquitoes there seriously endanger one's health. Mianwali is admittedly a hot station. Its climate is extremely severe in summer. Similar is the case with Attock. The political prisoners in these jails have to face the severities of the summer season to the great detriment of their health. In view of this, Sir, I would again like to submit that they may be removed to hills in summer.

Sir, there is another important point, which I would like to bring before the Council. These political prisoners have so far been kept with the ordinary prisoners, charged with offences involving moral turpitude. This is awful. The Government does not gain anything by it. So far as I understand, the real object of the Government is not to show vindictiveness or a desire for revenge towards such prisoners, but the primary object is to put a stop to their objectionable activities by removing them from their sphere of action. Therefore, Sir, I beg to submit that, in the interests of all concerned, it is rightly desirable that some such arrangements for the separate accommodation of political prisoners must be made. I remember that last year we required some military barracks to provide separate accommodation for political prisoners. If the Montgomery Jail does not suffice, new buildings can be acquired for this purpose. And, Sir, it will be all the more better, if one or two Jails could be located at some hill station in the Province.

Sayad Muhammad Husain : [Montgomery—(Muhammadan), (Rural)] : Sir, after hearing the philosophic desertation of my friend Raja Narendra Nath and the arguments of Mr. Shah Nawaz, I have come to the conclusion that the arguments of my friend Maulvi Muharram Ali Chishti do not hold good. I admit that Maulvi Muharram Ali Chishti has sufficient experience of jails as he has been a member of the Jails Committee, but I think great weight must be given to the expert opinion of one who has spent his life as Deputy Commissioner. He was right in saying that it is not proper, it is inadvisable from the Government point of view as well as the public point of view, that these political prisoners should be mixed up with the ordinary culprits who have a different morality. First of all there is the chance of the political prisoners getting those ideas imbued in them by coming in contact with the criminals...

Maulvi Muharram Ali Chishti : I supported all these views.

Sayad Muhammad Husain (continued) : I know and I am glad you did support them, but on the main point you differed. Then . . .

Mr. President : The honourable member should address the chair.

Sayad Muhammad Husain (continued) : I beg your pardon, Sir. Then, Sir, the other great danger which I foresee is this that the ordinary criminals will adopt political ideas from the political prisoners if they are put together in the same jail. The political prisoners do not care for the law and this will be a very great danger to the others.

The other thing which, with your permission, I wish to say is that most of these political prisoners belong to high society. Unfortunately they are in jail because of the particular views that they hold, otherwise some of them would be occupying seats that we are occupying in this hall. Most of them

[Sayad Muhammad Husain.]

are of a status not lower than that of Lala Harkishan Lal or Mian Fazl-i-Husain. Then, Sir, most of them are religious people, godly people. I tell you, Sir, from my personal experience that before the *Ramzan* season I gave a written application to His Excellency the Governor asking that all facilities should be afforded to these people for keeping their fasts. They all belong to a different category, to a different society, and it is very difficult for these people to keep fasts without having milk and other good food. I asked the Governor that. . . .

Mr. President: You should not refer to the Governor, as apart from this Government.

Sayad Muhammad Husain (continued): I addressed him as the head of the Government. I mean the Governor in Council. Unfortunately the reply I received was marked confidential and if the Honourable Finance Member has no objection I will quote from that reply. . . .

Mr. President: The honourable member seems to be discussing the matter of *Ramzan* fasts. The resolution recommends to Government to keep all political prisoners in separate jails. It says nothing at all as to how the prisoners are to be fed when they get into separate jails. Therefore he is out of order in discussing the matter. The resolution covers merely whether they should be kept in separate jails or not.

Sayad Muhammad Husain (continued): My argument was this, that by their remaining in the same jail and not being confined to a separate jail, the Government was in a difficulty in according them a differential treatment.

Mr. President: That is relevant.

Sayad Muhammad Husain (continued): I can say only this much that my application was not granted and Government was unable to give differential treatment to these people. If these people had been locked up in certain jails set apart for them, do you think the Government would not have given them facilities? Supposing any political prisoner wants to keep fast, supposing he has to undergo that ordeal without being given milk, do not you think that his health will deteriorate? For this reason it is advisable now and it will be advisable in the future that these political prisoners should be kept in separate jails.

The financial argument put forth by Maulvi Muharram Ali Chishti in the interest of the finances of the Province does not hold good. Mian Beli Ram does not ask in his resolution that new jails should be erected for this purpose. All he asks is that of the present jails certain jails should be earmarked for political prisoners, and that ordinary prisoners should not be admitted into these jails. This is a simple thing, and I think, the Government will take a far-sighted view. Feelings between Government and the public cannot remain estranged for long; Government is bound to come to a compromise with the people. Let it not be said that the Government did not treat its enemies properly. In these circumstances, I think in the interests of the Government and public alike that these political prisoners should be placed in separate jails set apart for such prisoners alone.

The Honourable Sir John Maynard (Finance Member): Sir, I recognise that with one single exception this debate has stood on a very high and responsible level. The one exception to which I allude is the statement

which was made by one honourable member that people are imprisoned for not giving up their religion. I am quite prepared to believe that my honourable friend who made that statement did not seriously mean to charge the Government with imprisoning these people because it wants them to give up their religion. But the matter is one which I must not pass by because the charge is an extremely grave one.

As regards the subject of the resolution which has now been modified by the omission of the last words, I may say that there is only one difficulty of principle. The rest are entirely difficulties of detail. The only difficulty of principle is this. When first I listened to the speeches of honourable members, I received the impression that they meant the resolution to be applicable to prisoners who were specially classified by the Courts. If that was meant, then there would be no difficulty of principle at all. There is no difficulty of principle at all, and Government quite accepts the principle that persons who are specially classified by the Courts shall receive special treatment and shall be placed in separate jails subject to the difficulties of detail to which I shall shortly allude. But if the meaning be that those who are not specially classified by the Courts shall be somehow picked out by some executive agency that they should receive special treatment, then I must say that there is a difficulty of principle and that I am unable to meet the wishes of the honourable mover.

In so far as the meaning is that those prisoners who are specially classified by the Courts as special class prisoners shall receive special treatment and shall be placed in separate jails there is no difficulty of principle at all and that principle is already accepted by Government. It is regarded not only quite proper but there are many reasons for which it is administratively extremely convenient to separate this class of prisoners in this manner. There are, however, certain difficulties of detail to which practical administrators must pay attention. The difficulties of detail, I think, would suggest themselves to almost anybody who considers how effect would actually be given to a resolution of this kind. The first difficulty is to find a healthy and temperate climate. Sir, I have spent 36 years in the Punjab and I do not know of any temperate climate in the Punjab. It may be perhaps Simla and one or two places in the hills where you have got no jail accommodation. We have a little accommodation in the hills but it is very small and it would not be possible to put all the prisoners in the hills. Moreover. . . .

Mr. President: The honourable mover has excluded the hills.

The Honourable Sir John Maynard (continued): Then there are cases in which the climate of the hills does not suit the health of some one. In such cases the temperate climate is not also a healthy one. As regards the question of a healthy climate, we have done our best to find the healthiest climate in which to place our political prisoners. Two particularly dry climates were deliberately selected for the political prisoners, one of them was Mianwali which is known as one of the healthiest places in the Punjab, and one Dera Ghazi Khan which has a particularly dry situation and is also extremely healthy. If I am aware of any more healthy jails than these, I shall be quite prepared to make the changes, but to the best of my belief these two places, though I would not go so far as to call them temperate, are undoubtedly healthy. That is one of the practical difficulties, that of a place which answers precisely to the description of this resolution.

[Hon'ble Sir John Maynard.]

Then another of the difficulties is this. It is not possible entirely to exclude prisoners of other classes from jails in which the political prisoners or special class prisoners are confined. I think I can give you a very convincing illustration of that fact. One grievance of the political prisoners has been this. They have said, you must not ask us to perform menial functions. That seems to be a very reasonable thing to say, but then who will discharge those menial functions. That is done by sending a certain number of prisoners of a different class to the jails in which special class prisoners are confined. There must be somebody who will cook, there must be somebody who will carry water, and there must be somebody who will grind grain and so forth. A certain number of persons there must be to do this sort of work. Again, at Mianwali there is a farm which requires labour. There must be a certain number of persons who are capable of working that farm. So it is not actually possible to separate entirely the ordinary class of prisoners from the prisoners of the special class. But as I have said, the principle is entirely accepted, and it has been carried out so completely that at the present moment there are only ten persons of the special class who are not in the two jails which have been particularly selected for that purpose; and in each one of these, to the best of my belief, the fact that the person has not been sent to one of these two jails is due to some special circumstance or a desire of his own. A prisoner might not in every case be pleased, if in consequence of this resolution, I should find myself compelled to send him somewhere else. Therefore the position is this that the Government, provided it is understood that this applies to prisoners so classified by the Courts, fully accepts this principle and is acting and will act upon it.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur—(Non-Muhammadan), (Rural)] (Urdu): Sir, I rise to support the resolution before the House. Such prisoners are, it is thought, put into jails with a view to put a stop to their propagating sinister doctrines. The real aim is their segregation from the public: we know that the Government does not want to be vindictive towards them. But, Sir, the treatment meted out to them at present is wrongly construed by some mischievous people to be so. The acceptance of the resolution will certainly dispel my doubts about the attitude of the Government in the matter. Sir John Maynard has rightly remarked that there are very few temperate places in the Punjab. The honourable mover of the resolution only wants the Government to select such jails for their detention which may not have very severe climatic conditions. Such places as Gurdaspur, Hoshiarpur and Jullundur will be quite suitable for the purpose we have in view. This will have the double advantage of helping both the parties. The political prisoners will be better treated and the ordinary culprits saved from the evil influences to which they may be exposed in the company of such prisoners. It will also strengthen the hands of the authorities to maintain strict discipline in the jails. Therefore, Sir, I most earnestly submit that, with a view to accord better treatment to the political prisoners, whose only fault is that they love their country too unwisely to be liked by the Government, the resolution under discussion may be accepted.

Mian Beli Ram [Hoshiarpur—Non-Muhammadan (Rural)] (Urdu): Sir I fear there has been some misunderstanding about a certain remark made by my honourable friend Mian Shah Nawaz. He, in fact, did not mean to

say that such prisoners were put in jails because they declined to give up their religion. All that he wanted to convey was that they could not leave the religious functions unobserved on account of such difficulties. I admit that the language was unfortunately defective and rather strong.

(At this stage Mr. President left the chair, which was occupied by the Deputy President.)

Sir, by temperate and healthy places, I do not mean hill stations. I only want some temperate places in the plains to be set aside for the detention of political prisoners. For those of us, Sir, who have the honour to belong to this province, ordinary places of not unhealthy climate are good enough for living. I do not mean to convey that Mianwali, Attock, and Dera Ghazi Khan are decidedly bad. All I want to say is that if better places be available, they should be utilised for the accommodation of such prisoners.

Such a step, Sir, will clearly demonstrate to the public that the Government has no vindictive attitude towards them. And that they only want to keep them away from the public. This will remove many a misunderstanding against the Government. It will be shown to the public that Government only thinks them mad, in the words of Sir John Maynard, and does not bear them any malice.

Then, Sir, I beg to say a word about the classification of such prisoners into classes A and B. This I want to be determined according to the offence for which one is convicted. Position in life, status and other things should not be allowed to interfere with such classification. The nature of the offence should be the only determining factor. With these brief remarks, Sir, I press my resolution and hope that the Government will very kindly accept it and try to give effect to it as far as practicable.

The Honourable Sir John Maynard [Finance Member]: Sir, I am sorry to find that a real difference of principle does disclose itself between the honourable mover and me on this subject. There are certain difficulties which he has not considered in the treatment of what he terms 'political prisoners.' There is one difficulty which, I think, would probably appeal very definitely to the members of this House, if they thoroughly construe what the proposition is. It was on several occasions represented by persons who had got into trouble by reason of action taken by them in pursuance of certain political ideas, that they found themselves in prison side by side with others of a very low order, that is, men with whom they would not associate. In other words, political prisoners who were genuinely of a better status found themselves side by side with prisoners of the class who, I believe, are generally known as *Gundas*. Those persons strongly objected to being associated with the latter class of prisoners. At present there is a real differentiation of class, not in accordance with the sections under which particular people happen to be convicted, but in accordance with their real position in society and their habits and status. That is one reason against treating alike everybody who happens to be convicted under the same section of the Penal Code. You may get one man who has done a particular action for which he has been convicted and for whom it is possible to have tolerance if not respect and side by side with him another convicted of the same offence with whom some persons would very much object to be called upon to associate. I will not at this stage go further into the practical difficulties of classifying prisoners otherwise than in accordance with the

[Hon'ble Sir John Maynard.]

orders of Courts. I am sorry to say that I am obliged to oppose the resolution as the honourable member presses his point of classifying prisoners by some executive agency in a manner different from that now provided for classification by the courts.

The Deputy President: The question now is—

"That this Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails."

The resolution was carried.

RESOLUTION *RE* GRANT OF LAND TO *JUNGLIS* OF THE COLONIZED *BAR* IN THE MONTGOMERY AND MULTAN DISTRICTS.

Mian Ahmad Yar Khan, Daultana: [Multan East—(Muhammadan), (Rural) (Urdu)]: Sir, I beg leave to move the resolution standing in my name: That—

"this Council recommends to the Government to appoint a committee consisting of the Deputy Commissioner of Montgomery, the Colonization Officer, Montgomery, the Rural Muhammadan Member of Montgomery and the mover to ascertain what land in the colony is still available and can be given, if so ordered by the Government, to the Junglis of the colonized *bar* in the Montgomery and Multan Districts and to advise as to the manner in which this area can best be distributed among these *Junglis*"

Sir, the districts of Montgomery and Multan were populated by the *Junglis* before the Lower Bari Doab Canal was constructed. They used to graze cattle and live upon them as far as possible. They never dreamt that these areas will ever be brought under cultivation and that they would be deprived of their pasture lands. But now the colonization of these areas have left them homeless and the gain of others has proved to be their loss; so much so that they have been rendered quite destitute of the means of living. At the time of the grants of land, they were absolutely ignored. The people of other districts got what they (the *Junglis*) had the first and foremost right to get. Their condition now, Sir, is miserable and it loudly calls for some special act of favour. I have the honour to represent here in the Council the rural constituency of the Multan District, which has a considerable number of *Junglis* in it, and I have been compelled by the persistent requests of the affected community to move the Government to grant them some lands which may enable them to earn their living. It is with this end in view that I have asked for a committee consisting of the honourable members, who know about the conditions of these unfortunate men and who I think to be best fitted by their knowledge to deal with the matter and to report upon it for the consideration of the Council.

5 P. M.

Sir, I have very briefly laid the resolution before the House and I do not want to waste the time of the Council by going into the details of the question at the present stage. And I may add before I sit down that with a view to save time I would not mind withdrawing the resolution if some assurance were given that the Government will very kindly go into the matter and see if something can possibly be done to alleviate the misery and hardship of these unfortunat epeople.

The Deputy President: The question is—

"That this Council recommends to the Local Government to appoint a committee consisting of the Deputy Commissioner of Montgomery, the Colonization Officer, Montgomery, the Rural Muhammadan Member of Montgomery and the mover to ascertain what land in the colony is still available and can be given, if so ordered by the Government, to the *janglis* of the colonized *bar* in the Montgomery and Multan Districts, and to advise as to the manner in which this can best be distributed among these *janglis*.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, the idea underlying the resolution of my friend Mian Ahmad Yar Khan, Daulatana, is a sublime one. He means to help those wretched people, those unfortunate people who have been rendered homeless with the construction of the canal. They being the sons of the soil had the prior right to the land as compared with other people of the Province who got the land. The same procedure was followed in Lyallpur. Lyallpur contains many *janglis*. These people were born and bred there, they have been grazing their cattle, and that has been the chief source of their living. Government gave them ample land in Lyallpur and thus reclaimed them. A less liberal process was followed in Sargodha and the *janglis* there too have been reclaimed. The case of Montgomery is different. There are present in this Council men who are fully acquainted with the district. Unfortunately one of them is not here at this moment. Had Mr. Miles Irving who has been the most popular Deputy Commissioner in the district and whose name is still a household word among the *janglis* been here, he would have borne me out what sort of *janglis* they are and how badly they require land. Then there is Mr. Abbott, who has been the Commissioner of the Multan Division. He knows full well the condition of the *janglis*. I would not be wrong in calling him a *jangli* himself because he is in full sympathy with them. Then I would like to mention the name of Raja Narendra Nath. I was quite a boy when he was there. He knows the real condition of the district of Montgomery. He must have got some idea of those people, and I think he still possesses those ideas. Then there is an ex-Colonization Officer of the same *bar* in the person of Mr. Beazley. Whatever I say is not a new thing. It is a thing fully known to him. All these officers know that these *janglis* are not being properly treated. I have come to know from Mr. Puckle, the Colonization Officer, that there is a certain amount of land in the *bar* which is available. I do not remember the exact area of the land set apart in the original colonisation scheme for these *janglis*. Then unfortunately the War broke out and the Government was obliged to earmark a vast area of the land for military grantees. It was the first duty of Government to give them land, but thereby the *janglis* suffered. I am told that when Mr. Abbott made his proposals he allotted 35,000 acres of land to be given to the *janglis*, but even these 35,000 acres will be insufficient. The condition of the district of Montgomery is unlike that of other *bars*. Here the population of the *janglis* is very great. People have been living on the banks of the Ravi from time immemorial in great numbers. When dams were not built there used to be many floods and there was plenty of land which these *janglis* had, but since the Ravi has been protected by weirs all the water is required for irrigation with the result that these people do not get sufficient flood and their lands remain uncultivated. For the last 12 years I have not seen any flood.

Then, Sir, I want to allude to another class of people, *i.e.*, the martial race inhabiting in the vicinity of Kamalia. When land came to be distributed in

[Sayad Muhammad Husain.]

the Lyallpur District they were refused land on the plea that they belonged to the district of Montgomery, and that they would be given land in their own district. When the time came for distribution there was very little land left for them. These are the people who live on the other side of the Ravi. It is fair that people who have been in the district from times immemorial shoud be given land to live on. They were neither given land in Lyallpur nor they were given land in Montgomery. It is really very hard for them. I as a representative of these unfortunate people plead before you. Because of the miserable lives that these people are leading my own life has become miserable. It is a fact that I am hunted down from district to district by these people. It is a fact that many of these people have followed me to Lahore. If you come to my house, you will see how many men, women and children come there to ask me to do something for them. Each family has been given 6 acres of land. Do you think it is possible for a family to live on that? Mr. Beazley will bear me out in what I have said in depicting the condition of these *junglis*. I am a sentimental man. I cannot bear to see them in misery. There are certain people who are so hardened that other people's suffering has no effect on them, but their misery has touched me so much that I have myself become miserable. I am not equal to the task of representing their case properly, but I leave it to the officials that they should go into their case properly, and I am sure they will come to the conclusion that their condition is not a good one. When Mr. Casson, the Financial Commissioner, came and inquired into the condition of those people he was moved as well. He gave to over 200 families land on which to make their living and their sons and grandsons will cherish his memory as long as they live. He has not only done service to those *junglis*, but he has maintained the best species of cows of that country. I am proud to feel that we possess the best breed of cow. He has preserved them by giving a livelihood to 200 families. He has done more than many *gaushalas* have done .....

The Deputy President: The honourable member has two minutes in which to finish his speech.

Sayad Muhammad Husain (continued): Sir, I am speaking on behalf of poor people. I beg you to allow me a little more time.

Deputy President: Very well.

Sayad Muhammad Husain (continued): Sir, in the circumstances I ask through you the Government that they should try to help these people. Government is morally bound, economically bound, politically bound and if it refuses to help them, then the result will be that they will be lost altogether. The only land that is left is of inferior quality, but they will be willing to accept even that land.....

(*At this stage Mr. President resumed his seat.*)

You have got thousands of homeless families going about here and there and it is not a small matter.

Mr. President: I am afraid your time is nearly up.

Sayad Muhammad Husain (continued): Sir, I would request you to allow me five minutes more. I am pleading the cause of the poor.

Mr. President: Very well.

Sayad Muhammad Husain (continued) : One or two things more Unfortunately the gist of Mian Daulatana's resolution has been misunderstood. Some of the members have put in amendments. These unfortunate people, who are the sons of the soil, who are born and bred there, should be given land. The whole Province has got land, Hindus, Muhammadans, Sikhs, but not these poor people.

(A voice, not Hindus.) In these circumstances I would ask your help in support of the resolution, and I ask the Government that they should grant land. Mr. Abbott will bear me out that when a deputation of *junglis* came and waited upon him how he was impressed, and they were the true representatives of the *junglis*. One thing more. I understand that there is some *sukrawa* land available. If Mr. Abbott will be kind enough to grant that land to these people, they will readily accept it, because it is in close proximity to their homes. There are 400 squares of *sukrawa* land and they are included in the irrigation scheme. I assure you, Sir, that if this land is given, these people will make their own arraugements for water, they will make their own watercourses. Government will not be put to any inconvenience. This is sacred to them. These are the places where their fathers and forefathers have been buried ; and everybody wishes that the land where the bones of their ancestors are buried should remain with them. It is said that as soon as the proprietary rights are given to them, the result will be that they will sell their lands. No one gives them land even for tilling. Very little has been given to them out of the conditional grants that have been made Much has gone to non-agriculturists With due deference, Sir, to what has been stated by Government, from my personal experience, I can say that it is not altogether right. I can tell you, Sir, from personal experience that most non-agriculturists have been put in there. I came to know some time back that men like *Kanjars* and *Mirasis* had been given land in the garb of agriculturists. t some places, these lands were distributed to non-agriculturists by declaring them bad lands. Thirty-five thousand acres of land is quite insufficient for the *junglis*. Just imagine the thousands and thousands of people wandering homeless. With these words, Sir, I support the resolution, though I can hardly be said to have discharged my duty. If in the course of my speech anything may have fallen from lips which has not been liked by Government, I trust the Government will not use it against the *junglis* in deciding their case.

Mr. E. R. Abbott (Financial Commissioner) : Sir, this resolution is to appoint a committee to ascertain what land is still available and can be given to *junglis* ; and to advise how best it can be distributed to *junglis*. It, therefore, becomes desirable to have an idea of what a *jungli* is. The honourable mover and the honourable member who just spoke have not made an attempt to explain to this House what a *jungli* is. The Sayed Sahib has done me the honour of calling me a *jungli*. As a matter of fact he is himself a super-*jungli* ; a colossal *jungli*. I must confess myself that I am not technically and actually a *jungli* ; but I admit that the Sayed Sahib is technically and actually a *jungli* (*laughter*).

Sayed Muhammad Husain : I have the honour to be, Sir.

Mr. E. R. Abbott (*continued*) : I must explain that the *jungli* is a technical colony term. When the Lower Chenab Colony, the present Lyallpur colony, was started, it became necessary as far as possible to prevent

[Mr. E. R. Abbott.]

cultivators of riverian lands from deserting their lands altogether and going into the *bar* to cultivate the richer and better *bar* irrigated lands. Steps were taken to prevent them from doing so. There was another class of people, many of these related to these Hitharis who never cultivated land and never were cultivators but who had very considerable claims on the compassion of Government in that for generations they and their forefathers had grazed their cattle through the jungles which the Government was now bringing under the plough. It was very desirable not to exclude them from the benefits of the canal scheme. But as a matter of fact they had never been cultivators and had in fact very rudimentary ideas of what cultivation meant. It was exceedingly difficult to exclude them; but it was known that cultivation by them would not be to the best interests of the community as a whole. As a matter of fact as time went on, we discovered that the *jungli* of the Lyallpur district is able to learn and many *junglis* have become as good cultivators as anyone else in the colony. (Hear, hear.) When the Lower Bari Doab Colony was started, a similar sort of problem arose and lists were made out of people whose hereditary occupation had been the grazing of their cattle in the *bar*. These people were enlisted by Mr. Joseph in, I understand, three categories, first class *junglis*, second and third class *junglis*. It is to be admitted that at the original distribution of land in that *bar*, the technical *junglis* enlisted by Mr. Joseph in these categories were not very liberally treated. Many of the people who were in these lists refused to accept land, where it was convenient for the Colonization Officer to grant it, and for that reason alone and for no other have as yet not been given permanent grants of land on that canal. The scheme of colonization allotted certain areas to be given to certain classes of people, for instance, to men who were prepared to breed cattle, to Central Punjabis, etc., etc., and in this scheme the original *jungli* allotment was, I think, admittedly insufficient. Some years ago, about two years ago, the Colonization Officer sent up proposals under which more land should be given out of the kind that people were at that time unwilling to take up on the ground of its inferiority and this land was by Government sanction given out on "*bara sharait*". This is really a misnomer because the real terms are the "half resumable" terms. A grant of one square is made and at the end of five years the tenant has to give up half, the idea being that a man gets temporarily double the grant which he would have got in order to induce him to bring inferior land under cultivation. In connection with the scheme, the Colonization Officer was told that he might allot an area of ten thousand acres of land to the *junglis*. As a matter of fact, he actually allotted 29 thousand acres, and it cannot be said that the *junglis* were particularly illiberally treated by the Colonization Officer in this respect. Except for certain new areas of old forest reserves coming under irrigation, the great bulk of the Lower Bari Doab Colony which has not been allotted is known to be inferior land, and there is a fairly large area of this class of land still available for allotment. In order to bring this land under the plough, some six months ago inquiries were made from the Colonization Officer as to the actual extent of this land, which might still be allotted to *junglis*. It is a maxim of colonization which has always been observed that Central Punjabis are not settled in the same village as these people we call Hitharis and *junglis*. It is impossible for a *jungli* to settle in a village colonised mainly by Central Punjabis; and on the other hand it is quite impossible to put up Central Punjabis into villages occupied mainly by *junglis*.

Mr. Ganpat Rai: Why?

Mr. E. R. Abbott (continued): Well, because of their hereditary occupations. (Laughter.) At any rate we have ascertained that in villages, wholly or partially occupied by *junglis*, there are at present some 36 thousand acres of *bara* land available for allotment. At Montgomery last August, I met a deputation of these *junglis*; and as regards the distribution of any available land, they themselves laid down certain principles upon which any distribution should take place. I think it is unnecessary for me to describe the principles to you. Two of them were that men who have done temporary cultivation for many years on the canal should be held entitled to grants and where "half resumable" land have been given not exceeding one square, that, as a matter of fact, at the end of five years, no portion of the grant should be resumed. These two principles apply to non-*junglis*. It is to be understood that in addition to this 36 thousand acres in *jungli* villages, there is a large amount of similar land in villages into which it is impossible, according to the ordinary canons of colonization, to introduce *junglis*. The land we hope eventually will be given to people other than technical *junglis*. At the present moment it is not intended to distribute that land because the land is bad. The reason for distributing such land to *junglis* and not to Central Punjabis is that the *junglis* are there whereas the latter have to be imported. It is very much easier for a man who has lived on the spot to cultivate bad land and supplement the profits of previous occupation than it is for an outsider to settle in a bad village and cultivate bad land. It is also practically impossible to transfer the *junglis* of the *bar* to any other area which comes under colonisation, whereas the Central Punjabis can adjust themselves anywhere. There is no immediate necessity therefore to allot the land in villages other than *jungli* villages.

Government have committed itself not to undertake any further allotments until what are known as the "fauji" grants have been finally disposed of. It is hoped that this will shortly be the case and then further distribution of *Bara* lands will be taken up. The first case to be taken up, therefore, is the distribution of the 36,000 acres in *jungli* villages to the *junglis* in accordance with the principles which the *junglis* themselves have propounded. The honourable member's motion is that a committee should be employed to find out what area is still available and can be given to *junglis*. I consider, and I believe you will agree with me, that a committee, however capable, cannot ascertain this with greater accuracy than has been reported by the Colonization Officer, that 36,000 acres are available in villages wholly or partially allotted to *junglis*.

The second part of the motion is that this committee should advise how best this land can be distributed. Is it possible for that committee to advise Government more beneficially how this land can be divided than the *jungli* leaders themselves have advised us in the deputation which met me at Montgomery about six months ago? It therefore seems to me unnecessary to employ a committee to report to Government the existence of land, the knowledge of which is already in the possession of Government, and to advise Government how to distribute land to people who have already themselves explained the principles on which it should be distributed. I am not therefore prepared to accept such a committee. In any case a committee of this description is a committee entering into the details of administration. This honourable Council should decide only questions of principle and it employs

[Mr. E. R. Abbott.]

its servants to carry out its policy in matters of detail. It seems to be wrong for this Council to attempt to enter into the realm of detail and I think it should confine itself to questions of principle only.

Mian Ahmad Yar Khan, Daultana: Sir, I am satisfied with Mr. Abbott's remarks. I only wish to request him to take up this matter as soon as possible. I do not wish this matter further to be discussed and I accordingly beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

RESOLUTION *RE* INCREASING THE REPRESENTATION OF KANGRA NON-MUHAMMADAN RURAL CONSTITUENCY IN THE PUNJAB LEGISLATIVE COUNCIL.

Mr. Moti Lal, Kaistha [Kangra (Non-Muhammadan), (Rural)]: Sir, I beg to move the following resolution :—

"That this Council recommends to the Government to recommend that the Punjab Legislative Council Electoral Rules be so amended as to enable the Kangra Non-Muhammadan (Rural) Constituency to elect two members for the Punjab Legislative Council."

Sir, this is a most important point. First of all I shall take the question whether this Council is properly represented or not. For this we have to see the size of the area represented. The area of the Kangra District is 9,975 square miles, the area of that part of the province which is meagrely represented in this Council. (Cries of 'No'.) I shall first compare the area of this district with that of other districts—

Hissar	5,213	square miles.
Rohtak	1,797	ditto.
Gurgaon	1,984	ditto.
Karnal	3,153	ditto.
Ambala	1,851	ditto.
Simla	101	ditto.
Kangra	9,975	ditto.
Hoshiarpur	2,247	ditto.
Jullundur	1,431	ditto.
Ludhiana	1,452	ditto.
Ferozepore	4,286	ditto.
Lahore	2,824	ditto.
Amritsar	1,601	ditto.
Gurdaspur...	1,889	ditto.
Sialkot	1,901	ditto.
Gujranwala	4,082	ditto.
Gujrat	2,051	ditto.
Shahpur	5,097	ditto.
Jhelum	2,813	ditto.
Rawalpindi	2,010	ditto.
Attock	4,025	ditto.
Mianwali	5,895	ditto.
Montgomery	4,652	ditto.
Lyallpur	3,153	ditto.
Multan	6,107	ditto.
Muzaffargarh	6,052	ditto.
Dera Ghazi Khan	5,325	ditto.
Jhang	3,863	ditto.

As for Sheikhupura, it is a new district and I have got no figures. I shall give its figures later on. As far as this point is concerned I have thus shown that the biggest area of all the districts is that of Kangra (hear, hear), 9,978 square miles. Then coming to the question of population, the population of the Kangra district is 764,000. Unfortunately this is the figure of 1911. During the past decade the population has decreased and we have lost about 9,000. That is a misfortune under the benign Government under which we are living. (Laughter).

Coming to the distribution of seats, we find that for the 7 seats for Hindus (urban), the average number of people represented by each seat is 6,448; for the 13 rural Hindu seats, the average per seat is 6,558; for five urban Muhammadan seats the average per seat is 4,204; for 27 rural Muhammadan seats the average per seat is 5,216.

Then coming to the distribution of seats according to communities, we find that for the 32 constituencies for Muhammadans, the average population represented by each seat is 5,059; for the 20 constituencies for Hindus, the average is 6,518; for 12 seats for the Sikhs, the average is 9,010.

Punjab Landholders.

Muhammadan	...	1	1,116	1,116
Hindu	...	1	542	542
Sikh	...	1	655	655
Baloch	...	1	11	11
		4	1,782	445

So far these four constituencies we have 1,782 voters and an average of 445.

Punjab University	...	1	1,984
Punjab Chamber of Commerce ...	...	1	89
Industries	...	1	175

I am pleading to-day for the military class interest which has got so many votes and which has done so much in the snow-bound trenches of Flanders, in Mesopotamia, in Gallipoli and far on China and so many other places. Kangra district has 9,575 voters. Out of that 5,000 are soldiers, 4,000 are rural non-soldiers and for these people I submit that they should be represented and recommendations made to His Excellency on this point.

My point is this that the percentage of persons who voted in contested elections is 52·9. So many voters came to the polling stations. That is a figure for your consideration. There is another point. My friend on the right reminds me as to the communications in the Kangra Valley. There is no railway in the Kangra Valley which has an area of 9,927 square miles. There are seventy-seven miles of metalled roads and 1,059 miles of unmetalled roads, and I think the grant which we get from the Communications Board is not worth mentioning. Then I would draw the attention of the House to the many dialects that are spoken in that vast territory. Gorkhiali, Lahauli, Gaddi, Saraji, Koli, Pahari, Gojri, Punjabi, and Chambiali, all these languages are spoken and having regard to all these difficulties I think you will agree with me that one member cannot honestly represent the vast territory. I would not take much time of the Council and say how the Forests in the

[Mr. Moti Lal, Kaistha.]

Kangra Valley are exploited. This point I will leave for farther consideration, but I submit that there are so many complicated questions that it is highly essential that there ought to be another member representing the interests of the martial class.

Then you will find that the Rohtak district has two members in that district. That is another point for your consideration. So I think that the proposition which I have put before the House this evening will commend itself to your consideration. What is the good if you have one member who cannot represent the different interests? You should increase the number and decrease the qualifications of voters, which I am not touching upon to-night, but which I will do when the time comes in this Session. Political rights are to be shared without any distinction of class or creed or sect. Everybody is entitled to political rights. A man paying Rs. 5 revenue has a right to sit in this House. As an elected member I ask where is the guarantee of the rights of poor people paying Rs. 5, Rs. 10 or Rs. 15 revenue? These people bear equally the burden of taxation. After two years' experience we want more responsibility.....

Mr. President: The honourable mover is getting out of order.

Mr. Moti Lal Kaistha (continued): Therefore I move that the resolution may be accepted by the Honourable House.

The Council then adjourned till 2 o'clock on Wednesday, the 28th February 1923.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Wednesday, the 28th February 1923.

The Council met at the Council Chamber at two of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

SMALL TOWNS COMMITTEE AT JATOI.

2176. Rai Bahadur Lala Sewak Ram: Has Government received any memorial from the people of Jatoi, District Muzaffargarh, protesting against the establishment of a Small Towns Committee in Jatoi? If so, will Government be pleased to consider the memorial favourably?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The reply to the first part of the question is "yes." As to the second part, the memorial has been carefully and sympathetically examined by the local officers who have reported that in view of the greatest good of the greatest number the blessing of local self-Government should not be withheld from Jatoi. Government have accepted this report.

Rai Bahadur Lala Sewak Ram: I want to know, Sir, whether he has ascertained that those who want the Small Towns Committee are in a majority?

Mr. President: A supplementary question can only be asked for further elucidating any matter of fact regarding which an answer has been given. You had better put in a fresh question.

Rai Bahadur Lala Sewak Ram: I will put it in another form, Sir, whether those who want the committee are in a majority.

Mr. President: That is exactly the same. Has the Honourable Minister any objection to this?

The Honourable Mian Fazl-i-Husain: Certainly, Sir, I have very serious objection.

Mr. President: You must put in a fresh question.

HINDU REPRESENTATION IN LEIAH MUNICIPAL COMMITTEE.

2177. Rai Bahadur Lala Sewak Ram: (*a*) Will Government be pleased to state their intentions with regard to the constitution of the Leiah Municipal Committee in Muzaffargarh district?

(*b*) Will Government, having regard to the proportions of voters belonging to each community, be pleased to allot 5 elected seats to Hindus?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(*a*) Government are awaiting the recommendations of the local officers in the matter.

(*b*) Does not arise.

Rai Bahadur Lala Sewak Ram: I want to ask, Sir, how it does not arise. It is a plain question and I want a plain answer.

Mr. President (*turning to the Minister for Education*): Could you elucidate it further?

The Honourable Mian Fazl-i-Husain: The recommendations of the local officers are not yet received: so it is quite clear that the second part of the question does not arise.

HINDU REPRESENTATION IN ALIPUR MUNICIPAL COMMITTEE.

2178. Rai Bahadur Lala Sewak Ram: Has Government received representations from the people of Alipur, district Muzaffargarh, to increase the number of Hindu seats in the Municipal Committee according to the proportion of voters? If so, what steps does Government propose to take in the matter?

The Honourable Khan Bahadur Mian Fazl-i-Husain: A representation of this kind was received in December last, and sent in the ordinary course to the Commissioner of Multan for disposal. Proposals for the reconstitution of the Alipur Municipality are still awaited by Government.

VOTERS' LISTS OF THE LAHORE MUNICIPALITY.

2179. Rai Bahadur Lala Sewak Ram: Will Government be pleased to state—

(*a*) when the existing voters' lists of the Lahore Municipality were prepared;

(*b*) on whom the responsibility for the revision of the voters' list lies;

(*c*) if the Deputy Commissioner is responsible for the revision will Government be pleased to take early steps to bring the voters' list up to date?

The Honourable Khan Bahadur Mian Fazl-i-Husain:—

(*a*) November and December 1920.

(*b*) The Deputy Commissioner of Lahore.

(*c*) The honourable member's attention is invited to rule 6 (*ii*) of the electoral rules published with Punjab Government notification No. 17877* of 25th September 1917 a copy of which is laid on the table for his information.

REVISION OF THE CONSTITUTION OF THE LAHORE MUNICIPALITY.

2180. Rai Bahadur Lala Sewak Ram: Is it a fact that the constitution of the Lahore Municipality is going to be revised in the near future? If so, will Government be pleased to withhold the new constitution till such time as the voters' lists are brought up to date?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The reply to the first part of the question is "Yes."

As to the second part of the honourable member's question attention is invited to the reply to his question No. 2179. Government have no reason to believe that the voters' registers are not reasonably up to date.

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*Not printed.

MUNICIPAL TAXES PAID BY THE DIFFERENT COMMUNITIES WITHIN THE AREA OF THE LAHORE MUNICIPALITY.

2181. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table a statement showing the amount of Municipal taxes paid by the different communities within the area of the Lahore Municipality?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Apart from grants from Provincial revenues the bulk of the incomes of the Lahore Municipality is derived from octroi and the remainder from a tax on vehicles. Thus in 1921-22 octroi accounted for Rs. 11,76,610 and the vehicle tax for Rs. 23,221. Octroi is a tax on consumption and is ultimately paid by the consumer. No records are kept to show the religions of the persons who actually pay octroi and, if they were, they would not be a fair indication of the ultimate payers of the tax.

As for the tax on vehicles, Government do not, in view of the insignificance of the item, consider it worth the trouble to collect statistics.

COMMUNAL REPRESENTATION IN THE NEW CONSTITUTION OF THE LAHORE MUNICIPALITY.

2182. Rai Bahadur Lala Sewak Ram: Will Government be pleased to pay due consideration to the amount of taxes paid by different communities in fixing the proportion of communities in the new constitution of the Lahore Municipality?

The Honourable Khan Bahadur Mian Fazl-i-Husain: From the reply to his question No. 2181 the honourable member will observe that his suggestion is not practicable. It is also not consistent with democratic principles.

CONFERMENT OF THE RIGHT OF ELECTION ON THE RESIDENTS OF RAJANPUR.

2183. Rai Bahadur Lala Sewak Ram: Has the Honourable the Education Minister received copies of resolutions of a public meeting of the residents of Rajanpur, district Dera Ghazi Khan, held on 19th November 1922 asking for the right of election for the Local Municipal Committee? If so, does Government now propose to confer this right?

The Honourable Khan Bahadur Mian Fazl-i-Husain: A copy of the resolutions has been received and forwarded to the local officers for an expression of their opinion.

Rai Bahadur Lala Sewak Ram: Has any reply been received?

The Honourable Mian Fazl-i-Hussain: I have got no information other than that already conveyed in the answer.

COMMUNAL REPRESENTATION IN THE NEW CONSITUTION OF THE MONTGOMERY DISTRICT BOARD.

2184. Rai Bahadur Lala Sewak Ram: Has Government received any memorials as regards District Board elections to the Montgomery District Board since they answered my question No. 1880* on 30th October 1922? If

*Vol. IV, page 404.

[Rai Bahadur Lala Sewak Ram]

so, (*a*) what action has been taken thereon ; (*b*) will Government please state the proportion of communities in the new constitution of the Montgomery District Board ?

(*c*) Will Government also state the basis in which this proportion is fixed ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (*a*) The reply to the first part of the question is in the affirmative. The memorials have been forwarded to the local officials for report and their reply is awaited.

(*b*) The constitution of the Montgomery District Board is still under consideration.

(*c*) Does not arise.

FRAMING RULES UNDER THE SLAUGHTER OF ANIMALS ACT.

2185. Rai Bahadur Lala Panna Lal : Will the Government be pleased to state—

(*i*) if it has received a copy of the rules that His Excellency the Governor of the Central Provinces, in exercise of the powers invested in him under section 10 of the Central Provinces Slaughter of Animals Act, has framed ?

(*ii*) If so, is the Government prepared to follow suit ?

The Hon'ble Sir John Maynard : (*i*) No.

(*ii*) Government is not aware that any further action is required in any locality in the Punjab.

SCHOLARSHIPS TO PUNJAB STUDENTS OF THE ROORKEE ENGINEERING COLLEGE.

2186. Diwan Bahadur Raja Narendra Nath : Will the Honourable Minister for Agriculture be pleased to state whether he has received a memorial of Punjab students of the Roorkee Engineering College pointing out that the amount allotted for awards of scholarships to Punjab students was inadequate, being less than the amount allotted by other Provinces for their students ? If so, what action does he propose to take on it ?

The Honourable Lala Harkishan Lal.—The reply is in the negative.

2187. *Cancelled.*

GRANT OF LAND TO THE PEASANTS OF DIPALPUR AND PAKPATTAN TAHSILS.

2188. Sayad Muhammad Husain : (*a*) Is it a fact that no land was given in the Lower Bari Doab Colony to the peasants of Dipalpur and Pakpattan Tahsils ?

(*b*) If so, was it due to the fact that the Sutlej Valley Canal Project was in contemplation at that time, and they, being inhabitants of that part of the country, it was deemed fit by the Government to give them land in their own vicinity ?

(*c*) If answers to (*a*) and (*b*) are in the affirmative, will the Government kindly make ample provision for the grant of land to the peasants of Dipalpur and Pakpattan Tahsils while preparing schemes for the distribution of land in the Sutlej Valley Canal Colony ?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia :

(*a*) and (*b*).—The statements made are generally speaking correct.

(*c*) Government will certainly make such provision as it thinks desirable for the class of people referred to.

GRANT OF LAND TO PERSONS BELONGING TO WAZIRABAD AND HAFIZABAD TRACTS.

2189. Sayad Muhammad Husain : With reference to the answer to my question No. 1222*, will Government kindly make provision in the scheme of the distribution of land coming under the Sutlej Valley Project, for grants to those persons of the Wazirabad and Hafizabad tracts who, owing to the water-logging due to the Lower Chenab Canal, have suffered substantially either (*a*) because their lands were for years water-logged even though drains may now have cured the evil in part, (*b*) because their lands are still water-logged ?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia : Government will be prepared to consider the case of persons who have suffered serious loss from water-logging directly due to the Lower Chenab Canal when considering allotments of land on the Sutlej Valley Project.

SEPARATE COMMUNAL REPRESENTATION OF HINDUS IN THE MUZAFFARGARH DISTRICT BOARD ELECTIONS.

2190. Rai Bahadur Lala Sewak Ram : Has the Honourable the Minister for Education received any representation from the Hindu land-owners of Muzaffargarh District praying for separate communal representation of Hindus of that district in the District Board elections ? If so, will Government be pleased to accede to their request ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : Yes, the representation has been received and will be considered when the Commissioner's proposals for the reconstitution of this District Board are received.

GRANT OF LAND ON COW-BREEDING CONDITIONS TO LANDLESS HINDU INHABITANTS OF MONTGOMERY.

2191. Rai Bahadur Lala Sewak Ram : Is it a fact that lands have been or are about to be granted to Muhammadan Janglis of Montgomery District, on cow-breeding conditions ? If so, will Government be pleased to consider the question of granting lands on similar conditions to such of the old Hindu inhabitants of that district, who own no land and who were living in that district before the new settlers came in ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Orders for the allotment of 5,000 acres in what is known as plot H in the vicinity of Shergarh in the Okara Tahsil of Montgomery District to Janglis

*Page 180, Vol. III.

[The Hon'ble S. B. S. Sundar Singh, Majithia.]
on cow-breeding conditions have been issued and it is believed that the allotments have been made although irrigation will not be available for some time.

2. Government does not propose to allot any further area on similar conditions to anybody.

NEW TAX ON MERCHANDISE CARRIED ACROSS THE INDUS IN PRIVATE BOATS.

2192. Rai Bahadur Lala Sewak Ram: Is it a fact that a new tax of 9 pies per maund has been levied on merchandise carried across the Indus in private boats near Mithankot, district Dera Ghazi Khan? If so, will Government be pleased to cancel the order?

The Honourable Sir John Maynard: No new tax has been levied on merchandise carried across the river Indus in private boats.

2193. *Cancelled.*

COMMUNAL REPRESENTATION AMONG DEPUTY SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS OF POLICE, ATTACHED TO LAHORE CITY AND DISTRICT, RESPECTIVELY.

2194. Mian Ahmad Yar Khan Daultana: Will Government be pleased to state the number of Deputy Superintendents and Assistant Superintendents of Police attached to Lahore City and district, respectively, and also state the number of Musalmans, Christians, Sikhs and Hindus among them?

The Honourable Sir John Maynard: The distribution of Assistant and Deputy Superintendents of Police in the Lahore District is as follows:—

		Lahore District.	*City.*	*Anarkali.*
Christians	Assistant Superintendents of Police.	3 (1 at Kasur)	...	...
	Deputy Superintendents of Police.	...	...	1 (also for Naulakha).
Hindu	Deputy Superintendents of Police.	...	...	1 Honorary.
Muhammadan	Ditto	...	1 Honorary	...

AMBALA CORRUPTION ENQUIRY.

2195. Rai Bahadur Lala Panna Lal: (*a*) Is it a fact that Colonel Lawrenson, the officer specially deputed for Ambala Corruption Enquiry, requested the Government to grant general amnesty to those who gave evidence about the bribe given by them?

(*b*) Is it a fact that this request was not granted by the Government?

(*c*) If so, will the Government state the reasons for refusing such a request?

(*d*) Is it a fact that such a grant of 'pardon' from legal prosecution to persons compelled to give bribes is one of the recommendations of King's Corruption Enquiry ?

(*e*) Will the Government be pleased to state its attitude towards corruption and the methods by which it has decided to suppress it ?

The Honourable Sir John Maynard : (*a*) Enquiry was made by the General Officer Commanding, Lahore District, whether Government would guarantee that witnesses in the enquiry referred to should not be prosecuted for having offered bribes to Cantonment officials.

(*b*) Government replied that it adhered to the decision embodied in the resolution on the Corruption Committee's Report that immunity from prosecution shall be guaranteed to the bribe-giver in all cases in which there is good reason for believing that the bribe was extorted by pressure, and that it was not prepared to go further than this.

(*c*) It is not in the public interest to guarantee freedom from prosecution to a man who, for his own personal gain, may tempt a subordinate official by the offer of a bribe.

(*d*) Yes. See paragraph 36 (9) of Report.

(*e*) As regards this part of the question the attention of the honourable member is invited to the public proclamation issued on 29th August 1921 and to Punjab Government Resolution No. 11269, dated 31st March 1922. A copy of the letter was laid on the table in reply to Council question No. 1590, asked on 3rd August 1922 (Punjab Legislative Council Debates, Volume IV, No. 1, pages 54—65).

WOUND RECEIVED BY SUBEDAR AMAR SINGH, JATHEDAR OF THE MILITARY JATHA.

2196. Captain Sardar Gopal Singh : Is it a fact that Subedar Amar Singh, the Jathedar of the Military Jatha, was hit by a stone which broke his jaw-bone ?

(*b*) If so, will Government be pleased to state the name of the officer who hit him and the cause of it ?

(*c*) What steps has Government taken or what steps does it intend to take against that officer ?

The Honourable Sir John Maynard : (*a*) No.

(*b*) An abstract of the circumstances is laid on the table.

(*c*) Government has informed the officer that it is not in ordinary circumstances suitable that the officer commanding Police should personally use force on occasions when it is necessary for the Police to do so.

(*Abstract of the circumstances referred to in answer to Question No. 2195 (b)*)

When the prisoners of the "Fauji Jatha" arrested at Guru-ka-Bagh arrived at Attock Station, a Police guard was extended in two lines along the length of the train, and the carriage doors were then unlocked. The Superintendent of Police ordered the prisoners to come out of the carriages ; but, with a few exceptions, they sat still and jeered. Eventually

[The Hon'ble Sir John Maynard.]

several prisoners had to be ejected from the carriages. From the beginning the prisoner, Subedar Amar Singh, who was obviously a leader, was seen to be bent on giving trouble. Throughout the process of detrainment, there was incessant howling and singing, and, even when the prisoners were on the platform, they defied the Police. They would not assemble properly and would not obey orders. When the party was finally marshalled and order and quietness had been restored, the Superintendent of Police who was standing near the head of the column, began to give orders for the first 100 to move off. In the middle of his order he was interrupted by Subedar Amar Singh's howling aloud. This prisoner, by his interruption, turned the quietened prisoners into a rebellious and howling mob. The Superintendent of Police then swung round and hit him with the back of his hand on the cheek.

KAMALIA MUNICIPALITY AND PAUCITY OF FUNDS.

2197. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table the answer to my question No. 1929* as regards Kamalia Municipality and paucity of funds?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the honourable member's question No. 1929 was, when ready, sent to the Secretary, Punjab Legislative Council, for communication to the members As requested it is now laid on the table.

(*Answer to question No.* 1929.)

(*a*) The answer to this is in the affirmative.

(*b*) The matter will be brought to the notice of the Inspector-General of Civil Hospitals, Punjab, for disposal under the rules.

METALLED ROAD FROM TOBA TEK SINGH TO CHICHAWATNI.

2198. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table the answer to my question No. 1928* regarding metalled road from Toba Tek Singh to Chichawatni?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the honourable member's question No. 1928 was, when ready, sent to the Secretary, Punjab Legislative Council, for communication to the member. As requested it is now laid on the table.

(*Answer to question No.* 1928.)

If the local bodies concerned send up any schemes they will receive due consideration at the hands of Government.

GRANT-IN-AID TO SANGAR A.-V. HIGH SCHOOL AT TAUNSA.

2199. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table the answer to my question No. 1885† arising out of my question No. 1544‡ as regards giving a suitable grant-in-aid to Sangar A.-V. High School at Taunsa in Dera Ghazi Khan District.

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*Vol. IV, Page 475. † Vol. IV, Page 467. ‡Vol. IV, Page 109.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Copy laid on the table.

(*Answer to question No.* 1885.)

When an application for recognition has been made by the school authorities the school will be inspected. It is not possible to give a grant-in-aid until the school has been recognised.

EXEMPTION OF STUDENTS OF THE UNTOUCHABLE COMMUNITIES FROM PAYING SCHOOL FEES.

2200. Rai Sahib Lala Ganga Ram: Will the Government consider the desirability of exempting deserving students of the untouchable communities from paying school fees?

The Honourable Khan Bahadur Mian Fazl-i-Husain: Such exemptions are already made.

SUPPLY OF DRINKING WATER AT THE SOLAR ECLIPSE FAIR AT KURUKSHETRA.

2201. Rai Sahib Lala Ganga Ram: Is it a fact that trouble was caused on account of the insufficient supply of drinking water at the last Solar Eclipse fair at Kurukshetra? If so, will the Government be pleased to remedy the difficulty at the next Eclipse fair in 1924-25?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer to the first part is in the affirmative. The difficulty of keeping up an adequate supply is due to the special precautions necessary to prevent outbreaks of cholera. There was no failure of supply, though certain members of the public were kept waiting in order to obtain drinking water.

With regard to the second part of the question the Government is now considering certain possible improvements in the arrangements for the fair, including the improvement of the water supply.

LAHORE MUSEUM.

2202. Rai Sahib Lala Thakar Das: Is it a fact that the cards attached to the exhibits in the Provincial Museum at Lahore usually display the name or description of the exhibits in English only. If so, will Government be pleased to issue directions to the effect that as far as possible the Vernacular equivalents of the English terms be also entered on the cards in question?

The Honourable Lala Harkishan Lal: Approximately one-half of the exhibits in the Museum have descriptive labels both in English and in the Vernacular. It is the intention of the Curator that as soon as possible every exhibit label should be in the Vernacular as well as in English. The work is proceeding steadily, and no further directions on the subject are required.

CRIMINAL INVESTIGATION DEPARTMENT STAFF.

2203. Rai Sahib Lala Thakar Das: (*a*) Will the Government be pleased to state the ranks and the number of the Criminal Investigation Department Staff in this province in 1920?

(*b*) When was the Criminal Investigation Department Staff reduced?

(*c*) What is the strength of the present staff of the Criminal Investigation Department, excluding policemen on "plain clothes duty"?

Mr. D. J. Boyd: (*a*) The Criminal Investigation Department Staff in 1920 consisted of—

Deputy Inspector-General	1	Inspectors	9
Superintendents, Police	3	Sub-Inspectors	17
Assistant Superintendent, Police	1	Head Constables	28
Deputy Superintendents of Police	3	Foot Constables	57

Finger Print Bureau—

Inspectors	$\frac{1}{10}$	Head Constables	$\frac{6}{10}$
Sub-Inspectors	$\frac{1}{10}$		

(*b*) There has been no reduction of staff in the Criminal Investigation Department. Minor changes will be apparent from the statements given in reply to (*a*) and (*c*).

(*c*) The present Staff consists of—

Deputy Inspector-General	1	Sub-Inspectors	19
Superintendents of Police	3	Head Constables	28
Deputy Superintendents of Police	3	Foot Constables	50
Inspectors	8		

Finger Print Bureau—

Inspector	$\frac{1}{10}$	Head Constables	$\frac{6}{10}$
Sub-Inspectors	$\frac{1}{10}$	Foot Constables	$\frac{2}{10}$

The whole staff normally work in plain clothes.

HEARING OF APPEALS BY COMMISSIONERS.

2204. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that at times Commissioners hear appeals of one district while in camp in another district?

(*b*) Is it a fact that this causes inconvenience to litigants in general who have to bear extra expenses?

(*c*) If the answer to the above is in the affirmative will the Government be pleased to have this inconvenience minimized as far as possible?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) It is probably correct to say that at times Commissioners hear appeals of one district when in camp in another district.

(*b*) It would not be correct to say that this causes inconvenience to litigants in general.

(*c*) Government has no reason therefore to issue general orders to minimize such inconvenience as may be caused. Government is satisfied that Commissioners are at pains to cause as little inconvenience as possible by their tours.

LATRINES IN JAILS.

2205. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that the existing latrines in jails are constructed without any reference to the common Indian notions of public decency?

(*b*) If so, will the Government be pleased to examine the question at an early date and remove this defect?

(*c*) Will the Government be pleased to make suitable structural changes in the latrines intended for the use of political prisoners?

The Honourable Sir John Maynard:

(*a*) The reply is in the negative.

(*b*)

(*c*) The latrines are of good pattern and no alterations are necessary or advisable. Special latrine accommodation is allotted to prisoners of the special class. It is of such a type as ensures privacy.

FREE SUPPLY TO MEMBERS OF THIS COUNCIL OF COPIES OF THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY AND OF THE COUNCIL OF STATE.

2206. Rai Sahib Lala Thakar Das: Will the Government be pleased to arrange for a free supply to all members of this Council of the copies of the proceedings of the Legislative Assembly and of the Council of State for their use.

The Honourable Sir John Maynard: Government regrets that in the interests of economy the request for the free supply of copies of the Debates of the Legislative Assembly and of the Council of State to all members of the Punjab Legislative Council cannot be complied with. But two copies are kept in the Council Library for the use of members.

ACCEPTANCE BY GOVERNMENT OF MEDICAL CERTIFICATES GRANTED BY THE AYURVEDIC AND UNANI PHYSICIANS.

2207. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that Government servants drawing low salaries and residing in distant villages are at present required to produce certificates from Civil Surgeons or Civil Assistant Surgeons in case they have to apply for an extension of their medical leave?

(*b*) Is the Government aware of the hardships the applicants have to suffer in visiting the district headquarters, when ill, to obtain the necessary certificate?

(*c*) Will the Government kindly see its way to accept the certificates given by the Ayurvedic and the Unani physicians in the cases of applicants who draw less than Rs. 150 per mensem?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) A copy of the rule which at present governs applications by non-gazetted Government servants in superior service for leave or extension of leave, on medical certificate, is laid on the table for the information of the honourable member.

(*b*) Government is aware that in some cases inconvenience may arise when there is no Registered Medical Practitioner in the immediate neighbourhood of the applicant's house.

(*c*) The Government regrets that in view of its vagueness the honourable member's suggestion cannot be considered.

FINANCIAL DEPARTMENT.

The 27th March 1922.

No. 10406.—The Local Government is pleased to declare that the following shall be substituted for rule 14 of the rules framed under Fundamental Rule 74 (*a*) (serial No. 8):—

"14. An application by a non-gazetted Government servant in superior service for leave, or for an extension of leave, on medical certificate must be accompanied by a certificate from the applicant's medical attendant. Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration, and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. It should be countersigned by the officer in chief medical charge of the district in which the applicant resides. The authority competent to grant the leave may, however, in the case of female applicants accept the countersignature of any registered medical practitioner; and shall, in the case of all applicants, accept the uncountersigned certificate of a registered medical practitioner unless there are special reasons for not doing so.

NOTE.—A registered medical practitioner includes a medical practitioner—

(*a*) whose name appears in the latest annual medical list, and

(*b*) who having been registered after the closing of the latest medical list certifies his registration number."

PUNJAB LOANS LIMITATION REPEAL BILL.

Mr. N. H. Prenter (Legal Remembrancer) : I beg to present, Sir, the Select Committee's Report on the Punjab Loans Limitation Repeal Bill.

PUNJAB MUNICIPAL (AMENDMENT) BILL.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Minister for Education). Sir, I beg to present the Select Committee's report on the Punjab Municipal (Amendment) Bill.

PUNJAB LAND ACQUISITION (INDUSTRIAL) BILL.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : Sir, I beg to present the Select Committee's report on the Punjab Land Acquisition (Industrial) Bill.

PUNJAB INDUSTRIAL LOANS BILL.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : Sir, I beg to present the Select Committee's report on the Punjab Industrial Loans Bill.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : Sir, I beg to move—

"That the Punjab Industrial Loans Bill as reported by the Select Committee be taken into consideration."

Mr. President : The question is—

"That the Punjab Industrial Loans Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President : The question is—

"That clause 1 stand part of the Bill."

The motion was carried.

Mr. President : The question is —

"That clauses 2 to 4 stand part of the Bill."

The motion was carried.

Mr. President : As regards clause 5 I have just received two amendments by Raja Narendra Nath. Has any body any objection to the amendments being considered for want of notice ?

The Hon'ble Lala Harkishan Lal : I have none, Sir.

Diwan Bahadur Raja Narendra Nath : I beg to move, Sir.—

"That in clause 5, sub-clause (1) for the word 'himself' the words 'the applicant' be substituted ; and

"For the word 'his' after the words 'himself and' the words 'the applicants' be substituted."

These are mere verbal alterations intended to make the meaning of the clause clear.

The Hon'ble Lala Harkishan Lal (Minister of Agriculture) : I have consulted the Legal Remembrancer. He sticks to the original wording and considers that the amendments would make the meaning of the clause worse instead of improving it. I think the existing draft is very clear.

Diwan Bahadur Raja Narendra Nath: The applicant may be either an individual or a company. That is why I suggested the use of the word 'applicant'. But if the Legal Remembrancer who has got a better knowledge of drafting thinks that the existing draft is better, I beg to withdraw the amendments.

The amendments were by leave withdrawn.

Mr. President: The question is—

"That clause 5 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 6 stand part of the Bill."

The motion was carried.

Mr. President: Clause 7.

Diwan Bahadur Raja Narendra Nath: The amendment, which I wish to move, runs as follows :—

"That in clause 7, sub-clause (1), last line, between the words 'time' and 'as' insert the words 'not shorter than two months'."

Sir, ordinarily every Deputy Commissioner will use his discretion in a proper manner, that is to say, he will give sufficient time for payment, but I think it would be safer to insert the minimum limit of time for which notice should be given. The borrowers should know beforehand what the conditions are on which they borrow money. I think the amendment which I propose will facilitate matters considerably.

Mr. President: I suppose there is no objection to this amendment being considered.

The Hon'ble Lala Harkishan Lal: No, sir.

Mr. Ganpat Rai: Sir, instead of two months I should like it to be three months.

Mr. President: You may move an amendment formally later on. Clause under consideration, amendment moved

"That in clause 7, sub-clause (1), last line, between the words 'time' and 'as' insert the words 'not shorter than two months'."

The question is that that amendment be made.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura—Non-Muhammadan] (Urdu): Sir the amendment moved by my hon'ble friend Raja Narendra Nath has my full sympathy. Even private creditors give due notice specifying some definite time limit for payment to their debtors. This is quite a reasonable procedure and I rather suggest that this time limit be extended to three months rather than to two months, and I do not see any reason why such provision should not be made in the Bill. Therefore, Sir, I support the amendment for its acceptance by the Government.

Mr. President: I think you had an idea that the period should be increased to three months. Is that not so? If you still wish to press the three months' period, you must move an amendment to the amendment already proposed.

Mr. Ganpat Rai: [Lahore and Ferozepur-*cum*-Sheikhupura non Muammadan)] (Urdu) : As the President has very kindly allowed me to move a further amendment to that of my honourable friend the Raja Sahib, I beg to move that—

"The word 'three' *be substituted* for the word 'two' in the amendment."

Sir, the debtor has to face difficulties to arrange for the payment of the loan and he requires some reasonable time to collect money and make the payment. It would be quite fair to give him sufficient time to avoid going to the court in order to get a decree for execution.

Mr. President: Amendment under consideration—

"That in clause 7, sub-clause (1), in the last line between the words 'time' and 'as' the words 'not shorter than two months' *be inserted*,"

to which an amendment has been moved—

"That the word 'three' *be su stituted* for 'two.'"

The question is that that amendment to made.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) (Urdu) : It is wrong to say that the Bill does not give the debtor any time to pay, and that his property and his person would forthwith be proceeded against. Anybody who takes a loan knows when to pay it. Therefore it is incorrect to say that he would be required to repay it quite unexpectedly. The clause under discussion clearly provides against any such action. It clearly authorises the officer in charge to give as much time as he thinks reasonable. Those who know something about banking, realize the fact that a fixed rule does not suit different circumstances. It is, therefore, I think, quite reasonable to leave it to the officer in charge to determine the time limit in each individual case. The debtor will not be taken unawares. A notice will be duly served upon him and then a declaration will be issued, and last, will come the right of appeal against such declaration. After appeal will happen what will be the final decision of the court. I think, Sir, that these safeguards, which are embodied in the Bill are sufficient to protect the interests of the debtor. And I am of opinion that no further safeguards are necessary. I, therefore, oppose both the amendments before the House.

Mr. President: There is a slight verbal alteration suggested by the Legal Remembrancer to *substitute* the word 'less' *for* 'shorter.' That is of course a drafting matter and I won't put that formally to the House if the mover of the original amendment agrees to the change.

Diwan Bahadur Raja Narendra Nath: Yes, Sir, I agree.

Mr. President: The question is—

"That the word 'three' *be substituted* for the word 'two.'"

The House then divided: Ayes 18; Noes 39.

AYES 18.

Rana Muhammad Jamil Khan.	Sayad Muhammad Husain.
Mr. K. L. Rallia Ram.	Chaudhri Kharak Singh.
Khan Sahib Amir Khan.	Mian Muhammad Shah Nawaz.
Khan Bahadur Sayad Mehdi Shah.	Maulvi Muharram Ali, Chishti.
Malik Najabat Khan.	Diwan Bahadur Raja Narendra Nath.
Rai Sahib Misar Mela Ram.	Mr. Ganpat Rai.
Chaudhri Nabi Bakhsh.	Mr. Manohar Lal.
Mr. Moti Lal, Kaistha.	Khan Bahadur Khawaja Yusaf Shah.
Chaudhri Muhammad Hayat Khan.	Rai Bahadur Lala Sewak Ram.

NOES 39.

The Hon'ble Sir John Maynard.	Malik Feroz Khan, Noon.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Chaudhri Ali Akbar.
	Rai Sahib Lala Ganga Ram.
The Hon'ble Lala Harkishan Lal.	Lala Atma Ram.
Mr. H. D. Craik.	Lala Bishan Das.
Mr. D. J. Boyd.	Pandit Daulat Ram, Kalia.
Mr. Miles Irving.	Khan Bahadur Rai Wali Muhammad Khan
Mr. N. H. Prenter.	
Mr. A. J. Gibson.	Khan Bahadur Chaudhri Fazl Ali.
Mr. A. Latifi.	Chaudhri Ghasi Ram.
Mr. C. M. King.	Sardar Bahadur Gopal Singh, Labana.
Mr. E. R. Abbott.	Chaudhri Ghulam Muhammad.
Colonel R. Heard.	Rai Bahadur Lala Hari Chand.
Mr. W. P. Sangster.	Sardar Jamal Khan.
Mr. D. Milne.	Sardar Allan Khan.
Mr. G. Anderson.	Rai Sahib Chaudhri Lajpat Rai.
Mr. J. G. Beazley.	Khan Bahadur Raja Muhammad Akbar Khan.
Khan Muhammad Abdullah Khan.	
Mr. Nawab Din, Murad.	Khan Muhammad Saif Ullah Khan.
Sodhi Lal Singh.	Rai Bahadur Lala Panna Lal.
Mian Ahmad Yar Khan, Daultana.	Rai Sahib Lala Thakar Das.

The amendment wast lost.

Mian Muhammad Shah Nawaz [Lahore. (Muhammadan) Rural] (Urdu) : Sir, I am afraid the true significance of the amendment has not been fully realized by the House. The position is this that when a debtor cannot pay his debt when it is due and he gets unexpectedly short notice to pay it, he will be hauled up before the Court after the declaration has been issued. The House should understand what will happen after all these legal formalities have been complied with. The decree of the Court will be executed as if it were a money decree passed by a Court in the exercise of its ordinary Civil Jurisdiction.

This exposes the property for attachment and the person of the debtor is even liable to be arrested in execution of the decree.

The Honourable Lala Harkishan Lal: Is it in the Bill?

Mian Muhammad Shah Nawaz: Let it be made clear to the House that the Civil Courts under these circumstances will at once grant a decree and the debtor will be liable to be arrested, if the decree in execution is not satisfied by the attachment and sale of the defendant's property. Generally the creditors give a definite notice to the debtors for the payment of the money due. They specify a reasonable time by which to make arrangements for the payment of the debt. There is no reason why such time limit should not be provided for in the Bill. Because if the debtor is unable to pay the debt after the declaration has been issued, the Court will grant a decree, for the satisfaction of which his person and property are liable. This is practically a summary procedure and therefore, Sir, I support the amendment before the House.

Malik Firoz Khan Noon [Shahpur West (Muhammadan) Rural] (Urdu) : Sir, I want to point out that my honourable friend, Mian Muhammad Shah Nawaz, is labouring under a misunderstanding when he thinks that those who support the other side do so without understanding the significance of the penalties, the debtor will be liable to in case the amendment is rejected. Sir, I venture to submit that he is wrong in thinking so. We quite realize all this. The real aim and object of the Bill is to help those who want to improve trade and have not the necessary funds to do so. . . . . .

Diwan Bahadur Raja Narendra Nath. Loans are *to* be advanced after mortgaging property.

Malik Firoz Khan Nun (continued) : It is necessary to provide against people misusing the Government help by delaying payments of debts and thus depriving others from benefiting by the arrangements. Besides, the Government will be involved in many suits, which will necessitate further expense. It is therefore quite necessary that the Government should protect its interests. Mere declaration will be enough to overcome such difficulties. The same rule is followed by the Co-operative Credit Societies. I do not think that any exception need be made in this case. The debtor knows the time when he will be required to pay the debt. Therefore, Sir, I think it worse than useless to provide for any time limit in the Bill. With these few words I oppose the amendment.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural], (Urdu) : Sir, we quite appreciate the aims and objects of the Government in bringing such a beneficial measure before the House. The real aim is the improvement of the industries of the Province, and for this purpose the Government will have to make arrangements for the setting apart of reasonable funds. Now Sir, if a great portion of the fund is advanced as loans to different individuals for some definite periods and if provision is not made for making them pay the debts in due time, the measure will fail to achieve its end. It will restrict the benefits to a few only. The other deserving people will have to wait indefinitely for the repayment of debts to the Government before the latter can advance them to the new applicants. If the debtors postpone the payment indefinitely, the Government will have to appeal to its legal machinery to make the defaulters pay their debts overdue. This will cause extra expense and waste of time to the Government. But such delays will certainly stand in the way of deserving firms which seek the help of the Government for feeding their industries. Thus the industrial progress of the Province, which is already backward enough, will be checked. These loans should rightly be advanced after the manner of *takkavi* loans, so that they may be realized as soon as possible. Therefore, Sir, I think I am serving the interests of the industrial Punjab, when I strongly oppose the amendment before the House.

Mr. President : Clause 7 (1) under consideration. Amendment proposed : —

"That in the last line after the word 'time' and before the word 'as' the words 'not less than two months' be *inserted*.

The question is that that amendment be made.

The Council then divided : Ayes 25, Noes 34.

AYES 25.

Rai Sahib Lala Ganga Ram.	Chaudhri Kharak Singh.
Sardar Sahib Risaldar Dilbagh Singh.	Mian Muhammad Shah Nawaz.
Captain Sardar Gopal Singh.	Maulvi Muharram Ali, Chishti.
Rai Sahib Sardar Harnam Singh.	Diwan Bahadur Raja Narendra Nath.
Mr. K. L. Rallia Ram.	Mr. Ganpat Rai.
Khan Sahib Amir Khan.	Rai Bahadur Lala Panna Lal.
Khan Bahadur Sayad Mehdi Shah.	Lieutenant Sardar Raghbir Singh.
Malik Najabat Khan.	Rai Sahib Chaudhri Raja Singh.
Sardar Randhir Singh.	Mr. Manohar Lal.
Rai Sahib Misar Mela Ram.	Sardar Sangat Singh.
Chaudhri Nabi Bakhsh.	Rai Bahadur Lala Sewak Ram.
Mr. Moti Lal, Kaistha.	Khan Bahadur Malik Muhammad Amin Khan.
Sayad Muhammad Husain.	

NOES 34.

The Honourable Sir John Maynard.	Malik Firoz Khan, Noon.
The Honourable Khan Bahadur Mian Fazl-i-Husain.	Chaudhri Ali Akbar.
The Honourable Lala Harkishan Lal.	Pandit Daulat Ram, Kalia.
Mr. D. J. Boyd.	Khan Bahadur Rai Wali Muhammad Khan.
Mr. Miles Irving.	Khan Bahadur Chaudhri Fazl Ali.
Mr. N. H. Prenter.	Chaudhri Ghasi Ram.
Mr. A. J. Gibson.	Sardar Bahadur Gopal Singh, Labana.
Mr. A. Latifi.	Chaudhri Ghulam Muhammad.
Mr. C. M. King.	Rai Bahadur Lala Hari Chand.
Mr. E. R. Abbott.	Sardar Jamal Khan.
Colonel R. Heard.	Sardar Allan Khan.
Mr. W. P. Sangster.	Rai Sahib Chaudhri Lajpat Rai.
Mr. D. Milne.	Khan Bahadur Raja Muhammad Akbar Khan.
Mr. G. Anderson.	Khan Muhammad Saif Ullah Khan.
Mr. J. G. Beazley.	Khan Bahadur Khawaja Yusaf Shah.
Khan Muhammad Abdullah Khan.	Rai Sahib Lala Thakar Das.
Mr. Nawab Din, Murad.	
Mian Ahmad Yar Khan, Daultana.	

The amendment was lost.

Mr. President: The question is—

3 P.M.

"That clause 7 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 8 to 12 stand part of the Bill."

Mr. Ganpat Rai: [Lahore and Ferozepore *cum*-Sheikhupura—(Non-Muhammadan)—(Urban): Sir I beg to move—

"That in clause 8, sub-clause (2), in the second proviso, *for* the word 'thirty' the word 'sixty' *be substituted*."

I hope that my Hon'ble friends, who have recently started practising in Lahore, might have found occasion to file appeals in the Financial Commissioners' court and they might have come to know that the time-limit for preferring appeals to that court is ninty days. I quite fail to see any reason to restrict it to thirty days in the Bill under discussion. If the amendment for extending the period for appeal to sixty days is thrown out, it will be said that all this was mere show and there was no genuine desire on the part of the Government to benefit the people. When at the very outset the debtor's property and person are made liable for the payment of the debt.....

Malik Firoz Khan Noon: On a point of order, Sir, is he moving an amendment or is he opposing the whole clause?

Mr. President: I understand that he is proposing an amendment.

Malik Firoz Khan Noon: Has any notice been given to that amendment, Sir?

Mr. President: No. It is open to anybody to object to the amendment being moved.

Malik Firoz Khan Noon: I object to it now, Sir. When I rose to a point of order before, I asked whether he was proposing an amendment. When you replied that he was moving an amendment I thought notice had been given for that amendment.

Mr. President: The Standing Order says that an objection of that kind should prevail unless the President in the exercise of his discretion suspends the Standing Order. In this case honourable members had very short notice that this Bill was coming on for consideration. Therefore unless the Honourable the Minister in charge has any very serious objection to the amendment being considered, I propose to allow the amendment to be moved.

The Honourable Lala Harkishan Lal: I do not want to raise any objection, Sir.

Mr. Ganpat Rai (continued): Sir, while thanking you for your kindly allowing me to go on with my speech, I cannot help remarking that as we got the agenda yesterday, we have not had two days' clear notice of it as provided for in the rules. We did not object to this irregularity in the hope that we shall get opportunity to move verbal amendments to make our views heard on the Bill. Now I would like to continue my speech. I submit that when the Land Revenue Act gives ninety days' time for appeal, I do not see any reason why this period be reduced to thirty days in the Bill before the House. I only want it to be extended to sixty days. The defendant has to get copies of the judgment and do many a thing before filing the appeal. If the amendment is thrown out, the debtors will be exposed to serious hardships by the shortness of the time. Therefore, Sir, I hope the Government will not restrict the scope of usefulness of the Bill by rejecting my amendment.

Mr. President: Clauses under consideration, amendment moved—

"That in clause 8, sub-clause (2), in the second proviso, for the word 'thirty' the word 'sixty' *be substituted.*"

The question is that that amendment be made.

The Honourable Lala Harkishan Lal (Minister for Agriculture): Government is prepared to accept the amendment, Sir.

Mr. President: Clauses under consideration, amendment moved—

"That in clause 8, sub-clause (2), in the second proviso, for the word 'thirty' the word 'sixty' *be substituted.*"

The question is that that amendment be made. The motion was carried.

Mr. President: The question is—

"That clauses 8 to 12 stand part of the Bill with the word 'sixty' being substituted for 'thirty' in the second proviso to clause 8, sub-clause (2)."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan (Urban)]: Sir, I beg to move—

"That in the proviso to clause 11, for the word 'thirty' the word 'sixty' be *substituted.*"

I have already spoken of the reasons in favour of the amendment, and I need not say anything further on the point.

Mr. President: Clauses under consideration, amendment moved—

"That in the proviso to clause 11, for the word 'thirty' the word 'sixty' *be substituted.*"

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That clauses 8 to 12 as amended stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That this be the preamble to the Bill."

The motion was carried.

The Honourable Lala Harkishan Lal (Minister for Agriculture): Sir, I beg to move—

"That the Punjab Industrial Loans Bill as amended be passed."

Mr. President: The question is—

"That the Punjab Industrial Loans Bill as amended be passed."

The motion was carried.

THE PUNJAB FISHERIES (AMENDMENT) BILL.

Mr. E. R. Abbott (Financial Commissioner): Sir, I beg to move—

"That leave be granted to introduce the Punjab Fisheries (Amendment) Bill."

The objects of the Bill are given in the Statement of Objects and Reasons which is before the Council. There are two objects. One is to enable Government to impose a close season in water irrespective of the fact whether it is "public" or "private" water. In several cases it is not quite certain whether water is public water or private water and under the Punjab Fisheries Act, 1914, in case of private water before a close season can be imposed it is necessary to obtain the permission in writing of the owners of the private water—a matter which would in some cases cause greater trouble than is necessary. The reason why a close season is desirable is that it enables Government to prevent the catching of fish during the spawning season, and the reason why it is desirable to increase the powers of Government to prevent the catching of fish during the spawning season is that owing to the increasing number of rivers which are drained dry by the canals which are themselves closed from time to time the destruction of fish life is each year becoming greater. It is therefore necessary to take greater power to enable the fish to reproduce themselves more freely than under the present circumstances. That is one of the objects of this Bill.

The second object is to extend to Fisheries officers the same powers of composition which appear in the Indian Forest Act and, I believe, the Punjab Municipal Act. Members will understand that the rivers are as a rule at long distances from the administrative centres at which Magistrates hold their courts. It is often therefore in cases of slight offences a very much greater penalty to the people to be hauled into a court than it is desirable to impose and yet it is desirable that some penalty should

be imposed. It is therefore proposed that certain Fisheries officers should be given the power to take a sum in composition of the offence if that offence is not serious. These are the two objects of the Bill which I ask leave of this House to introduce.

Mr. President: The question is—

"That leave be granted to introduce the Punjab Fisheries (Amendment) Bill."

Malik Firoz Khan Noon [Shahpur West Muhammadan Rural]: Sir, this Bill is being introduced to achieve two objects. The first of them mentioned by Mr. Abbott I heartily approve of, but the second that he mentioned I cannot agree with. You will see, Sir, from this Bill in section 8 (a) that power is given to officers of the Fisheries Department to accept compensation from persons who may be suspected of having committed an offence against the Fisheries Act. The outcome of an enactment of that nature will be this, that whenever a Fisheries officer goes to a place and he suspects a person of having committed an offence he says to him: Pay me so much money as fine or else I will take you to court. That person will have no option left but to pay that compensation that he is demanding. I say, Sir, that inserting a clause of this nature in this Act is against all principles of legislation, and, by accepting a Bill of this nature we shall be agreeing to an enactment in which the prosecutor and the judge are combined in the same person. The official has got to see that the official orders are kept and not broken, and if he is given the power to decide the case and to act as a judge, you will be doing something which is against all principles of legislation, and if this Council accepts this clause, it may be made a source of extortion from ordinary villagers who will be ignorant of their rights. What does a villager know what his liabilities are? Take the case of a Kangra villager, for instance. What does he know what his rights are? So I think, Sir, that unless the Bill is amended to that effect this Council should not grant leave to introduce this Bill. I hope that the section will be amended accordingly.

Mr. President: Before putting the question to the House, I think I might say that it is not the practice in the House of Commons that Bills should be thrown out at this stage; and I think it would be undesirable that this House should adopt such a practice of throwing out Bills at this stage as a general course of procedure. The Standing Order only allows some ten minutes for the Member of Government, who introduces the Bill, to set forth its advantages, and it only allows a very short time to anybody who wishes to oppose to say that he opposes it, and nobody else is allowed to speak at all. Therefore, if the Bill is thrown out at this stage, the House would be called on to make a decision on very inadequate material. In case leave to introduce is given, it will have a further opportunity at which many members can take part in the debate. I think it would be a bad practice to throw out Bills at this preliminary stage which is really only a formal stage.

The question is —

"That leave be given to introduce the Punjab Fisheries (Amendment) Bill."

The motion was carried.

Mr. E. R. Abbott (Financial Commissioner, Development): Sir, I beg to introduce the Punjab Fisheries (Amendment) Bill.

Mr. E. R. Abbott (Financial Commissioner) : Sir, I beg to move —

"That the Punjab Fisheries (Amendment) Bill be taken into consideration."

Maulvi Muharram Ali Chishti: Sir, I have an amendment to propose.

Mr. President: Leave has been given to introduce the Bill. Now the motion before the House is that it be taken into consideration. If this is rejected, there will be no further discussion. If the motion is passed, you can move your amendment.

Maulvi Muharram Ali Chishti: I am at liberty under the rules to propose an amendment to the effect that the Bill be referred to a Select Committeee.

Mr. President: You must give the honourable mover of the motion a little chance of putting his views. When he has finished his speech, I will give you time.

Mr. E. R. Abbott (continued) : Sir, I have to thank the House for giving me permission to introduce the Punjab Fisheries (Amendment) Bill ; and I now ask the House to take the Bill into consideration. On the first motion, a member of the House expressed his full concurrence with one of the objects with which this Bill has been framed and his abhorrence of the other. I have not that legal training which the honourable member has, but he said that it was contrary to all principles of legislation to introduce such a clause. Sir, this clause is taken almost verbatim from the Indian Forest Act, an Act which was passed by a legislature which contained, I have no doubt, as active legal minds as are in this Council. I do not think, Sir, that this section can justly be accused of being opposed to all canons of legislation.

As regards this particular Bill, I may say that it was thought desirable, before introducing the Bill before this Council, to call a meeting of members of Council who appeared to be most interested or to represent districts the inhabitants of which were most interested in Fishery legislation. The actual proposals placed before that committee were not the same as are in this Bill. In consequence of the advice of that committee which I say consisted of members of this Council, who have the honour to represent people interested in fisheries, this Bill was drafted in its present form, and for that reason, considerable alterations were made in it. The honourable member who opposed the introduction of the Bill described the sad position of a man who was told by a Fisheries Officer that he will either have to pay a fine to Government or be taken to court. Our position is, Sir, that at the present moment what a Fisheries Officer possibly does say is "either pay me or I will take you to court." We want to give the Fisheries Officers the legal right to make the punishment for the offence suspected very much less than the law at present allows, *i. e.*, we want to enable the Fisheries Officer to say "I believe you have committed this offence, it is my duty to take you to court. But I am also empowered to compound the offence with you which will save you trouble." The rules under which the composition will be made will be such that the offender or suspected offender will have proof of the fact of payment, and with these safeguards it seems to me that composition will appeal to the House as being advantageous in the case of offences which are in general committed at a distance from the administration centres.

The Bill is a short one, and the number of clauses are few and exceedingly simple. I, therefore move—

"That the Bill be taken into consideration at once."

The President.—The question is—

"That the Punjab Fisheries (Amendment) Bill be taken into consideration."

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I beg leave to move an amendment to the proposal before the House. I would not like to make any speech but would prefer to content myself by submitting a proposal to refer the Bill to a Select Committee consisting of the members nominated by the honourable member in charge of the Bill. If the proposal is accepted, the matter becomes quite clear. The Bill is not an emergency measure. The Government do not want to rush it through the Council like the Gurdwaras and Shrines Bill. We want time to study the Bill before we can be able to express any opinion about it. We know very little about the Fisheries and therefore require some time to understand the Bill thoroughly. I hope the honourable member in charge of the Bill will not have any objection to my proposal to refer the Bill to a Select Committee. I accordingly beg to move the following amendment :—

"That the Punjab Fisheries (Amendment) Bill be referred to a Select Committee."

Mr. President : Motion under consideration—

"That the Punjab Fisheries (Amendment) Bill be taken into consideration."

To that an amendment has been moved—

"That the Punjab Fisheries (Amendment) Bill be referred to a Select Committee"

Mr. Abbott (Financial Commissioner) : Sir, on behalf of Government I have to announce that there is no objection to the Bill being referred to a Select Committee. As a matter of fact, the Bill is a short one and the procedure of referring it to a Select Committee would cost Government money and the Government desired to save this expenditure. However, if the members of this House desire to incur this extra expenditure the Government will have no objection to a reference to a Select Committee. But the honourable member who moved the amendment has not mentioned the names of members who are to serve in the Select Committee. I suppose he has got the consent of the honourable members whom he intends to nominate to serve in the committee.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (non-Muhammadan) Urban] : We would not have insisted on the Bill being referred to a Select Committee but for two provisions, one of which has been referred to by Malik Firoz Khan Noon and the other is the change in section 3, sub-section (1). The honourable member has said that he has taken the wordings which were objected by Malik Feroz Khan Noon from the Forest Act. But does the honourable member know that the Act was passed in the year 1878, that is, when we were not so advanced, when we had no elected councils and when the "maligned bureaucrats" had their own way? We do not want the words used in those days to be used now. That is a reason why I submit that this Bill should be referred to a Select Committee.

Mr. President: We shall first put before the House the question of reference to a Select Committee. We may then take up the question of the members to serve in the Committee. The motion before the House was—

"That the Punjab Fisheries (Amendment) Bill be taken into consideration."

To that an amendment has been moved—

"That the Punjab Fisheries (Amendment) Bill be referred to a Select Committee."

The question is that that amendment be made.

The motion was carried.

Maulvi Muharram Ali, Chishti [Lahore (Muhammadan) Urban] (Urdu): Sir, I beg to move—

"That the Select Committee do consist of the following members:—

1. Malik Firoz Khan, Noon.
2. Mr. Ganpat Rai.
3. Mr. Moti Lal, Kaistha.
4. Sardar Kartar Singh.
5. The Honourable Lala Harkishan Lal.
6. Mr. Abbott.
7. Mr. Prenter.
8. Nominee of Mr. President, and
9. Myself.

Mr. President: The question is—

"That the Select Committee do consist of the following members:—

Maulvi Muharram Ali, Chishti.
Malik Firoz Khan, Noon.
Mr. Ganpat Rai.
Mr. Moti Lal, Kaistha.
Sardar Kartar Singh.
The Honourable Lala Harkishan Lal.
Mr. N. H. Prenter.
Mr. Manohar Lal, and
Mr. E. R. Abbott.

The motion was carried.

ORDER OF GOVERNMENT BUSINESS.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Minister for Education): Sir, on the 8th March, which is an official day, the discussion of a resolution has already been fixed. As soon as the discussion of the resolution is over the business of today's agenda with reference to legislation will be taken up. May I request that any such business that is left over on the 8th may be taken up on the 9th before commencing the Budget?

Mr. President: The House is aware that 8th March has been set apart for Government business, namely, legislation. The House requested that the resolution standing in the name of Sardar Randhir Singh should be taken up on that day and the Government agreed to that, and consented to take it up as the first item of business on that day. The Hon'ble Minister for Education now intimates that when that motion has been disposed of, the Government business, namely, legislation, will be taken up. If any such business is left over it would be carried on to the 9th March. The 9th however has been allotted by His Excellency as one of the days for the

discussion of grants under Rule 29. I therefore cannot agree to that alteration unless I have an intimation from His Excellency that he has altered those orders and that the first portion of the 9th will be allotted to any other Government business standing over from the 8th.

Mr. Ganpat Rai [Lahore and Ferozepur-cum-Sheikhupura (non-Muhammadan) Urban] : Sir, we have to make one request. Whatever remains over from the 8th should be taken up on some other day and not on the 9th, which has been fixed by His Excellency for the discussion of grants. It will dislocate our work. We have fixed our engagements in accordance with the time table fixed some days ago.

Maulvi Muharram Ali, Chishti: I agree with Mr. Ganpat Rai. I think non-official members will be put to much trouble if any change is made.

4 P.M.

Mr. President: I do not understand how non-official members will be put to trouble unless the idea is that His Excellency will allot an extra day at the end for the discussion of grants. So far there is no proposal that that should be done as far as I am aware. I am entirely subject to His Excellency's orders in this matter. What is exactly the objection? Will it be inconvenient to you to cut down the time for the discussion of grants by a few hours?

Mr. Ganpat Rai: The voting of grants is, in our humble opinion, more important than any other business. So we have fixed certain days when we shall have to be present. If the grants are not completed on these days for which they are fixed then they will have to go over for the next day for which we may not have made any arrangements. We can conveniently absent ourselves on days other than those on which the grants are being discussed.

Mr. President: The President, on the last day of the time allotted for the discussion of demands at a certain hour, has to put to the Council for disposal all of the demands still remaining for disposal at once without discussion. That is to say, it is necessary for him to see that all the demands are disposed of before the time allotted by His Excellency expires. So it is not possible that the time will be extended unless by His Excellency's orders in which case you would get notice. The business would not stand over in the way you suggest simply because it was not disposed of.

Mr. Ganpat Rai: We are quite aware of that. We want that the time allotted for grants should be reserved for them. If any business is left over on the 8th of March it should be disposed of some other time.

Chaudhri Kharak Singh (Urdu): Sir, if the legislation business cannot be finished during the time allotted for it, we had better postpone it to some other day. But so far as the question of grants is concerned, we are not prepared to change the programme which has been fixed. For, the question of grants is a matter of life and death to us.

The Hon'ble Sir John Maynard: At present 24 hours have been allotted for the discussion of grants. Supposing that 3 hours are taken up for legislation there still remain 21 hours to discuss the budget which is quite sufficient.

Mr. President: I understand you want time to be given at the end of the time for grants, should there be any spare time, rather than taken away from the beginning.

Mr. Ganpat Rai: Yes. At the end, Sir.

Mr. President: The Honourable the Finance Member has heard what the views of the honourable members are and I shall simply await His Excellency's orders.

The Council then adjourned till 2 o'clock on Thursday, the 1st March 1923.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Thursday, the 1st March 1923.

THE Council met at the Council Chamber at two of the clock. Mr. President in the Chair.

ANNOUNCEMENT FROM THE CHAIR.

ADDITIONAL TIME FOR LEGISLATIVE BUSINESS.

Mr. President: I have to inform the Council that His Excellency the Governor has assigned March 7th, Wednesday, for the continuance of the Legislative business which should have been continued on March 8th.

QUESTIONS AND ANSWERS.

FREEDOM OF SPEECH AND VOTE TO OFFICIAL MEMBERS OF THE COUNCIL.

2208. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that the joint Select Committee on the Government of India Bill, 1919, recommended that Government members of the Legislative Council (other than Executive Councillors and Ministers) should be left free to speak and vote as they choose?

(*b*) Is it a fact that they are not allowed freedom of speech and vote (whether generally or on any special occasions)?

Mr. H. D. Craik: (*a*) Yes.

(*b*) Except when special orders are issued by His Excellency the Governor in Council in regard to any particular item of business, official members are free to speak and vote as they choose.

POLITICAL PRISONERS.

2209. Rai Sahib Lala Thakar Das: Will Government be pleased to state the circumstances which the Magistrates are required to bear in mind at the time of deciding whether a given political prisoner should or should not be treated as a "first class misdemeanant"?

The Honourable Sir John Maynard: The honourable member is referred to the rules regarding special class prisoners, a copy of which is laid on the table:—

Rules under Section 60 of the Prisons Act, 1894.

The Governor in Council is pleased to issue the following rules for the constitution of a special class of prisoners in supersession of the rules circulated with Punjab Government endorsement No. 11956 (Home—Jails), dated the 6th April 1922:—

1. Subject to confirmation by the Local Government, convicting Courts shall decide whether a convict shall be placed in the special class with reference to the status, character and education of the prisoner and the character of his offence:

[The Hon'ble Sir John Maynard.]

Provided that the following prisoners shall be excluded from the special class :—

(*a*) all prisoners who, whatever their station in life or motives, were convicted of any offences which directly involved violence or an offence against property ;

(*b*) persons who have incited others to crimes of this character ;

(*c*) persons hired to commit offences in connection with political movements, or who have committed such offences in the hope that in the resulting disorder opportunities of looting might occur ;

(*d*) persons who have been guilty of attempting directly or by general incitement to seduce soldiers or police from their allegiance ;

(*e*) persons convicted of offences directly involving criminal intimidation, when violence has been used for the purpose of intimidating. The Local Government shall have discretion to direct that any particular prisoner convicted of criminal intimidation, not involving any threat of violence, be placed in the special class.

2. When a Court has decided that a convict shall be placed in the special class the Superintendent of the Jail should classify him accordingly in anticipation of the Local Government's order confirming the decision.

3. Prisoners of the special class shall be kept separate from ordinary prisoners, but, except as a jail punishment, their imprisonment shall in no case involve anything of the nature of separate confinement. Subject to this condition they may be accommodated either in cells or in an association ward with other prisoners of the same class.

4. They shall be given the diet prescribed for ordinary prisoners, but shall be allowed, at their own expense, additional food brought in from outside the jail subject to its approval by the medical officer. The food so imported should be of a simple character and the concession should not be made an excuse for the importation of luxuries.

5. They shall be permitted to wear their own clothing, but this concession does not cover the wearing of political symbols such as the Gandhi cap and black *paggree*.

6. They shall be permitted to write and receive one letter once a month, but on urgent occasions such as a death or serious illness in the prisoner's family the Superintendent shall have discretion to relax this rule. The subject matter of all letters shall be limited to private affairs and there shall be no reference to jail administration and discipline in the letters, nor to other prisoners nor to politics.

7. They shall be permitted to receive a visit from friends and relations once a month, provided that not more than two persons may visit a prisoner at one time. The conversation at interviews shall be limited to private and domestic matters and the discussion of political questions shall not be allowed. Publication of the matters discussed in the interview may be treated as a sufficient ground for the withdrawal of the privilege if the Superintendent has reason to believe that such publication has in any way been due to any act or omission on the part of the prisoner.

8. They shall not be required to perform menial duties nor to pay for having such duties done for them. These duties will be discharged by jail servants who may not be used by the prisoners of the special class as their personal servants.

9. They shall be permitted to use their own cups and plates and bedding and, subject to the discretion of the Superintendent, their own cooking utensils.

10. To any special class prisoner who is sentenced to rigorous imprisonment or elects to labour the task allotted shall be such as is suitable to his station in life.

11. Special class prisoners shall be permitted to sleep in the open in summer and separate latrine accommodation shall be allotted to them of such a type as may ensure privacy.

12. Special class prisoners may be given a light in their cells or wards till 10 P. M. and may be allowed books from the jail library on such conditions as the Superintendent may deem necessary.

13. Special class prisoners shall not be handcuffed or fettered except by way of punishment or when if this were not done there would be danger of the prisoner's escape or of an attack being made on the jail staff.

14. Any act of misconduct on the part of a special class prisoner shall render him liable to the forfeiture of any particular concession allowed by these rules for such period as the Superintendent may deem proper. But the power to remove the prisoner from the special class shall be exercised only by the Local Government. Deprivation of concessions may be made in addition to any other punishment to which the prisoner may be liable under the Jail Code.

15. The Superintendent shall cause an abstract of the rules relating to discipline and conduct, rewards and punishments affecting prisoners to be placed in each cell or ward.

PATWARIS AND GENERAL PROVIDENT FUND.

2210. Rai Sahib Lala Thakar Das: Will Government be pleased to state—

(*a*) whether Patwaris are permitted to become members of the General Provident Fund, or

(*b*) if not, has any special Provident Fund been organized for them?

(*c*) whether they get any bonus?

(*d*) whether any class of Government servants are debarred from the privileges mentioned in (*a*)?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia:

(*a*) Yes.

(*b*) Does not arise.

(*c*) No, but under the provisions of paragraph 29 of Financial Commissioner's Standing Order 15 they may get rewards.

[The Hon'ble S. B. S. Sundar Singh, Majithia.]

(*d*) Subscribers to the State Railway Provident Fund and any class of officers for whom a compulsory family pension fund has been established are not permitted to become members of the General Provident Fund.

EDUCATION OF DEPRESSED CLASSES.

2211. Lala Atma Ram: (*a*) Will Government be pleased to enquire as to what is being done by other Provincial Governments to ameliorate the educational condition of the depressed classes?

(*b*) Will Government be pleased to consider the advisability of ameliorating their educational condition by means of special scholarships and stipends in the Primary and Secondary Schools of the Punjab?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) Enquiry has been made from other Provincial Governments whose replies are awaited.

(*b*) The education of the depressed classes is already engaging the attention of the Government which has taken two steps in the direction of encouragement. Aid and recognition have been given to the training class for the depressed classes at Moga, and under the new grant-in-aid rules increased financial assistance may be given to private schools which entertain trained teachers. Government has also laid down the principle that its grants for the introduction of compulsory education are meant for the benefit of all classes of the community without any exception, but it is for the local bodies concerned to decide how the education of the depressed classes should be provided for, whether in separate schools or in the ordinary schools. Government does not desire to lay down any rigid rules.

Maulvi Muharram Ali Chishti: Will the Government be pleased to say whether any special scholarships have been allotted for the depressed classes?

The Honourable Khan Bahadur Mian Fazl-i-Husain: No.

BOY-SCOUT SYSTEM.

2212. Lala Atma Ram: (*a*) Will Government be pleased to state in which recognised schools of the Punjab the Boy-scout system has been introduced up to this time?

(*b*) Will the Honourable the Minister for Education be pleased to state what facilities, if any, he has provided to other schools by way of encouragement for the adoption of this system?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain:

(*a*) A statement showing the recognised schools in which scouting has been introduced is laid on the table.

(*b*) The facilities that have been provided by way of encouragement are:—

(1) The training of scout master and assistant scout master under the supervision of the Provincial Commissioner and the Provincial Secretary.

(2) Lectures and instruction by the Provincial Secretary whenever desired.

(3) Visits by the Provincial Commissioner and also by the Provincial Secretary whenever possible.

(4) The supply of scout literature, books, etc.

(5) Invitation to Rallies and Jamborees.

Schools in which scouting has been introduced

Lahore.—Rang Mahal School.
Aitchison Chiefs' College.
Dev Samaj High School.
Central Model School (1st).
Central Model School (2nd).
St. Anthony's High School.
Methodist Episcopal Mission School.
Young Men's Christian Association.
Sanatan Dharm High School.
Islamia High School.
Moga.—Dev Samaj High School.
Amritsar.—Khalsa Collegiate School.
Batala.—Baring High School.
Bhera.—King George Government High School.
Lahore.—Central Training College.
Assistant Scoutmasters' Troop.
Cathedral School.
Cantonment Young Men's Christian Association.
Jullundur.—Mission High School.
Gujrat.—Scotch Mission High School.
Simla.—First Simla Troop from Indian Schools.
Second „ „ „ „ „
Baptist Mission School.
Government High School.
Bishop Cotton School, 4 Troops.
Jhang.—Government High School.
Karnal.—Government High School.
Sanawar.—Lawrence Royal Military School, 2 Troops.
Murree.—First Murree Troop.
Ghoragali.—Lawrence School, 2 Troops.
Ludhiana.—C. Boys' Boarding School.
Hoshiarpur.—Government High School.
Kapurthala.—State High School.
Delhi.—St. Stephen's High School.
Government High School.
District Board School.

[The Hon'ble Khan Bahadur Mian Fazl-i-Husain.]

Delhi—(concld).—The Modern School.
Anglo-Arabic High School.
Anglo-Sanskrit High School.
Baptist Mission School.

APPOINTMENTS IN THE POLICE DEPARTMENT, AND ILLITERACY.

2213. Lala Atma Ram : (*a*) Will Government be pleased to state the number of illiterate constables in the Punjab Police Force and the proportion they bear to the whole ?

(*b*) Will Government be pleased to consider in future the claims of educated people while making different appointments in the Police Department.

The Honourable Sir John Maynard : (*a*) There are 12,408 illiterate men in the Police Force of the Punjab and they bear a proportion of 66·6 per cent. to the whole.

(*b*) Other things being equal the claims of educated people are always preferred when enlistments are made under the existing system.

UNIVERSITY TERRITORIAL CORPS.

2214. Lala Atma Ram : Will Government be pleased to consider the advisability of forming a University Territorial Corps on the lines of the Calcutta University Corps.

The Honourable Sir John Maynard : A University Training Corps has been formed for the Punjab University. It is at present 400 strong. The Punjab Government are not aware in what respects it differs from the Calcutta University Training Corps.

CONTROL OF MUNSIFS.

2215. Mian Ahmad Yar Khan, Daultana : Will the Government be pleased to state whether questions of recruitment, postings, transfers, pay and prospects of Munsifs to be in future known as Sub-Judges are the concern of the Local Government and shall remain so after the Punjab Courts (Amendment) Bill recently passed by the Council comes into force ?

Mr. H. D. Craik : As regards recruitment the honourable member is referred to Section 22 (1) of the Punjab Courts Act as amended by Act IX of 1922. First appointments are made by the Local Government on the nomination of the High Court.

The postings and transfers of Subordinate Judges are in the hands of the High Court.

It is not quite clear what the honourable member means by questions of pay and prospects. The pay of the Judicial Branch of the Punjab Civil Service can only be raised by the Local Government.

LAND REVENUE AND WATER RATES CONTRIBUTED BY VARIOUS COMMUNITIES IN THE PROVINCE.

2216. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to consider the advisability of preparing statistics from which the public can ascertain the percentage of the whole provincial land revenue and water rates which is contributed by Sikhs, Muhamadans and Hindus, respectively?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Government regrets that it will not be possible to comply with the request as the labour involved in the preparation of the statistics appears to be out of all proportion to their utility.

SUTLEJ VALLEY PROJECT.

2217. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that the Government proposes to begin the work of constructing the 3 weirs of the Sutlej Valley Project simultaneously?

(*b*) If so, will the Government consider the advisability, keeping in view the financial stringency of the province, of completing one weir at a time?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) Actual work on each weir in succession has been and will be begun at intervals of one year as laid down in the Project sanctioned by the Secretary of State for India.

(*b*) The answer is in the negative as apart from important considerations of irrigation on existing inundation canals, the Punjab Government hopes that the sooner the Project is completed the better will be the enhancement of provincial revenues.

OVERSEAS ALLOWANCE FOR SERVICES TO AN INDIAN ASSISTANT SUPERINTENDENT OF POLICE.

2218. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that Mr. O'Neil Shaw, Assistant Superintendent of Police, is drawing an overseas allowance for rendering services during the war?

(*b*) Is it a fact that an Indian Assistant Superintendent of Police rendered similar service during the Afghan War?

(*c*) If so, will the Government be pleased to consider the advisability of extending the same privilege to the said Indian Assistant Superintendent of Police?

The Honourable Sir John Maynard: (*a*) It is a fact Mr. O'Neil Shaw receives overseas pay for which he is eligible because he was recruited under the special regulations in force during 1919-20, from among candidates who had rendered military service during the war.

(*b*) The Indian Assistant Superintendent rendered military service during the Afghan War.

(*c*) The Local Government has already considered the cases of these officers and has represented their case to the Government of India, by whom it has been decided that they were appointed under other regulations and, as such, are not eligible for the grant of overseas pay.

SIDHNAI CANAL.

2219. Mian Ahmad Yar Khan, Daultana: Will Government be pleased to state how much water the Sidhnai Canal received in December 1922, and how was that distributed among the various branches of the canal?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

HEARING OF REVENUE CASES AND EXECUTIVE CASES BY TOURING OFFICERS.

2220. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to direct touring officers to hear Revenue cases and Executive cases, as far as possible, while on tour in a tahsil to which the parties belong and at the headquarters when the parties belong to different tahsils?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer is in the negative.

SIDHNAI CANAL.

2221. Mian Ahmad Yar Khan, Daultana: With reference to the answer given to my question No. 1953* on the 6th November 1922, will the Government be pleased to state the "improvements effected in the methods of irrigation" on the Sidhnai Canal during the last 6 years?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The improved duty of a cusec on the Sidhnai Canal is the result of remodellings of channels and outlets which have been gradually carried out and are still being carried out, whereby a more equitable distribution of supply has been aimed at and to some extent achieved. This means that where excessive supplies were being drawn and wasted these supplies have been reduced and waste stopped to some extent and this waste has been given to areas to which supply was deficient and increase of irrigated area has resulted.

REDUCTION OF OUTLETS ON THE SIKANDRABAD GAJJUHATTA NALA.

2222. Rai Bahadur Lala Sewak Ram: (*a*) Is it a fact that outlets on the Sikandrabad Gajjuhatta Nala of the Chenab Inundation Canal in Multan district are being reduced? If so, will Government be pleased to state the reason for the proposed reduction?

(*b*) Is it also a fact that Government has revised the water-rate on the said Canal? If so, will Government be pleased to maintain the existing water supply and, if possible, increase it?

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*Page 510, Vol. IV.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) No reduction of outlets on the Sikandrabad and Gajjubatta (Main) Canals has yet been carried out. Remodelling of outlets on these Canals is very badly needed not with the idea of reducing the supply in the Canals, but simply to make distribution of water supply more even and fair amongst all irrigators, and to prevent the waste of water at present going on.

(*b*) Water rates have been raised with effect from Rabi 1921-22. There is no proposal to reduce the water supply at head of the Sikandrabad Canal.

ATTOCK FORT JAIL.

2223. Sardar Sangat Singh: Will Government be pleased to state—

(*a*) whether any Sikh member of the Legislative Council asked for permission to visit the Attock Fort Jail and, if so, whether permission was granted or was refused?

(*b*) what considerations weighed with the Government in appointing two non-Sikhs as non-official visitors to the Attock Fort Jail which mainly contains Akali Sikh prisoners?

The Honourable Sir John Maynard: A Sikh member of the Legislative Council asked for permission to visit the Attock Fort Jail, but it was considered by Government that it would be easier for members of a different community to view the facts in their true perspective.

REPORT OF THE NON-OFFICIAL VISITORS OF THE ATTOCK FORT JAIL.

2224. Sardar Sangat Singh: Will Government be pleased to lay on the table the report recently made by the non-official visitors on the allegations about the Akali prisoners in the Attock Fort Jail?

The Honourable Sir John Maynard: The public press published an account of the report in question taken almost *verbatim* from the original, and it is not considered necessary to repeat the publication.

WITHDRAWAL OF THE CRIMINAL LAW AMENDMENT ACT.

2225. Sardar Sangat Singh: Will Government be pleased to consider the withdrawal of the Criminal Law Amendment Act and the release of all the so-called political prisoners?

The Honourable Sir John Maynard: The existing conditions are not such as to justify the steps suggested by the honourable member.

RELEASING PRISONERS CONNECTED WITH THE GURU-KA-BAGH AFFAIR.

2226. Sardar Sangat Singh: Will Government consider the advisability of releasing all prisoners who are in jail in connection with the Guru-ka-Bagh affair?

The Honourable Sir John Maynard: The subject of this question is identical with the subject of a Resolution pending before the Council, and it is not desirable therefore to reply to it.

SIKH POLICE OFFICERS IN PHILLAUR FORT AND PROHIBITION OF *JHATKA*.

2227. Sardar Sangat Singh: Is it a fact that Sikh Police Officers, while under training in the Phillaur Fort, are not allowed to cook or bring cooked *jhatka* meat into the Fort? If so, will the Government please take steps to remove this restriction?

Mr. D. J. Boyd: Reference is invited to the reply given to question No. 776 which applies to this question also.

(Answer to question No. 776).*

The Honourable Sir John Maynard: (*a*) The answer to the first part is in the affirmative.

(*b*) The Fort at Phillaur contains the shrine of a Muhammadan saint of considerable local sanctity. There is a hereditary *mujawar* in charge of the shrine; and members of the public are allowed admission on fixed days. In deference to Muhammadan religious feeling the Sikh and Hindu officers agreed not to take any *jhatka* meat or pork into the fort area and, in recognition of this, Muhammadan officers on their side agreed not to take in any beef. The arrangement is one of long standing. There is no special discrimination against *jhatka* meat, no contentious food of any sort is allowed.

MEMBERS OF THE LEGISLATIVE COUNIEL AND PERMISSION TO VISIT DISTRICT JAILS.

2228. Sardar Sangat Singh: (*a*) Will the Government be pleased to allow all members of the Legislative Council to visit their District Jails whenever they like and the other District Jails at a few hours' notice?

(*b*) If the answer is in the negative, will the Government state their reasons for refusing permission?

The Honourable Sir John Maynard: Any member of the Legislative Council who applies to become a non-official visitor of the District Jail of his district will be so appointed for so long as he remains a Member of the Legislative Council; but Government is not prepared to issue any general order. It is desirable that the appointment of non-official visitors should be formally notified in the Gazette.

SUPERINTENDENT OF THE ATTOCK FORT JAIL.

2229. Sardar Sangat Singh: Is it a fact that the Superintendent of the Attock Fort Jail has recently been transferred? If the answer is in the affirmative, will Government please state the reason for his transfer.

The Honourable Sir John Maynard: The answer is in the negative. When the Attock Fort Jail is closed the Superintendent will, of course, be transferred.

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*Page 209, Vol. II.

LECTURES AND CONCERTS TO PRISONERS IN THE PUNJAB JAILS.

2230. **Lala Atma Ram**: Will Government be pleased to consider the advisability of introducing the system of lectures and concerts to prisoners in the Punjab Jails?

The Honourable Sir John Maynard: The suggestion made by the honourable member is not one on which Government thinks it desirable to act.

LAND ALIENATION ACT.

2231. **Mian Ahmad Yar Khan, Daultana**: Arising out of the answers to questions Nos. 651* and 1365,† would Government be pleased to issue instructions to Deputy Commissioners to be strict in applying the provisions of the Land Alienation Act and relevant circulars issued regarding the working of the Act, so that non-agriculturists may not be able to obtain lands from agriculturists contrary to the intention of the Act.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Government does not propose to issue any instructions beyond those already issued contained in Correction Slip No. 118, Land Administration Manual, dated August 26th, 1918, to paragraph 37 of Land Administration Manual.

SEPARATION OF CRIMINAL AND CIVIL LAW INTO TWO GROUPS FOR THE EXTRA ASSISTANT COMMISSIONER EXAMINATION.

2232. **Khan Bahadur Raja Muhammad Akbar Khan**: Will Government be pleased to consider the desirability of separating Criminal and Civil Law into two different groups for the Extra Assistant Commissioner Examination, *i.e.*, that either of these subjects may be taken up separately instead of together?

Mr. H. D. Craik: The suggestion made in the honourable member's question has been considered by Government on several occasions. The following reply was given to a question asked by an honourable member in the old Punjab Legislative Council in 1918:—

"Civil Law and Criminal Law are already separate subjects in the Departmental Examination. What the honourable member apparently desires is that they should be made separate groups. The present rules have stood as they are in this respect for many years past; many generations of officers have found no serious difficulty in complying with them and the Lieutenant-Governor has no reason to believe that they have been found to work hardly."

Since that date no serious difficulties have arisen in complying with the existing rules, and the Governor in Council is not satisfied that there is any good reason for changing them.

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*Vol. II, page 127.

†Vol. III, page 248.

CONSOLIDATION OF SMALL HOLDINGS.

2233. **Malik Firoz Khan, Noon:** Will the Government kindly state the reasons why the work of consolidating small holdings in Eastern and Central Punjab is being neglected?

The Honourable Lala Harkishan Lal: The work is still only in the experimental stage, and while propaganda is being carried on in the province generally, the small staff is employed in the districts of Hoshiarpur, Jullundur, Gurdaspur and Gujrat. It is considered advisable to utilise the staff where it can do the best work; it is fully occupied in meeting the applications from villagers, and there is no portion available for work in other districts. Until the staff is increased, it will hardly be wise to dissipate it over the province. As the latest annual report shows there has been some work done in Ludhiana, Amritsar, Sialkot, Sheikhupura, Shahpur and Multan. With a larger staff, more progress could be made. The cost is under one rupee four annas per acre consolidated, which is a small fraction of the increased value of the land.

UPPER SUBORDINATES, PUBLIC WORKS DEPARTMENT.

2234. **Rai Bahadur Lala Sewak Ram:** Arising out of the answer given to my question No. 1613,* on 3rd August 1922, will Government be pleased to lay on the table the answer to part (2) as regards Buildings and Roads Branch?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer is laid on the table.

UPPER SUBORDINATES.

(*a*) So far as the Irrigation Branch is concerned there were some vacancies before February 1920, which were not filled up, but it cannot be said that certain members were adversely affected, as promotion from grade to grade was by selection and as they were not selected for promotion to the Punjab Engineering Service and are now in the residue of the Upper Subordinates, it is improbable that they would have been promoted to the next grade under the old scale.

(*b*) Reply is in the affirmative.

(*c*) No action is called for or considered necessary to be taken. The revised pay was subject to the percentage limits prescribed in the Press *Communiqué* quoted and cannot be revised. *The memorial has been replied to.*

2. As regards the Buildings and Roads Branch memorials have only recently been received. The matter will be enquired into and a reply given later.

With reference to paragraph 2 of the reply given to question No. 1613* by Rai Bahadur Lala Sewak Ram, it is stated that the memorials received from the Upper Subordinates serving in the Buildings and Roads Branch of the Punjab Public Works Department have been examined and a copy of the reply given to the memorialists is now laid on the table.

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*Page 170, Vol. IV.

Copy of the reply given to the Memorials submitted by the Upper Subordinates of the Buildings and Roads Branch.

Paragraph 3.—The Government of India in Resolution No. 192-E., dated Simla, the 1st April 1920, in permitting the Local Government to promote selected members of the Upper Subordinate Establishment to the Punjab Engineering Service, expressly laid down in paragraph 1 that the Provincial Service was to be a service of Engineers and not a re-organised service of Subordinates.

Paragraph 4.—As already pointed out it was never the intention of Government to completely absorb all Upper Subordinates into the Punjab Engineering Service. Only selected men were to be appointed.

Paragraph 5.—Recruitment to the Punjab Engineering Service is governed by Government of India Resolution No. 192-E. A., dated 1st April 1920, and not by the recommendations of the Civil Service Commission.

Paragraph 6.—All Upper Subordinates who were considered by the Local Government to be specially fit for Sub-Divisional charge were promoted to the Punjab Engineering Service, the remainder were not, at the time, considered fit for promotion to Sub-Engineers, but all Upper Subordinates who have been reported as fit to hold Sub-Divisional charge are tried in sub-divisions as opportunity occurs.

Paragraph 7.—The pay drawn by Upper Subordinates is now on a much more liberal scale than it was before the revision. The daily allowance has been increased Government regrets that it is unable to consider the question of again revising the scale.

Paragraph 8.—No Upper Subordinate of one year's service gets the same pay as an Upper Subordinate of 10 years' service.

Paragraph 9.—Promotion from grade to grade is by selection and not by seniority, and those adversely affected by selection have no cause of complaint, as Government must have the best value for the salary paid.

Paragraph 10.—1st October 1920 was the date from which the revision of the scales of pay of clerks and sub-overseers was sanctioned and there is no valid reason for treating Upper Subordinates differently.

Paragraph 11.—The rates of daily allowance have been largely increased from what they were formerly, and there is no reason why they should be again revised.

Paragraph 12.—Jungle allowance is not given to Engineer Officers of this Branch.

Paragraph 13.—Public Works Department Rest-houses are constructed essentially for the use of superior officers and not for Subordinates, and Government is unable to grant the concession asked for.

The distinction referred to in this paragraph no longer exists. Mr. J. E. Robinson, Upper Subordinate, however, is the only exception to the new rule and he is permitted to occupy the rest-houses as he has enjoyed the privilege so far.

Paragraph 14.—The terms "Sub-Engineer" and "Upper Subordinates" are understood by all and are time-honoured, and there are no adequate grounds for altering them.

PAY OF MUNSIFS.

2235. Khan Bahadur Malik Muhammad Amin Khan: (*a*) Is it a fact that under the Munsifs' scheme all Munsifs except those in the 1st grade were given the start of Rs. 275 per mensem and that they were not to be given Rs. 300 until they passed the departmental examination by higher standard and served for one year from the date of the enforcement of the scheme?

(*b*) If so, is it a fact that among those Munsifs who were given Rs. 275 there were some who had already passed the required departmental examination by higher standard before the date of the enforcement of the scheme, *viz.*, 1st April 1921?

(*c*) Is it a fact that Extra Assistant Commissioners appointed from subordinate services and the Bar have been and are being given the start of Rs. 300 from the very date of their appointment?

(*d*) Will the Government consider the advisability of giving those Munsifs, who have passed the departmental examination by higher standard before the enforcement of the scheme, the full starting salary of Rs. 300 from 1st April 1921 and regulating their promotion accordingly?

Mr. H. D. Craik: (*a*), (*b*) and (*c*). Yes.

(*d*) Government is not prepared to re-open this question. It considers that Munsifs by being absorbed into the Punjab Civil Service and receiving the advantage of an incremental scale of pay have been treated with sufficient liberality. It is true that Extra Assistant Commissioners appointed from subordinate services or from the Bar are given a higher starting rate of pay, but these officers are always appointed as temporary additional Extra Assistant Commissioners in the first instance and frequently have to wait for two or three years for confirmation. Their first increment accrues one year after the date of confirmation. On the other hand the Munsifs of the second and third grades who had completed the departmental examination before the 1st of April, 1921, were entitled to draw their first increment after the lapse of one year from the date of their appointment to the Punjab Civil Service, *i.e.*, on the 1st of April, 1922.

RECRUITMENT FOR THE INDIAN RECRUITED BRANCH OF THE PUBLIC WORKS DEPARTMENT.

2236. Rai Bahadur Lala Sewak Ram: Will Government be pleased to state if, according to the Public Works Department Standing Order No. 27, dated 1st July, 1920, the normal annual recruitment for the Indian recruited branch will be 6 per annum, *i.e.*, one appointment in each alternate year and one extra appointment in one year out of ten? If so, how many such appointments have been made till now according to the Standing Order mentioned above?

The Honourable Lala Harkishan Lal: The answer to the question is in the affirmative and two appointments to the Indian Recruited Branch of Engineers have been made.

Rai Bahadur Lala Sewak Ram:—May I know how many such appointments have been made in the Irrigation Department?

The Honourable Lala Harkishan Lal:—I have no knowledge of that.

PERSONAL ALLOWANCES TO DISTRICT HEAD CLERKS AND HEAD TREASURY CLERKS.

2237. Rai Bahadur Lala Panna Lal: Will the Government be pleased to state whether it is a fact that amongst the Head Clerks and Head Treasury Clerks who were in receipt of personal allowances prior to the introduction of the district offices reorganization scheme, some clerks were differently treated to others, owing to their immediate officers not allowing them to draw allowances after the 20th February 1919, while no such restrictions were imposed in other districts, and will Government be pleased to equalize matters by allowing those clerks who did not draw the allowances to draw them in arrears now?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia: All personal allowances should have been absorbed in the new pay with effect from the 20th February 1919. In some districts owing to delay in issuing the orders of Government personal allowances were continued till the 15th May 1920.

When all such allowances were definitely stopped Government, however, as an act of grace, permitted persons who had erroneously drawn the allowance between the 20th February 1919 and 15th May 1920 to retain what they had drawn. If the member has information that the allowance is still being drawn, and if he will give Government necessary particulars steps will at once be taken to stop the irregularity.

PRESENTATION OF THE BUDGET.

The Honourable Sir John Maynard (Finance Member): Many members of this House have, I hope, studied the recently published review of the accounts of the Province for 1921-22, the first year in which the reformed scheme of finance was at work. The Province started with an accumulated balance which, according to my calculations, represented not an excess of ordinary revenue over ordinary expenditure, but a capital asset, the residuum of the sale-proceeds of Crown lands which had been sold. The year began with a rainless winter and spring, and a spring crop far below normal in area and outturn. Land revenue and excise revenue suffered severely, and the prices of food-grains rose to such an unprecedented height in the second half of the year that political as well as economic conditions became abnormal and all disbursements were adversely affected. The credit balance with which the year opened was wiped out, and a debit balance of 84 lakhs (which the Accountant-General has since raised to 87) took its place.

Bad years recur from time to time and leave their mark upon provincial finances. But it is not the havoc of a particular bad year which brings about a serious financial situation such as that now confronting the Province. If 1921-22 had been a normal year, there still would have been, as I forecasted in my budget speech two years ago, an excess of ordinary expenditure over ordinary revenue. The true lesson of the accounts of 1921-22 and of what has followed is the existence of a normal recurring deficit, which it is our business to supply by a reduction of expenditure and by an increase of income; for neither of these by itself will suffice to restore and maintain equilibrium.

Another fact which is brought into prominence by the review of the public accounts for 1921-22 is the improvement which we owe to the distribution of revenue and expenditure for which the reformed finances provide. Some members of this House, fixing their eyes upon the contribution of 1¼ crores which the Province makes to the Indian Government, may fancy that the Province has been deprived of something which it had before. But, with the old system of divided heads and no

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contribution, the deficit on the year 1921-22 which actually was well under two crores, would have amounted to two crores and a half, and this has been clearly demonstrated by the figures in the review. The changes in the distribution of revenue and expenditure, which formed a portion of the Reforms Scheme, did not indeed give us the crore and fourteen lakhs of additional spending capacity which the Committee on Financial Relations imagined that they gave to us. But the working of them, as illustrated by the accounts of 1921-22, altered our position for the better by the amount of three-fourths of a crore. Why, in spite of this improvement, there was nevertheless a deficit which is not accidental, but in large measure normal and recurring, is a question which I have attempted to answer before, but on which the figures of annual revenue and expenditure in successive years speak more eloquently. While expenditure since the time of the Meston Committee has risen under each important head by percentages varying from 50 to 100 per cent., revenue has remained stationary, or risen but little, and under one important head, that of Excise, has substantially diminished. The increase in the cost of establishments (165 lakhs) and of Irrigation working expenditure (48 lakhs), due to revolutionary changes in the levels of prices and wages, combined with the drop in Excise (25 lakhs), are by themselves sufficient to explain the deterioration during the past three years in the financial prospects of the Province.

The budget for the current year was prepared on the assumption of normal climatic conditions but of the continuance of political and economic unrest, of which a rise in crime is one of the symptoms and results. The climatic conditions have in fact been better than normal, both harvests were good, and the prices of food-grains have fallen to a figure scarcely half of that which last winter kept alive a dangerous discontent. We have not, however, seen the end of unrest in the Central Punjab, and violent crime rose to unprecedented dimensions. Signs of an ebb in the volume of crime have made their appearance during the last few weeks, but the particularly serious crime of dacoity is still abnormally prevalent. According to our present arrangement of the figures, we budgetted for 924 lakhs of revenue receipts and for 1095 lakhs of expenditure charged to revenue, giving a deficit on revenue account of 171 lakhs. Differences between these figures and figures previously announced to this House are due to the separation of capital and revenue accounts. As I shall explain more fully later on, the proceeds of the sales of land, and payments and recoveries of takkavi and other Provincial loans, no longer figure in the revenue account.

Our revised estimate shows receipts 954, an improvement of 30, for which Land Revenue and Stamps are mainly responsible; and expenditure 1088 instead of 1095; leaving a deficit on revenue account of 134 lakhs instead of 171 as anticipated. The large increases are in Jails (plus seven lakhs), Interest on Debt (plus six), General Administration (plus four), Miscellaneous Irrigation Expenditure (plus four), Police (plus three). Forest is now estimated to spend nine, Industries four, Civil Works three, less than was budgetted. The figures also show a diminution of nine lakhs under the head of Education, but this is due to the transference of an allotment to the Public Works Department budget for expenditure on educational buildings. While information received since the revised budget was prepared, indicates that the saving may not be so much as anticipated, on the whole the Finance Department is entitled to take credit for having presented to this House last February

a remarkably accurate forecast of the financial prospects for the year, but the Province is to be congratulated on being better off by not very far short of 37 lakhs than we anticipated when we framed the budget.

At this stage let me ask the members of this House to review with me the conditions in which the budget for expenditure in 1923-24 has been prepared; not merely the conditions of the moment, when good rainfall, if not neutralised by the continuance of cloudy skies, promises a prosperous year, and the low prices of food and other necessaries have relieved political tension; but the normal conditions as they seem likely to continue for at least some years to come. There are certain leading facts to be taken into account. In the first place, owing to circumstances outside of the Government's control, which may be summed up in the alteration of the value of money, in relation to commodities, normal expenditure has greatly outstripped normal revenue. I recently told the Council that the recurring deficit must be put at 123 lakhs per annum. Since then the enhancement in Stamp and Court Fees charges promises an increased revenue of 31 lakhs. But in giving the figure of 123 lakhs as the normal recurring deficit, I added nothing on account of certain items which, though temporary in character, must necessarily add substantially to our financial burdens during the next few years. I refer to the interest on our overdrafts, the provision for repayment of the principal sum of the overdrafts, and the interest on capital borrowings for productive works up to the time when these will begin to bring us a return. My total of 123 lakhs also made no provision for necessary and desirable developments in the Beneficent Departments, in particular that of Education.

Here then is the first fact, a normally recurring deficit of large magnitude. The second is the refusal of the Government of India, recently communicated to us, to finance this deficit any longer. This refusal we must accept as definitive since the difficulties of the Government of India in balancing its own budget are common knowledge. A third fact is the existence in this Province of great undeveloped possibilities demanding a wisely regulated and not too niggardly expenditure to bring into existence potential wealth and realise potential welfare. The brains of our men and women call for development by education, their bodies demand the extended activities of the Medical and Public Health Departments. A huge estate of Crown land still lies arid for lack of water, our soil awaits the growth of agricultural knowledge to double its gifts to us. Our descending rivers offer to us, at the price of a judicious capital expenditure, the power, which the lack of coal and wood has largely denied to us. The uniformity of employment, which makes every purely agricultural country an easy victim to the caprices of weather, may be diversified, and products, which are now left in the raw or worked into crude forms only, may receive added value by the growth of industrial skill, if the financial means for experiment and for technical education are not withheld.

If these three facts—the recurring deficit in the revenues, the refusal of the Government of India to continue to finance it, and the need of expenditure to develop potential resources in men and wealth—stood alone, it would be necessary to exclude from our budget even more ruthlessly than we have actually excluded them, all developments except the directly productive, and to cut down largely even existing activities except those essential to the order and security of the Province.

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But there is a fourth fact which so modifies the combination produced by the other three that it justifies the Government in postponing those drastic reductions under the more beneficent heads of expenditure which would otherwise be inevitable. I call it a fact. Perhaps I should rather call it a faith. It is our settled conviction that the Government levies, for the use of certain natural resources, charges, which have long since become inadequate, and that the Punjab only waits to have the truth brought home to it before shouldering the burden which the restoration of equilibrium will impose. If and when this conviction is dispelled, the time will have arrived for stopping the progress of education, for restricting the activities of preventive and curative medicine, for ceasing to spend for the improvement of agriculture and the development of industries.

We could not have balanced our budget for the coming year without one of two things, or a combination of both of them. Either we must at once have determined upon new taxation and have budgetted for the receipts from it; or we must have receded from the standard already attained in the departments of Education, Medicine, Public Health and the like. We decided to take neither of these two courses for the moment. A resolution is pending before this House which advocates the appointment of a committee to consider ways and means of increasing the revenues. The report of this committee will be awaited before deciding upon new taxation. On the other hand we have not, for reasons just now indicated by me, so far despaired of our condition as to take a seriously retrograde step in the stoppage of beneficent activities. The Standing Finance Committee of this House recently spent five days in scrutinising the proposals for new expenditure, and in that process many items were excluded. But since that process was finished, we have cut down the expenditure budget by an additional 68 lakhs, reducing every department to the minimum compatible with efficiency, except the departments of Education, Medicine, Public Health, Industries, Cooperation, Agriculture, in which a margin (20 lakhs inclusive of works) has been left for new developments. In many cases, and I must ask the House to take particular note of this important reservation, the reductions effected can only be regarded as postponements of expenditure that is ultimately inevitable. They help us towards the reduction of a present deficit. They do not solve our permanent financial difficulty.

The reduction has been effected in two ways—first by a rigid scrutiny of all new expenditure, and, secondly, by action upon the report of the Provincial Retrenchment Committee in regard to old expenditure. That report has been in the hands of Government since January last. The proposals, both of the Majority and of the Minority, have received such consideration as is possible upon short notice. This House will readily understand that by no means all of the proposals, even if such as to be acceptable in principle, are capable of yielding relief in the present budget. One class of them, for instance, the proposal for the scrutiny of all special pay and compensatory allowances in all departments in order to ascertain their justification, demands a prolonged and complicated investigation of a multitude of particular cases. Another class, for instance, the proposal for the review of the existing travelling allowance regulations, involves the working out of new principles, which, if not done with great care, might involve Government in greater instead of less expenditure. A third class, owing to the complicated or important issues involved, necessitates further consideration and probably also reference to

subordinate or superior authorities. Instances of this are the proposals to amalgamate the Public Works Department and District Board staff, and to fix the pay of the Imperial Services at a standard adequate for the remuneration of Indian recruits. In the first case, the change, if made, can only be applicable to existing officers by their consent or to new recruits upon enlistment, and in the second there can obviously be no change for existing incumbents. There is yet another class of proposals, which, if accepted in principle, cannot bring immediate reduction of expenditure, because details of a complicated kind have to be arranged and existing employees have to be provided for. Examples of this class are the proposals for the amalgamation or reduction of Patwaris and for the cessation of the appointment of fee-receiving Sub-Registrars.

It will assist this House to realise the difficulty of translating the committee's proposals into terms of immediate retrenchment, if it will bear with me, while I analyse the Majority's recommendations in regard to education. First, there is a general remark that the existing system of University education tends to extravagance, particularly in the intermediate course. That means that the accommodation of large numbers of 1st and 2nd year students in Lahore is expensive. But it can only be avoided by establishing more Intermediate Colleges outside of Lahore, and that means—for the time being—more expenditure, though it will mean economy in the long run. Then comes a recommendation that no grant-in-aid be sanctioned for new colleges in Lahore. That is a principle which I understand to be accepted, but it does not mean a reduction of existing expenditure. Then follow other proposals, including one for the abolition of a certain educational institute. The institute named may perhaps ultimately be abolished, but you cannot turn students away at a moment's notice and when a course has been begun it must be finished. I have analysed these recommendations not by way of carping at the committee, which has done all that it could do by indicating changes of policy which make for economy, but in order to make it plain to this House that a large number of the proposals are not of a kind to yield immediate relief.

But after the elimination of these deferred and merely potential benefits, there remains a residuum of proposals to which effect can be and has been given in the preparation of the present budget. And let me make it plain that in adopting these proposals we have not confined ourselves exclusively to the Majority Report, but have also paid a respectful attention to the ideas of the Minority Report wherever these were embodied in a sufficiently concrete shape. Of course the Minority does occasionally seem to credit the Government with the possession of a magic wand and a Fortunatus purse; as when it blames us for the divergence between the income and expenditure of the Jail Department, calls upon us by a wave of the wand to reduce expenses by 20 per cent. and increase revenue by 100, and then takes credit for a saving of 11 lakhs on the score of this piece of legerdemain. We have to remember that a mere fiat for the reduction of expenditure and the increase of revenue does not effect results. We may call spirits from the vasty deep. But will they come when we do call to them? In this particular case, that is to say, of the receipts from Jail manufactures, which the Minority requires us to double, the principal customer is the Government itself, in its various departments. Anything that you add to the receipts of the Jail Department must also be added to the contingent charges of the departments who purchase from it. Is it really worthwhile to make these additions on both sides of the budget?

[Honourable Sir John Maynard.]

The reductions which have been made in the budget in accordance with the suggestions in the two reports, Majority and Minority, include the following :—

The Financial Commissioner has been made Secretary to Government and one Secretary to Government abolished.

The emoluments of Public Prosecutors have been reduced by Rs. 50,000 from the figures of the revised estimate, in pursuance of the Legal Remembrancer's scheme of fixed salaries.

Thirteen rest-houses belonging to the Public Works Department (Buildings and Roads Branch) have been selected for sale with the lands attached to them.

The Dircetor of Public Health hopes by a reorganization of establishment, which is to come into force from April 1st, to effect a saving of Rs. 35,000 per annum.

The budget allotment for travelling allowance has been reduced, so far as that is possible, before reconsideration of the principles on which the rules are based.

The Industries Bulletin has been discontinued.

Annual repairs of Jail buildings are to be effected by the Jail Department.

Budget grants for repairs to roads have been reduced.

Grants to the Communications Board have been reduced by Rs. 3,00,000.

The budget allotment for stationery and printing has been reduced.

The Commission on sales of stamps has been reduced, by one-third in the case of court-fee stamps and by a smaller proportion in the case of other stamps, and a further reduction in certain localities is under consideration.

Expenditure on the Police has been reduced by 5 lakhs on the revised figures for 1922-23.

Expenditure in the Forest Department has been reduced by 6 lakhs on the revised figures for 1922-23.

Many of the proposals are common to the Majority and Minority Reports. But the last two mentioned by me were made by the Minority only.

One proposal it has been definitely decided not to adopt : and that is the proposal for the abolition of the Urdu Gazette. It is desirable to retain this publication as a means of communicating the announcements of Government to those who do not read English.

Before I leave the subject of the Retrenchment Report I have a warning to give. It is a warning against a too facile optimism. The Majority calculates the savings consequent upon the adoption of all their proposals at an ultimate total of 50 lakhs per annum. It may be so. We hope it will be so. But the Minority, with the ardent eye of faith, put the figure very much higher. My honourable friend, the Member from Montgomery, is doubtless familiar with a famous phenomenon of that arid tract. It is called the mirage. The thirsty traveller through the wilderness sees before him what seems an inviting lake. If he follows the vain image, he wanders from the path, perhaps to perish. Let us not follow him in the pursuit of illusions. There is water, if we take the right path. But there is no lake, and no water at all where that misleading picture gleams.

I have already told the House that the reductions made on the expenditure side of the budget, since the Finance Committee completed its scrutiny, aggregate 68 lakhs In making these reductions we did not confine ourselves within the limits of the proposals of the Retrenchment Committee We considered all the economies which it appeared to be possible to apply during the coming year and adopted as many of them as possible. I hope the House will realise that in postponing so much new expenditure and in making such drastic reductions we have gone very far indeed, and that many of both classes of changes are definitely to be regarded as postponements and not final abandonments. In particular I draw attention to the risk which we have accepted in reducing our allotment for Police. Violent crime is still so bad that it has been recently necessary to summon a committee of experts, under the chairmanship of a Judge of the High Court, to consider remedies for it. If I have, in circumstances such as these, accepted, in spite of the warnings of the Inspector-General of Police, the grave responsibility of advising a reduction of nearly 5 lakhs from the revised expenditure of the current year, I have done so with the full intention of asking the Council later on to restore the full provision, if the warnings which have been given to me should prove to be justified by events.

We need reduction of expenditure as well as increase of income, and neither of these by itself will suffice for the restoration of equilibrium. But the reductions must not be the reckless reductions of panic, flinging away the guarantees of security, as a fugitive army flings away its arms, and abandoning the promise of inchoate achievements because immediate profit from them is not apparent. We must neither risk the loss of security against crime and disorder, nor sacrifice the progress which the work of the beneficent departments of the administration is making possible. Nor must we suppose, as the Minority of the Retrenchment Committee seems sometimes to have supposed, that the mere reduction of a figure in the budget without any indication of the means by which economy may actually be effected, will assist in the attainment of our object.

I will now ask the House to consider the figures of our budget as contrasted with those of the original budget of the current year. We are again assuming a year of normal agricultural conditions, fortified in this forecast by the favourable condition of the spring harvest up to date. Our budget of receipts from land revenue (after deducting the proceeds of land sales which are now credited to capital) shows a decrease of one lakh on the budget of the current year. The prospects of excise stand very much where they stood, and here we assume an increase of 1½ lakhs only. Under Stamps we assume, in virtue of recent legislation, 114 instead of 83,—an increase of 31 lakhs. Forest is estimated to give us 9 lakhs net, after deduction of expenditure, whereas the budget estimate of the current year was for a minus sum. From Irrigation, after deducting the working expenditure, we expect 354 instead of 327 in the current year's budget. In the aggregate we budget for 988 lakhs of revenue receipts, 64 more than in the current year. Something less than half of the excess is accounted for by recent legislation on Stamps, and a slightly larger amount by increased irrigation receipts. The increased irrigation receipts would have been halved if a reduction of the budgetted expenditure for working expenses by 15 lakhs had not been effected within the past few days.

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Under the heads of expenditure charged to revenue, the important increases are in interest payable, of which I shall say more below, and in General Administration where we provide 108 instead of 99 lakhs. Smaller increases of significance are in Superannuation and Pensions, 42 lakhs against 37, Jails 33 against 30, Medical 35 against 33. Perhaps the best measure of our efforts for economy is given by the figures for Civil Works which show a reduction from 128 lakhs to 99. The large reduction under 47—Miscellaneous is due to the special payments made this year to martial law sufferers. Other noticeable decreases are in Industries (10 against 14), Land Revenue (43 against 47), Police (113 against 115).

An entirely new payment is provided for in the 25 lakhs which we budget under head 21—Sinking Funds. This, together with the increased provision of 21 lakhs for payment of interest, is significant both of our unfavourable financial position and of our efforts to retrieve it. The Punjab is an indebted Province, and that not in the old and financially healthy sense, because it has contracted debt for productive works which yield substantially more than the interest which has to be paid, but because during the past two years it has exhausted its balances and spent on daily requirements money borrowed from elsewhere. That is why, under the somewhat complicated details given under the two interest heads Nos. 14 and 19, members of this House will find an item of 24 lakhs payable as interest on Loans between Central and Provincial Governments. This is on account of interest at 6½ per cent. on minus balances of the present and the past year, together with half of the deficit which is to be anticipated at the end of the coming year unless fresh sources of revenue are provided. As the sum outstanding on account of overdrafts grows, so this item of mortgaged revenues will grow with it, increasing our embarrassments till the remedy is applied.

In the aggregate we are budgetting for a total expenditure on revenue account of 1,081 lakhs, 14 less than in the current year in spite of the increased interest charges and the sinking fund for reduction of debt which the Government of India require us to provide. The deficit on revenue account is estimated at 93 lakhs, against 171, the estimated deficit for 1922-23.

Such is our present position, admittedly a bad one, though better than last year. But next best after the avoidance of a bad position, is the courage and the energy to escape from it. We now show in our expenditure account an instalment of the repayment of our debt on revenue account. It is for the Council and for the people of this Province to support us in the effort to make this paper promise a reality before the close of the coming financial year, so that debt may be reduced and future interest payments on unproductive borrowings diminished.

So far I have dealt only with revenue receipts and with expenditure debited to revenue. In last year's budget we attempted for the first time to show capital receipts and expenditure separately from revenue and the separation has been carried further this year, though it is still, owing to defects in our system of accounts, less complete than we should like to have it. On the receipt side honourable members will find that the proceeds of the sale of waste land and of Government estates have been deducted from V—Land Revenue, and those of sale of town sites from XXXV—Miscellaneous, and shown together with debt incurred, Provincial loans

and advances, loans for capital requirements, and advances from the Government of India, as Capital Receipts. Capital expenditure on account of Irrigation, Forests, Industries, Hydro-electric development and Civil Works, has been classed together with Loans and Advances, as expenditure not charged to Revenue. Among these items, that of permanent debt incurred refers to a loan, of which I shall say more later, which we hope to raise in the Province this calendar year. Loans and Advances, on both the receipts and disbursements side, mean the transactions on account of loans to agriculturists and to local bodies which were formerly classified in the Provincial loan account. The loans for capital requirements are the amounts which we have received or expect to receive from the Government of India for irrigation and other capital expenditure; and the item of "advance from the Government of India" refers to the overdrafts, on revenue account, which at the end of each financial year are transferred to this head, instead of continuing to figure as deficits.

The practical objects of the separation of revenue and capital accounts are perhaps sufficiently obvious, but two examples will serve to illustrate them. When the committee on Financial Relations scrutinised the Punjab accounts, they found a very substantial balance, and the magnitude of this balance was one of three reasons assigned by the committee for fixing the contribution of this Province to Central funds at 1¾ crore. But this balance was merely the residuum of a capital receipt, the sale price of Crown land, and it demonstrated nothing whatever as to the capacity of the normal revenues. I do not say that the committee ignored this aspect of the Punjab case altogether, but, if the occasional or windfall character of this item had been emphasised by its classification apart from revenue, less weight would have been attached to it in fixing our contribution, and we might have escaped with a smaller one.

Again, there is always a difficulty in determining to what extent the Forest Department, which is expected to show a profit, is actually earning one, because items of capital expenditure are mixed with items of expenditure properly chargeable against revenue. We have not by any means completed the difficult task of rearranging Forest departmental accounts, so as to demonstrate the actual returns upon outlay, but we have made a beginning in the removal of confusion by classifying certain capital outlay separately.

But the most important feature of a Capital Account in this Province at present is the provision which is made in it for the funds required for the Sutlej Valley Irrigation Project. Very deep interest is naturally felt in this House in a scheme which will, in the Punjab and adjoining Native States, add millions of acres now barren to our cultivated area, provide subsistence for millions of human beings, and contribute substantially to the rehabilitation of the revenues of the Province. As we know, it is to be followed by other great projects of irrigation, and when they are completed, more than half of the agriculture of this Province will be secured by canals against the caprices of the seasons. It is difficult to imagine any more important material interest for the Punjab than the facility of borrowing at a reasonable rate of interest, either here or elsewhere, and preferably of course here, the money needed for the completion of these great beneficent schemes. The investor is proverbially timid, and will want a higher rate of interest if any appreciable risks are involved. On our reputation for honesty and solvency and for that kind of level-headed wisdom which serves for a guarantee against political and economic disturbances, depends our power to finance, without extrava-

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gant payments, the conversion of our deserts into cultivated fields : and the arrangements for financing the capital outlay required for this purpose are of first class importance.

It will be seen that among the capital receipts for which we estimate in 1923-24 is a crore of rupees for permanent debt incurred. No other item of debt figures except the loans and advances from the Central Government. When I introduced last year's budget to this Council I anticipated that the Punjab Government would make all its own arrangements for raising the capital required for the Sutlej Valley Irrigation Project and other similar undertakings, and would borrow money for the purpose in the United Kingdom or in India or partly in both countries. As we went on to investigate this question further, certain difficulties began to come to light. One was that neither the Indian Government nor a Provincial Government can raise loans in the United Kingdom without the authority of Parliament, and that the maximum aggregate which can be borrowed in this manner is determined by statute and is not more than sufficient for the requirements of the Government of India itself. Another was that the Punjab Government, having a deficit budget, would find it somewhat difficult to convince investors of its ability to pay interest and repay capital. Such difficulties, due to the natural unwillingness of the investor to risk the loss of his money, can perhaps be overcome, but always at the cost of a substantially higher rate of interest than a Government having a properly balanced budget would have to pay. I cannot attempt to guess how much would be added to the rate of interest if the investing world were to take seriously the threat, recently uttered by a body of patriotic gentlemen, that all future loans will be repudiated by a Swaraj Government. There is such a thing as cutting off your nose to spite your face, but I fancy that these gentlemen were too much occupied with high politics to remember the Punjab Irrigation programme and the prosperity which it brings, and promises yet to bring, to millions of humble Indian homes. Those of us who have at heart alike the honour and the material interests of this country will pray that such wild talk may find no echo. Otherwise the yet infructuous hoards of the Indian peasant will be buried away even deeper than hitherto and all hope of applying them to the development of the country's wealth will disappear.

The plan of borrowing on our own account the whole of our capital requirements was finally abandoned, because it was found that the needs of the Government of India exhausted the capacity of the money market, and that a Provincial Government, with a deficit budget and consequently impaired credit, would obtain advances from the Government of India on terms more favourable than those required for a loan of its own. So long as the schemes which we are desirous of financing are of unimpeachable soundness, as the Punjab Canal Schemes are, and so long as our financial position is not allowed so to deteriorate as to raise doubts of our ability to pay interest on borrowings, it seems likely that the Government of India will not make difficulties over the advancing of money for this class of capital expenditure. This is the meaning of the entries which honourable members will find both in the revised estimate for 1922-23 and in the budget for 1923-24 under the heading of Loan from the Government of India for capital requirements.

We have not, however, been content to remain entirely in this dependent position. We propose to try a novel experiment and to appeal to the Punjab investor to invest in the canals of his own Province, and sanction has been obtained to the raising of a loan of a crore of rupees within

this Province. This is the item which figures in the receipt budget of capital, under the head of Permanent Debt incurred. It is believed that public opinion in the Province will warmly welcome this beginning at an attempt to finance our own canals by our own home borrowings and that we shall be able, without offering more than the ordinary rate of interest, to tap sources which are not ordinarily reached by the Government of India. If our Punjab loan on this occasion succeeds, we shall hope to carry the same policy further in future years, so that the interest which we have to pay upon our capital outlay may at least go into the pockets of our own people. Honourable members of this House will, I have no doubt, help to popularize this loan and explain its objects to the public.

3 P.M.

In the current year we budgetted for a capital expenditure of 133 lakhs, now revised to 146, of which 120 are for the Sutlej Valley Project and other productive works and the remainder (except Rs. 1,22,000 for Hydro-Electric Surveys and Rs. 1,20,000 for Civil Works) for provincial loans and advances, that is to say, for *takkavi* and loans to Local Bodies. This is to be met, according to our revised estimate, by sales of land 28 lakhs, receipts on provincial loans 38, and a loan from the Government of India for the remaining amount. For the coming year we anticipate a capital expenditure of 209 lakhs, of which 180 will be expended on the Sutlej Valley Project and other productive works, 22 on provincial loans and advances, and 7 on Industries, Civil Works, Hydro-Electric Surveys and Forests. It is to be met by 34 lakhs from sales of land, 28 from provincial loans and advances, one crore from the proceeds of our own Punjab loan, and the balance from the Government of India. On the assumption that we are successful in the novel and interesting experiment of a Punjab loan, we shall next year be borrowing from the Government of India on capital account 52 instead of 80 lakhs, the amount assumed in the revised figures for the current year.

Finally, I sum up to the House the financial position of this Province and the manner in which it is proposed to deal with it. Even if nothing be allowed for further developments in Education and those other departments which raise the standard of life without bringing any direct pecuniary return, this Province has a normally recurring deficit, which, in spite of additions made to Court-Fees and Stamp duty, must still be put at little less than a crore of rupees a year. In addition to this permanent difficulty there are certain special temporary burdens. One is the fact that a great enterprise ultimately very profitable, is being carried out with borrowed capital, and that the interest on the borrowings has to be provided before the profits begin to accrue. This is a steadily rising charge which, if the Sutlej Valley Project costs us 5 crores before it begins to pay, will mean an annual uncovered outlay of 32½ lakhs. When this great enterprise has been completed, another will be commenced and the payment of interest on the second, before the profit-earning stage is reached, will continue the drain upon resources. Another burden, sooner, we hope, to be removed from our shoulders, is the payment of interest upon our overdrafts for revenue purposes, and the provision of a sinking fund to discharge those overdrafts. The provision in the current budget for these purposes is 49 lakhs which represents the penalty of overspending.

Our immediate difficulty arises from the inability of the Government of India to continue to finance our deficits. We propose to deal with this in part by reducing new developments in the beneficent departments to the amount of 20 lakhs (including works as well as recurring services), by cutting

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down other expenditure by the application of the strict canon of necessity, and by adopting such of the proposals of the Retrenchment Committee as can be accepted and applied at once. But a large part of the reductions which have been made in the present budget must be regarded as postponements, not final economies. And even after these reductions have been made, our budget shows a deficit of 93 lakhs in the revenue account, after providing for the debt services. Since we cannot sacrifice security in any circumstances, since we must not close schools or abandon ground already won in the beneficent departments, it is not possible, without fresh revenues, to wipe out or even substantially to reduce this deficit.

The permanent difficulty—which may be summed up as a normal deficit coupled with an insistent need of development in education and other matters—can be dealt with in part by retrenchment, as those proposals of the Committee which are not susceptible of application to the present budget are gradually worked out. But those who imagine that this great gap between needs and resources can be bridged by retrenchment alone, deceive themselves, and follow an illusion. We are face to face with a double necessity: the necessity of retrenchment; and the necessity of raising fresh revenues: and it is not possible to evade either.

Sir, I present to the Council the budget for 1923-24.

SUPPLEMENTARY DEMANDS.

Mr. President: The House will recollect the discussion on the 27th regarding the difficulties arising from the short notice of supplementary demands which members had received. I am afraid I assumed that the difficulties would be obviated by adjournment of the motions for these supplementary grants until to-day. I forgot for the moment that this was the month of February, and that adjournment until today meant adjournment for a bare 48 hours only.

Standing Order 73, read with Rule 30, and Rule 32 (2), seems to me to imply that the President has no power to allow any member to urge reduction of a grant unless he has given two days' notice. Moreover, the rule is absolute, and in case anything I said on the 27th led to the supposition that I claim as President any inherent power to override a Standing Order, I repudiate any claim to such power. Notices of various amendments to these demands for grants have been received, but only yesterday. Consequently I cannot allow them to be moved to-day and the effect appears to be that the demands can be discussed to-day, but no omission or reduction thereof. Therefore they would have to be passed intact. The rules and standing orders were drafted no doubt on the assumption that members would have received notice of the demands and of the date on which they would be taken up adequate to admit of their putting in amendments in time. In the present case such adequate notice was not given. It would obviously be unfair therefore to take up the demands to-day. The obvious solution is a further postponement, and in order to effect this in due form I would suggest that the Honourable the Finance Member should move for further postponement at any rate of those demands regarding which notices of reduction have been received. The others can be taken up to-day if so desired.

The Honourable Sir John Maynard (Finance Member): Sir, I feel myself faced with a rather peculiar position created by the mistake which has been discovered. If I do not ask for an adjournment, the result will be that all grants will be put forward and they will be all passed *in toto*. The House will readily understand that the very last thing which the Government will desire is to take advantage of any accident of this kind and therefore the proper course for me is to ask for the postponement of the discussion of the supplementary grants. It won't do merely to postpone those demands for which amendments have been received, because if I understand the position correctly, it would mean that no one will have a right to say anything on those grants for which no amendments have been received.

Mr. President: My presumption was that inasmuch as no amendments had been received in respect of certain grants, they would go through without any dispute.

The Honourable Sir John Maynard: In the circumstances the only course open is to postpone the discussion on the supplementary grants altogether till to-morrow and not merely to take some of the demands to-day. If that is agreeable that may be an arrangement for which I am confident I have the authority of His Excellency the Governor.

Dewan Bahadur Raja Narendra Nath (Punjab—Landholders—General): I am afraid that to-morrow will not suit most of the members of this House and it will interfere with our holiday. Secondly, we must be given time to consider the budget for the general discussion. But I do not see what objection the House could have in taking up for consideration now those supplementary demands for which no notice of amendment has been received. It will take us about 5 minutes to go through them.

Mr. President: We can go through them in 20 minutes no doubt.

Mr. Manohar Lal (Punjab University): Sir, the intention of the rule is to give two days' notice to the members; but when a motion is made it is open to the House to reject that motion *in toto*, otherwise what is the sense of making a motion?

Mr. President: I have considered the point fully. I admit the curious position but I do think that the intention of the rule is that Government should in all cases have two days' notice, otherwise I fail to see why the rule should be there.

The Honourable Sir John Maynard: If there is some difficulty in taking them up to-morrow they may be taken up on the 7th, but I am confident that it will not be possible to deal with the whole of the business on March the 7th. The resolution allotted for the 8th will engage the whole day. Therefore it will be necessary to ask His Excellency to appoint another day.

Mr. President: The question is—

> "That the discussion of the Supplementary Grants be postponed until the 7th of March."

The motion was carried.

The Council then adjourned till 2 o'clock on Monday, the 5th March 1923.

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PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Monday, the 5th March 1923.

THE Council met at the Council Chamber at two of the clock. Mr. President in the chair

ANNOUNCEMENTS FROM THE CHAIR.

ADDITIONAL TIME FOR GOVERNMENT BUSINESS.

Mr. President: I have to announce to the Council that His Excellency the Governor has appointed an additional day, March 17th, for official business. Members will find in their places a continuous list of Government business to be brought forward at the meetings of Wednesday, the 7th March, Thursday, the 8th March, and Saturday, the 17th March. As members are aware the resolution of Sardar Randhir Singh regarding release of Jaidwara prisoners is to be taken up on the 8th of March immediately after questions. If this resolution of Sardar Randhir Singh should be disposed of before the end of the sitting on March 8th, the remainder of that day will be devoted to official business. I think honourable members fully understand that if Sardar Randhir Singh's resolution is not disposed of by the end of the sitting of the 8th, its discussion will have to be carried over till the next non-official day, *viz.*, March 23rd.

RULING *RE* AMENDMENTS TO SUPPLEMENTARY DEMANDS.

Mr. President: I regret that on the 1st instant I gave a ruling which was incorrect in one respect, regarding the effect of Standing Order 73 read with rules 30 and 32 (2). I take this first opportunity of putting the matter right. The point is simple and entirely analogous to that of ordinary amendments except that the rule as to the length of notice of amendments which is required is absolute. The fact that notices of amendments to demands for grants, whether original, excess or supplementary, have not been received in time, or the fact that no notices at all have been received merely results in restricting the Council to the choice of accepting the demand as it stands or rejecting it *in toto*. It cannot in such a case reduce the demand or omit or reduce any item in the demand, but it still retains its inherent power to reject the demand entirely if so minded. As a matter of fact our Standing Order 73, as originally framed was amended by this Council in order to remove the difficulty arising from the order as originally worded.

QUESTIONS AND ANSWERS.

ARBITRATION SOCIETIES.

2238. Malik Firoz Khan, Noon: Will the Government kindly state the reasons why further registration of Arbitration Societies organised by the Registrar, Co-operative Societies, which settled petty civil and criminal cases out of court, has been stopped ?

The Honourable Lala Harkishan Lal: Now that the Panchayat Legislation has become an accomplished fact the Ministry of Agriculture con-

siders that Arbitration Societies are no longer necessary moreover, the arrangements for the execution of awards of societies were in law defective.

COMMUNAL REPRESENTATION IN THE BHERA MUNICIPALITY.

2239. Malik Firoz Khan, Noon: (*a*) Will the Government kindly state the population of the two principal communities inhabiting Bhera town?

(*b*) Will the Government kindly give the proportion of seats proposed to be given to these two communities, respectively, in the revised constitution for the municipality?

(*c*) Will the Government kindly state whether the larger community is to receive a share of seats in proportion to its numbers, and, if not, why not?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) According to the census of 1921 the figures are—

Muhammadans	...	11,716
Hindus	...	4,929 (excluding Sikhs, 5,259)

(*b*) Communal representation is not being introduced in this Municipality, but it is proposed that of the 12 elected seats, 8 should be secured to Muhammadans, by allowing for a preponderance of Muhammadan voters in 8 wards.

(*c*) Does not arise.

ECONOMY IN THE COST OF DEMI-OFFICIAL CORRESPONDENCE.

2240. Rai Sahib Lala Thakar Das: (*a*) Has the Government taken any steps during the current financial year to reduce expenditure on stationery?

(*b*) Is it a fact that, in demi-official correspondence, the thick paper which was in use last year is still in use?

(*c*) Is it a fact that, in consequence of an increase in the rates of postage from April last, the postage on a demi-official letter of ordinary size has increased by at least 50 per cent.?

(*d*) Will the Government be pleased to give a rough idea of the burden likely to be imposed on the provincial revenues by the increase in the rates of postage?

(*e*) (*i*) Does the Government contemplate any economy in the cost of demi-official correspondence?

(*ii*) If so, will the Government be pleased to consider the advisability of introducing a somewhat lighter variety of paper suitable for transmission of an ordinary sized letter on a postage of half an anna?

(*a*) **The Honourable Sir John Maynard:** (*a*) Yes, *e.g.*, envelopes are now used more than once; certain forms have been discontinued and restrictions placed on the issue of new forms, the number of proceedings printed has been reduced and at various times detailed instructions have been issued to officers on the necessity of curtailing the consumption of stationery.

(*b*) Yes.

(*c*) Yes.

(*d*) Probably 2 or 3 lakhs, but it is difficult to ascertain exactly.

(*e*) (*i*) No appreciable economy is now possible in this direction; orders have issued prohibiting the use of coloured crests with such note paper, except in very exceptional circumstances, and instructions issued that small sizes of demi-official note paper should be issued in preference to large ones. The question whether the use of thinner paper would result in any substantial economy in cost of paper will be considered.

(*ii*) This question does not arise in view of the answer to part (*i*) above, but it is pointed out that the minimum rate of letter post is now one anna and not half an anna. So far as postage charges go, nothing would be gained by the use of thinner paper.

SHORTAGE OF PASTURE LANDS AND THE DETERIORATION OF MILCH CATTLE IN THE PROVINCE.

2241. Rai Sahib Lala Thakar Das: Has the attention of the Government been drawn to the shortage of the pasture lands in this province and the deterioration of the milch cattle? If so, will the Government be pleased so to arrange that at the time of settlement and in consultation with the zamindars a piece of land is set apart as pasture land in each village, the Government in such cases foregoing its revenue of these plots?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer to the first part of the question is in the affirmative. As regards the second, Government is endeavouring to combat the difficulty referred to by various methods which appear preferable to the proposal of the honourable mover.

Maulvi Muharram Ali, Chishti: Will Government be pleased to state what methods appear preferable to the proposal of the honourable mover?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: After a resolution of the Council a Committee was appointed and they passed the following resolutions:—

> "Pastures should be opened by Government in the large towns and other places where land may be available and where grazing should be allowed on payment of Tirni. In addition to these pastures, cattle farms on the lines of a miniature Hissar Cattle Farm should be run by Government itself in the new Lower Bari Doab Canal, the home of the Montgomery breed for that breed."
>
> "The Forest Department should be asked to consider what forests in or near the plains could be devoted more than is at present the case to the growth of grass instead of trees: as the Pabbi hills in the Gujrat."

Suitable action on these resolutions has been taken. Government has also given land to improve the milking breeds in the province, and I think some 10,800 acres have been given out and the eventual strength of the herd on these farms is 1,150 cows exclusive of their progeny. Selected male stock is issued for breeding purposes and selected female progeny is sent out to replenish the stock of dairy herds in the Province. Besides, I may inform the honourable member that Government has recently sanctioned the allotment of some waste land to junglis on cow-breeding conditions. Another thing that has been done is that recently a piece of land in Rakh Chandori has been leased out to a Syndicate for starting and maintaining an up-to-date dairy for the supply of good milk to Lahore. I hope that this information will satisfy the honourable member.

TOURING OFFICERS AND HEARING OF REVENUE AND EXECUTIVE CASES.

2242. Rai Sahib Lala Thakar Das : (*a*) Is it a fact that in this province the notices issued by Sub-Divisional Officers and other officials on tour to parties having revenue and executive cases for disposal sometimes fail to specify the place where the case will be taken up but merely direct them to attend wherever the officer may be ?

(*b*) If so, will the Government be pleased to direct that the practice, wherever it prevails, should be put a stop to, and that the notice must always specify the place where any person is required to attend.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Enquiry on the subject is being made as Government has no information.

Maulvi Muharram Ali, Chishti: Will Government be pleased to inquire whether those orders are obeyed or not and whether the complaints embodied in the question are correct or not.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : I have said that Government has received no information on the subject.

TOURING OFFICERS AND THE HOURS OF HEARING OF REVENUE AND EXECUTIVE CASES.

2243. Rai Sahib Lala Thakar Das : Is it a fact that litigants are put to much inconvenience during the touring season on account of touring officials taking up revenue and executive cases at unusual hours, *i.e.*, not between the hours of ten and four in the cold weather and in the hot weather either between these hours or at some earlier hour ? Will the Government be pleased to take steps for removing this inconvenience ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : Government has no information to this effect.

ASSISTANT SURGEONS AND THE FILLING OF HOSPITAL REGISTERS.

2244. Rai Sahib Lala Thakar Das : (*a*) Will the Government be pleased to state whether it is a fact that the in-door register, out-door tickets and diet registers are mostly filled up by the compounders and hospital clerks ?

(*b*) Is it a fact that this work should as a rule be done by the Assistant Surgeons themselves ? If so, will Government be pleased to issue instructions to enforce this rule ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : (*a*) It is not a fact that these registers are mostly filled up by compounders and hospital clerks. There are no hospital clerks. The Inspector-General of Civil Hospitals has found in certain instances that the registers have been filled in by compounders and has taken such action as is necessary in the matter.

(*b*) Assistant Surgeons are responsible that all books, records and accounts are kept in proper order and up to date, and those relating to professional work should be maintained by them or by other Medical officers under their

orders. Government does not propose to issue any instructions in the matter as the Inspector-General of Civil Hospitals is competent to take such action as may be necessary to check laxity in this respect.

OFFICIATING SUPERINTENDENT OF POLICE, RAWALPINDI.

2245. **Mian Ahmad Yar Khan, Daultana:** (*a*) Is it a fact that some months ago a Probationary Assistant Superintendent of Police was sent from Ludhiana to Rawalpindi to officiate as Superintendent of Police for a short time?

(*b*) Is it also a fact that a confirmed Indian Assistant Superintendent of Police was already at Rawalpindi?

(*c*) If so, will Government be pleased to state the reasons for the above?

The Honourable Sir John Maynard: (*a*) The Probationary Assistant Superintendent of Police in question was transferred to Rawalpindi in substantive capacity and not to officiate as Superintendent of Police.

(*b*) The Indian Assistant Superintendent of Police at Rawalpindi was under orders of transfer to an important sub-divisional charge.

(*c*) It happened by accident, unconnected with either of the foregoing, that the post of Superintendent of Police at Rawalpindi fell vacant temporarily at this time, and as usual the next senior officer officiated. The implication of racial discrimination contained in this question is to be deprecated.

KORUNGA CANAL.

2246. **Mian Ahmad Yar Khan, Daultana:** Is it a fact that complaints have been received as regards the irrigation of Korunga Canal in Tahsil Kabirwala (Multan District)? If so, will the Government be pleased to consider the advisability of broadening the head of the canal?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Complaints were received about short supply in the Korunga Canal. These complaints were received during the monsoon when the river water was carrying a very heavy silt charge. Ordinarily the canal is capable of carrying ample supplies. Supplies, however, diminish during certain periods in the monsoon because of silt deposits in the head reach. The remodelling of the head reach of the canal to provide means for scouring out silt without closing the canal is under consideration. The remedy does not lie in broadening the head of the canal.

CONSTRUCTION OF REGULATORS ON THE KORUNGA, ABDUL HAKIM AND FAZIL SHAH CANALS IN THE MULTAN DISTRICT.

2247. **Mian Ahmad Yar Khan, Daultana:** Is it a fact that there are lot of highlands on the Korunga, Abdul Hakim and Fazil Shah Canals in the Multan District which remain unirrigated? If so, will the Government be pleased to consider the advisability of constructing regulators on these canals?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: It is a fact that there are certain uncommanded areas on the Koranga, Abdul Hakim and Fazil Shah Canals. Such areas are found in the head reach of every canal and are not peculiar to these particular canals.

The construction of more regulators on these canals would not be of the slightest benefit: they would on the contrary cause more rapid silting. The lands in question are above the level of water surface in the river and can be irrigated by lift against which there is no prohibition.

INCLUSION IN THE ELECTORAL ROLLS OF MAJOR MALE MEMBERS OF A HINDU JOINT FAMILY.

2248. **Rai Bahadur Lala Sewak Ram:** Is it a fact that the major male members of a joint Hindu family are not considered "co sharers" in their joint "land assessed to land revenue or in other immovable property or in a tenancy or lease of land assessed to land revenue, or in the receipt of assigned land revenue" for the purpose of qualification No. 4 of schedule II to Electoral Rules (page 28 of Volume IV, Punjab Legislative Council Manual)? If so, will Government be pleased to issue necessary instructions to the Electoral Officers appointed to revise the Electoral Rolls that every major male member of a joint Hindu family be considered qualified as an elector who would be so qualified if his share in the joint land, property, tenancy, lease or assignment were held separately?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia, The latest instructions * on the subject referred to is laid on the table for the information of the honourable member. In view of these instructions, Government see no necessity to take action on the lines suggested.

* *Instructions.*

"When two or more persons are co-sharers in immovable property or land assessed to land revenue, or an assignment of land revenue, or a tenancy or lease of Crown land, or an occupancy tenancy, every such person shall be qualified as an elector who would be so qualified if his share or shares in any such property, land, assignment, lease, or tenancy were held separately; provided that the share of a person under the age of 21 years shall for the purposes of this clause be deemed to be the share of his father, or in his father's absence of his eldest brother."

Rai Bahadur Lala Sewak Ram: I know from personal inquiries that these instructions are not known to officials. Will Government be pleased to issue these instructions once again?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Will you give the names of the officials who do not know?

Rai Bahadur Lala Sewak Ram: I have asked several officers and they say they do not know.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Unless you give me their names, I cannot answer the question.

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* Volume IV, page 376.

TRANSFER OF MUNSIF'S COURT FROM SHORKOT TO JHANG.

2249. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table the answer to question No. 1930,* put by me on the 1st of November 1922.

The Honourable Sir John Maynard: The answer to question No. 1930 is now laid on the table.

(Answer to Question No. 1930.)

(*a*) The Munsifi at Shorkot was located some time in 1875. It was subsequently withdrawn therefrom. The connected correspondence is not traceable and it is therefore difficult to give the reasons asked.

(*b*) The work of the Shorkot Tahsil does not warrant the location of a separate Munsifi there, nor is Shorkot geographically suitable for it.

TRANSFER OF MUNSIF'S COURT FROM LYALLPUR TO SAMUNDRI OR TANDLIANWALA.

2250. Rai Bahadur Lala Sewak Ram: Will Government be pleased to lay on the table the answer to question No. 1931 * put by me on the 1st of November 1922?

The Honourable Sir John Maynard: The answer to question No. 1931 is now laid on the table.

(Answer to Question No. 1931.)

This suggestion is not feasible as litigants from Toba Tek Singh and Gojra would have to go to Samundri by road or to Tandlianwala by a circuitous railway line, whereas at present there is a direct line to Lyallpur.

TRANSFER OF MUNSIF'S COURT FROM LYALLPUR TO SAMUNDRI OR TANDLIANWALA.

2251. Rai Bahadur Lala Sewak Ram: Arising out of the answer given to my question No. 1931† on the 1st November 1922, will the Government be pleased to state if it is a fact that litigants from Toba Tek Singh and Gojra go to the Lyallpur Munsifi, while litigants of Samundri Tahsil have to go to Lyallpur by a circuitous route? If so, will Government be pleased to reconsider the suggestion contained in my question No. 1931?

Mr. D. J. Boyd: It has been ascertained, after enquiry from the local officers, that the facts are as stated in the first part of the Question except that residents of the Samundari Tahsil can go to Lyallpur direct by road if they do not like the circuitous railway journey. As there is not enough business to justify a separate Munsif's Court for the Samundari Tahsil Government cannot reconsider its reply to question No. 1931.

INSTRUCTIONS TO REVENUE PATWARIS ON SIDHNAI CANAL REGARDING *KHASRA GIRDAWARI*.

2252. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to issue instructions to the effect that Revenue Patwaris on the Sidhnai Canal after the inspection of standing crops should give a copy of their entries in the *khasra girdawari* to *zamindars* as it is done by the Canal Patwaris to enable them to apply to the Girdawar Kanungo for the remission of *kharaba* in case the *kharaba* proposed is less than the actual *kharaba*?

* Volume IV, page 871. †Volume IV, page 876.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The *Dastur-ul-amal*, rule 34, lays down instructions in the sense desired by the honourable member. Orders have issued to Revenue Officers to see that this rule is observed.

WATER SUPPLY IN THE SIDHNAI CANAL.

2253. Mian Ahmad Yar Khan, Daultana : Will the Government be pleased so to arrange the distribution during the cold weather of water between the Upper Chenab, the Lower Bari Doab and the Sidhnai Canals in such a way that the Sidhnai Canal may at least run for a week in a month full supply till the completion of the Haveli Project ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The Sidhnai Canal is entitled to the water in the Ravi river after the requirements of the Upper Bari Doab Canal have been met. It has no claim to any but Ravi water. Government cannot undertake to distribute water in the manner suggested, as it would involve interference with the prescriptive rights of the irrigators on the Upper Chenab and Lower Bari Doab Canals and moreover would lead to waste of water by percolation in the bed of the Ravi river.

RESIDENTIAL QUALIFICATION IN THE CASE OF THE ELECTORATES OF DISTRICT BOARD CONSTITUENCIES.

2254. Mian Ahmad Yar Khan, Daultana. Will the Government be pleased to consider the advisability of imposing the residential qualification in the case of the electorates of District Board Constituencies ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : The honourable questioner's meaning is not clearly understood. A copy of the recent District Board Notification on the subject is, however, placed on the table for his information. His attention is particularly invited to Rules 2 and 3.

LOCAL GOVERNMENT DEPARTMENT.

BOARDS.

The 1st June 1922.

No. 16723.—With reference to Punjab Government notification No. 1871, dated 19th January 1922, it is hereby notified that, in exercise of the powers conferred by section 55 (2) (*d*) of the Punjab District Boards Act, 1883, the Punjab Government (Ministry of Education) are pleased to make the following rules in supersession of all the rules, except rule 1 of each set of rules, published with Punjab Government notifications :—

No. 8231, dated 25th March 1919.

No. 8312, dated 26th March 1919.

No. 8296, dated 26th March 1919.

No. 8304, dated 26th March 1919.

No. 8310, dated 26th March 1919.

No. 8306, dated 26th March 1919.

No. 8300, dated 26th March 1919.

No. 8302, dated 26th March 1919, as amended by Punjab Government notification No. 10871, dated 7th April 1920.

No. 8308, dated 26th March 1919.

No. 8298, dated 26th March 1919.

No. 8946, dated 1st April 1919, as amended by Punjab Government notification No. 10874, dated 7th April 1920.

No. 8947, dated 1st April 1919, as amended by Punjab Government notification No. 20970, dated 17th August 1920.

No. 8948, dated 1st April 1919.

No. 9456, dated 5th April 1919.

No. 9301, dated 4th April 1919.

No. 9135, dated 3rd April 1919.

No. 9458, dated 5th April 1919.

The rules will come into operation 3 months from the date of publication of this notification.

Rules.

Application

1. These rules shall apply to all the districts in which the elective system is in force.

Qualifications of voters.

2. (1) Every male British subject or natural born subject of a State in India residing within the district, of sound mind, and not less than 21 years of age, shall be entitled to be registered as a voter if he—

(*a*) pays in the district Re. 1-0-0 per annum or upwards as local rate; or

(*b*) pays in the district Rs. 4 per annum or upwards in the form of any other cess or rate or tax payable to the district board; or

(*c*) is an elector to the Punjab Legislative Council for any rural constituency included in the district wherein he resides or in which the district wherein he resides is included.

(2) Every such person shall be registered as a voter in the election circle wherein he resides or in any election circle wherefrom he derives any part of his qualification under sub-clause (*a*):

Provided that no person shall be registered in more than one election circle of the district.

Presumption as to residence.

3. For the purposes of these rules a person may be presumed to reside in a district if he owns a family dwelling house, or a share in a family dwelling house in that district, and that house has not been let on rent, either in whole or in part, during the 12 months preceding the last date prescribed for the preparation of registers of voters by rule under section 55 (2) (*d*) of the Punjab District Boards Act, 1883.

4. Where two or more persons are jointly entitled under rule 2 (1) every such person shall be severally deemed entitled to be registered as a voter, provided he would be so entitled if his share was separate.

Land records, etc., to be conclusive evidence.

5. For the purpose of determining any claim to be registered as a voter under these rules any entry in the land records and if not in conflict with the land records any entry in the district board records shall be conclusive evidence of the facts stated therein.

Corrupt practices.

6. If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code, punishable with imprisonment for a term exceeding 6 months, his name, if on the register of voters of any election circle in any district, shall be removed therefrom and shall not be entered thereon for a period of 5 years from the date of the conviction, or, if not on any such register, shall not be entered thereon for a like period.

SITES FOR PLACES OF WORSHIP IN THE MANDIS OF COLONIES.

2255. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that the Government sells lands to people in the Mandis of Colonies at a high price for sites for places of worship (Mosques, Gurdwaras and Temples)?

(*b*) Will the Government be pleased to consider the advisability of granting lands free of cost for sites for places of worship in various mandis in future to those communities at least the population of which comprises more than 100 male adults in the mandi?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: (*a*) For an area not exceeding two kanals the price at which sites for places of worship is sold in colony towns is half market value or Rs. 500 per kanal whichever is less. For additional area the full market rate is charged.

(*b*) The interests of the tax-payer and condition of the provincial finances preclude the possibility of giving such grants free of cost.

RESTRICTIONS ON THE RATE OF INTEREST TO BE TAKEN BY MONEY LENDERS.

2256. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to impose restrictions on the rate of interest to be taken by money-lenders and protect the zamindars till they can protect themselves?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Rates of interest are already controlled to certain extent by the provisions of the Usurious Loans Act, 1918. Government (as at present advised) is not prepared to introduce legislation to extend the provisions of that Act.

MONEY-LENDERS AND ZAMINDARS.

2257. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to devise suitable preventive measures to the effect that no transaction by which a money-lender takes advantage of a zamindar's illiteracy by writing in his *hundi* a higher sum than the sum actually lent or writing less receipts than actually received or charging higher rates on the lent articles and lower rates on received articles that the existing market value shall be valid unless made before a responsible person or body (*i.e.*, zaildar, lambardar or village panchayat) ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Government do not contemplate the introduction of legislation on the lines indicated.

2258. *Cancelled.*

COMMUNAL REPRESENTATION AMONG SUPERINTENDENTS OF THE OFFICES OF SUPERINTENDING ENGINEERS, PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH.

2259. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to state—

(*a*) the number of Superintendents of the offices of Superintending Engineers, Public Works Department, Irrigation Branch, in the province ?

(*b*) the number of Muslims, Sikhs, Hindus and Christians among them ?

(*c*) Will the Government be pleased to improve the Sikh and Muslim proportion in this branch of the Public Works Department.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: There is no Superintendent in the offices of the Superintending Engineers in the Irrigation Branch.

EXTENSION OF THE IRRIGATION BOUNDARY OF THE LOWER BARI DOAB CANAL.

2260. Mian Ahmad Yar Khan, Daultana: (*a*) Is it a fact that Makhdumpur Pahoran, Makhdum Vinohi, Hasspur, Koraswala, Kot Badur and Vinohi villages in Tahsil Kabirwala, Multan District, are outside the irrigation boundary of the Lower Bari Doab Canal ?

(*b*) Is it also a fact that the survey of these villages was completed last year ?

(*c*) Will the Government be pleased to extend the irrigation boundary of the Lower Bari Doab Canal and thereby irrigate these villages ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The answers to (*a*) and (*b*) are in the affirmative.

(*c*) Government is unable to consider the question of extending irrigation to any new areas until it is definitely decided as to how much of the area within the present irrigation boundary is suitable for irrigation.

ENCOURAGEMENT OF EDUCATION AMONG THE MUHAMMADANS OF THE SHEIKHUPURA DISTRICT.

2261. Khan Muhammad Abdullah Khan : Is it a fact that the Muhammadans form three-fourths of the total population of the Sheikhupura District?

If so, will the Government be pleased to state what steps have been taken by the District Board, Sheikhupura, to encourage education among this section of the population?

The Honourable Khan Bahadur Mian Fazl-i-Husain : Muhammadans form 64 per cent. of the total population of the Sheikhupura District as it is now constituted.

2. Large new Middle School buildings are being erected at the following villages which are mainly Muhammadan :—

Villages.	*Estimated cost.*
	Rs.
Jandiala Sher Khan	26,622
Shakkot	23,287
Burj Atari	11,877

3. In addition to these five Lower Middle School buildings in Muhammadan villages have been constructed and 10 Primary School buildings. The money spent on buildings in villages which are mainly Muhammadan is about 62 per cent. of the whole expenditure on school buildings.

4. Of 35 new schools that have been started during the current year in the district 26 are in villages which are mainly Muhammadan.

5. Of the five Lower Middle Schools started in the district during the year, three are in Muhammadan areas. Sanction has been accorded to the opening of English classes in connection with the Lower Middle Schools at Muhammadpura and Nathuwala which are almost entirely populated by Muhammadans.

6. The number of Middle School scholarships has been raised during the year from 15 to 30.

7. In a large number of villages or tracts in which the population is mainly Muhammadan the number of pupils has been doubled or more than doubled since April 1st, 1922. The question of introducing compulsory education in one or two Muhammadan villages is under consideration. The ones provisionally selected are Nathuwala and Faizpur Kalan.

APPOINTMENT OF MUHAMMADAN OFFICERS TO THE POSTS OF DISTRICT INSPECTOR OF SCHOOLS AND HEADMASTER, GOVERNMENT HIGH SCHOOL, SIALKOT.

2262. Khan Muhammad Abdullah Khan: (*a*) Is it a fact that the Muhammadans form about 60 per cent. of the total population of the Sialkot District, and that the posts of the District Inspector of Schools and the Headmaster, Government High School, Sialkot have both been occupied by Hindus for the last ten years?

(*b*) If so, will the Government be pleased to take steps to appoint Muhammadan officers to the said posts?

The Honourable Khan Bahadur Mian Fazl-i-Husain:

(*a*) The answer is in the affirmative.

(*b*) The wishes of the honourable member have been noted.

COMMUNAL REPRESENTATION AMONG SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS OF BOARDING HOUSES ATTACHED TO GOVERNMENT HIGH SCHOOLS.

2263. Khan Muhammad Abdullah Khan: (*a*) Is it a fact that most of the posts of Superintendents and Assistant Superintendents of Boarding Houses attached to Government High Schools are held by Hindus? (*b*) If so, will the Government be pleased to lay on the table a comparative statement showing the number of posts held by Hindus and Muhammadans with their respective allowances.

The Honourable Khan Bahadur Mian Fazl-i-Husain: (*a*) Thirty out of 56 posts occupied are held by Hindus.

(*b*) The required statement is laid on the table.

Statement showing the number of posts of Superintendents and Assistant Superintendents of Boarding Houses attached to Government High Schools in the Punjab held by Hindus and Muhammadans with their respective allowances.

Hindus.	Per mensem. Rs.
18 posts of Superintendents on ...	40
10 " " " " ...	30
2 " " " " ...	25
1 post of Superintendent on ...	20
8 posts of Assistant Superintendents on ...	15
1 post of Assistant Superintendent on ...	10

Muhammadans.	Per mensem. Rs.
6 posts of Superintendents on ...	40
7 " " " " ...	30
2 " " " " ...	15
11 posts of Assistant Superintendents on ...	15

DEFAMATION OF GOVERNMENT SERVANTS IN THE PRESS.

2264. Rai Sahib Lala Thakar Das: Will Government be pleased to state (*a*) if it is a fact that the Government has issued the following notification to all Heads of Departments in the Punjab :—

> "His Excellency the Governor in Council considers it desirable that when Government servants are defamed in the press for their public acts, proceedings should be taken against the Editor or Proprietors of the newspapers concerned for defamation. In all approved cases Government will be prepared, with reference to Rule No. 24 of the Government Servants' Conduct Rules, to give assistance of the Crown Law officers and to bear the expenses of the suit. Civil proceedings are probably ordinarily preferable to criminal, because these can be taken against the Proprietors, who are, as a rule, substantial persons from whom damages can be recovered."

(*b*) What is meant by the words "approved cases" in the said notification ?

(*c*) What was the necessity for issuing the said notification ?

(*d*) Whether they will be pleased to lay on the table a copy of rule 24 of the Government Servants' Conduct Rules and state its bearing on the subject matter of the said notification ?

(*e*) Whether they will be pleased to lay on the table a statement giving the names and designations of the Government servants who have taken advantage of the said notification and have instituted civil or criminal proceedings in pursuance thereof, together with the salaries that those Government servants were drawing at the time of the institution of the legal proceedings ; the names of the persons proceeded against ; the substance of the plaint or the complaint as the case may be ; the nature and extent of the assistance rendered by the Government to the Government servant concerned (indicating if any money was advanced or lent to the Government servant concerned or if the service of Law officers of the Crown were utilized by him) ; and the final results of all such cases which have been disposed of ?

(*f*) Whether the aforesaid notification contains any stipulation that in cases where the Government servant concerned succeeds in obtaining any sum of money from the defendant by way of damages, he shall pay back to the Government what it has spent on the suit ? Are the Government servants concerned required to reimburse the Government in regard to the expenses incurred by it, in case the legal proceedings instituted by them are unsuccessful or do not result in any pecuniary payment being made to the plaintiff or the complainant as the case may be ?

The Honourable Sir John Maynard : (*a*) Yes.

(*b*) The term "approved cases" means cases in which Government has approved the institution of proceedings.

(*c*) In the opinion of Government it is necessary to defend its officers from defamatory attacks in newspapers.

(*d*) A copy of the rule referred to is laid on the table.

(*e*) Thirteen officers have been accorded permission to institute proceedings for defamation against the proprietors or publishers, printers and editors of newspapers, and 13 Civil suits and one Criminal suit have actually

been lodged. Government does not consider that any useful purpose would be served by giving the further details asked for in this part of the question.

The nature of the assistance rendered by Government is that Government pays the Court-fee stamp on the plaint, and its Law officers are employed to conduct the case.

In three cases judgment has been pronounced in the lower courts, *viz.* :—

(1) An ex-parte decree for Rs. 15,000 was granted on 18th October 1922 against the proprietor and editor of the "Zamindar" in favour of Mr. F. C. Isemonger, Senior Superintendent of Police, Lahore, now officiating Deputy Inspector-General, Criminal Investigation Department.

(2) A decree for Rs. 8,000 was granted on the 2nd January 1923 against the publisher, printer and editor of the *Akali* in favour of Mr. C. M. King, Commissioner, Lahore Division.

(3) A decree for Rs. 5,000 was passed on the 2nd January 192 against the publisher, printer and editor of the *Akali* in favour of Mr. I. W. Bowring, Superintendent of Police, Rawalpindi.

In one case, in which the proprietor of the "*Ahl-i-Sunnat wal Jamaat*" of Amritsar was being sued, proceedings were withdrawn on condition of the publication of an apology and the payment of all costs.

(*f*) No instructions are contained in the notification, to which reference has been made, in regard to the payment of the costs incurred in the institution of such civil suits. In the event of recovery of damages, however, the sums expended by Government on the institution and prosecution of these cases will be reimbursed by the officer who is awarded damages unless such costs are actually recovered from the defendant.

The question of the reimbursement of expenses by Government servants in suits in which the proceedings are unsuccessful, or in which pecuniary payment to the plaintiff or complainant does not result, has not yet arisen.

Rule 24 of the Government Servants Conduct Rules

24. A Government servant may not, without the previous sanction of the Local Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks In granting sanction to the recourse to a Court the Local Government will in each case decide whether it will itself bear the costs of the proceedings, or whether the Government servant shall institute the proceedings at his own expense, and, if so, whether, in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs.

Nothing in this rule will limit or otherwise affect the right of any Government servant to vindicate his private acts or character.

Mr. Ganpat Rai: Will Government please state whether there is any hope of recovery of the amount decreed in these three cases?

Mr. President: I think that is quite a new question altogether.

DISPOSSESSION OF THE *MAHANTS* OF SIKH SHRINES AND GURDWARAS BY *AKALIS*.

2265. Rai Sahib Lala Thakar Das: (*a*) Will the Government be pleased to lay on the table a list of Sikh shrines and gurdwaras or other places of worship, the *Mahants* of which have been dispossessed by the *Akalis* since the inception of the *Akali* movement, stating the means adopted by the *Akalis* in each case to dispossess the *Mahants* concerned?

(*b*) Will the Government also lay on the table a statement classified according to each district of the province, giving the names of persons prosecuted for activities in connection with the movement of forcibly taking possession of Sikh gurdwaras and shrines, or properties attached thereto, during the last two years, the offences with which the said persons were charged, together with the results of such prosecutions?

The Honourable Sir John Maynard: It is regretted that Government is unable to provide information on the comprehensive and detailed scale desired by the honourable member owing to the labour and expense involved, but I shall be glad to answer any question on the history of any particular shrine.

POLITICAL OFFENCES.

2266. Rai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement classified according to the various districts of the province, showing the names and offences of the prisoners convicted of crimes of a political nature during the last two years, who have been released on tendering an apology to Government or on giving an undertaking that they will not take part in politics after their release?

The Honourable Sir John Maynard: Attention is invited to the first part of the reply to Question 1553.* The preparation of a statement of all cases in which prisoners have apologised and been released would involve the employment of a clerk on special duty for the purpose: an expense which Government is not prepared to incur for the purpose. The number of such persons is considerable and probably not less than 100 in all.

FLOGGING OF PRISONERS IN JAIL.

2267. Rai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement showing the names of prisoners who have been flogged in jails during the last two years, the number of strokes that each such prisoner received and the acts or omissions of the prisoner for which the punishment was inflicted?

The Honourable Sir John Maynard: The preparation of a statement of the kind asked for, covering a period of 2 years, would entail an amount of labour which, in the opinion of Government, ought not to be bestowed upon this object. But a statement showing the number of prisoners sentenced to whipping for jail offences, and the average number of strokes since 1st October 1922, will be prepared and supplied to the honourable member.

COMMUNAL REPRESENTATION IN LOCAL BODIES.

2268. Rai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement, arranged according to the various

* Volume IV, page 115.

communities, *viz.*, Muhammadans, Hindus, Sikhs and Indian Christians and Anglo-Indians, showing —

(*a*) the number of electors of each municipal committee and district board in the province, where the method of election is in vogue, according to the voters' registers on the basis of which the last elections were held ;

(*b*) the population of each of the four communities inhabiting the areas controlled by the local bodies concerned ; and

(*c*) the number of seats allotted to the different communities on the various local bodies ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

GENERAL DISCUSSION OF THE BUDGET.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) :] Sir, before the other business begins, I shall request you that in the general discussion of the Budget, you may be pleased to allow us the concession of reading some of our speeches, of course subject to the time limit that you may fix. There are facts and figures which have to be dealt with, and even the able Finance Member had to read his speech on the Budget. I trust the same indulgence will be allowed to us in the case of the discussion of the budget.

Mr. President : I am prepared to allow the concession where the speech contains a lot of figures, but I think as far as possible, honourable members will serve their own interests by speaking instead of reading. Speech which is read does not hold the Council at all ; and I trust that members will only read those portions where they have to quote figures. If there is a general tendency to read out long speeches, I shall have to stop that.

At present I do not propose to lay down any time limit for the speeches. I should like to see first what the average length of a speech is going to be and how many members show a desire to speak. After that I will be in a position to say whether it is necessary to fix a limit of time. The general discussion of the Budget will now begin.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] : I beg leave, Sir, to offer my heartiest congratulations to the Honourable Finance Member for the fearless and frank manner in which he has presented to us this gloomy and a veritable calamity—Budget. The new Council started with a surplus of one crore of rupees ; but within a space of two years, it has come face to face with a heavy and most distressing deficit which has naturally caused the gravest alarm to the tax-payers of this province. The actual deficit of the current year is no less than one crore and thirty-four lakhs of rupees, while provision is made in the Budget of the coming year for another deficit of nearly 93 lakhs.

[M. Muhammad Shah Nawaz.]

Sir, the elected members of this Council came to this Council with ideas full of hopes; but I am sorry to say that they shall be leaving it after the expiry of 9 months completely disappointed. As you are aware, Sir, the Council has passed a number of resolutions—some of which are of considerable importance—namely, resolution for the separation of executive and judicial functions, a resolution for increase in the emoluments of the Zaildars and Lambardars, and above all a resolution for the advancement of primary education in this Province. But none of these resolutions can be given effect to, because there is no money. The nation building schemes, such as the scheme for the introduction of universal education in this Province, the scheme for the improvement of sanitary conditions and the scheme for the development of industries, cannot be taken in hand because there are no funds. In spite of all these distressing and undeniable facts, the Honourable Finance Member has informed us that we must put our house in order and that the deficit must be made up by retrenchment in expenditure and by imposition of fresh taxation. Sir, I quite realise the difficulty of the Honourable Finance Member; but I am sorry to say that he has not fully realised the difficulties of the elected members of this Council. Surely it cannot be expected that the elected members will be able to raise the amount required with a mere wave of some magic wand. Sir, if we were in possession of Alladin's lamp, I can assure the Honourable Finance Member that we could have brought the hidden treasues in the Pharaoh's tomb from Egypt and placed them at the disposal of the Finance Member. It appears to me that the elected members are called upon to manage the estate of an insolvent and to pay off all the creditors with interest. Well, Sir, our answer is quite simple. We have no real control over the purse of the Province. We have no control over the distribution of the money in several departments, and yet the Government expects from us that we should find money to be spent by it as it liked. This, I submit, is most unfair. Give us provincial autonomy and we shall know what to do. If the Government desires that the members of this Council should raise fresh revenues it should give them the power of spending money just as they like.

Now the deficit can be met in three possible ways :—

(1) by retrenchment in expenditure;

(2) by imposition of fresh taxation; and

(3) by making once more an appeal and this time a very serious and earnest appeal to the Government of India to cut down our contributions to the Central Government.

With your permission, Sir, I will take these items one by one.

First, with regard to the retrenchment in expenditure. A committee was appointed to go into the matter and its report has now been published. I wish that the report were to be discussed in the Council before it was finally considered by the Government. The committee has recommended a saving of nearly 87 lakhs. I am sorry to say that owing to my indisposition in the months of September and October of the last year, I could not take a very active part in the deliberations of this committee. I have now studied the retrenchment reports of the Province of Bengal and of

the Central Provinces; and in the light of those reports and on reconsideration of the whole case, I am convinced that the recommendations of our committee are absolutely inadequate. The revenue of the Bengal Province varies from 9 to 10 crores and yet the Bengal Committee has recommended a reduction in the expenditure to the tune of one crore ninety lakhs. The revenue of the Central Provinces comes to nearly 7 crores of rupees, but the Retrenchment Committee of that Province has recommended to the Government to cut down the expenditure by 87 lakhs. It is quite clear, therefore, that there is ample room in all the departments of our Province for further economy. One thing that ought to have been done and should be done now is to reduce the dead weight of overhead charges and condemn ruthlessly the system of paying fat salaries to a crowd of supervisors who do nothing but waste time in passing their brief but dignified verdict on the decisions of the subordinates who get the work done. In my humble opinion, the Government should send an order to the Heads of all Departments to cut down the expenditure by 20 or 25 per cent. This is not a new thing. This system is called rationing of departments and it was once resorted to in South Africa by Lord Milner when he was the Governor of that country.

Closely connected with the retrenchment in expenditure is the question of Indianisation of services. The Indianisation of services should proceed to the utmost possible extent as making decidedly for economy, immediate and ultimate. In my opinion, a limited number of expert Europeans should be recruited on special terms and short-term contracts. As you are aware, Sir, the European administrators are paid fat salaries because it is supposed that they should be compensated for exile and for the disadvantages of residence in India. But no such reasons can exist in the case of Indians. All Indian cadres should be organised on a pay scale applicable to the provincial service.

I now come, Sir, to the question of raising money by additional taxation. We have already passed the Court-fees Act and the Stamp Act and we hope to raise nearly 31 lakhs in this way. I thought the Government was not going to propose the enhancement of water rates. The Honourable the Finance Member has informed us that a resolution is going to be discussed on the 20th March for the appointment of a committee which is to consider ways and means to raise fresh revenues. We have threshed out the subject in the Finance Committee. I am not permitted to give out the conclusions arrived at by that committee, but it is recognised now that the only way of raising fresh revenues is to enhance the water rates, if possible. I beg you to think twice before you take this sudden and dangerous step. I pray you not to hit the poor man. I pray you not to kill the poor peasant proprietor and the tenant-at-will. They have done a good deal for the country. The Irrigation Department has given us canals, but these peasant proprietors and tenants-at-will have also reclaimed waste lands and rendered them cultivable and irrigable. If it is true, and it is true, that a vast majority of our peasant proprietors and tenants-at-will are living from hand to mouth and eke out a bare existence; if it is true, and if is true, that they are buried in debt up to their ears; if it is true, and it is true, that they are still ignorant, ill-fed and ill-clothed, then I beg you not to enhance the water rates. I do not desire to discuss the subject at present fully because I know it is going to be discussed on the 20th March. Suffice it to say that there are no sufficient grounds for such enhancement. The Sutlej Valley Project will be completed within the next five years as has been

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promised by the Irrigation Department. A large area of waste lands will come under cultivation. A portion can be sold in time to come. The lands in Sargodha colony, which were given on horse-breeding grants, can be disposed of on payment of *nazrana*.

I now come, Sir, to the question of our contribution to the Central Government. The Punjab Government has been generous beyond its means. It has never believed in the story of a profligate son. During the war it surrendered nearly one crore of rupees to the Central Government at a very low rate of interest. At the time the Joint Select Committee was appointed we had surplus money, the sale-proceeds of the Crown waste lands in the treasury, and the Joint Committee thought that we were rich enough to pay heavy contributions. The intention of the Joint Committee was not to make the condition of the provinces worse. It was rather the reverse. At the first session of the Council I urged upon the Government the necessity of making a very serious representation to the Government of India, with regard to this contribution. The Bengal Government without any delay approached the Government of India, and the contribution of the Bengal Government which amounted to only 56 lakhs was remitted for three years. The Madras Government, I believe, is now going to send a deputation to the Secretary of State for the same purpose. I saw in the *Tribune*, I do not know how far it is true, that the Government of India has promised to cut down the contribution of the Government of Madras by nearly one crore of rupees. But I find from the speech of the Honourable the Finance Member of the Government of India that this is not the case. However, the Honourable the Finance Member of the Government of India has promised to re-consider the question of contributions next year, and I hope that our Government will make a very strong and serious attempt and place all the facts before the Imperial Government because I am firmly convinced that the cases of Madras and the Punjab are very hard indeed and require sympathetic consideration.

Sir, the Honourable the Finance Member in his speech has referred to the unrest which is still prevailing in this unfortunate Province and he has informed us that a lot of money is being spent for the maintenance of law and order. Sir, as long as India is suffering from grinding poverty and economic conditions remain as unsatisfactory as they are at the present moment, owing to inflated expenditure and high taxes and high prices, and so long as the Government remains irresponsible to the people, the forces of unrest must go on gathering strength. When the non-co-operation movement was in full swing we were told that no constitutional progress can be made, because the enemies of law and order held the field. Now that the non-co-operation movement has collapsed and calm has comparatively been restored, we still find that the Government is unfortunately carrying on a negative and repressive policy. The Moderates have always been for peaceful and constitutional development and they have clearly laid down the conditions on which peace can be achieved. But the negative and repressive policy of the Government and frequent interference from Whitehall in Indian affairs have cut the ground from underneath the feet of the Moderates. It rests with the Government to restore calm; and if it is desirous of doing so it should remedy the root causes of the evil. Either the British statesmen do not understand the root causes of Indian distemper or they have not the faith or the courage to apply healing remedies

to the disease of unrest. The fact of the matter is that the effect has been mistaken for the cause. The real cause of the unrest is that the people of India are utterly dissatisfied with the present political condition and discontent can only be removed by giving a further substantial instalment of reforms.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, with due respect to the Honourable the Finance Member and the Financial Secretary, I am sorry to say that the Finance Department cannot be congratulated upon the deficit budget which they have presented. The gist of Sir John's speech is that we are face to face with a deficit of a crore of rupees, that we are actually entering the portals of bankruptcy, and that the Government of India refuse to lend us any more money unless and until we raise more money by levying fresh taxation to meet the deficit. Now, Sir, I would explain how this deficit can be met. First of all I wish to express my agreement with Mian Muhammad Shah Nawaz in saying that we are contributing to the Central Government one crore and seventy-five lakhs which is beyond our means. Excepting perhaps Madras and the United Provinces all other provinces are contributing less than we are. Bengal, with a permanent settlement and with great resources, is paying only very little. Now the Honourable the Finance Member will say that we have been given enhanced spending power to the extent of over a crore more than in the pre-Reform days. I shall explain how this power has been exercised. About 25 lakhs have been spent on increasing the salary of the gazetted officers. About 64 lakhs have been spent in increasing the pay of non-gazetted services. About 8 lakhs have been spent on the establishment created by the Reforms, such as Ministers, etc. All these come to about 97 lakhs. If we deduct this sum from the one crore and odd of our increased spending power we have about 92 lakhs for expenditure on the development of industries, agriculture, education, etc. Now out of these 92 lakhs a provision of 25 lakhs has been made for sinking fund and of 27 lakhs for interest on capital expenditure. This is also a new item. Had this expenditure not been imposed upon us against our will, I think we would have been left with verylittle deficit and with the normal development of our revenues and with the fresh taxation in the form of Stamp Dutywe would have had much moremoney left at our disposal. Then, Sir, I want to draw the attention of this House to an importantpoint. We should try our best and impress upon the Government of India that our Province is at a greater disadvantage than the other Provinces. In the days of our prosperity all the money that we got from the sale of land was given over to the Government of India. We should not be treated by the Government of India in this unfair manner. On the other hand it should consider our case in a sympathetic manner and forego a considerable sum of contribution which we are paying. With the help of the Finance Department the Punjab Government should make out a very strong case for the consideration of the Government of India.

Then, Sir, the second cause of this deficit on the face of it is that in my opinion revenues have been under-estimated. If you refer to page 29 of the printed statement you will notice that "under fixed land revenue District Officers originally reported 252 lakhs, but their revised statements received in January showed 248 lakhs. The estimate of 250 lakhs which has been adopted was made before the receipt of these revised estimates and it has not been found necessary to alter it in view of the fact that the estimate for

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fluctuating revenue is, as will be seen, somewhat low." Thus it will be seen that 2 lakhs have been under-estimated under the head land revenue. Now I come to Excise. Excise has been much under-estimated. Last year non-co-operation was in full swing and liquor shops and streets were picketted and if the revenue suffered at that time it was due to abnormal conditions. Therefore I think that the total reduction from a sum of about 1,04½ lakhs to 87¾ lakhs is very great. I think we could very easily increase it by another ten lakhs of rupees.....

The Honourable Sir John Maynard: Sir, the honourable member has mis-stated the Excise Budget. It is Rs. 1,02,00,000. It was one crore last year.

Sayad Muhammad Husain (*continued*): I am of opinion that still more revenue will accrue from this head. That is my honest opinion. Let us see what happens.

The next thing is to consider how we should meet this deficit. There are only two ways: either we should retrench the expenditure or we should have resort to fresh taxation. What has the Government done as regards retrenchment? Sir, I am very sorry to state that the recommendations of the Retrenchment Committee, either of the Majority or of the Minority, were not properly taken into consideration. Sir, there were recommendations made in the report on which if the Government had acted considerable saving would have been effected. I submit, Sir, that a considerable amount of duplication still exists in all departments. I am not blindly following the mirage. I know that there is this phenomenon of mirage in my own district and I think I follow it with my eyes open and not shut. One single instance would be enough to explain my case. There are two Rest houses in Montgomery, one belonging to the Canal Department and another to the Public Works Department. When officers come there they sometimes take shelter in one Rest house and sometimes in the other. Thus you will see that we are spending double expenditure for the up-keep of two Rest houses, when one Rest house would do quite well. This is only one instance but I could add a hundred more to this. In my opinion, Sir, all attempts must be made to overcome this overlapping. The Public Works Department, the Irrigation Department and the District Boards are doing practically work of a similar nature. It is time that Government took action on the report of the Sly Committee, which was appointed by the Government of India, by having resort to the recommendations embodied in that report. If Government had done that I am sure a considerable amount of saving would have been effected. If action had been taken on the Sly Committee's Report, the present temporary Engineers would have been sent to work on the Sutlej Valley Project and I am sure that these men would have willingly accepted posts on the Sutlej Valley Project. These men can do earthwork and they can construct bridges.

Then I have to make another observation. I fully believe that it is with the Canal Department that our interests are closely bound up. In my opinion we ought not to obstruct the working of the Canal Department. We should not cut down demands made by them. I would ask the Chief Engineer not to show that amount of hostility which he did show in the past

for doing away with the Patwari and Zilladar agency. This department has passed the stage of experiment. What I ask the Canal Department to do is to divest themselves of the responsibility of assessment. Unfortunately I was not able to reply to the remarks of the Honourable the Revenue Member when he said that the figure of 19 lakhs, which I said could be saved if my resolution of the 26th was accepted, was an over estimate. The Honourable Member said that I was wrong and that the total expenditure on the establishment was about 12 lakhs and not 19 lakhs. With due respect I say that he did not take into consideration the orderlies, Munshis and other items of expenditure. My friend Mr. Ganpat Rai and I have studied this point very carefully and it was only after due deliberation that we came to that conclusion. We verified it yesterday too. Then, Sir, similarly I would ask in the case of other departments that the recommendations made by the Retrenchment Committee should be acted upon. There is no need for Commissioners and for several other high officials and I think we can very easily do away with them and thus save money. The country is not prepared for any fresh taxation. In fact the whole weight of taxation falls upon the agriculturists, upon the peasant proprietors. Whereas in other countries the serfs have been up-lifted, in our case they are sinking under degradation and misery. We ought to raise their standard and not allow them to become serfs. Now, Sir, in the case of Ireland during the last 30 or 35 years all its population of serfs has developed into independent peasant proprietors. "Where the Land Purchase Act operated a new life and energy sprang into being. The old-tumble down farm-houses and out-offices began to be replaced by substantial, comfortable, and commodious buildings. Personal indebtedness became almost a thing of the past and the gombeen-man—one of Ireland's national curses—was fading out of sight." But what is the condition here? What is the indebtedness of the peasant proprietors of the Punjab? Mr. Calvert has supplied to all members of the Council a copy of his book and in that it is stated that the indebtedness of the Punjab amounts to about 50 or 60 crores of rupees. As much as 4 crores is spent annually upon litigation. If that is the condition of the Province, is it right that we should impose fresh taxation upon the people who are already in debt? What have we done to uplift them? What have we done to remove their taxes? Rather than do anything good for them, the Finance Department has cut down even the extra demand made for Co-operative Societies. Anything for their good is denied but when any fresh taxation is imposed it is these poor people on whom it falls. We should place a considerable amount of money at the disposal of the Registrar of Co-operative Societies. Let us do our best to help these people to get out of debt. Let money be given them in the form of *taccavi* advances for the sinking of wells, or for buying cattle or for buying seed. Let a large sum of money be put at the disposal of these people for loan, and let that money be realised from them by instalments. These things have not been done so far. Their economic condition is going from bad to worse and yet when money is needed the Finance Department pounces upon those people whose interests are effected adversely by fresh taxation.

With these observations, Sir, I take my seat.

Diwan Bahadar Raja Narendra Nath (Punjab Landholders—General): Sir, I would be failing in my duty if I did not give expression to the feelings of gratitude to the Honourable the Finance Member for the able

and lucid speech which we heard a few days ago, explaining to us the financial position of the Province. Every part of his speech manifests a desire to take into confidence the members of this Council in order to secure co-operation which I hope the members will give with due regard to the various interests which they represent. I notice that in the Budget and in the memorandum which accompanied it, there has been distinct

3. P.M. improvement from year to year This time I notice three features in these documents on which I should like to offer some remark; and I do so particularly with pride because I find that suggestions about them were made from these benches.

First of all, is the sinking fund, secondly, the separation of the capital account, both income and expenditure, from current revenue and expenditure and thirdly, the showing of a part of the Public Works expenditure as capital expenditure. All these improvements were suggested last year by some of the non-official members, and we are grateful to the Honourable the Finance Member and to the Finance Department for having adopted them.

There is a total capital receipt of 209 lakhs which equals the total capital expenditure. The capital receipts include a crore of rupees which have to be raised by means of a loan. On an examination of figures with regard to the income and expenditure on the revenue side, I find that the total revenue receipts amount to 9 crores and the expenditure amounts to 10 crores 80 lakhs. The excess of expenditure over income is Rs. 92,62,000 which represents the advances by the Government of India. The total liabilities at the end of the year will amount to 5 crores, out of which 319 lakhs are on account of productive debts and 202 lakhs on account of unproductive debts. The revenue receipts and expenditure show favourable features. Our income in the budgetted year is shown to be Rs. 9,88 29,000 as against Rs. 9,53,84,000 budgetted for 1922-23. Our expenditure for the next year is 10,80 lakhs against 10,87 lakhs in 1922-23 There is an increase in the income to the extent of 24 lakhs and decrease in the expenditure to the extent of 7 lakhs. The expenditure of this year includes the sinking fund which is 25 lakhs; so altogether we are better off by a sum of about 32 lakhs, so far as expenditure is concerned.

An examination of the detailed figures will show that an attempt has been made to cut down expenditure considerably. The beneficent departments have been allowed an increase of only two lakhs. I will not go into detail. Suffice it to say that the recommendations of the Finance Committee have been improved upon by cutting down the expenditure to the extent of 68 lakhs. I must here give expression to my sense of appreciation of the services rendered by the honourable member for Lahore last year on this Committee. We missed him very much on the Finance Committee this year. But the net result is that we have a deficit of 68 lakhs to face. Sir, I do not consider the situation to be altogether alarming. I agree with some of the previous speakers who have said that there is some indication of under-estimation of revenue and I notice it particularly under the head of Land Revenue. Two hundred fourty-five lakhs is the invariable figure which has been shown since 1920-21 as the amount expected under the head of fixed Land Revenue I mentioned last year and I have to repeat it this year too that we have not been told from what year the enhancement of revenue on account of the recent settlements in Multan, Montgomery, Sirsa and Lyallpur have been taken into account. We

have had very good monsoon, and we expect a bumper *rabi*. I apprehend suspensions to a very limited extent even if monsoon fails, but so far as rabi is concerned, I think we have reasons to anticipate an increase in the revenue also. Such irrigated area as has been cultivated must show good results on account of the good rains that we had at the time of the sowing of the crops and which we are having now. So I expect that we may get something more than we have budgetted for so far as Land Revenue is concerned.

At this stage, I would draw the attention of the Honourable Finance Member to what I said last year with regard to 185 thousand shown as Civil Government's share of the income from stamps. I suggested last year, and I repeat that suggestion now, that the Government of India should be moved to enhance this figure.

Then, Sir, this Province is a Province of abundant resources. I understand that Government still owns about four million acres of land which within the next twenty years will be colonised and brought under the plough by means of the Sutlej Valley Project and Sind Sagar Doab Canal. The value of this land at the lowest figure of Rs. 200 per acre amounts to about 80 crores. Even if we lose half a crore every year our total deficit at the end of 20 years will amount to the closes.

Reference has been made to the work of the retrenchment committee My honourable friend Mian Muhammad Shah Nawaz has suggested the rationing of expenditure. That suggestion at the present stage comes too late. If I remember right such a suggestion was made by the official members at the earliest stage of the retrenchment committee, but was not accepted. I think that the work of the retrenchment committee would have been made much easier if that suggestion had been adopted. Non-official members who have had no experience of official work, who have had no experience of administration are liable to miss the mark. They either demand too much in the way of reduction which makes administration impracticable or they demand to little. However, we cannot place much reliance on the speedy execution of the recommendations of the retrenchment committee As explained by the Honourable Finance Member, this will take time.

I think we may look forward to the skillful working of the pruning knife of the Council on this budget too and I hope that the deficit of 68 lakhs will be reduced to a smaller figure. If in spite of the efforts of this Council, some deficit is left and if taxation has to be resorted to, I would tell the Finance Department to avoid that taxation which affects the poorest peasant or other poor classes of the Province. *Abiana* is no doubt easy enough to raise, but I would request the Honourable Finance Member not to resort to. In addition to the reasons which I advanced last year I have to draw your attention, Sir, to the fall in prices that has now taken place. The whole burden of taxation in the case of the enhancement of *abiana* will fall on the tenant. He either pays the whole of the *abiana* or at least half of it; and I do not think that the landlord will be magnanimous in those parts in which they pay half the *abiana* to share the enhancement with the tenant. I am afraid the whole burden will pass on to the tenant. That contingency should be avoided. If it is decided by the Government to have recourse to taxation, it must be a taxation which should affect the richer classes of people only.

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This Council gave its consent by an overwhelming majority to the raising of the court fees and the stamp fees. If I remember a right, I think in one or two provincial councils the raising of court fees and stamps was not accepted. If we have co-operated with Government, if we have shown our appreciation of the financial difficulties of Government, advantage should not be taken by Government of our pliant attitude. I therefore request Government to abandon all idea of enhancing the canal rates.

In conclusion I should draw the attention of Government members to a few points which are necessary in order to still further improve the financial statement which has been placed before us. I request that in future all departmental detailed budgets should be placed in our hands on the first day. We are considerably handicapped in moving amendments when the detailed budgets come to us only a short time before the date fixed for the voting of grants. The detailed budgets of the Forest, Irrigation and Public Works Departments should be laid before us on the day on which the general budget is presented.

Another suggestion which I would make is this, that the statement showing the variations of establishment should be given with regard to every department. At present it is given in regard to only a few departments. If this request of mine is complied with it would enable us to form a definite opinion as to the changes that may be proposed and to frame our amendments accordingly. The statements which has been placed before us is perfect in other respects and I wish to express our indebtedness to theFinance Department and to its able Secretary who has taken pains to effect a considerable improvement in the statements which we have received. (Hear, hear.)

Malik Firoz Khan Noon [Shahpur West (Muhammadan), Rural]: Sir, let me first of all thank you, for having cast your benevolent glance on this side of the House and allowed me to speak. I wish to associate myself with the honourable members who have preceded me in thanking the Honourable Finance Member and the Finance Secretary for the great labours that they have bestowed upon this budget. Sir, in all advancing nations it is inevitable that the national expenditure should go on increasing every year and it is also inevitable that in order to meet that increased expenditure the Government should increase the revenue. But as far as I have been able to understand from this budget I can see nothing in the way of a nation building scheme to justify any demand from the public of an increase in the revenues of this Province. Further there has been shown a deficit of 68 lakhs for the next year. Sir, if you will allow me to draw the attention of this House and the Honourable the Finance Member to page 5 of the General Budget, it will be apparent that that deficit ought not to be as it stands. You see in the statement, capital receipts on one side and capital expenditure on the other. I wish to make a distinction between two kinds of capital expenditure. Firstly, there is capital expenditure on a commercial basis such as capital expenditure on canals, etc. Secondly, there is capital expenditure such as on buildings and roads. I wish to suggest to the Honourable the Finance Member that the capital expenditure of a productive nature should be entirely kept apart from the capital expenditure of a non-productive nature, so that we may be able to judge the amount of return on the capital expenditure on productive works. Just for instance in the statement on the

receipts side there is an item of 30 lakhs from the sale of waste lands and Government estates. I suggest that this is not an item of receipt which ought to be shown against capital expenditure on canals.

Then, Sir, you see on the receipt side, permanent debt incurred, one crore, and loans from Government of India for capital requirements Rs. 52,05,000. Adding these two figures you arrive at Rs. 1,52,05,000. These are items which, I submit, should be shown in connection with capital expenditure on canals. On the expenditure side also you see the item of irrigation, navigation, embankments and drainage works amounting to Rs. 1,79,52,000. We have actually borrowed for capital expenditure a sum of Rs. 1,52,000. What I wish to suggest is that we ought to spend on canals, etc., only that much which we borrow for the purpose. If this suggestion is accepted a sum of 27 lakhs may be deducted from the deficit figure of 68 lakhs. Then, Sir, on the receipt side if you add the figures for the three items—Sale of waste lands and Government estates, Sales of town sites and Loans and advances—you get Rs 57,03,000. This I submit ought not to go into the ordinary revenue account. You will notice by these alterations that I suggest that it is possible to wipe out the deficit of 68 lakhs, or at least about 54 lakhs. Then, Sir, I wish to draw the attention of the House to the money that is being spent on the Sutlej Valley Project. In the budget there has been provided for this project not less than some crore and 20 lakhs of rupees for nothing but residential quarters for the staff. I submit, Sir, that in a deficit year like this that sum could have been easily reduced by 20 lakhs or so. By these changes it is possible to make the budget balance, that is, the revenue to balance with expenditure. The financial position of the Province will not be so hopeless then as it has been represented and no case will have been made out for fresh taxation. There are certain items, Sir, which may be reduced considering the present financial situation. Provision to the extent of Rs. 5,34,000 has been made for building Government tannery. I think this is an item which can safely be omitted for the present.

Then coming to the Forest Department, I wish to say that though the department is worked very efficiently under able supervision, yet Government should not enter into any form of commercial or business transaction. Aristotle has said "A thing belonging to all is a thing that is least looked after." A commercial department which is run by Government cannot be run so efficiently and economically as by a private firm. This is a department, Sir, for which it has been proposed to allot 41 lakhs in order that it may earn 50 lakhs next year, that is to say a profit of 9 lakhs. If instead of spending that amount on the Forest Department it were given to the Co-operative Credit Societies it would earn better interest and would also be much appreciated by the people. Sir, I think the whole policy of running the forests under a Government Department wants a thorough going into. I am personally of the opinion that forests should not be run by the Government. They should be sold to private individuals or should be leased out to private contractors. After spending 41 lakhs we only get 9 lakhs and it seems to me that this is a department which is hardly worth keeping.

Then, Sir, I wish to make one further observation and that is about our financial connections with the Government of India. I think the Government of India is not treating us fairly and that for two reasons. For instance, in this year's budget there is provided a sum of Rs. 50,000 for soldiers' children through the Education Department. As they are the sons of soldiers it is our duty to give them scholarships for education, but as the

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soldiers served for the cause of the whole of British India, I submit that all provinces should bear the expense of soldiers together equally and that the entire burden should not fall on this province alone. I think we are being treated very unfairly by the Government of India in this respect. It is not our duty alone any more than it is the duty of Bengal or Madras.

There is one further point in which there is a large amount of waste of money and that is this. The Government of India is holding at the present moment in the Punjab what is called the Sargodha Colony. I have already referred to this matter before and I will go on doing so until that question is settled. There is, Sir, land worth Rs. 4 crores at the rate of Rs. 70 per acre tied down with horse-breeding conditions. The Army Remount Department is working in this Colony, and the entire annual output is 300 mares. If you count the interest alone on 4 crores at 6 per cent. it comes to 24 lakhs. Add to this the cost of the land and the cost of the most valuable stallion of the Army, and you will find that the cost of each of those 300 horses comes to Rs. 10,000 per animal. I submit, Sir, that it is absolute, sheer waste of money. Whether it is Punjab or Indian money it is waste of money.

Then, Sir, there is one further item which was referred to last year and that was an item of 6 lakhs for the Railway Police. The Railway Department is a department which entirely belongs to the Government of India because they take the income from it entirely and I think it is their duty to keep law, peace and order on their line. I do not think that this Province should be burdened with the 6 lakhs of rupees.

With these few remarks, Sir, I close what I had to say on the subject. I think that there is really no need for alarm as the budget can be made to balance. There is no need for any fresh taxation.

Khan Bahadur Chaudhri Fazl Ali: [Gujrat West (Muhammadan), (Rural) (Urdu): Sir, the Council would do well, I think, if in the discussion of the budget, it always keeps in view the present financial condition of the Province. I do not mean to say that our financial position is very poor, but, however, I do not want to conceal that fact from the House, that we are just like a man, whose expenses always exceed his income. Therefore I would like to go into the matter in a businesslike spirit and see what can possibly be done to make both ends meet.

Sir, we all know that this cannot be done until we either cut down our expenditure or raise our revenues. I think it is not an easy thing to do the latter in these days of high taxation and consequently the former course seems to be easier for the end in view. We are in duty bound to try this course, and in case it fails, we shall have to taste the bitter cup of new taxation. This will be very painful. If we ever have to resort to it, I would, Sir, like to submit as has already been done by other speakers that this burden should not fall upon the poor peasantry in the form of enhanced water-rates, etc. The present burden under which the peasantry is groaning is already becoming unbearable. There are very few landlords in the Province and, I think, it can safely be said that the Punjab is practically a province of peasants. The enhanced water rates will, in the long run, very severly hit the poor peasantry and this community, which has rightly been called the backbone of the Agriculturist Punjab, will be very hard-pressed by the increase. Sir, it is wrong to think that canal irrigation ensures the harvest. One

has to face hundred-and-one difficulties to get water and especially to get it in time. Then comes the question of good seeds and other things, without which one cannot hope to get as much out of land as he expects it to yield. These difficulties are not without their effects upon the income of peasants and zamindars. This community, Sir, has already rendered yeoman service to Government and is incessantly serving the whole country. If we study for a while the real difficulties against which a peasant labours, we shall certainly feel pity for him. Leaving aside his investments on seeds, implements, ploughs and oxen, his whole family has to work throughout the year. If we were to calculate his yearly income from a square of land and then compare it with what he would have got, had he spent so much labour in some other sphere, we will find that he is very poorly repaid for all his labour. In addition to all this he has to render certain services too. This is the condition of the canal colonies ; that of the *barani* areas is decidedly worse. herefore, Sir, I earnestly submit that this poor community deserves well of Government and therefore should not be singled out for new taxation. Sir, I readily admit that nobody else would submit to a policy of new taxation. It is a burden of necessity and one has to put up with it when it is impossible to do without it. Even under such circumstances the interests of poor communities should be safeguarded. They must not be overburdened with it. I think, Sir, that in spite of all that the Retrenchment Committee has done, the question of reducing the higher establishment of Co-operative Credit Societies has not engaged the attention of the Committee. The Committee could safely have effected considerable saving, had they gone into the question. Moreover, Sir, the Government had, a few years ago, in view of the higher prices then prevailing enhanced the allowances and increased the pay of almost all their servants. But, now with the advent of better times, it would do well to go into the question again. If the pay and remuneration of those who are getting high salaries are reduced a little, they will not suffer much, but this will mean a considerable saving to the Provincial funds. Similar is the case with travelling allowances. I quite agree with my honourable friend Malik Firoz Khan Noon that the Forest Department should be run by the Government on business lines. There is sufficient scope for retrenchment in that department too. I think, Sir, that such a saving can be made in almost all the departments excepting, of course, education, canal, and agriculture. I would also like to say a word about the Retrenchment Committee's recommendation for the abolition of the posts of Sub-Registrar and transferring the work to Tahsildars. This will not help matters much. They work much more than what they are paid for. The work done by them is useful and saves a lot of time to the public and the proposed change will cause considerable inconvenience to the public. Retrenchment could safely be effected in other departments without causing any inconvenience to the public.

Mr. President: I wish to point out to the honourable member that he has already spoken for more than twenty minutes.

Khan Bahadur Chaudhri Fazl Ali (*continued*): Very well, Sir, I will finish soon. Before I sit down I want only to make an earnest appeal to the Government to avoid, as far as possible, overburdening the poor agriculturists with increased taxation and enhanced water-rates. The burden of taxation is already crushing. The growing needs should be met by an all-round retrenchment in the different departments until higher taxation becomes quite unavoidable.

Maulvi Muharram Ali Chishti [Lahore City—Muhammadan (Urban)] (Urdu) : Sir, I fear I cannot associate myself with the honourable members of the House who have congratulated the Honourable the Finance Member on his framing the budget for 1923-24. The budget is not a prosperity budget, but is, on the other hand, a bankruptcy budget, or, at least a deficit budget. If a friend of ours were conveying to us the news that our house was set on fire or our ship was sinking, was that the time to congratulate him for hailing us with the happy news? (laughter.) I am ready to offer my heartiest thanks to the honourable member for the great pains he has taken in preparing the budget. I can admire his great abilities in the matter of finance, but certainly I cannot congratulate him, because he is the messenger of bad news.

In this budget, Sir, the Honourable the Finance Member, while at the very outset, acknowledging the backward position of the Province, has done nothing to remedy it. He has brought forward a long list of difficulties in our way and has emphasised them over and over again, and I too admit that some of them are indeed substantial difficulties which ought to be met and not evaded.

The repetition of the [illegible], though fully balancing with poetic meter [illegible], is of no use.

We must concede, Sir, that the Finance Department is full of financial experts. No body need deny that they possess great efficiency in accountancy, and that we are just laymen in comparison with them. Speaking more frankly, Sir, they are like giants against whom the non-official members of this House are like dwarfs. The compilation of the budget and the shape in which it is presented is of a manner that defies the power of understanding it on the part of laymen. Then there are so many backdoors and skilfully built ways of securing our sanction to grants. For instance, a Government member moves that a sum not exceeding Rs. 10 be granted to defray certain charges. Some of the innocent members believe that the sum is a paltry one and they charge me with picking up a quarrel with the Government on a negligible item. They do not understand that this technical demand for Rs. 10 involves a demand for several thousands, or several lakhs in the Finance Department Dictionary. In addition to that, the Finance Department has a number of ways for the purpose of extracting money from us, which are beyond the reach of our imagination. First of all, they come to us with a preliminary demand. If that is fully granted, it is all right for the time. If we reduce it, they are contented for the time being. "Very well," says the Finance Member, but later on he comes with a demand named "supplementary demand." Even where the full preliminary demands are granted, they again come with a supplementary demand for grants. The House is aware that last year I protested vehemently against these supplementary grants again and again. From the Government side, it was urged that these grants were emergency grants, and that they will move heaven and earth if they were not sanctioned. In most cases I fought singlehanded. The great influence of the Government and especially, on some occasions, the mesmeric powers of the Finance Member carried the day and my protestations proved to be a cry in the wilderness. Now, Sir, to-day I feel proud and note with great satisfaction the frankness with which the Honourable the Finance Member has unreservedly confessed that the supplementary demands made by the Government were, in his own words, "unnecessary."

I am glad that at the time when these demands were granted, I was defeated, still I rejoice, that I can talk of them to day in a victorious spirit. These supplementary demands do not involvea sum of a lakh or two but accumulate to the tune of 36 lakhs. I would once again appeal to the Government to spare us these supplementary demands.

While speaking on this topic, Sir, I have to point out that there is yet another way of getting money from an unwilling House and that is by bringing in "Token Demands" for the purpose, so it is alleged, of the "adjustment by way of re-appropriation."

The Finance Department has many other loopholes of escape. The exercise of emergency powers by the Finance Committee is another card which the Finance Department will then play. As for the emergency powers of the Finance Committee, I was at one time blamed for not trusting it with spending, on its own initiative, a paltry sum of Rs. 5,000; but the fact is that the exercise of these emergency powers did not involve only Rs. 5,000, but several times Rs. 5,000 which when accumulated may amount to lakhs of rupees.

This is not all. Again there comes a time of re-appropriation by the Finance Department. In short the Finance Department has almost absolute power over expenditure and the inexperienced among us cannot possibly acquaint themselves with the complexities of the system, far less cope with them. Hence we hope that the Finance Department will have pity on us and treat us mercifully.

Next, I beg, Sir, to say a few words in connection with the publication of the Budget Estimates, which come to our hands only a very short while before its discussion is taken up by the House.

As my friend, Raja Narendra Nath, has just told us, it is a fact that the budget is prepared and printed long before it is put in our hands. It is kept as a confidential document and its secrecy safeguarded by the Official Secrets Act. We await a liberal treatment in this respect for it is impossible as things stand now that we should be able to do justice to it and ourselves. Still I fully appreciate and realise the fact that it is easy to adversely criticise the spending of money by the Government, but very difficult to put oneself in their place and do the job. I can foresee that the Honourable the Finance Member can here treat us in the same manner as Napolean Bonaparte treated a certain military officer. The anecdote runs like this: A young military officer once criticised General Napolean not to occupy the place which he was occupying. But, I must say that it is no fault of ours that we do not occupy that place. Had you exchanged the official benches with us, we certainly would have shown how well we could fill it. Our complaint therefore must be allowed and our condition deserves sympathy, when we say that it goes hard with us to have nothing to do with expenditure and to go on generally bowing before the authorities by financing them even at the cost of overburdening our brethren with fresh taxation.

Now, Sir, I would like to say a few words about the recommendations of the Retrenchment Committee. I was a member of that Committee and one of the signatories of the majority report. I have to submit, however, that the majority report was a very modest one and yet it seems to me that in framing the budget no attention, worth the name, has been paid to it. I

find it to my astonishment that the Government has accepted substantial recommendations from the minority report. I maintain that if the recommendations of the majority report had been heeded it would have gone well with the budget. But the Honourable the Finance Member has only commended to our notice the difficulties as detailed on pages 4 and 5 of his speech in making retrenchments. Emergency and drastic laws were not meant only for non-officials, but in cases for officials also. My point is that just as at the time of a rebellion, martial law is resorted to, so in a bankrupt condition, the Government ought to issue orders to all the departments to proclaim martial law so to speak for the purpose of cutting down expenses though efficiency suffered a bit. By the way, I may mention that I have to thank the Honourable the Finance Member on behalf of the public for not cutting down expenses in respect of the continuing of the publication of the Urdu Gazette which is so very necessary for those who do not know English. In this matter I was neither supported by the majority nor the minority of the members of the Retrenchment Committee, with a single exception, and I had consequently to attach a note of dissent to the proposal for the continuance of the Urdu Gazette. I am grateful to the Government for giving weight to my humble opinion on the face of the opposition of nearly all the members of the Retrenchment Committee.

And, now, Sir, I propose to touch upon the extra expenses incurred for the purpose of maintaining peace and order. I have often been openly blamed by my extremist friends for being partial to the Police; but my answer always was and still is that law and order should be maintained at all costs. Anarchy cannot be countenanced and therefore I must support the Government. However, I have always freely urged that at times Government has also adopted wrong measures to combat unlawfulness, so much so that they have been guilty of eccentricity. Sometimes they have remained absolutely inactive when there was need of action and when the evil could have been nipped in the bud. At other times, they have gone to the other extreme just as we say اول تو مردہ بولے ہی نہیں - اگر بولے تو کفن پھاڑ کے (either corpse does not speak, or if it does, it will break open the *coffin*.) This phrase I repeated on previous occasions also. I do not mean to say, Sir, that repression is not good in its own way when occasion for it really arises just as the knife of the surgeon has its use occasionally, for dealing with a pestering sore; but to consider repression as the one and the only means to bring about peace and order is a mistake. Never in the world has repression alone succeeded in bringing about peace. You can conquer a nation by force, but you cannot govern it. The Honourable the Finance Member has deplored in his budget speech the increase in the average of crimes. I need not read those sentences from his speech, for I do not think he is going to challenge the accuracy of my statement. Well, is this not a proof of the fact that repression alone has not succeeded but rather increased lawlessness? As a well-wisher of and a co-operator with the Government, I must say that conciliation and not repression is the real remedy. As an example, Sir, of the uncalled for repression and adoption of wrong measures, I must mention *Danda bazi* indulged in at Guru-ka-Bagh. I am against Civil disobedience and violation of law, but I fail to see the lawfulness of this grand show of *Danda bazi*. I see no justification whatsoever for it. The result of such things is to excite public sympathy in favour of the victims of a lawless law.

Mr. President: The honourable member should speak on the budget.

Maulvi Muharram Ali, Chishti (continued) : I submit, Sir, that to my mind the case in point touches the extra expenses provided for in the budget.

Mr. President : As long as you tack it on to the budget you are in order.

Maulvi Muharram Ali, Chishti (continued) : Sir, I need hardly say that I am as always only too willing and ready to bow to your rulings. I have to submit that the Honourable the Finance Member has himself mentioned expenditure on Police and the need of maintaining peace and order in as many as 8 or 10 places in his budget speech. This has a direct relation with the budget on the side of expenditure. Peace and order require Police which again necessitates expenditure. Prosecutions in this connection require money to be spent. There are cases in which a right policy would have obviated the necessity of arrests. I have, therefore, referred to the Guru-ka-Bagh affair and now, with your permission, Sir, I would mention the case of the Lawrence Statue. Undoubtedly the inscription on the statue gives pain. About a quarter of a century ago, I wrote a series of articles in this connection in my paper " Rafiq-i-Hind " which was edited and owned by me. This is not a new complaint invented by the non-co-operators. I maintained before that the inscription was insulting and most painful to the Indian feelings. I wrote and fought for the matter when the present young non-co-operators were not even born. So, you cannot say that the complaint has only been invented in these days. You can see the files of " Rafiq-i-Hind " which are preserved with me. The matter was hotly discussed among the public and when the question of changing the inscription arose, I suggested that the proposed title for Sheikh Abul Fazl (The grand minister of the Great Akbar, *i.e., Sahib-ul-Saifi-wal-qalam* (master of the pen and sword) be substituted for the present insulting inscription which does little credit to Lord Lawrence. Had my proposal been accepted nearly quarter of a century ago, it would have saved the present situation and added to the glory of the Great British Officer and the question of the prestige of Government would not have arisen. But now that the question of the prestige of the Government has cropped up, it is hindering the removal of the inscription. The Government must thank themselves for the present situation. The fact is that when the people find that respectful representations as then made by me are of no avail they begin to resort to harshness and become recalcitrant. Now, Sir, if active agitation in this connection comes into the field, it will entail arrests and these last will bring in their wake expenditure. I do not associate myself with those who take the law into their own hands, but this much, Sir, it is duty to submit that even such *ultra*-moderates as Sir Ganga Ram and other moderates like myself are one with the present agitators on the point that the inscription is insulting. In short, what I mean by it all, Sir, is that we should avoid such occasions which bring about a clash with the people and should seek their good-will, so that they may not be able to find an excuse for indulging in violence and winning the sympathy of the people at large. There is still time for Government to change the inscription and our mighty Government will not lose its prestige and power by a slight technical change in the inscription. There ought to be no question of *Zid* in the matter. It is impolitic to create a grave situation which can be avoided by a verbal change which does the Government no harm.

Lastly, Sir, my predecessors who have already spoken have sufficiently indicated the points in the budget and I need not dilate upon and repeat them.

Mr. President: The honourable member has already taken 25 minutes.

Maulvi Muharram Ali, Chishti (*concluded*): Yes, Sir, I was going to finish. I need not go further. I have already spoken on all the salient points on which I wanted to speak. I therefore, Sir, resume my seat with a fervent hope that the Government will not ignore the non-official criticism and try its best to be benefitted by it.

Mr. Manohar Lal (Punjab University): Sir, I beg also to express my appreciation of the frank and straightforward statement within which the Honourable the Finance Member has introduced the Budget for the next year I do not share the optimism of some of the members who have already spoken as regards our financial position. In a recent letter which the Secretary of State had occasion to address to the Government of India, the position as regards the various Provinces was clearly outlined, and the position so far as the Punjab is concerned is something like this that we have a deficit of Rs. 1,30,00,000 out of the total deficit from which all the provinces in India are suffering of Rs. 3,52,00,000. In this new era of Provincial finance inaugurated by the Reforms, the position of this Province is in a word this, that out of a total deficit of Rs. 3,52,00,000 for all the provinces in our own province nearly half is the result of our financial deterioration. That to my mind is a serious enough position.

Another way of looking at the same thing is this. In the year 1921 when we entered on our work in this Council on the 1st of April we had a credit balance with the Government of India of something like 2 crores which if a certain adjustment were made on account of Provincial Loans Account would still stand at about a crore and fifty lakhs. The Budget as introduced in 1921 promised us a credit balance of over a crore still on the closing day, but as a matter of fact from the accounts which have recently been made it has been found that the whole of our credit balance disappeared, and that we were left with a *minus* balance of 87 lakhs. The Budget that was presented this time last year indicated that on the closing day of 1922-23 we shall be in a *minus* position of a crore and 58 lakhs. It meant this that in the short course of two years beginning with 1st April, 1921 to 1st April, 1923, we had worked through something like over 3 crores over and above our normal revenues. In the Budget for the next year which has been just presented by the Finance Member we are told that we have a deficit of 93 lakhs. It amounts to this then, Sir, that during the three years of this Council our financial position as compared with that on the date on which we entered upon our office shall have deteriorated roughly to the extent of 4 crores. If anyone wishes to read in these plain figures any signs of optimism he may, but I cannot share any such feeling. I think the position is, in all seriousness gloomy and anxious. One honourable member in examining the Budget for the next year tried to seek consolation from examining certain figures on page 5 of the Financial Secretary's memoranda—the small book accompanying the detailed Budget Estimates, and this he did by the examination of capital receipts on the one side and capital expenditure on the other, and by his analysis thought that our revenues deficit stands exaggerated by a false adjustment to the extent of 55 lakhs. Sir, I tried to apply my mind to those figures. It is obvious that the mischief, if it existed anywhere, could be on the side of what are called capital receipts and I examined whether these items under capital receipts included anything that is really not capital but has been diverted into capital receipts from the revenue side and I could

not detect any such item. That being so, it is a matter of indifference in accountancy whether the expenditure on construction of irrigation, navigation, embankment and drainage works is met out of that part of our capital receipts which is actually raised for these works, or from other receipts as long as they are genuinely capital receipts and not ordinary revenue diverted into this head. I am satisfied and am prepared to say from the figures that have been supplied to us that our deficit of 93 lakhs has been genuinely arrived at. You can reduce it by cutting down proposed expenditure but not by any true transfer between capital and revenue receipts. There is no doubt whatsoever that our deficit is exactly what it is stated to be, that is 93 lakhs, and no juggling with these figures is going to induce any of us to think that our deficit is something much less. Let us be under no delusion. Let us not imagine that a little retrenchment would bring the deficit to a negligible figure not worth troubling about, to wipe which out there is no occasion whatsoever for imposing further taxation in the Province or for securing a remission on the part of Government of India of the large contribution in which we are mulcted. Not only this, Sir, but as a matter of fact the Honourable Finance Member has pointed out to us that even this deficit of 93 lakhs would have stood at a very much higher figure but for certain drastic economies that the department has been forced to make in the matter of these expenditures. Therefore when we are told that the deficit for the year is 93 lakhs, we have not the proper figure; the deficit stands at this figure because the Finance Department has done, as we are told, its very utmost in keeping the expenditure low for this particular year. Otherwise our normal deficit would be, we are informed with repeated emphasis, a crore and a quarter; and even that normal deficit of a crore and a quarter is placed at that figure because, according to the Honourable Finance Member, certain allowances have not as a matter of fact been made and because there is nothing budgetted for necessary and desirable developments in the Beneficent Departments and particularly in the department of Education. We may take it then, Sir, that our deficit of 93 lakhs is exceptionally low because of certain allowances not having been made and because certain drastic cuts have been made in the budget. The genuine deficit is much larger. That being so, is it an occasion for us to think that by a little improvement here, by a little change there, by a slight increase in our excise revenue or by natural expansion in the land revenue—because the crops have been good—our position may easily become secure? The position, as I have submitted, is, in my view, serious, and therefore the necessity for approaching this subject carefully is all the greater; and I am glad to see the Finance Department having at long last come to a distinct realization of the fact that there exists in our finances a normal recurring deficit. I wish that position had been actually realised by them two years ago when the budget for 1921-22 was actually introduced for we then proceded on wrong assumptions or at least inadequate data as revealed by the working of that financial year.

But now that the deficit has been realised, strenuous efforts should be made to see that every possible economy is made; and in this matter I, as one of the members who served on the retrenchment committee, congratulate the Government on its immediate action, or at any rate partial action, in giving effect to some of the recommendations of the majority of that committee and in particular in accepting the resolution regarding the amalgamation of the canal and revenue establishments on a sufficiently large scale as urged by me in my note. The House will, I think, particu-

[Mr. Manohar Lal.]

larly express its thanks to the Finance Department for the reduction which they have made in the two departments of Police and Forests.

The Honourable Finance Member has in his speech given us a warning against a too facile optimism. I have already said that his budget is not likely to cause any such pleasant emotion. But what I did feel in listening to that speech was that under serious stress of financial stringency, he was driven to effect reale economies, laying the axe for the first time with rigour. The warning reference was made with regard to the reduction in his own department—the favoured department—of Police. Sir, with reference to this matter of the Police, I may point out that out of the genuine total revenue receipts of Rs. 9,88,00,000—shall I call it roughly ten crores—something like Rs. 1,1?,00,000, or one-ninth of our whole revenue, is spent on the upkeep of the Police Department. That is a big figure, Sir, it seems to me, that one-ninth of the total revenue of a province should go to meet the cost of the Police. That seems to me at once a signal proof of both the poverty and the backwardness of the people. Putting aside any possible economies which the Government may, as a matter of course, make in this direction. I think it is a matter for serious consideration whether it is not too much for poor people like us of this Province to be spending one-ninth of their revenues merely on safeguarding their house. A reproach cannot lie at my door that I in any way under-estimate the value of maintaining place and order; what does that or safeguarding our house mean? A poor man cannot spend without limit on the safeguarding of his house and I think the limits have been very nearly reached, if not passed, so far as this Province is concerned. Then we are told that this cut of five lakhs in Police may after all be regarded as a temporary measure. The Head of the Police is not sure that it will not be required again. I think the Honourable Finance Member has to think and should think a good deal before he entertains any plans for the increase in our Police; I would say one word, and that is this, as was probably in the mind of my friend Maulvi Muharram Ali, Chishti, that "expenditure is conditioned by policy." Whether you are going to increase your expenditure on Police and on Jails is to a very great extent a matter of the policy which you adopt with reference to particular movements that are obtaining in the country; I venture to think, Sir, that at a time when political agitation is at a standstill, when real hostile activity against the Government on the part of a particular school of thought is practically in a state of collapse, and I think I am not exaggerating, that opinion is not the opinion merely of a private member of this House who likes to formulate his ideas one way or the other in order to bear down on the Government, but is in fact recognised by all and recognised fully in this state of political activity in this country, it is a matter of careful consideration on the part of Government whether they should contemplate increase of expenditure on Police and Jails or whether by a change of policy, it should not be possible for them to reduce expenditure in this direction.

(At this stage, Mr. President left the chair which was taken by Diwan Bahadur Raja Narendra Nath.)

Sir, I would like to say one word with regard to another department about which I have spoken in my short note in the retrenchment committee; and that is about the Public Works Department. Now, Sir, there are two things to be considered: what we call retrenchment and what we call

economy. It is a question which proposes itself again and again to many of us whether real economy could not be effected in this department, whether every rupee spent could not be made to bring a larger return. We are striving, the Honourable Finance Member is striving, to effect economies. This department is under the vigilant care of one who is held to be chief amongst industrialists in this country. It is quite one thing to say that we should reduce the department here, and reduce the department there. The question is whether you could not have buildings built cheaper than they are at present built by this department. Are we getting our money's worth, one hesitates to answer in the affirmative when one thinks of the immense over head charges, to mention only one of the matters. Public opinion as to this department's extravagance is absolutely unanimous. The complaint is insistent and widespread. This problem of economy in the Public Works Department the Government must really face. We can all refer to our experience and as a member of the Bar, who have been given two additional rooms recently in the High Court buildings, we have daily experience of the very unsatisfactory building put up by the department, dust falling constantly from the ceilings, plaster peeling off, and repairs required from the very day of completion. I have no doubt that if the money that has been allotted for buildings and roads is properly utilised much real economy can be effected.

Sir, I welcome the change that has been brought about in our system of accounts, namely, the separation of capital and revenue accounts. I am sure that in future years it would be possible for us definitely to realise what our financial position is. It is also a welcome feature that the Finance Department has for the first time this year realised that we are genuinely suffering from recurring deficit.

One word, Sir, with reference to education in which the constituency I represent is interested. It seems to me, Sir, that in this search after economy we have gone too far. One striking example of this is in the very small provision which the Honourable the Finance Member (who is also the Vice-Chancellor of the University) has seen fit to make for the University. I would not have referred to it if it had been a small matter touching my constituency. All of us are aware that it is only recently that in India it is open to young men of high qualifications to compete for examinations which would enable them to qualify for highest possible services in India. In order to make it possible for young Punjabis to compete successfully with candidates of other provinces (the Punjabis have hitherto fared worse in the competition) it is necessary that the University ought to be better equipped. You cannot starve higher education in the Province and yet make the young Punjabi hold his own in the race of competition with other provinces. We were sorry to notice only the other day that out of the nine candidates that were selected by competitive examination for the Indian Civil Service last year not one was a Punjabi. This is not because we have not got a good number of graduates, but because somehow when we get on to higher education we are not in a position to march forward as fast as we ought to. I think that it is a matter of false economy. We can neither economise in spreading broadly primary education to the masses nor can we really starve education at the top.

I wish to refer to another case also. There is a small institution called the "Public Library" of Lahore, a Provincial library. It has at present a sum of barely Rs. 1,500 per annum available for books. Government sanctioned a grant of Rs. 8,000 per annum. That grant, I find, disappears in the budget.

[Mr. Manohar Lal.]

It is true that we are poor, but I do not think we have been driven to financial stringency to the same extent as many of the richest countries in the world have been. England, for instance, has been driven from a budget of two hundred million pounds before the war to a thousand million pounds to-day. But encouragement of libraries has never been touched. It is recognised as a necessary institution and it is not allowed to starve. But somehow here the Finance Department has thought fit to cut out the poor provincial library. These are directions, Sir, which lead to false economy, because these are institutions which enable the Punjabi to hold his place among the rest of the people of this country.

Coming to the question of increasing the revenue, I desire to say that I share the opinion of those members who have already spoken on the subject that our efforts to get the Government of India to reduce our share of the contributions have not been strenuous enough. The Government according to all possible indications would not be able to give full effect even to the modest recommendations of the Majority of the Retrenchment Committee. It is, therefore, necessary that in curtailing expenditure we should not forget to bring the greatest possible pressure on the Government of India to reduce, if not entirely to remit, our contribution—the heaviest net item of expenditure of our budget. The Government of India has not yet realised that our finances are really much worse than that of any other Province in India.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan)] (Urdu): Sir, as there seems to be a desire on the part of certain members who do not know English to understand the discussion, I shall speak in Urdu. I congratulate the Finance Member for his lucid informing and frank budget which tells us that with the advent of the new Councils, the Punjab Government have become bankrupt.

The Honourable Sir John Maynard: Sir, I never said so.

Mr. Ganpat Rai (continued): Anyhow, Sir, what the Honourable the Finance Member has in fact said leads one to the conclusion that the Punjab finances are really and truly in a bankrupt condition. What troubles me now, Sir, is that when at the next elections we stand as candidates, what account shall we give of our achievements in the Council and what answer shall we give to the people when questioned about the bankruptcy of the Punjab finances. We perforce will have to say to them, "Brethren we did all we could but we could not help bankruptcy." On my part, Sir, when at the outset we entered the new Councils, I believed that with a surplus balance of the budget of 1921-22 of one *crore* and forty lakhs, we shall be able to make the new Councils a blessing for the Province. But, just as the days passed, non-co-operators exhorted us to boycott the Councils. We, however, did not pay heed to them. We thought we would be able to benefit the Province, but we have failed. I grieve to say that we enhanced the court-fees and stamps. We have harmed the poor by making justice dearer. I did my best but to no avail. Instead, Sir, we see that we have landed the Province in bankruptcy. Our friends say, "You have failed" and we cannot give any satisfactory answer.

Sir, what is more painful is that the people will no longer find faults with the bureaucracy but with the members of this House, majority of whom

have been returned here by election. We began with a surplus of one *crore* forty lakhs in 1921-22 Budget and here we are face to face with a deficit of 92 lakhs for the next year. In this connection, I and the public outside question why should we contribute to the Central Government a huge sum as that of 1¾ *crores*, when our own affairs are going from bad to worse. We have not been able to do anything worth the name for the advancement of primary education, agriculture, industries. I have, therefore, come to the conclusion that these shortcomings should be laid at the door of this very provincial contribution of one *crore* 75 lakhs to the Imperial Exchequer. But, allow me to say, Sir, that the responsibility is emphatically not ours but that of the Committee on Financial Relations between Provincial and Central Governments. At the time of making this contribution we were told that as we had money and to spare we should better make the contribution. Unfortunately, there was nobody at the time in England to plead our cause. Sir, I am of opinion that if we are to do our very best and that whole-heartedly, *i.e.*, by acting upon the recommendations of the Retrenchment Committee, we would be able to pull on and make up the deficit of 92 lakhs without levying fresh taxes. Again, Sir, besides this contribution of 1¾ *crores* Government of India takes away about 14 *crores* from the Punjab by way of income-tax.

The Honourable Sir John Maynard: That is not correct, Sir, the total income-tax collection in the Punjab is ¾ *crore*.

Mr. Ganpat Rai (continued in Urdu): Sir, I misunderstood the figures. Anyhow, I would beg the Government not to resort to new taxation. Suffice it to say that the burden of new taxation will, in the last resort, fall on the shoulders of the poor zamindars. I have now to thank the Honourable Finance Member that he has given a respectful consideration to the minority report of the Retrenchment Committee, inasmuch as he has himself acknowledged that he has accepted its recommendations and cut down expenditure to the tune of eleven lakhs.

He rightly complains that owing to the delay in preparing the report of the Retrenchment Committee he has not been able to further derive profit from it, but as a matter of fact, the negligence in this respect began from the very beginning.

I must point out, Sir, that even as early as November 1916, the Sly Committee was appointed. Its report was published in 1917. The great experts who wrote the majority report of this Committee made the same recommendations as regards Public Works Department as we did. We are quite willing to forego any credit for what we have done; only our recommendations should have been accepted and acted upon. Sir Ganga Ram was the only gentleman who signed the minority report of the Sly Committee but unfortunately the Punjab Government agreed with him. The majority report remained unheeded and is now lying in an almirah in Mr. King's office. The views of the Punjab Government were not forwarded to the Government of India. When this report was insistently demanded it was brought out from Mr. King's room. All this shows, Sir, that even if the present report of the Retrenchment Committee had not been submitted in time, identical recommendations were in existence. In that report it was recommended that the Public Works Department and District Boards staffs should be amalgamated. If it were done even now a saving of some 16 lakhs can be effected. Hence the excuse that the report of the Retrenchment Committee

[Mr. Ganpat Rai.]

had not been made in time, and therefore its recommendations could not be given effect to, is not tenable, as the recommendations of the Sly Committee were already in existence, which means that our Government had 7 years' notice of the matter. Even now there is time enough to act on those lines. Thus we can avoid new taxation. Another point, that I would like to bring to the notice of the House, Sir, is that the Forest Department too is harming our finances. Thirty lakhs should be saved here. It is a curious phenomenon that with the advent of Reforms we began to suffer losses. A cursory view of the history of the Forest Department finances will bear me out. In 1916, expenditure was Rs. 9,35,0 0, the income was Rs. 16,88,000, the net saving being Rs. 7,50,000. In 1917-18, expenditure was Rs. 10,99,000, income Rs. 9,74,000 and saving a little more than Rs. 8 lakhs. But in 1918-19, the Forest finances began to turn the other way and resulted in a loss of about Rs. 15 lakhs. Next, the Honourable the Finance Member last year told us that an enlightened business policy was bound to result in profit, so much so that the Rs. 35 lakhs income of 1920-21 would increase to Rs. 65 lakhs, thus resulting in a saving of Rs. 27 lakhs But, what did actually happen ? The answer is a net loss of Rs. 1,85,000. I now propose to consider, Sir, the earning capacity of our jails. Leaving aside the Akali and Non-co-operator prisoners who would not work, there are about 13 or 14 thousand prisoners. It is estimated that a prisoner's labour brings the Government from one anna to one anna and-a-half per day, and I submit that the market price of the same labour could not be less than from annas 12 to one rupee. I ask, Sir, do we utilise it to its utmost capacity. Do we get all the goods used in public offices and which the jails could supply, from the jails ? No, we do not. Hence, the magic wand argument of the Honourable Finance Member falls to the ground. Lastly, Sir, I must say that had we acted upon the Sly Committee's report we would not have been bankrupt to day. Even now there is no need of fresh taxation. Let the Government plainly tell their officials that so much and no more shall be given you to spend.

Mr. President : You have been speaking for a long time now.

Mr. Ganpat Rai : Sir, I have been waiting for hours, I want just 5 minutes more.

Mr. Ganpat Rai (continued) : Sir, I have just this much to say before I conclude that it is needless to say that a great deal of money is being spent on the police. The trouble is that the police are immersed in such tasks as the Lawrence Statue provides for them. In conclusion, Sir, I request the Government through you to take pity on the people and to reduce the expenditure entailed by the tours of the Heads of Government, Members of Government and Ministers. These latter are now spending not Rs. 2,000, as originally estimated, but Rs. 14,000. Let Government officers take less pay. Let the holding of the Summer Session of the Punjab Legislative Council at Simla be given up. For God's sake let not new taxes be imposed. We are at present having a little respite from the activities of the discontented, let not the new taxation foment new troubles.

5 P. M.

With these words, Sir, I conclude, hoping that no new taxation will be levied.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural]: At this late hour, Sir, I will not detain the House very long.

and I only want to offer my congratulations to the Honourable Finance Member and his able Secretary for the very excellent way in which they have put the Budget before this House. There is no doubt that there is a very heavy deficit about which my friends have already spoken before me. To meet this deficit, the Honourable Finance Member wants taxation to which he has hinted in his speech more than once. Sir, we are not going to allow this taxation in any case, because the province is already being taxed every now and then by the recurring settlements which are going on, and the revenue is raised every year. In Lyallpur the revenue is going to be raised nearly 50 to 60 per cent. and in some cases about 100 per cent. and in other cases even up to 200 and 300 per cent. Such being the case in one district alone, Government cannot say that they are not raising the taxation already. In Multan revenue has been raised already in spite of the protests of the people of that place. The Settlement in Jhang and Muzaffargarh Districts are still going on. The further taxation that he contemplates is the water-rate, which he wants to increase. Sir, he is not justified in adding anything more to the existing water-rates, because wherever there is a canal the land revenue has been considerably increased already. The canals are already paying from 20 to 30 per cent. If you propose to increase the water-rate you must correspondingly reduce the land revenue. This much about water-rates.

Next I come to the increase in salaries. It is this increase that has brought calamity on this province The increase in the salaries of officers has been out of all proportion to the actual needs. Special allowances are still continued, such as jungle and local allowances, etc. If these allowances are withheld there would be a great saving. Then again while raising the salaries on the one hand no attempt has been made to reduce the establishment or to reduce the cadre on the other. Every day we see that all kinds of offices are being multiplied. The Secretariat staff has been considerably increased and requires a great deal of reduction. Then, Sir, if you look at the list of officers you will see that there are Directors, Deputy Directors, Assistant Directors and many more kinds of Directors in various departments than they have people to direct. These posts can safely be reduced. This is also the case in other branches of the services. The Forest Department is one for control and management by a private concern. However efficient the present management may be, it will not be so economically run as by a private firm. The staff is so big that all the profits are spent on the payment of the staff; if the staff is reduced, there will be much more profit even though the department is worked by Government. Another department in which money is spent extravagantly is the Police Department. The expenditure of 105 lakhs under this head could be substantially cut down if Government relaxed its policy of repression. A good deal of this expenditure is also due to misunderstandings by Government. If the Government were to take the advice of this Council in every case the expenditure on the Police may be considerably reduced. Another point I wish to point out is the existence of certain offices which serve as mere post offices; for instance, the Commissioner's Office and the Superintending Engineer's office. Whenever there is any reference from the Government these officers refer to the Deputy Commissioners or the Executive Engineers for remarks and then transmit their remarks on receipt to the Government.

The districts require redistribution. If this is done we will certainly be able to reduce three or four districts which will save a good lot of expenditure. Of course we will have to create sub-divisions, but they will not cost as much as the existing arrangements.

[Rai Bahadur Lala Sewak Ram.]

The next question that pains me is the enormous expenditure in travelling allowance. Travelling is done in such a way that with a proper scrutiny of the travelling allowance bills it will be possible to curtail the expenditure. Travelling appears to be done by officers and their subordinates to make money and not always for doing work. If the Government tries to cut down the travelling allowances, a good deal of saving can be effected; for instance the Public Prosecutors may be given only second class instead of first class fare, just as officers of Provincial Services get.

The Honourable the Minister for Education proposes a good deal of expenditure in starting second grade colleges. I think this should be left to private enterprise. There is no necessity for Government to start these colleges, but if the Minister persists in starting those colleges I would request him to distribute them in such a way that not one particular community alone derives all the benefit to the exclusion of others. (Hear, hear.) The Honourable the Finance Member has referred to the cutting down of expenditure on roads and grants to Communications Board. This is the last thing which I should wish to see. You collect a good deal of revenue from the zamindars and it is unjust to refuse comforts to them by way of communications. In the light of these remarks I hope that during the discussion on demands we will be able to cut down a considerable sum so I need not detain the House any longer.

Sodhi Lal Singh [Sikh (Urban)] (Urdu): Sir, the honourable members have spoken at length on he budget and have perhaps left nothing unsaid, yet I beg to explain a few points. The budget shows that the income of the Province is not sufficient to meet the expenses and we are labouring under a large deficit. The only way to get out of this difficulty is to cut down expenditure. I propose in this respect that the Sutlej Valley Project which is in the hands of the Irrigation Department, though it should not be stopped altogether, be postponed and suspended for the time being. I find that for the past one year certain officers have been present on the spot doing nothing. If we mean to do the work on borrowed capital with interest to pay, its burden will ultimately have to be borne by the zamindars. As the work is not yet ready for starting at present, let it be postponed.

Another case, Sir, in which retrenchment in expenditure can be made is to do away with Special Public Prosecutors, Special Judges and Special Sub-Inspectors. If, in certain cases it is so very necessary that the services of Special Public Prosecutors should be had, then it is no use keeping permanent Public Prosecutors. In my district, *i.e.*, Ferozepore, as much as Rs. 50,000 had been spent on special prosecutors. I think that about Rs. 2 lakhs can be saved if my suggestion is accepted. Lastly, I submit that the salaries of Government officers should be reduced.

Rai Sahib Lala Thakar Das [North-West Towns (non-Muhammadan) (Urban)] (Urdu): Sir, the budget estimates have acquainted us with very deplorable conditions, which if continued as if they were normal under the régime of the new Councils our condition will be rendered untenable. We have perused, Sir, the report of the Retrenchment Committee. Taking it into consideration along with the fact that there has not been any famine in the Province nor has it suffered from any visitation from heaven, we must say that the present budget is nothing short of sheer ill-luck. However, there are just two rems-

dies for our present unenviable condition and they are retrenchment in expenditure and new taxes. We know already what retrenchment has come to. As for new taxes, we are already groaning under the burden of existing ones. Railway fares, postal charges, salt tax, income-tax, as also court-fees and stamp rates have already been enhanced and here we are thinking of some more fresh taxes still. Need I remind the House, Sir, that before the advent of the British Raj, the country was not taxed so heavily? To-day everything is dear and now to this dearness taxes are being added. To remedy all this, therefore, what is needed is a drastic change in the administration of the country. Comparing the cost of administration of India with that of the Dominions we find that ours is the most costly administration. My conclusion is that unless the Government brings about a veritable revolution in administration losses cannot be made up. I therefore exhort the Government to forthwith stop a costly administration. This is the long and short of the whole matter. I have no more to say.

Chaudhri Ali Akbar [Kangra-*cum*-Gurdaspur (Muhammadan), (Rural) (Urdu)]: Sir, the Honourable the Finance Member and the Financial Secretary are surely to be congratulated for they have succeeded in framing the Budget exactly according to the policy of the British Government. At the time of the advent of the Reforms we thought that the new Councils will manage the affairs of the country well, but the experience of the past two years amply proves that the non-co-operators were right. They had said that the new Councils were meant for the sole benefit of the British people. The idea was to be-fool the Indians by giving them Councils in name only, knowing all the while that these would not be allowed to work well with the result that the experiment would be declared a failure, and the country told that the Indians were not fit for Self-Government. British Officers knowing that their arbitrary powers had been taken away by the Councils have helped in making them unsuccessful. At the beginning, these officers had told us that non-co-operators were deceiving us, but it seems to me, Sir, that they, the non-co-operators, were right and we were in the wrong. This experiment has proved that instead of gaining anything by the Reforms we are called upon to pay more taxes. The Councils have put us to great expense. A force of officials is being maintained unnecessarily. Translators, who do not translate, are paid.

Mr. President: These are personal remarks.

Chaudhri Ali Akbar (continued): Sir, if it is so, I beg your pardon. While still I must say that those of us who do not know English, sit like dumb cattle while speeches in English are being delivered, and even their translation is denied to us. To come to the main point, my argument proper. I beg to submit, Sir, that none of the proposals of the elected members has been acted upon so far during the régime of the new Councils, but now that new taxes are needed to be imposed we are asked to give our opinion. Let the Honourable Finance Member tell us how we should satisfy our constituents in this matter.

I fear, that failing a satisfactory reply on our part, the zamindars would make common cause with the discontented classes. They would be likely to become non-co-operators.

Lastly, I must say, that if the Government intend that the Reforms scheme should fail, then why ask us to give advice in the framing of the

[Ch. Ali Akbar.]

Budget. I have no doubt in saying that Government are deceiving us. For although the Budget has been framed very skilfully, if retrenchment had been carried out with equal skill, I am sure a great deal could have been done. But nobody will care to do so.

The Council then adjourned till 2 o'clock on Tuesday, the 6th March, 1923.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 6th March 1923.

The Council met at the Council Chamber at two of the clock, Mr. President in the chair.

QUESTIONS AND ANSWERS.

REMOVAL OF POLITICAL PRISONERS FROM THE ANDAMANS.

2269. Rai Sahib Lala Thakar Das: Will the Government be pleased to state—

(*a*) Whether it is a fact that orders have been issued for the removal of all political prisoners from the Andamans?

(*b*) Whether Rattan Chand and Bugga who were convicted by a Martial Law Tribunal in 1919 are still undergoing imprisonment in the Andamans?

(*c*) If so, has the Government taken any steps to have these two prisoners removed from the Andamans?

The Honourable Sir John Maynard:

(*a*) Yes.

(*b*) Yes.

(*c*) No. Rattan Chand and Bugga were proved to have committed murder and have not been classed as political prisoners.

RELEASE OF PRISONERS WHO HAVE SERVED TWO-THIRDS OF THEIR SENTENCES.

2270. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that, in order to remove the present congestion in jails, or for any other reasons, the Government has decided to release such prisoners as have undergone two-thirds of the terms of imprisonment to which they were sentenced?

(*b*) If so, does this decision apply to political prisoners as well?

(*c*) Will the Government be pleased to lay on the table a statement giving the names of all the prisoners who have been thus released together with the offences of which they were convicted and the terms of imprisonment to which they were originally sentenced as well as the dates on which they were imprisoned and released?

The Honourable Sir John Maynard: (*a*) Yes, subject to certain conditions.

(*b*) Yes.

(*c*) The work has not yet gone far enough for any deductions of value to be drawn at present from a statement of the kind suggested, and Government is not prepared to adopt the suggestion.

AKALI PRISONERS IN THE ATTOCK FORT JAIL.

2271. Rai Sahib Lala Thakar Das: (*a*) Is it a fact that on or about the 15th of November 1922 four Akali boys, imprisoned in the Attock Fort Jail, were given bar fetters for shouting *Sat Sri Akal* and singing religious hymns?

(*b*) Is it a fact that this incident led to a general cry of *Sat Sri Akal* being raised throughout the jail?

(*c*) Is it a fact that thereafter a large number of Akali prisoners in the jail were subjected to general beating?

(*d*) Is it a fact that to report on the allegations made in the public press regarding the aforementioned incidents the Government appointed Diwan Bahadur Raja Narendra Nath and Rai Bahadur Lala Sewak Ram, Members, Legislative Council, as non-official visitors to the said jail?

(*e*) Had any local persons been before that appointed as non-official visitors to the said jail? If not, why not?

(*f*) If the answer to part (*d*) of the question is in the affirmative, will the Government be pleased to lay on the table the report submitted to Government by the two said non-official visitors?

(*g*) In what particulars does the Government disagree with the conclusions of the non-official visitors? What are the grounds and the evidence on which that disagreement is based?

(*h*) What was the strength of the jail staff, excluding the Superintendent and jailors, on the day of the occurrences which formed the subject-matter of the inquiry; and what was the number of prisoners confined in the jail on that day?

The Honourable Sir John Maynard: (*a*) It is believed that four Akali boys were given bar fetters as a punishment for singing loudly in their tent after lock-up and for refusing to desist after being ordered by the Jailor to stop. This constituted a jail offence.

(*b*) Yes.

(*c*) The honourable member is referred to the Punjab Government *communiqué* of the 22nd December 1922 of which a copy is laid on the table:—

Press Communiqué.

As announced in a *communiqué*, dated 30th November 1922, the Punjab Government appointed Dewan Bahadur Raja Narendra Nath and Rai Bahadur Lala Sewak Ram as non-official visitors to the Attock Fort Jail and arranged that they should pay an early visit to the jail in connection with the allegations of ill-treatment of prisoners which had been made in the Press.

The usual procedure in such cases is that non-official visitors record the results of their visit in the Visitors' book for the information of the Superintendent of the Jail, the Inspector-General of Prisons and the Punjab Government. But in this instance the irregular course has been adopted of publishing

the gist of the visitors' report in the form of an interview which appeared in the newspapers.

2. In the report of that interview it is stated that the visitors were inclined to infer that there was general beating by the jail officials, warders and police when the officials were attempting to arrest the ring-leaders in a disturbance. In the first place, and as an indication of the slipshod character of the report, it is to be noted that not a single police constable was present inside the jail. The inference of the visitors is based on the stories of prisoners and an entry in the Superintendent's diary to the effect that the prison staff met with resistance and a general scuffle ensued. As a matter of fact the prisoners knocked down one warder and some of them armed themselves with the ridge poles and supports of their tents in preparation for an assault. The jail staff was not reinforced in any way either by police or by others from inside the jail, and it was so slender that there was no possibility of a general beating of prisoners in the mutinous mood shown by the latter. It required much coolness and self-restraint on the part of the Superintendent to refrain from sounding the alarm and summoning the armed police guard.

3. The visitors mentioned the story told by prisoners that the jail authorities refused to give them food, but they did not express the opinion that there was a deliberate refusal to give food to the prisoners. A little further inquiry should have enabled the visitors to acquit the jail staff of this charge in a decided manner. The prisoners were on hunger-strike for 48 hours (not 54 hours as alleged), and during this period food was regularly cooked, the cooks themselves being Sikh prisoners. The food was offered to and refused by the prisoners. It was then partly given to sweepers employed in the jail and partly sold to the fuel contractor, the results of the sale being entered in the cash book. There is thus documentary evidence of the disposal of the food rejected by the prisoners.

4. In the interview, the visitors are recorded as having said "that the pulsometer went wrong simultaneously with the prisoners going without food creates a strong suspicion that harsh treatment was deliberate." There is here an insinuation that the pulsometer was intentionally put out of order to deprive the prisoners of water. The facts are that on the 13th November the ring of the suction valve broke. The fitter went to Rawalpindi at once and had a new ring cast. The pulsometer was thus out of order from the 13th till the 17th November. In the meantime the prisoners drew water from the river in *pakhals*. If the visitors had questioned the fitter they would have had no difficulty in ascertaining the facts.

5. The visitors criticised the site of the jail in which the prisoners are confined in tents. Confronted with a sudden influx of prisoners Government chose the best place of confinement available at the time. At this season of the year large number of troops are under canvas during training or on transfer from one station to another. The prisoners in the Attock Fort Jail fare better than troops in that each prisoner has now four blankets, while soldiers have only three.

(*d*) Yes.

(*e*) No. Because the Jail had only recently been opened.

(*f*) The report is laid upon the table.

Report.

We paid a visit to the Attock Fort on the 2nd of December. The improvised jail for the Akali prisoners is located on an open and extensive piece of ground connected with the fort on the banks of the Attock River. The ground is divided into a number of enclosures separated from one another and protected by barbed wires. In each enclosure a number of palls have been erected in which prisoners are accommodated. Each prisoner is provided with three blankets, one of which he spreads on the ground and the remaining two he uses as covering for the body. We made enquiries about the allegations which had been made in the Press about an incident said to have occurred on the 15th of November. We first heard the version given by the Superintendent of the Jail which is as follows :—

Four Akali boys were given bar fetters as punishment for singing in the tent after lock-up. When bar fetters were being put on, the boys began to shout '*Sat Sri Akal.*' The whole camp, which consisted of over fourteen hundred prisoners, took up the shouting. Prisoners came out of their tents. The Superintendent ordered them to get in. They did not obey orders. The Superintendent then got twenty of them arrested and got them out of their enclosure. The noise in that enclosure and adjacent ones subsided, but it continued in other enclosures. The Superintendent then entered other enclosures and got the most prominent men arrested. These men were given standing handcuff and bar fetters. The Jail authorities did not *starve* the prisoners who went on hunger strike. As water is supplied to the camp by means of an engine and a pulsometer it got out of order and the prisoners were directed to fetch water from the river which they refused to do. Hence they could not get water for two days.

With the permission of the Superintendent we took aside three Akali prisoners one by one and questioned them. Each one stated before us that there was a general beating of the prisoners by the warders and the police, and that they had been deliberately starved for 54 hours, the pitchers of water having been removed from their tents. At this stage the Superintendent left us and objected to our questioning the prisoners by taking them aside. Accompanied by the Daroga and his staff we then went to each enclosure and questioned prisoners in each tent. About 30 came forward one after the other, and alleged that there was a general beating of the prisoners by the warders and the police, and that they were refused food and water. Some of them alleged that the jailor was vindictive and was from the very commencement determined to subject them to hardships.

From the very nature of the case it was impossible to get independent evidence. We wanted to know whether the prisoners or the Jail authorities were to blame. The incident having occurred inside the Jail, the witnesses to the scene would be either the prisoners or the prison officials. We called upon the Jail authorities to produce any Akali prisoner in support of their version. They said that no Akali prisoner would come forward to support them. Some significant data are, however, available from the records and registers which we examined.

We attach a copy of the entry, dated 16th November 1922, in the Daily Journal. We invite attention to the portion underlined by us which is as follows :—

"I then ordered my staff to arrest the men who appeared to be ringleaders and to push the rest back. On my staff attempting to do so they were immediately met with resistance and a general scuffle ensued." It is

—

the scuffle which the prisoners described as general beating. *We are inclined to infer* that when the ring-leaders were arrested and the crowd was being pushed back there was general beating by the jail officials, warders and *police* in the camp.

As to food, we find by reference to records that the full quantities of flour were issued and cooked on the 15th and 16th November on which, according to Jail authorities, the prisoners went on hunger strike and according to prisoners, the Jail authorities refused to give them food. There was an insinuation by the prisoners that subordinate Jail officials did not really cook the quantities shown in the register in which entries were made to screen their offence of deliberately depriving the prisoners of food. That the pulsometer went wrong simultaneously with the prisoners going without food creates a strong suspicion that harsh treatment was deliberate. There has been only one death in jail since it was opened. It is that of Jwala Singh, aged 60, who was admitted to the hospital on the 12th and died on the 22nd of pneumonia. His death had no connection with the incident of the 15th.

We are of opinion that too serious a notice was taken of the misbehaviour of the four boys who shouted '*Sat Sri Akal.*' They were given bar fetters which is one of the extreme punishments prescribed by the Jail Manual. Admonition and tactful persuasion should have been resorted to.

We draw the attention of the authorities to the fact that the bank of a river in North Punjab in mid-winter is not a proper place for locating prisoners in tents—prisoners who must be discriminated from ordinary criminals guilty of offences against person and property. Of eighty-seven cases in the hospital there were at the time of our visit forty cases of Bronchitis, one of Asthma and three of Pneumonia. We would strongly recommend that an extra blanket should be supplied to the prisoners and those who suffered from diseases brought on by inclemency of weather should be released soon after their recovery as being liable to relapse of the disease, perhaps in a more serious form.

We were very much impressed by the religious enthusiasm of the prisoners and by the simplicity of their nature. Each one of them had a prayer book and believed himself to be under the influence of direct inspiration from the Gurus. The out burst of their religious feeling should as far as possible be respected. In short, in the treatment of Akali prisoners considerations of strict discipline should be subordinated to those of sympathy for the simple-minded folk moved by strong religious feelings.

NARENDRA NATH.
8-12-22. SEWAK RAM.

(*g*) Reference is invited to the Government *communiqué* which is based upon documentary records and the statements of witnesses.

(*h*) The strength of the Jail staff excluding the Superintendent and Jailors on the day of the occurrences referred to was :—

Head Warders	3
Warders	30

The number of prisoners confined in the jail on the same day was :—

Akalis	1,066
Non-Akalis	82
Total	1,148

GRANT OF LAND TO THE INHABITANTS OF MAUZA MANSUR, TAHSIL BATALA.

2272. Chaudhri Nabi Bakhsh: Will the Government be pleased to state—

(*i*) since how long the River Ravi has been encroaching upon the lands of Mauza Mansur, Tahsil Batala, district Gurdaspur;

(*ii*) the population of the above-mentioned village in 1910, and its population at the present time;

(*iii*) the amount of land allotted up till now to the inhabitants of the said village in the various colonies;

(*iv*) what action has been taken on the memorial sent to His Excellency the Governor by the inhabitants of the said village in February 1921;

(*v*) if they are prepared to grant land to the inhabitants of the said village in any one of the colonies;

(*vi*) if they are prepared to grant land in Khanewal to the inhabitants of the said village on *barn* conditions?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

MEHNDI PROCESSION AND BAWAN DAWADSHI FESTIVAL AT JAGADHRI.

2273. Mr. Ganpat Rai: Will Government be pleased to state if it is a fact—

(*a*) that in anticipation of the last Muharram and Bawan Dawadshi festivals at Jagadhri the local Sub-Inspector of Police called the leading Hindus and Muhammadans of the town to a meeting at the Town Hall where he assured the audience that no Mehndi Procession would pass along the Chauk Bazar, in deference to ancient custom;

(*b*) that once such procession was actually led by the Sub-Inspector along the said Bazar;

(*c*) that on being reminded by some Hindus on the spot of the said assurance, he threatened to open fire and to handcuff them?

The Honourable Sir John Maynard: The honourable member is referred to the answer to question No. 2276.

ANANT CHAUDASH FESTIVAL AT JAGADHRI.

2274. Mr. Ganpat Rai: Will the Government be pleased to state if it is a fact—

(*a*) that for the first time the Jains of Jagadhri were prohibited this year from playing the band, within a certain distance of every mosque, on the occasion of the last Anant Chaudash coming off two days after the Bawan Dawadshi? If so, who was the officer responsible for issuing such an order?

(*b*) that the Jains by way of protest did not observe their festival?

The Honourable Sir John Maynard: The matter has been referred to the local officers and an answer will be sent to the honourable member in due course.

DUSSEHRA FESTIVAL AT JAGADHRI.

2275. Mr. Ganpat Rai: Will Government be pleased to state if it is a fact—

(*a*) that the Assistant Superintendent of Police on the day following the Dussehra last year called the leading Hindus of Jagadhri, including Rai Bahadur Raja Joti Parshad, Honorary Magistrate, to a Police outpost, at about 8 P.M., and detained them in the open till late in the night in spite of the fact that some of them told him that they did not feel well and that the investigation could safely be held in the day time;

(*b*) that the next night some respectable Hindus were called to the Rest-house at a similar late hour, and there six of them were arrested?

The Honourable Sir John Maynard: The honourable member is referred to the answer to question No. 2276.

DUSSEHRA FESTIVAL AT JAGADHRI.

2276. Mr. Ganpat Rai: Will Government be pleased to state whether a memorial over the signatures of about 70 Hindus of Jagadhri, most of them tax-payers, was submitted to His Excellency the Governor in October last setting forth grievances in connection with the holding of Dussehra festival last year? If so, will the Government be pleased to lay a copy thereof on the table?

The Honourable Sir John Maynard: The memorial mentioned in question No. 2276 is laid upon the table, along with a copy of the report of the Deputy Commissioner upon the allegations contained in that memorial. The report contains the answers to questions Nos. 2273 and 2275.

Memorial, dated the 7th October 1922, from the residents of Jagadhri to His Excellency the Governor, Punjab.

WE, the humble signatories hereto as representing the entire Hindu population of Jagadhri, beg most respectfully to submit the following memorial on behalf of the said Hindu population:—

1. (*a*) That the Hindus of this town are a law-abiding and peaceful section of the loyal subjects of His Most Gracious Majesty the King-Emperor. In the days of the great war they rendered useful help by contributing men and money to an extraordinarily large extent.

(*b*) That the said Hindus have of late been studiously oppressed by M. Ashraf Shah, the local Sub-Inspector of Police, who has spared no pains to employ his religious prejudices in instigating the Muhammadan residents of this town to commit violence upon the Hindus.

2. That on the occasion of the last Bawan Dawadshi (one of the most important of the Hindu festivals in this part of the Province), that came off on the 3rd September 1922, he insulted the religious susceptibilities of the Hindus by leading through the Bazar Chawk a *Mehndi* procession, contrary to all precedents as well as to a solemn assurance he had given to the leading Hindus of the town in a meeting called by him at the local Town Hall, and by threatening to open fire when he was reminded that the said procession was objectionable.

3. That he inserted a prohibition against the putting up of *dorwazas* (gates) in the license forms, which he issued to the Hindus, who had applied for license to conduct religious processions on the festival day, contravening thereby several previous orders as well as the unanimous decision arrived at in the said Town Hall Conference. This prohibition was struck out in some of the license forms, without his initials being affixed thereto. By doing so he intended clearly to cheat the Hindus. Such gates have been erected as of custom for years past in order to form a *Mandap* for worship on the Bawan Dawadshi day. There being no *Mandap* and the attitude of the Sub-Inspector being prejudiced, the Hindus were compelled to let their festival go uncelebrated. It has caused intense grief and disappointment to the Hindus. The matter was explained to the Deputy Commissioner by a deputation of the Hindus; a written memorandum was also submitted recording our grievances.

4. That on the 30th September 1922, it being the Dussehra day, the *Sawari* of Maharaja Ram Chandra ji was, as usual, taken from the seat of Ram Lila to the temple of Hanuman ji at about 2-30 P.M. There was no regular procession as in years past; neither elephants nor horses led the *Sawari*; the public were not invited to and did not join the *Sawari* on its outward march; no effigies of Rawan were set up in anticipation of a procession; no musical parties (*Bhajan Mandlies*) accompanied the *Sawari*; in short, the *Sawari* was the performance of an absolutely essential religious ceremony, devoid of all the pomp and splendour that have always characterised the Dussehra procession in this town. This change was due to the disappointment the attitude of the Sub-Inspector on the Bawan Dawadshi occasion has created in the Hindus. The *Sawari* passed along the shortest route available, which lay through entirely Hindu quarters. We beg to add that it is customary in this town that every Hindu, who owns a *Behli* (bullock cart) or a tonga, decorates the same and takes it out to follow the Dussehra procession. But as there was no such procession this year, the *Behlies* and tongas were taken out individually, and the *Sawari* of Maharaja Ram Chandra ji passed on all alone.

5. That after the *Sawari* had reached its destination a proclamation by beat of drum was made in some quarters of the town announcing that the "Sub-Inspector had ordered that there ought to be no procession." Needless to say that the order so announced is not authorised by law.

6. That in order apparently to intimidate the Hindus and to interfere with the worship going on at the temple of Hanuman ji and thereby to disperse the people who had gathered at the *mela* to witness the Ram Lila, the Sub-Inspector led a large police guard through the town making an unnecessary and probably intentional show of handcuffs. The Sub-Inspector and the guard were followed shortly after by some 300 Muhammadans, armed with *lathies* and containing the most violent and rowdy element in the

town. The whole police force and their followers stationed themselves at the Octroi Post at a distance of a few yards from the temple of Hanuman-ji. The Sub-Inspector did not post the constables at various places to keep order; but kept the whole force seated together in a threatening attitude at the Octroi station, but that the Sub-Inspector accompanied by about half a dozen constables visited the *mela*, witnessed the Ram Lila and did some shopping. But the Sub Inspector did not inform any Hindu at the *mela* that he had received any orders from the higher authorities prohibiting any procession, or for the matter of that, that he had himself issued any orders proclaiming the prohibition of a procession. He served no written order on any of the Ram Lila men.

7. That after sunset the Ram Lila was over, the *mela* broke up and the people returned to the town. On their way back, they were insulted by the Muhammadans at the instigation of police. The Hindus took the provocation quietly and did not retaliate. The Sub-Inspector encouraged and instigated his Muhammadan followers to attack the Hindu crowd, and accordingly some five or six hundred Muhammadans tried at different places to commit violence upon the Hindu crowd. The breach of peace was only averted by the quiet attitude of the Hindus and the presence of the local Tahsildar, who fortunately came on the spot and scattered the Muhammadans away.

8. That on the 1st of October 1922 the Assistant Superintendent of Police, M. Aitzaz-ud-din Ahmad, came down from Ambala accompanied by the Revenue Assistant and an additional police force. The police force was posted in Hindu quarters only. This was clearly meant to terrify and intimidate the Hindus. At 9 P.M. a number of most respectable Hindu gentlemen including Rai Bahadur Raja Joti Parshad, Rais-i-Azam, Honorary Magistrate, President, Municipal Committee, and the biggest Zamindar paying above Rs. 50,000 to the benign Government as land revenue and Government Treasurer for three British Districts, were called to the Police post by the Assistant Superintendent of Police and detained there in the open air late in the night, inspite of some of these gentlemen telling the Assistant Superintendent, Police, that they were not feeling well and that the investigation could easily be held in the day time. But the Assistant Superintendent, Police, cared nought for the inconvenience to which these gentlemen were unnecessarily put. No Muhammadans were called at that time for investigation, although they had all along been the aggressors.

9. That the next day some two hundred and fifty Muhammadans were gathered at the rest-house, the leading Muhammadans were consulted for hours together, and as the result thereof half a dozen Hindu gentlemen, including big tax-payers, Municipal Commissioner and the senior-most members of the local bar, were arrested at 10 P.M. They were not informed, despite their request, as to the time and court at and before which they were to take their trial.

10. That the next day they were produced before the Revenue Assistant to take their trial after 2 P.M. They objected they were not allowed time to bring lawyers to defend them from Ambala or elsewhere, and this objection of theirs was overruled. The police kept strict watch in front of the court house and did not allow the relatives of the accused to enter the court house and watch the proceedings. In the course of the trial the Assistant Superintendent, Police, sent a slip to the Court Inspector (who is also a Muham-

madan), which the latter showed to the court as an order of the Assistant Superintendent, Police, as to the presentation of a certain witness. On the insistence of the accused that slip was filed by the Court Inspector, but it was, a few minutes later, snatched away by the Court Inspector from the hands of the Reader by force. The Tahsildar and the Reader have recorded their evidence to the above unlawful act on the part of the Court Inspector.

11. That the case against the Hindu accused being *sub judice* we do not want to prejudice the finding of the court of the law. But we feel it our bounden duty to invite Your Excellency's kind attention to the above-mentioned acts of high-handedness and oppression on the part of the three Muhammadan Police Officers, *viz.*, the Assistant Superintendent, Police, the Sub-Inspector and the Court Inspector. Being the humble subjects of His Majesty we pray for the legitimate protection of our life, property and honour, which cannot be safe as long as the local Sub-Inspector is free to go on with his mischievous activities. We beg Your Excellency to make an early inquiry into the matter and order the steps, that may be deemed necessary, to be taken without unnecessary delay. For if timely notice be not taken of the mischievous activities of the local Sub-Inspector, we are afraid that with the Assistant Superintendent, Police, M Aitzaz-ud-din Ahmad, to back him up he may be led to do irretrievable harm to the peaceful and loyal Hindus of this town. We beg leave to point out that a short time ago similar grievances of the residents of Kalka, a town in the same district, against their Sub-Inspector, had failed to win the attention of the higher authorities with the result that the Sub-Inspector was encouraged to the very act for which he is accused of murder and is now undergoing trial. A timely notice ought to be taken to avert the repetition of similar and unfortunate development here.

No. 1634-C., dated 25th October 1922.

From—The Deputy Commissioner, Ambala,

To—The Commissioner, Ambala Division.

In reply to your endorsement No. 3221, dated 11th October 1922, I have the honour to submit the following report with regard to the petition of the Hindus at Jagadhri addressed to His Excellency the Governor.

A few days before the Bawan Dawadshi and Muharram festivals a meeting of the leading Hindu and Muhammadan citizens of Jagadhri with the Sub-Inspector of Police was held at the Town Hall to arrange the details of the festivals. It is not clear what arrangement with regard to *Mehndis* was come to at this meeting, but two applications for new *Mehndis* were withdrawn. Later the Hindus learnt that a permit had been issued by the Superintendent of Police for a *Mehndi* to pass through the Chawk Bazar. The permit for this *Mehndi* had been given in the previous year, 1921, but the Hindus allege that the *Mehndi* was not actually taken out. Two days before the Bawan Dawadshi the Hindus objected to this *Mehndi* being taken out along the Chawk Bazar, but the Sub-Inspector informed them that a permit had been given in the previous year also, and that the *Mehndi* was to be allowed this year. The Hindus appear to have made some threat of obstruction and then the Sub-Inspector warned them that if they interfered he would fire upon them. This threat appears to have started the present unrest in Jagadhri. The Hindus then refused to take out the Bawan Dawadshi procession. The Revenue Assistant, who was on the

spot, argued with them until about 4 P.M. on the day of that festival. Finally, the Hindus said that they would celebrate Bawan Dawadshi if a permit for the next day also was allowed. As the next day was occasion of the Muharram it was obviously impossible to grant this permission, so that the Bawan Dawadshi was not celebrated. On the day of the Muharram the Hindus observed a complete *hartal*.

2. It is true that in some of the license forms for the Bawan Dawadshi the erection of arch-ways was forbidden, while in others the prohibition was struck out, and the correction was not properly attested, but the reason for not celebrating Bawan Dawadshi does not appear to have been the prohibition against erecting arch-ways. It was apparently due to the resentment of the Hindus of the threat to fire should they interfere with the procession. The Superintendent of Police informs me that licenses as originally drafted followed the model of the previous year which contained a prohibition against the erection of arch-ways. Later it was decided to permit them, but owing to oversight only some of the licenses were amended. A separate general order was sent to the President, Municipal Committee, prohibiting their erection, and as a matter of fact arches were erected. It may be explained that the prohibition of previous years was due to the fact that the Bawan Dawadshi and Muharram fell on the same day and arches would have obstructed the passage of *Tazias*.

3. Paragraph 4 of the petition is, according to my information, very misleading. The Dussehra has not been celebrated in Jagadhri with any pomp in the past, nor have any figures of Rawan been constructed. The custom is that on the last day of the Dussehra images of Ram Chandar, Lachhman and Sita are taken out of the town on a tonga without any pomp. A *mela*, however, is held outside the city in honour of Hanuman. On the occasion of this year the Tahsildar reported to the Revenue Assistant that the Hindus meant to take out a procession without any license. The Revenue Assistant reported the matter to my predecessor who passed on the report to the Superintendent of Police, and the latter officer sent a telegram forbidding the procession. The Sub-Inspector proclaimed the prohibition by beat of drum, but it is alleged that the prohibition was not proclaimed till after the *Sawari* had taken place. As this point is in issue in a criminal case I pronounce no opinion upon it.

4. Paragraph 6 of the petition appears to be substantially correct, but the evil motives ascribed to the Police are imaginary.

5. Paragraph 7 is false. I do not believe for a minute that the Sub-Inspector would have been fool enough to instigate any one to commit a breach of the peace. He himself states that as his police force was too small he did not interfere with the return of the *mela* from the temple of Hanuman.

6. On the 1st of October 1922 the Revenue Assistant and the Assistant Superintendent of Police with some additional police went to Jagadhri, and several prominent Hindus were summoned to Police Post No. 1 in the city in the evening. The inquiry was held till about 10 o'clock in the night as the Revenue Assistant informed me. He was present at the close of the inquiry.

7. Paragraph 9 of the petition is exaggerated. Seven prominent Hindus were arrested at about 8 P. M. on the 2nd of October, but they were at once released on bail.

8. The events detailed in paragraph 10 relate to a matter of no importance whatever. The Court Inspector handed a slip to the Revenue Assistant

asking that the statement of the Tahsildar should be recorded. The slip was given back as the Revenue Assistant decided that the hearing was finished. The slip in question is on the file now.

9. I have myself visited Jagadhri to see if it is possible to reconcile the differences of the Hindus and Muhammadans. The Hindus are the richest and most influential people in Jagadhri. They cannot be regarded as in any way oppressed. They have two grievances. The first is that the Musalmans on the occasion of the last Baqra Id sacrificed goats within their houses. This matter has been dealt with by my predecessor in an order of which a copy is enclosed. I do not see what other order he could have passed.

The Hindus' second grievance is that the Sub-Inspector threatened to fire upon them should they riot on the occasion of the passing of the *Mehndi* along the Chawk Bazar.

Considering the serious results which any demonstration against the Muharrata procession would have had, I cannot blame the Sub-Inspector for speaking plainly on this occasion. It has hurt the pride of the Hindus, but I think the Sub-Inspector would have run a grave risk if he had not warned them of the results of any interference with the procession.

10. With regard to the trial of the leading Hindu under section 145, Indian Penal Code, acting on a note left by Mr. Henriques, I intimated to the Hindus that if they apologised and promised not to take out the Dussehra procession again without a license the case would be dropped. Their pride prevented them from taking advantage of this offer. They objected to the requirement that they should apologise. I propose to call for the files of the case before taking any further action.

11. The chance of an outbreak of violence in Jagadhri seems to me remote. The followers of each religion would be glad to score a point by obtaining orders that would embarrass the other party, but I see no signs of anxiety for a physical collision. In fact, one of the Musalman leaders joined with the son of the leading Hindu in a shooting party on the afternoon of my visit, and their relations were perfectly friendly. Care will be necessary on occasion when festivals clash. Otherwise I see no cause for anxiety.

12. The petition received with your letter is returned herewith.

COMMUNAL REPRESENTATION IN POLICE FORCE AT JAGADHRI.

2277. Mr. Ganpat Rai: Will the Government be pleased to state the relative communal strength of the police force at Jagadhri on—

(*a*) the last Bawan Dawadshi day;
(*b*) the last Dussehra day;
(*c*) the 20th December 1922.

The Honourable Sir John Maynard: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

REST-HOUSES OF THE CANAL DEPARTMENT.

2278. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to consider the advisability of curtailing the expenditure of maintaining the gardens of the rest-houses of the Canal Department?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The question has already been carefully considered and the expenditure

curtailed as far as feasible consistent with the prevention of the reversion of State property to jungle conditions and with the health of the staff employed in outlying places.

2279. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to consider the advisability of directing the Canal Department to curtail the expenditure on furniture in the Canal rest-houses and to keep only such furniture as is absolutely necessary for touring officers?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Furniture in Canal rest-houses is already kept down to what is absolutely necessary. The scale is prescribed by Government.

RULE PROVIDING REMEDY AGAINST ORDERS STOPPING INCREMENTS IN SALARIES OF GOVERNMENT SERVANTS.

2280. Rai Sahib Sardar Harnam Singh: Will Government be pleased to state if any remedy by way of an appeal or revision, etc., for Government servants aggrieved by an order stopping their periodical increment permanently or temporarily in their graded salaries has been provided in the rules on the subject?

If not, will the Government be pleased to make the desired amendment in the rules?

Mr. H. D. Craik: Every officer of Government is under the existing rules allowed one appeal against an order passed by an authority subordinate to the Local Government withholding an increment. Where such an order is passed by the Local Government itself, there is no appeal.

STIPENDS TO STUDENTS IN TRAINING INSTITUTIONS FOR TEACHERS.

2281. Rai Sahib Sardar Harnam Singh: (*a*) Will Government be pleased to state the number of stipends granted by Government to the students in the various Training Institutions for Teachers situated in the various Educational Divisions of the Province?

(*b*) Will Government be pleased also to state the number of stipends allotted respectively to Hindu, Muhammadan and Sikh students in these Training Institutions and the percentage of the total so falling to each community in each Educational Division?

(*c*) Will Government be pleased to state the principle or policy according to which these stipends are distributed among the various communities?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The question presumably relates to Training Institutions for men.

(*a*) The information is laid on the table.

(*b*) Stipends are not allotted by communities, although every effort is made to ensure that the claims of all classes of the community are met in the selection of candidates for admission to these Institutions. A statement showing the number of stipendiaries in Training Institutions by communities is laid on the table for information.

(e) The principles adopted in the selection of candidates are such as ensure regard not only for the claims of communities as stated above, but also for the needs of backward areas and the desirability of training teachers of the agriculturist class to work in rural areas :—

Name of the Division	Number of stipends allotted	Number of Hindu candidates selected	Percentage on the total number of stipends	Number of Muhammadan candidates selected	Percentage on the total number of stipends	Number of Sikh candidates selected	Percentage on the total number of stipends
Ambala Division ...	240	170	70·9	61	25·4	9	3·7
Jullundur ...	400	159	39·7	143	35·8	78	19·5
Lahore ...	440	223	50·7	183	41·6	34	7·7
Rawalpindi ...	360	88	24·4	258	71·7	14	3·9
Multan ...	360	261	72·5	176	48·9	23	6·4

GRANTING THE RIGHT OF ELECTION TO THE SIMLA MUNICIPALITY.

2282. **Nawabzada Muhammad Irshad Ali Khan:** Arising out of the answer to question No. 1674* will Government be pleased to state whether any decision has been arrived at with regard to the reconstruction of municipalities?

If the answer is in the affirmative, when do the Government intend to extend the right of election to the Simla Municipality.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Yes, Government have decided to introduce the principle of election in the Municipal Committee of Simla, and it is hoped to inaugurate the new constitution in the summer of this year.

INCREASE IN THE NUMBER OF MUNICIPAL COMMISSIONERS IN SIMLA MUNICIPALITY.

2283. **Nawabzada Muhammad Irshad Ali Khan:** Is it a fact that Government proposes to increase the number of Municipal Commissioners in Simla Municipality to 12, out of which 6 will be elected members.

The Honourable Khan Bahadur Mian Fazl-i-Husain: The answer is in the negative.

Nawabzada Muhammad Irshad Ali Khan: Will the Honourable Minister be pleased to say what will be the number of elected members in the Municipal Committee?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The total number of elected members will be, so far as I can recollect, not less than 20 per cent.

LECTURERS IN ARABIC AND SANSKRIT AT THE MULTAN AND LUDHIANA GOVERNMENT COLLEGES.

2284. **Chaudhri Ali Akbar:** Is it a fact that the Lecturers in Arabic and Sanskrit at the Multan and Ludhiana Government Colleges are still in the Subordinate Educational Service, while their colleagues, *viz.*, the Lecturers in other subjects possessing similar qualifications and teaching exactly the same classes with them have been in the Punjab Educational Service ever since their appointments in May 1920? If so, will the Honourable Minister for Education please give his reasons for making and preserving this distinction between the Lecturers in the Indian Classical Languages and their colleagues.

The Honourable Khan Bahadur Mian Fazl-i-Husain: There will be teachers of subjects other than classical languages in the Subordinate Educational Service, and the alleged distinction will thus disappear.

SALARIES OF ORIENTAL LECTURERS AT THE MULTAN AND LUDHIANA GOVERNMENT COLLEGES.

2285. **Chaudhri Ali Akbar:** Is it a fact that while the revised scheme of salaries substantially increased the pay of all the other Educational Officers and gave them big arrears on account of its being given a retrospective effect it did not add anything to the income of the Oriental

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* Vol. IV, page 281.

Lecturers at the Multan and Ludhiana Government Colleges ? If so, will the Honourable Minister for Education be pleased to state what were these Lecturers getting (including the temporary allowance) before the inauguration of the New Scheme and immediately after it, *i.e.*, on the 1st of October 1920, and what was the amount of arrears paid to them ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : (*a*) These officers were appointed on the revised scales of pay.

(*b*) The requisite figures are quoted below :—

Salaries of Lecturers before October 1920	*Salaries on 1st October 1920.*
Rs. 150 + Rs. 30 as temporary allowance.	Class II (Rs. 140—10—190), but to draw Rs. 180 per mensem.

(*c*) The question of arrears does not arise.

CONFIRMATION OF THE ORIENTAL LECTURERS AT THE MULTAN AND LUDHIANA GOVERNMENT COLLEGES.

2286. Chaudhri Ali Akbar : Is it a fact that the Oriental Lecturers at the Multan and Ludhiana Government Colleges were originally appointed on probation for six months only and have not been confirmed as yet though they were appointed three years ago ? If so, will the Honourable Minister for Education please give reasons for the delay in the matter ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : The Lecturers have now been confirmed in their appointments and class.

COMMUNAL REPRESENTATION AMONG PUBLIC PROSECUTORS.

2287. Rai Sahib Sardar Harnam Singh : Will Government be pleased to state the number of Public Prosecutors in the Province, the number of Hindus, Muhammadans and Sikhs among them ?

The Honourable Sir John Maynard : There are altogether 26 Public Prosecutors in the Province, of whom sixteen are Hindus, eight Muhammadans, one a Christian and one a Sikh.

DACOITIES IN KAHUTA AND GUJAR KHAN TAHSILS.

2288. Rai Sahib Sardar Harnam Singh : (*a*) Is it a fact that a number of dacoities have recently occurred in the Kahuta Tahsil and in the neighbouring tahsil of Gujar Khan, and that in almost all cases the sufferers have been the Hindu and Sikh shopkeepers, and the dacoits were armed with some sort of firearms ?

(*b*) If so, will Government be pleased to issue instructions to the District Magistrate, Rawalpindi, that licenses for firearms be granted to a number of respectable men in each village of these two tahsils ?

The Honourable Sir John Maynard : The matter has been referred to the local officers, and an answer will be sent to the honourable member in due course.

WATER-SUPPLY OF THE WESTERN JUMNA CANAL.

2289. Rai Sahib Chaudhri Lajpat Rai : Will the Government be pleased to improve the water-supply of the Western Jumna Canal in the Hissar District ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The water-supply in the Western Jumna Canal depends on the supply in the Jumna River,—a factor which is obviously beyond the control of Government. Subject to the limitations imposed on Government by the river, general conditions as regards the water-supply of the Western Jumna Canal in the Hissar District are considered satisfactory.

TRANSFER OF THE HANSI CANAL SUB-DIVISION.

2290. Rai Sahib Chaudhri Lajpat Rai: Will the Government be pleased to transfer the Hansi Canal Sub-Division from Rohtak Canal Division to Hissar Canal Division?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The present arrangement has been found by experience to be satisfactory, and Government does not see that there are any good reasons for the transfer.

HISSAR CATTLE FARM.

2291. Rai Sahib Chaudhri Lajpat Rai: (*a*) Will the Government be pleased to state the total expenditure on and the total income from the Hissar Cattle Farm during the last three years?

(*b*) If the income is less than the expenditure, will Government be pleased to take such measures as would enable it to become self-supporting in future?

The Honourable Lala Harkishan Lal: (*a*) The accounts are kept on semi-commercial principles. Including expenditure on improvements the total expenditure on the farm during the last three years has been Rs. 3,97,600 round and the income Rs. 1,61,800 round. During the same period, however, the net capital has increased from Rs. 13,91,568 to Rs. 15,41,685.

(*b*) In recent years considerable expenditure has been incurred on buildings which has contributed to swell the deficit. It is not expected that such charges will be heavy in future. In order to reduce the annual deficit on this farm steps are being taken to increase the issue price of animals sold, and inquiries as to the desirability of continuing certain activities are being made.

ACTION ON RESOLUTIONS ADOPTED BY THE COUNCIL.

2292. Mr. Ganpat Rai: Will Government please state if it is prepared during the next three months to give effect to all those resolutions which have been adopted by the Council during the last two years and which have not been acted upon in whole or in part?

Mr. H. D. Craik: The honourable member's attention is drawn to Punjab Government Notifications Nos. 25851-H.—Leg., dated the 22nd October 1921, 5432-H.—Leg., dated the 17th February 1922, and 13242, dated 20th April 1922, which show the action taken by Government on the resolutions down to the Council Session of 21st February 1922. Similar notifications in regard to the remaining resolutions will issue as soon as necessary information is collected.

PUBLIC SERVANTS AND OATH AGAINST BRIBE TAKING.

2293. Mr. Ganpat Rai: (*a*) Has attention of the Government been drawn to paragraph 6, page 8, of an Urdu pamphlet named Pendu Politics, by Lala Hakumat Rai, Vakil, High Court, Lahore, and printed and published by Steam Press, Anarkali, Lahore, in which amongst other things there is a suggestion that every public servant should take an oath that he will not accept bribe, etc ?

(*b*) If so, will Government please state if it is prepared to accept the suggestion and to introduce the administration of such oath to every public servant already appointed, and to make it compulsory in the case of every person appointed to any public office before he assumes the performance of the duties of his office ?

The Honourable Sir John Maynard: (*a*) Prior to receipt of the question Government's attention had not been drawn to the pamphlet mentioned.

(*b*) Rule 2 of the Government Servants' Conduct Rules forbids the acceptance of any gift, gratuity or reward from any Indian, and no further step appears necessary or likely to be effective. A person who would accept a bribe would not be likely to keep an oath to abstain from doing so.

AGRICULTURAL ZILLADARS IN THE CANAL DEPARTMENT.

2294. Mian Ahmad Yar Khan, Daultana: Is it a fact that there are very few Zilladars belonging to agricultural classes in the Canal Department. If so, will the Government be pleased to draw the special attention of the officers concerned to paragraph 2 (*a*), Article 4, of Irrigation Manual, in this connection ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Reply to the first part of the question is in the negative. The percentage of Zilladars belonging to agricultural classes is nearly 45.

In selecting candidates the orders of Government on the subject are always borne in mind.

COMMUNAL REPRESENTATION AMONG SUB-JUDGES.

2295. Mian Ahmad Yar Khan, Daultana: With reference to the Punjab Government notification No. 406 published in the *Punjab Gazette* of 5th January 1923, is it a fact that out of 178 stipendiary sub-judges there are 61 *Musalmans*, 111 Hindus, 6 Sikhs and 2 Christians ? If so, will the Government be pleased to take steps towards the improvement of the *Muslim*, Sikh and Christian representation in this line ?

Mr. H. D. Craik: The honourable member's figures are incorrect. The correct figures are 61 Muhammadans, 89 Hindus, 20 Sikhs and 8 Christians.

PUNITIVE POLICE POST AT MOGA.

2296. Mr. Ganpat Rai: (*a*) Is it a fact that a punitive police post has been located at Moga in the Ferozepore District ? If so, will Government be pleased to give full reasons for such action ?

(*b*) Is it a fact that the cost of such police is going to be collected mainly from Hindus? If so, what are the special grounds for so doing?

(*c*) Will Government please lay on the table a list of the inhabitants together with the amount which each person will have to pay?

The Honourable Sir John Maynard: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

APPOINTMENT OF A NON-MUSLIM TAHSILDAR AT SHUJABAD.

2297. Rai Bahadur Lala Sewak Ram: Is it a fact that in Shujabad Tahsil, District Multan, there has been a Muhammadan Tahsildar for nearly 15 years? If so, will Government be pleased to arrange for a Tahsildar of some other community to be posted to the tahsil?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: With the exception of three brief interludes the post of Tahsildar, Shujabad, has been held by a Muhammadan during the past fifteen years.

As regards the second part of the question, attention is invited to the reply given to Chaudhri Ali Akbar's question No. 1154,* *i.e.*, that Government does not propose to fetter the discretion of the Commissioner.

COMMUNAL REPRESENTATION AMONG TAHSILDARS AND NAIB-TAHSILDARS.

2298. Rai Bahadur Lala Sewak Ram: Will Government be pleased to issue general instructions that in posting Tahsildars and Naib-Tahsildars alternate chance be given to each community?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: The answer is in the negative.

GENERAL DISCUSSION OF THE BUDGET.

Chaudhri Ali Akbar [Kangra-*cum*-Gurdaspur (Muhammadan) (Rural)] (concluded in Urdu): Sir, The Honourable the Finance Member has in his Budget speech attributed some of the items of expenditure to the political discontent prevailing in the Province. The discontent is of a long standing and the Reforms scheme has given a fresh impetus to it. If the Government takes measures to remove the grievances, which the agitation and discontent feed upon, it will be enabled to make a considerable saving in the expenditure increased for the maintenance of law and order. To allay agitation and discontent is decidedly in the best interests of all concerned. Government sometimes does things which the agitators very easily avail themselves of to push on their propaganda, and thus gain influence over the innocent people. In doing so, Government indirectly helps the agitators. I have noticed that myself. The agitator is not a popular person in the rural areas. The villagers, do not pay much heed to what he says. They tell him plainly that no change, howsoever beneficent from his point of view, will help them. No Government will ever exempt them from paying the land revenue or water-rates. Such arguments he finds very difficult to meet. But he turns round, and taking advantage of the imposition of new taxes, assures the villagers that

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such things will not happen under the *Swaraj* Government. If that Government will not altogether remit the payment of land revenue and other taxes, it would not at least impose new taxes. It will rather cut down its expenditure and effect savings to meet the growing needs of the Province. Such a fallacious reasoning generally appeals to the imagination of ignorant villagers and they are thus duped to lend him their ear for the propagation of his sinister doctrines. It is for these reasons, Sir, that I beg to submit, that while contemplating to increase the land revenue and enhancing water-rates, Government should not ignore this side of the question too. Then, Sir, comes the question of the subtleties and complexities of the laws. There are some provisions in the law of the land which are not quite appreciated by the zamindars. These defects the agitators bring home to the villagers and thus sow the seeds of disaffection in their minds. The Government are alive to this, but I fail to understand why instead of winning over the the villagers to their side by giving more conciliatory treatment Government are going to embark upon a policy of fresh taxation which is calculated to affect primarily the zamindar community. Will not that course, Sir, instead of helping, lead Government into a dangerous position? I would advise the Government to think twice before pursuing this policy which is calculated to impair the loyalty of an ever-obedient and law abiding community. Again, the agitators or the non-co-operators, who are bent upon doing mischief, have also been preaching against the working of the Reforms scheme, to which rightly or wrongly they attribute this new taxation. They say that it causes wastage of funds by making the administration unnecessarily expensive. These allegations do not look quite unfounded to the villagers and they begin to think over the matter and sympathise with what the mischief-mongers say. This is very bad. It must be stopped by cutting down the expenditure to the irreducible minimum. There is, I believe, scope for reduction in many a department. For example, the work of the Excise Department could easily be handed over to the Tahsildars. The multiplicity of these numerous departments has unnecessarily multiplied our expenditures which can be curtailed only by the abolition of some such departments as are proving less remunerative. There is ample scope for cutting down expenditure in the Irrigation Department. There are so many Divisions and Sub-Divisions in the Canal Departments that if we reduce their number, I trust we should make enormous saving. It will not interfere with the efficiency of administration. I submit, Sir, that Government should not overlook it any more. If it does so, it will heavily tell upon the credit of the Province and ruin it financially. With these few words, Sir, I regret I cannot lend my support to the Budget introduced by the Honourable the Finance Member.

Mr. Miles Irving (Secretary, Finance Department): Sir, the object of the budget primarily is to explain to the House the position as regards expenditure and revenue of the past and future years, and to this requirement it is prepared to submit to the judgment of the House. It is one of those cases in which the proverb applies that the proof of the pudding is in the eating of it. If this House complains that they do not understand this budget, I cannot reply that they ought to; I can say only to that extent that I have failed. If they are good enough to say that they have understood it, I accept that testimony with gratefulness. I, therefore, desire to express my thanks for the appreciative words that have fallen from certain members of this House regarding the form of the budget and also my appreciation of the criticism which they have delivered themselves of.

As regards those criticisms I wish to say that it is not possible to prepare a perfect budget this year, nor even in the next, because there is always scope for improvement, and that therefore suggestions are always welcomed. Taking them in detail, it has been observed that the detailed estimates of certain departments are not placed before the House in time. Of course the Secretaries concerned will explain that point, but I may point out that this year for the first time the Detailed Estimates do not refer to them but are for good or evil self-contained. As regards the Detailed Estimates honourable members suggested that they might have been placed in the hands of the members of the House a little earlier. There we have to go against a very old standing tradition, that the budget is a matter of secrecy till the moment the Honourable Member presents it to the House. I may here mention a story of a member of the Press in this country who went into the Finance Secretary's room in Delhi on the morning of the Budget and was found reading the Budget Estimates and was detained in that room by the Finance Secretary until the House rose for the day. Therefore I do not think it is possible to lay these detailed budgets in the hands of the members as desired by them.

It has been said that these budgets do not contain figures for Members' establishments. These figures are prepared by the Accountant-General and there was not in all cases time to ask him to repair omissions. It is hoped that they will be supplied in the second or third editions. Hereafter we will prepare our budgets and I hope to see that there is no such omissions hereafter.

Then it has been said that these demands for Rs. 10 are obscure and I have often been asked to explain what these token demands mean. I think that we owe this system to one of your predecessors, Sir, who introduced it from England. If it is possible to find a form of words which will show the full actual amount of re-appropriation, the Finance Department will gladly accept it. I mean asking for a ruling on this subject, when I will refer to this point in detail.

Finally I would like to refer to the supplementary demands and the Finance Department's responsibility therefor. It is quite true that we bring in these supplementary demands. But I beg you to understand our position in respect to these demands. Some Member or Minister wants something not provided for in the Budget, say some machinery worth half a lakh. He immediately applies to us for money. We say provide it by re-appropriation.' He says he cannot. We say, 'you are having lapses at the end of the year, why not face your new expenditure from those lapses'? He says, 'I cannot lay my finger where the lapse will occur. Therefore I cannot take responsibility for it.' So at the end of the year we go to the House for supplementary grant The House asks, 'Have you bought the machinery?' We say, 'Yes, we have.' They say, 'Why didn't you tell us before you bought it?' We say, 'We thought there was going to be a lapse.' The House says, 'Who gave you leave to think?' This is our position, Sir. This is why it is inevitable in certain cases that you must sanction supplementary grants even though there may be savings. I have tried in this Budget to avoide a recurrence of this kind of demand for grants. In the Public Works Budget I have provided what may be called banking reserve to the extent of a lakh, that is, the Head of the Department can use it in anticipation of savings before he knows in what particular quarter they will

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occur. But you cannot apply this to any department other than that of Buildings and Roads. I should be glad to hear any remarks that may be made on this new system. I only need repeat here my appreciation of the remarks that have been made from time to time in connection with the preparation of the Budget. I should like to pass on your congratulatory remarks to my office and to the Government Press. They are due to the energy and extraordinary ability of my office and to the Government Press. Preparation of the Budget is a very great task and the credit of preparing it and placing it before the House is due to the Budget Branch of my office and the Government Press.

Nawabzada Muhammad Irshad Ali Khan [South-East Town (Muhammadan (Urban) (Urdu)] : Sir, some of my honorable friends, who took part in yesterday's discussion of the Budget, delivered very interesting speeches. But they will excuse me if I say that most of the speeches dealt with one side of the question only.

Mr. President : I see the honorable member is reading his speech. I did not give general permission to read speeches. I allowed the members to read only such portions as related to figures. Are you not accustomed to speaking ?

Nawabzada Muhammad Irshad Ali Khan : No, Sir.

Mr. President : How long will it take you to read the speech ?

Nawabzada Muhammad Irshad Ali Khan : Five minutes, Sir.

Mr. President : Very well, I allow you five minutes ?

Nawabzada Muhammad Irshad Ali Khan (continued in Urdu) : None of the speakers, while criticising the Budget and condemning the Government for it, ever realized the difficult position of the Government in the matter. Almost all the speakers were in that respect very unfair towards the Government. Therefore, Sir, I hope the House will generously appreciate the other side of the question, which I will presently lay before it.

Sir, the Government have been generally assailed for not giving immediate effect to the report of the Retrenchment Committee. The critics do not realise how difficult it is to introduce new things into the administrative machinery. If this were done abruptly, it will interfere with the efficiency of administration, and lead in the long run to waste of money. It might cause some further trouble too. Government cannot all of a sudden set asids their other responsibilities. They have too look to many a thing before doing anything of that sort. Sir, in every sphere of life, one has to be guided by the opinions of experts whose opinions deserve our respect. Similar is the case with the opinions of the Government members. One cannot lightly put them aside. We are bound to give due weight to the opinions and findings of such members. My honourable friend Mr. Ganpat Rai has held the Finance Member responsible for every increase in expenditure. . . . . .

Mr. Ganpat Rai : No, Sir, I did not say so. It is all wrong.

Nawabzada Muhammad Irshad Ali Khan : (continued). The speech which he delivered yesterday here in the Council, was so sympathetic towards the views of the non-co-operation party, that one could easily apprehend that the speaker though not a member of that notorious party was, however, a candidate for its membership. He practically meant to say that the non-co-operators have been right in taking the course they did, and the co-operators have been labouring under a great mistake in opposing them. I submit, Sir, that my friend has not arrived at a right conclusion in thinking so. Everything is decided in the Council by majority of votes, and as everybody knows, grants are no exception to the rule. Then I wonder at the people laying the blame at the door of Government for all this. Is it fair, I say ?

Sir, I gladly admit, that generally my honourable friend Maulvi Muharram Ali Chishti strongly opposes the grant of supplementary demands ; but I hope he will readily confess that in that case too, as in all others, it is the majority which decides everything. Does he mean to say, that the present constitution should be so changed as to make minority's voice a deciding factor in every question He triumphantly claimed in his speech, that the Honourable Finance Member admitted the justification of the opposition's views, when he had to show thirty-six lakhs as income, which he had got unnecessarily passed in supplementary grants by the Council. I would, with due respect to Maulvi Sahib's experience and ability, like to say, that he has not fairly treated the Honourable the Finance Member in that respect. He ought to be grateful to the Honourable the Finance Member for putting not an inconsiderable sum of 36 lakhs on the income side. Sir, I submit that Government has not been rightly criticised for expenditure it has incurred for the maintenance of additional Police and prosecution of criminal cases. All this has been done for the maintenance of law and order. It is an open secret that the non-co-operation party is sowing the seeds of revolution, of Bolshevism and it is the foremost duty of the Government to put a stop to the revolutionary activities of that party. Those who have any stake in the country realize the soundness of the steps the Government have taken to meet the sinister propaganda. I congratulate the Government upon it and hope that every true well-wisher of his country does so. I again submit, Sir, that we are all thankful to the Government for what they have done for the protection of the law-abiding citizens.

With these few words, Sir, I heartily lend my support to the Budget introduced by the Honourable the Finance Member.

Mr. A. J. Gibson (Chief Conservator of Forests) : Mr. President, I rise to state the case for the Forest Department and its budget demand. Several of the critics of the department yesterday criticised the working of the department in the past two years and attributed the poor results to a mistaken policy on the part of the Government. I may point out that in the Punjab the ideals of democracy have been attained to a greater extent than elsewhere in so far as the nationalisation of State industry is concerned ; that is to say, we have a nationalised canal department, we have State railways, State roads, State telephones and a State-run Forest Department. It is only logical that the Forest Department should secure to the tax-payer of this province the maximum revenue derived from legitimate sources in the Forest Department by doing its own lumbering and eliminating middle-men's profits.

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Now as regards actual financial results. The Forest Department in the Punjab began in 1869. I have looked up the figures and I find that since then we have spent practically 5 crores of rupees, of which 40 lakhs was on account of capital expenditure which is now in the Forests in the shape of roads, bridges, ropeways and so on, and which should not have been debited against revenue at all. We have paid back the 5 crores and in addition we have given 182 lakhs. This represents roughly 30 odd per cent. on the money given. It is true that this calculation is fallacious in one respect. We do not at present know the capital value of our Forest Estate. That is a matter of great intricacy. It will take years to get the actual figures and we shall only then be in a position to say whether the Forest Department in the Punjab and elsewhere in India is earning a proper rate of interest on its capital or not. I have made some rough calculations. They are in no sense accurate but with my experience of the Punjab I can place the capital value of the Forest property in the province at 225 crores of rupees. Now that property was handed over to the Forest Department in 1869 and this is a point I wish to emphasise most emphatically, it is still intact. All that the Forest Department has done since then is to give to the tax-payer of this Province the interest on that capital value, that is to say, income derived from the added growth of the trees from year to year. In addition we have been spending much time and labour and money on the improvement of that property. It is almost impossible to give the value of such improvement but in specific areas I may say that the capital value of the Forest property has increased by four times to eight times. That, too, has to be taken into account. Criticisms of the Forest Department are inevitable. The Forest Department conserves a property which has been entrusted to its charge for all time by Law and Statutes which are admittedly restrictive. In the hands of low-paid subordinates restriction easily gets transformed into oppression. Therefore as far as the population of the province is concerned we are not popular. In fact the efficiency of the Forest Department is in inverse ratio to its popularity. The more efficient it is the less popular will it be. That is inevitable. With the critics in this House, I think the Forest Department is judged in direct ratio to its monetary return. That is incorrect. I have spoken of the capital value of the Forest Estate. In highly developed countries with highly developed Forest Departments, such as in Germany and France, they are content to get a return of 3½ per cent. to 4 per cent. on the capital value of the forest estate. In India the Forest Department has consistently been starved of money from its very birth, and it is essentially a department where money makes money. Until quite recently we had no particular source from which to draw on for capital funds, and it is for the first time this year that we have separate budget sub-heads, which we see in this year's Budget under "Forest Capital Outlay." That will improve matters. You say that the Forest Department is not worth keeping up, because it does not produce sufficient revenue. That matter could be very easily solved. I could go to the Finance Department and say: "Very well, you are hard up for money. We have got deodar trees in the Forest. Instead of looking upon this Forest as a perpetual gift from nature, we shall cut down all the trees in ten years and sell them. We shall then have money enough, to spare and to show a large surplus." But my professional reputation would not be worth having. The point is that the Forest Department looks upon its forests as a perpetual heritage held in trust for the generations to come and we cannot fail in that responsibility.

Now to turn to another aspect of the case. The wealth of the Punjab lies in its canals. We in the Forest Department are the sentinels of the projected canals of the Sutlej Valley area and for all that you expect from that huge scheme. We are responsible for the forestation of 4,000 or 5,000 square miles of the catchment area of that river. Assuming that by a short-sighted policy of the Government we were to cut down all the trees in that area. The results would be disastrous. Devastating floods would increase the flow-off of water enormously and imperil canal head-works, weirs, railway and road bridges. Land slides would form and masses of silt and boulders would be brought down to the plains. Nature is ruthless in her vengeance when flouted and outraged by man and we have had a foretaste of this fact quite recently. In the summer of 1921 a wave of incendiarism swept through the Himalayan forests from the Indus to Nepal. Thousands of acres of forest are now clothed with the blackened skeleton remains of what were once fine trees. All this was due to the insensate folly of misguided people, who, because they could not possess chose to destroy. The results have not been long in showing themselves. My reports already indicate the formation of land-slides and slips. It will take much time, labour and money to repair the damage done. Here in the Punjab we already have pathetic instances of the havoc done by man by his misuse of the fairest gifts of nature—trees and forests. The barren low hills in Gurgaon, the crumbling slopes of the Siwaliks, the "chos" of Hoshiarpur and Ambala, belching tons of sand over good cultivable land year in year out and the torrential monsoon flow-off of the fantastic and twisted ridges and ravines of the Pabbi Range are striking examples. The Forest Department has taken in hand the colossal task of reclaiming and re-afforesting one of these areas. A beginning has been made in the Pabbi area, where 400 acres out of 40,000 have been re-afforested, by building dams, trenching and planting of trees and good fodder grass. The work is costly, but it has been proved that it can be carried out successfully and I can foresee the day when the Pabbi Range will be a great fodder reserve for the province, against those years of drought when there is fodder shortage.

In the sub-mountane tracts, and here those of the members of this House who belong to the Kangra and the Rawalpindi districts will bear me out, the whole livelihood, the whole of the future of the people, depends on the Forest Department. The Forest Department provides them with timber for their houses and for agricultural implements, with firewood, pine needles for manure, with grass and grazing. The value of such supplies amounted to Rs. 30 lakhs for province in 1921 22. Destroy the forests and you slowly destory the population of the districts referred to and in the other hilly tracts of the Punjab.

Again I have to say that India although young in the Empire is the oldest in regard to its Forest Department. At the Empire Forestry Conference in England in 1920, I had the honour of presenting the statement for India. We then pointed out what a fine estate India had in its forests. Out of 11 hundred million acres under Forests in the whole of the Empire, India alone has 160 million acres. It is to the advantage of this province and to the whole of India that its Forest property is developed on rational and scientific lines in the interest of the revenue of this country.

Yet I have to admit that since this Council has come into existence, timber prices have been falling and the hopes of prosperous years has not yet

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come to fruition. Our production has been in excess of consumption. And why? The great consumers of forest produce have had their budgets cut down; the Military Works, the Public Works Department, the Canals and the Railway have cut down their budgets drastically. The Forest Department revenue has gone down proportionately. But this is only a passing stage. My belief in the future prosperity of the timber trade in the Punjab is unshaken. The necessity for economy, however, has been fully appreciated. We have cut down expenditure as much as we can with due regard to our commitments in the lumbering programme in hand. I have recently put before my Government proposals to reduce the administrative staff by two Conservators. We realise that for a few years to come, we *must* economise. We are cutting down travelling allowances. I have recently gone through the temporary establishment of the Department, and have cut down the expenditure there to the extent of Rs 30,000. I have issued orders for stringent economy in every way and am looking to every penny spent. We are trying to send out our officers on deputation to the various Indian States in order to reduce our establishment charges. In the meantime, the budget demands made this year represent our irreducible minimum, and I trust the House will be able to pass them.

Chaudhri Kharak Singh (Amritsar-*cum*-Gurdaspur (non-Muhammadan), Rural), (Urdu): Sir, I heartily associate myself with the honourable members in thanking the Honourable the Finance Member for placing before the Council a clear and easily intelligible budget. I wish this were true of its contents too. But unfortunately this side of the picture is not very bright. When we realize that the Council started two years ago with a surplus of 1 crore and 40 lakhs and within these two years of its existence it has not only disposed of this sum, but has actually incurred a huge deficit, which if it went on increasing at this very speed, will grow up to four crores by the end of the year. This we shall leave as a legacy to the new council. Sir, the Honourable the Finance Member advised us some time ago that we should cut our coat according to our cloth. I am very sorry to remark here that he has not himself acted upon this maxim. The result is before the House which shall see a veritable increase in expenditure on all the Departments. Take the case of the Excise Department. The expenditure in 1919-20 was Rs 2,63,000 and in 1922-23 it has come up to Rs. 6,91,000. Remember that the income has fallen during the period. Similar is the case with the Forest Department. In 1919-20 it spent Rs. 24,16,000 and in the present year it is budgeted to spend Rs. 49,62,000. This is an appalling increase in expenditure. The department is, as was remarked by Mr. Ganpat Rai, being run on non-business lines. The honourable member in charge of the department has told us, that the timber and wood which are being preserved in the Forests should be counted as reserved wealth If that is so, then I fail to see any reason for keeping such a wealth in reserve at the present moment, when we are face to face with a huge deficit. I think to dispose of it will be far better than to keep it in reserve. The Irrigation Department too is no exception in this respect. I readily admit that this is a very beneficent department and we should invest as much in it as possible. But as to the increase in expenditure you will be surprised to know that within the last two years it has increased up to Rs. 2,56,39,000. Sir, I have got the fact and figures with me and can quote them in support of what I say. But this will be wasting the time of the Council. For my purpose, it is sufficient to say that the expenditure on the whole is increasing by leaps and bounds, and if it goes on like this no amount of additional taxation will ever meet it. Sir, we can not make both ends meet,

until we either cut down our expenditures or levy fresh taxation. Of these two proposals the former seems to be the more expedient, for sheer wealth cannot make a man rich unless he is given to making some saving out of what he already possesses. Although fresh taxation will bring additional wealth to the coffers of the Government yet unless drastic measures are taken to cut down the expenditure, it will not afford any relief to the tax-payers. Let us study the condition of the Departments from which we can possibly increase our revenues. Altogether they are six, namely, the Land Revenue, the Excise, the Stamps, the Registration, the Forest, and the Irrigation Departments.

I submit, Sir, that it has already been tried in the Excise Department and found wanting. The revenue decreased with the increase of duty. In the Registration and Stamps Departments the rates have recently been enhanced and there seems to be no scope for further increase. The Forest Department until run on business lines will not help us. We cannot increase the land revenue under present circumstances. As to the enhancement of the water-rates, Sir, I would earnestly appeal to the Council to see the condition of zamindars, before anything is decided about it. I can honestly assure the Council that the peasantry is in an unenviable position. They get the coarsest food to eat and tattered clothes are all they can afford to wear. They work throughout the year day and night and earn less than they deserve. Then, Sir, do you think it will be fair to overburden such a poor community any more. The Government should not deal with the matter like a monopolist. They should see that the proceeds from the water-rates cover the current expenditure and interest on it. Thus it is made clear that the real solution of the problem lies in affecting retrenchment in all the departments. It is impossible to do without it. Government has in the days of opulence created some unnecessary departments like that of Fisheries, which are mere waste of money.....

Mr. President: You should not discuss the details of the Fisheries Department.

Chaudhri Kharak Singh: I am giving only general details, Sir.

Sir, then comes the Agriculture Department. This is a very useful department, but retrenchment is possible even there. The Retrenchment Committee, which was so kindly appointed by the Government, very wisely suggested an all-round reduction to the extent of twenty per cent. It is a pity that this recommendation was not accepted. Had the Committee adhered to it, much of the trouble would have disappeared.

Sir, leaving other departments aside, I turn to the Council Department. The Executive Councillors have been budgeted to draw Rs. 8,000 as their tour expenses instead of Rs. 1,000 as provided in the previous years. Even if it were increased to Rs. 2,000, a net saving of Rs. 6,000 could be effected in that way.....

Mr. President: The honourable member is again going into details.

Chaudhri Kharak Singh: Sir, I am only giving an instance.

I then come, Sir, to the Honourble Ministers who get annually Rs. 1,20,000.

Mr. President: The honourable member should not repeat arguments already repeated.

Chaudhri Kharak Singh (English): Very well, Sir, I submit to your ruling. I will only quote facts and figures. The Honourable Ministers get Rs. 1,20,000.

Mr. President. This has already been said.

Chaudhri Kharak Singh (continued in Urdu): Sir, if the touring estimates of the Honourable Ministers were reduced by one half, then we can save thousands. We shall then request the Deputy President of the Council to forego his honorarium.

Mr. President: This is pure repetition. I must ask the honourable member to resume his seat.

Mian Ahmad Yar Khan, Daultana [Multan East (Muhammadan), Rural] (Urdu): Sir, I heartily associate myself with the other honourable members in thanking the Finance Department for their labours and congratulating the Honourable the Finance Member on his lucid clear and able speech which he made in presenting the Budget to the Council.

The honourable members, who spoke before me, have already said what they think of the present Budget and I, therefore, Sir, would like to confine my remarks to one or two items only, which have not so far been properly discussed. Sir, it is admitted by every one of us that the time has come when we can no longer postpone the solution of the financial condition of the province. We shall certainly have to cut down expenditure so far as possible and at the same time raise further funds by exploring the other avenues for reasonable taxation.

Sir, as my honourable friend Malik Firoz Khan remarked in his speech, we are rearing ponies for the Government of India spending lakhs on Remount Depôts. Then, Sir, our province is paying huge sums for the education of children of those brave soldiers who, while fighting for their King Emperor, were not fighting for the Punjab alone, but for the whole country. This is, Sir, I venture to submit, another burden which ought to have been in all fairness shared by the Central Government. The Punjab Government has given them lands on the Lower Bari Doab Canal. Had the Government of India done something for these deserving people, we would have been enabled to sell these lands and raise money for the provincial funds. I submit, Sir, that we should not play the part of a recruiting province for nothing. The whole country benefits by it, and we alone have to bear the expenses. In view of the financial position of the province, I earnestly request the Government to ask the Central Government to share this burden to some extent and I trust that the Government of India will not in fairness throw away such a request. Then, Sir, comes the question of the Provincial contribution. This is a very heavy burden upon the provincial funds. It has greatly impaired our financial position. Therefore, Sir, I feel bound to request the Government, to implore the Government of India for some relief in that respect.

As to the proposal for imposing new taxes I submit, that if that be absolutely unavoidable, the burden should not fall on the poor people. They are already groaning under the burden of existing taxes and it will be very unfair to further increase their burdens. I request, Sir, that luxuries

and amusements may be safely subjected to such further taxation since their burden will ultimately affect the well-to-do classes alone. But the poorer classes must at all costs be saved from it. As for the wastage, Sir, I am grieved to say that such a useful scheme as the Sutlej Valley Project is becoming a source of unbounded expenses. The staff deputed there is undoubtedly duplicate. The work which will be done by it could easily be accomplished by half the number. Had we proceeded cautiously with the scheme, we would have saved lot. There are two Native States, which are as vitally concerned in the scheme as we are, but I am afraid the present extravagance will greatly impair their financial position too. Sir, now I come to the suggestion made by my honourable friend Mr. Ganpat Rai, that the posts of Deputy Inspector-General of Police, Chief Engineer and Superintending Engineer of the Public Works Department should be abolished to effect saving. I submit, Sir, that this will seriously interfere with the efficiency of the administration, and thus prove detrimental to the best interests of the Province. Then the same member advises reduction in the pay of the Honourable Ministers. This is absurd.

Mr. Ganpat Rai (Urdu) : I have only made a request.

Mr. President : This is the third time that the same point is being repeated. I do hope members will try to remember that repetition of previous speakers' arguments is not permissible. I am afraid that it is no excuse that because the member is speaking late in the debate he should therefore be permitted to repeat what has already been stated.

Mian Ahamd Yar Khan, Daultana (continued in Urdu) : Sir, I was intending to oppose the reduction of Ministers' salaries. I submit that the Ministers are already not getting very high salaries. If we reduce their pay, no able man will be coming forward to serve us. This will decidedly go against the successful working of the Reform Scheme. No doubt, men of inferior qualifications can be had for the posts in larger numbers, but incapable men we do not want. As for the touring expenses of the Government members, I submit that they are necessary and on account of some unexpected events like those at Multan and Guru-ka-Bagh they have amounted to large sums. Then, I come, Sir, to the Railway Police. There is, I think, a scope for reduction. We should also find some means to stop bribery. It has practically ruined us. With a view to stop it, encouragement of honest people is as necessary as the punishment of guilty. This will certainly help us. We are at present in a very bad financial position, yet I earnestly request the Government to grant as much funds as possible to the Co-operative Credit Societies and the Education Department. Both the departments are boons to the public and they should rightly be financed to extend their scope still further. Sir, I would like in the end to refer to the remark made yesterday by my honourable friend Lala Sewak Ram, that the proposed colleges should be established at some central places, so that all may benefit by them. This, Sir, I submit, is not a right way of looking at the question. The people living in central places already enjoy sufficient facilities for the education of their children. Therefore it would be a great service to the province if the proposed institutions were located at some places, which may easily be available to the backward communities. I hope the advanced communities will not grudge this in the best interests of the Province. They stand to gain by the spread of education in the backward communities.

Rai Bahadur Lala Hari Chand [West Punjab Towns (Non-Muhammadan), Urban] (Urdu) : Sir, I understand that members are not allowed to discuss the details of the Budget.

Mr. President : You may refer to details just so much as is necessary to illustrate your arguments. Perhaps I was a little hasty with Chaudhri Kharak Singh, but I thought that Chaudhri Kharak Singh from the way he started his remarks about the Fisheries Department was going to make a regular attack on the details. You are permitted to quote details for the purpose of illustrating your general arguments

Rai Bahadur Lala Hari Chand (continued in Urdu) : Sir, I have no mind to go into the details. I will simply make one or two general observations about the matter under discussion. I would at the outset congratulate the Honourable Finance Member on his so ably putting the Budget before the House. I know him for a very long time, and have on some occasions worked with him in the Municipal Committee. I can confidently say upon the basis of my personal experience that he does not like waste and that he hates increasing taxation. I wonder to see the expenditure going so high, when he is at the helm of affairs. I would like to make a personal appeal to him to see if some reduction is possible in the expenditure. To impose new taxes on the people will increase agitation and discontent in the province. I have been in the Council since 1909 and I have never during this period seen such a heavy expenditure figured in the Budget. Nothing but retrenchment will help us in the matter. We cannot get on well, until we practise strict economy. Then, Sir, I would like to draw the attention of the House to the prevalence of bribery in the province. It has undermined the foundation of the stability of our financial position. I had in the course of an interview suggested to the late Lieutenant-Governor of the Punjab that if he invited the co-operation of the Bar, he would certainly be able to eradicate this evil. The suggestion was tried by His Honour and found useful. It stopped it for some time. I am of the opinion that if the same thing were done again, it will not be without results.

In the end, Sir, may I submit that further taxation will make the position more complicated and nothing but reduction and retrenchment will help.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) : Sir, we have listened to a very interesting debate, and some members in the course of their speeches have referred to education. I believe in this general discussion the Council expects me to tell what has been done in the way of developing education, and economising. So far as higher education is concerned we have had a nice chemical laboratory built and we have made a grant of nearly a lakh of rupees to the University. If a prescription to turn brass or bore metal into gold can be discovered in that chemical laboratory the difficulties of the future Government in the matter of Budget would very easily be solved.

So far as secondary education is concerned, the Director of Public Instruction addressed himself to the problem and has been able to bring in at least 1,500 more boys into secondary schools without increasing the expenditure of those schools in any way.

So far as elementary education is concerned I believe it is already known that something like 70,000 pupils have been added to the population of

the primary schools. That is entirely due to the efforts of the inspection department in persuading the villagers to open schools and send their children to those schools. It is expected that during the course of the next year the number of pupils going to primary schools will increase and there will be an addition of about a lakh or thereabouts.

No scheme of expansion of primary or secondary education can succeed unless the number of trained teachers is considerably increased. This is a subject which has been engaging the attention of the Director of Public Instruction. He has made provision for the training of 1,000 more teachers. I may mention, Sir, that this addition of a thousand trained teachers has cost the Province practically nothing. That is a thing on which the Council may well congratulate Mr. Anderson. The House may remember that in 1919-20 schemes for adding to the training institutions had been sanctioned. There were the schemes of the Hoshiarpur Training College, the Lyallpur Training College, and the Jullundur Training College. These schemes were estimated to cost five lakhs capital expenditure and sixty or seventy thousand a year recurring expenditure. All these schemes have been abandoned, and yet additional 1,000 teachers are being trained. This result Mr. Anderson has been able to achieve practically without any additional capital or recurring expenditure. The House may very well ask how this has been achieved. This has been achieved by combining the Junior Vernacular and the Senior Vernacular Training institutions. Instead of having separate Junior Vernacular and Senior Vernacular Training institutions, he has got one institution to train both classes of teachers with the result that the expenditure on the supervising staff of the institutions has been reduced, as also the cost of having separate buildings has been saved. Not only has there been a saving in the matter of constructing buildings, but there has been a saving of recurring charges. He has besides added some rooms in the High Schools and there housed some of the Junior and Senior Vernacular classes. That again has contributed to economy in expenditure.

Not only has he thus secured the expansion of facilities for training teachers economically without additional expenditure on additional buildings, but he has successfully done away with the pestilence of the inspecting agency. We used to have special inspecting officers going all over the Province; specialists in Chemistry to see how Chemistry was being taught in schools, specialists in Drawing to see how Drawing was taught in the schools and so on. This was the case in 1919-20 and 1920-21. We were able to place our fingers on these posts of inspectors and abolish them. Besides doing away with some of the special inspectors we have been able to localise others—that is to say, formerly there was no one institution to which they belonged. They roamed all over the Province. Now they have been fixed in the Central Training College and only when they are called on to inspect a particular institution about which there is a bad report that they can go out. They are no longer masters of their time and they cannot go to any place they like.

Then, Sir, Mr. Anderson has done away with the idea that an inspecting officer of primary schools should not inspect more than 50 schools. He has increased the number of schools to be inspected by the inspection staff to 80 and more. In this way, although there has been increase in the number of primary schools the number of inspecting staff has not been increased proportionately.

[Khan Bahadur Mian Fazl-i-Husain.]

In the matter of the recruitment of these primary school inspectors he has been exceedingly successful in choosing those men who can mix with the villagers and persuade them to let the schools have their buildings and also to persuade them to send in their children to such schools. This part of his work has been of no less importance than others I have mentioned.

Then, Sir, his economising efforts have extended to what was said to be the most extravagent part of the Education epartment—of building palaces. Government no doubt is artistic in its taste, but it is certainly against all expenditure in making artistic buildings costly. It feels that the Province is not rich enough to afford costly buildings. Simple hygienic rooms with enough light are good enough for the Punjab. The result is that the cost of a primary school of the so-called standard plan which used to cost Rs. 4,000 has been now brought down to Rs. 2,000. High Schools which were expected to cost over a lakh are now not to cost more than Rs. 50,000. Where aided institutions were expected to show beautiful designs with very large grounds and glazed windows, and their claims for grants-in-aid were said to have been refused, because they were considered weak; it has now been made clear to everyone that what we want is a clean, nice, commodious, well-lighted building, and that no claim for a grant-in-aid will be considered weak as long as these conditions are fulfilled. In the matter of College buildings, I need only point out, Sir, that the Ludhiana College building scheme which was prepared in 1919 was estimated to cost 9 lakhs. Its present estimate is 5 lakhs and it is expected that it will be cut down still more. Therefore the criticism that the Education Department insists upon expensive buildings and makes the people lock up their money in costly palaces, is no longer true. On the other hand some artistic people have told me that we have gone too far.

Sir, now I come to the matter of vernacular education. This branch of the department has been able to secure very good results and at the minimum expenditure. The Director of Public Instruction has been ably assisted in this work by Sayad Maqbul Shah, the Inspector of Vernacular Education, and in the matter of reducing expense in our Training Schools by Mr. Tydeman who has been our Inspector of Training Institutions. The Retrenchment Committee has acknowledged that in many cases in the Education Department, economy has already been affected and is being attempted. Certain suggestions have been made with reference to the Institute of Commerce. That matter has been engaging the attention of the Director of Public Instruction already and we hope to effect economy there as well. He has already appointed a committee of retrenchment in order to reduce the cost of school furniture in view of the growing demand of the Province in the matter.

We have already reduced the grant for sweets for school boys, to almost nothing. We have ruthlessly cut down that item, leaving a little for His Excellency and Deputy Commissioners, who are good enough to take interest in the matter of education, for them to distribute when they visit these schools.

Then with reference to Industrial Schools, we have almost done what the Retrenchment Committee suggested. Thus it would appear that in all its branches there is nothing in the way of reduction that should have been done which we have not already done, and that there is nothing that could be attempted which we are not attempting.

I had forgotten to mention that even in the case of high posts we have actually gone to the length of not filling those posts during the current year. I am referring to post of the Inspector of European Education; I am referring to the post of the Professor of Classical Languages in the Government College, Lahore. Similarly, there are two or three other high posts which have not been filled and thus a saving has been effected.

Then, Sir, I wish to mention that the matter of the expansion of female education in the Province has not been neglected. The department has not been neglectful of its needs. It is only right to mention that in the matter of female education a great deal of help has been rendered to Mr. Anderson by Miss Startford, the Chief Inspectress of Schools, and Miss Bose whose connection with female education goes as far back as the very starting of the female education movement in Lahore.

Then, Sir, I have often been told: "Well, well, you do spoil our children. Why don't you improve the curriculum?" Finding that this advice came from very many quarters and from many educated people who were not doing educational work, I was inclined to wait a little, but feeling the need I have actually appointed a committee to overhaul the curriculum of the primary classes. I may mention that while cursorily glancing at educational papers of various self-governing countries, like England and America, I saw that they are all dissatisfied with the various curricula adopted in those countries. They all say that their curricula stand in need of improvement, and apparently they have not succeeded in getting what they want. Let us hope that the day will come when we will find ourselves in a better position than those countries and that in this matter we will be able to set them an example.

Now, Sir, passing on from education, I will deal with one or two other matters. I want, Sir, to say that I very much want to join my other non-official members in congratulating the Finance Member, but while they are ready to congratulate him because he has cut down 78 lakhs, I cannot congratulate him because he has cut down 15 or more lakhs from my department, with the result that, Sir, even if all my grants on Education go through, I will be 6 lakhs poorer than I was last year, with the prospect of a lakh of children hungry for education begging me to educate them. What am I to do? How am I to do with 6 lakhs less than last year? Last year's budget was Rs. 99,26,500—by last year I mean the year ending 31st March, 1923. The Council was good enough to give me Rs 4 lakhs and odd thousands during the course of this year as supplementary grants. So the total amount which fell to my lot last year came to Rs. 103 lakhs. This year it is proposed to give me Rs. 1,02,21,000, with the result that I am Re. 1 lakh short. Then I may mention that out of this year's grant I have to give Rs. 2,50,000 by way of stipends to the sons of soldiers who fought for the Empire. Two-and-a-half lakhs and one lakh make 3½ lakhs. Then the grant for Civil Works is 2½ lakhs shorter as compared with last year. Three-and-a-half lakhs and 2½ lakhs make 6 lakhs. Thus you will see that I am 6 lakhs short. That is my financial position.

I was having a talk the other day with a friend of mine, a member of my constituency, and he said he had devoted a great deal of attention to this important subject and incidentally he mentioned also: "Well, I want to say something to you. I want you to be prepared. My advice is this. You have been told that your income is between 9 and 10 crores. You say

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that the expenditure is 12 crores. You say that the Province is going to spend normally 2 crores or so on canal. Canal will feed you, protect you, from starvation, will make your bodies stronger, you will be healthier and so on. This process will go on for 6, 7, 8, or 10 years. You are going to borrow two crores each year, and I believe you will be spending 15 lakhs or so additional interest every year. You tell me that all your schemes are postponed for a short time, but I assure you that they are postponed for the next ten years. My advice to you is that you had better get out of it. There is nothing to be gained. It will do you no good. Next year you may probably be called upon to start on closing down schools and colleges. It is very likely that someone else on a much lesser pay will be prepared to do this task. This must continue for the next 8 years". I said to him that this would never happen. He said that he was very sorry that he had disappointed me but the plain truth was that there was nothing to be done. He added that "Even if you imposed taxation it will bring about a crore a year, it will bring you a crore or so". No doubt, I assured him that children who were ignorant were no good, that children who were ignorant and had money, would go bad; that they would be very expensive, that they would be rowdy and Police would be required. He said, "Well, no." Well, Sir, I do not know whether this constituent of mine was serious, but I was not able to convince him that I could be useful under the present circumstances. In spite of all the retrenchment effected, he was not satisfied. I also told him that there must be something wrong in that figure. He naturally asked me to show him where it was wrong; and I said that as I was not a financier, the mere fact that I was not able to convince him did not show that my position was bad. So, Sir, the position is that the beneficent departments really have their scope of beneficence very much narrowed, if not entirely curtailed.

Passing on, Sir, to my other departments—the Medical Department, which gives relief to the sick and the diseased, I cannot say that very much in the shape of economy has yet been effected. We are looking into the matter and during the last two or three months, the Inspector-General of Civil Hospitals has been most active in taking stock of the Department, and no doubt in course of time he and I both will be able to effect what economies we can in that line.

Now, Sir, I come to the last department which I believe so far as our budget is concerned does not figure in the budget papers as very badly off. I am referring, Sir, to the local bodies. In fact, Sir, they are as badly off as we are and perhaps worse. They can do nothing in the way of expansion, and by effecting retrenchments in expenditure, they can barely maintain the institutions. So all that I can show, Sir, in the shape of results is constitutional. That is to say, the franchise in the local bodies had been made more democratic. If they have got no money to start schemes of expansion, they have at all events got a large number of people who have been given votes. In the district boards, it is said the funds are not plentiful but at all events much larger number of rural people in the Punjab have got votes now as compared with those two years ago. I may say that their number is trebled.

Then, Sir, there is another advance. When I took over charge of these departments, the number of non-official chairmen was 21. I believe they are now 47. In that way the Province has to show considerable advance. I find, Sir, that during the next few months, if I stay on, the only useful

work that I can do is that work which does not require money, but which requires the giving of good many reforms. I was therefore feeling anxious whether similar sort of work could also be found for my colleague? If this is not possible otherwise, then the possibility of amalgamating the departments of the ministers so that they may give constitutional advancements to the people together.

There is one more point. The Honourable the Finance Member did put forward a proposal for fresh taxation. We are all against it. We do not want it. Now has it been realised by the members, as it has been realised by me, that the additional taxation that the Legislative Assembly may impose in the case of all taxes will be levied from the Punjab as well. Perhaps it is 4½ crores additional that they are going to get from the salt tax. I am sure that with our capacity for the consumption of salt, about 60 lakhs will go from the Punjab. We are, therefore subject to being taxed by a lot of people higher up; and when it comes to our range, we naturally hesitate because it is not a good thing. I have been told that the Punjab pays twice as much to the Government outside the Punjab than it pays to its own Provincial Government. If such is the situation, then why worry so much? Sir, I hope that the budgets of the future years will be better than the Budget of this year. And I hope, Sir, that the new method adopted by the Finance Department, as was said by the honourable member representing Hindu Landowners, on his advise does not work adversely so far as the interests of the beneficent departments are concerned. I am referring to those remarks that it was at his request that the Government has adopted new methods of preparing the Budget, *i.e.*, the separation of the capital account, both income and expenditure, and using it to reduce the expenditure under productive capital expenditure. Then, Sir, is it possible that this may be responsible for showing the deficit in the ordinary Budget of the Province. Then, Sir, it has been said that every year in the ordinary Budget of the Province, there is a considerable figure which is by way of capital expenditure, expenditure of a permanent nature, like colleges, hospitals, etc., and up till now that expenditure was met from not only the current revenues in the shape of income but also from income from sales of land; and it seems to me that there was nothing improper in that. Surely it is legitimate to sell one piece of land to buy another to build on it, or sell some property to buy another property; and after all wherever you build, you are incurring expenditure. That of course will not affect more than 60 or 70 lakhs, but still in these days when your funds are running low, you can not ignore 60 or 70 lakhs.

I believe, Sir, with reference to my departments that is almost all that I have to say.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member): Sir, after the debate on the Budget, and after the very lucid speech of my friend on my right, who is in charge of some of the beneficent departments—departments which spend money—I have not much to say about the departments under my charge and which are practically the departments which bring in money, which enables my friend on my right to spend provided they can persuade my colleague on my left to give them the necessary amounts for their needs. I have also a few heads in which we are also spending, but there too we are spending for the purposes of earning larger amounts of money for the exchequer of this Province. I have been told to-day, Sir, that in the first department which is under my control

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i.e., Land Revenue, the estimates had been taken rather low. It may be so. Perhaps the canons of finance require us to take very moderate estimates so far as income is concerned; and I think they are right in this attitude. Even a man of moderate means would estimate his income as low as possible and estimate his expenditure as far as he can spend from the money at his disposal. But one point I might mention, Sir, that those who have criticised have not considered that the accounts for 1921-22 gave us Rs. 3,63,67,799 while the Budget for 1922-23 was for Rs. 4,12,87,060 and the Revised Estimate figures are Rs. 4,21,99,560, Budget Estimate for 1923-24 being Rs. 4,29,99,560. I may explain, Sir, that the past year was one of our, so to speak, bumper years, in which the income was at the highest level that could ever have been reached before I may say, Sir, that the normal increase of Land Revenue of the Province per annum could safely be taken as one per cent. We cannot estimate more than that. We have been told that perhaps the new assessments have not been taken into account. I may tell the honourable members that this is not so. In the present year we have taken into account something like seven lakhs from the new assessments that have been completed and that are in force from this year.

Something has been said about the consolidation of holdings. That is a question which widely affects the zamindars of the Province. It has not escaped the notice of the Government. In the Hoshiarpur District experiments have been made to consolidate these holdings and these experiments are proving successful. If the zamindars themselves co-operate in this matter the experiment may be extended to other parts of the Province also, though the increase of population would cause further sub-division necessitating further consolidation in future years.

The next point that I wish to refer to is the criticisms that have been offered on our canal constructions and projects. It has been said "Why is it that we have not dispensed with the services of temporary engineers." We have been told also that these works can be done within the money available in our hands. Any man who has to build a new house will realise what he has to do before building work starts.

I have been told that perhaps it would have been better to sell the lands first and then to have built the canal. I say that this is not a sound policy. The past experience shows that if you construct the canal first, if you provide better facilities of communication you can get much higher value for the lands. It would be a wrong policy to sell the lands first for the sake of economy. We have now 69 temporary engineers who have hitherto been engaged from year to year. These not sufficing, for the new project, the magnitude of which the honourable members of this House are aware, we have had to employ something like 25 more new temporary engineers. Complaints are made that these engineers are remaining idle. But the House must know that for the construction of canals, head works have to be built, materials collected, quarries have to be worked and so on. All these require men. Any economy made in the beginning would mean delay in construction of this project, which would mean delay in bringing in more money to the coffers of the Province.

My friend from Montgomery, who is absent to-day, has again talked about the scheme of amalgamation of the canal and revenue patwari establishments. Evidently he strove to take an opportunity to put in a speech which he was not able to make the other day and he has taken this

opportunity to say what he had to say then. He tried to prove that my figure of expenditure of about 11·27 lakhs on these establishments was wrong and that his figure of 19 lakhs was correct. He found fault with me for not taking into consideration the cost of munshis and orderlies. The Chief Engineer has very kindly given figures and I may tell the House that the cost of 573 munshis (ahlmads included) is two lakhs and seven thousand and that of 253 orderlies Rs 39,468 or three lakhs and 13 thousand in all. Even if we add these figures to the cost of the patwari establishment the total will not be 19 lakhs as was pointed out the other day by my friend the honourable member from Montgomery.

Mention has been made about some of the officers drawing jungle allowances. I may tell the House that the Finance Department has not overlooked this point. Arrangements have been made to cut down expenditure under this head and we have made a rule that the officers who are posted to places which are situated on a railway line and where a number of families live should not have the benefit of the allowance. These stations are being added to the excepted list.

The subject of Forests has been very ably dealt with by Mr. Gibson, the Chief Conservator of Forests and I need not therefore detain the House any longer by going through the subject any further. Mr. Ganpat Rai said that the Forests were paying a good return before the Reforms but income is now reduced The Forest Department being a commercial department has to depend for its income on the sale of timber that we can put on the market. The sale of timber depends upon the prevailing market prices and upon the buying capacity of the different departments of Government and the public which utilises the timber. Besides the system of accounting has something to do with the net profit shown in the accounts not being clearly brought to notice, capital expenditure being met from revenue The new system of accounting which has been introduced will hereafter enable us to show that the department is not being run at a loss as has been alleged, but that it is a department which adds to the coffers of the Province; and that it is a great asset to the State. A friend of mine here, I do not want to mention his name, suggested that we had better sell all the forests, or rather sell the lands and lease the forests and invest proceeds and then earn more than what we are earning. We ought to realise that it is easy to sell the forests but very difficult to regenerate them. Mr. Gibson has told us what effect forest fires have had on the forest property and what mad policy led people to burn the forest estate. I need not report what he said regarding the loss to the Province which these fires have entailed. With these remarks I resume my seat.

Mr. Moti Lal Kaistha: [Kangra (Non-Muhammadan) Rural]: Sir, I have to make a very few remarks on the general aspect of the Budget of this year. To me it seems that "the most menacing spectre to-day, endangering the security of the Government and the happiness of the people, is the brazen and mischievous extravagance in our public expenditures. I believe this to be the monstrous offspring born of Government perversion." I think that is exactly the position in which we find ourselves to-day.

Sir, I draw your attention to the general philology of the word 'budget.' 'Budget' means pouch, purse or sack. In the Parliamentary language it means control of the purse. May I draw the attention of this House that great sacrifices should be made to keep the expenses of the year within the income of the year. I think every effort should be made that our expendi-

[Mr. Moti Lal Kaistha]

ture should not exceed the income. That is the line which has been mooted in the time of Sir Gochen and Mr Churchill in their British budgets. If you look at the European budgets you will find that that is the principle generally followed. Now I may tell the House that the budget has to pass through four stages. First is the preparation stage, then there is the voting stage of the budget. Third process is the execution of the budget, and the fourth is the scrutiny of the expenditure actually incurred. As far as these are concerned, some members said on the preceding day that the budget should be placed for some months before the members of the Council, but I differ from those views. I hold that a budget should be prepared by the heads of the spending departments and thought over and carefully considered by the Finance Member or the Chancellor of the Exchequer. I mean that the pilot in charge of steering a vessel is the only competent judge of the position and of the amount of sail to hoist; because he alone is posted in such a way as to know the force and direction of the winds and currents which may hinder or delay his movements. But there are in our way various difficulties. Sir John Maynard very ably has put it that there is a deficiency, according to him, of 87 lakhs. It is no wonder. Sometimes we have to proceed with a deficit budget but we must try our best to extend the reduction of the expenditure over a course of years, say for five years. Then we can meet the wishes of the representative members of this House as well as the general public outside this House. Another point is this that the budget should be prepared not according to expenditure but according to income. Here the things are upside down. We take great notice of the expenditure and we have not got the courage to reduce or retrench expenditure and for that reason I differ and say that the budget is altogether wrongly conducted for the last two years in this House. Another suggestion for the members of this House for consideration is whether the budget should be prepared for ten years, five years or for one year. One year's budget does not give us any permanency and for that reason I draw the attention of the House to the speech of our learned friend Mr. Gibson, the Chief Conservator of Forests, which I supports entirely. That department has invested so much money on the improvement of forests and it will be in the course of a few years that it will begin to pay. I mean that if you permit that department to enter into commercial lines then we may produce nothing within a year, but you can say, here is a forest, it can be conserved, it can be looked after, but as far as the afforestation question is concerned, as far as the plantation of the trees is concerned, it will take time to bring money to the Government. So I endorse the views expressed by him that we shall get profits in a short time, say in two or three years, that is to say when this department is well worked and the market is favourable then only it will bring money to the exchequer; though up to that time we cannot make both ends meet.

One more point for the consideration of the House that there is great force in the statement that popular assemblies also cause further expenditure. Sir, I am in favour of retrenchment, but if you cannot improve the budget demands the only alternative is to borrow temporarily, and not to impose fresh taxations under the burden of which people are already crying.

I cannot admire this policy of additional taxation. I find that the duty on salt has been increased by the Central Government. I do not know whether, while criticising the general aspect of the budget, I can criticise the policy of the Government. Assuming that I can do so I condemn the policy of

repression as this policy brings more expenditure. If this repressive policy of Government is to be upheld then the difficulties arise how we can reduce the expenditure on that department, the furtherance of which we do not wish at all; that is to say, the Danda Police. It is my very sad experience. I was making my excursions through the Kulu Sub-Division. It was the 5th of October, or about that. Two preachers of the Congress went to attend the Dushera Mela which generally takes place there. What was the treatment accorded to them. Their flag was taken down and they were hurled down to a distance of 50 yards in my presence. I made a protest to the Police asking them not to molest these human beings. Then the Police were after me and reported me to the Sub-Divisional Officer.

I need not go into the question that will come up for discussion on the 8th, I mean *Akali* prisoners. But there is another point—the policy of communal representation. Communal representation has caused a great conflagration in our ranks. So this policy I do not admire because it affects the unity. With these remarks I resume my seat.

The Honourable Sir John Maynard (Finance Member): Sir, I will not at this hour of the evening when the House is so thin say much and I shall be very, very brief indeed. In the first place I wish to express my gratitude for the very kind remarks which have been made about me by several members in spite of my being a "messenger of ill-tidings"! Let me say also that I endorse very strongly the praise which has been bestowed upon my friend, Mr. Miles Irving, the Financial Secretary and upon Mr. Mitchell and upon all the staff of the Budget Branch of the Finance Department. If the Budget Branch of the Finance Department had not laid the foundation well and truly and if Messrs. Miles Irving and Mitchell had not directed the course of building upon that foundation, I should not have been able to add the facade to it in making my budget speech.

I will speak very briefly, Sir, and it does not mean that I have not paid attention to the various detailed suggestions which have been put forth. Mr. Mitchell is busily engaged in the corner in recording all the various useful suggestions which have been made in the course of this debate and all those suggestions will receive our very careful attention. I do not propose to go into detail at all. I will confine myself to certain general principles.

Let me say, here, Sir, that the general tone of the debate has shown both a desire to comprehend the issues and a desire to co-operate in the solution of the difficulties. Sir, I think, I could not say anything higher or better about any debate than that it has shown these two qualities. I think it is quite plain that the situation has been grasped, if not by everyone at all events by almost everyone, that the fundamental fact is that the recurring deficit is not merely accidental or due to particular misfortunes on a particular occasion but is in the nature of something normal and recurrent unless we take steps to get rid of it. On this particular occasion the deficit has been dealt with partly by policy of actual retrenchment but largely by a policy of what I have termed in my Budget speech "postponement." To a very great extent the economies which were effected after the Standing Finance Committee had dealt with the budget are merely postponements.

The third great fact which is dominant in the situation is the urgent need of development in education—and in other beneficent functions of the State. There is a recurring deficit—deficit which we cannot be said to have conquered because the portion which we have reduced has been reduced by postponement.

[Hon'ble Sir John Maynard.]

To what is this deficit due ? That is a question to which different members have attempted to give different answers. One particular answer which was suggested at a very early stage of the debate was by my friend Mr. Ganpat Rai which had shocked me so profoundly that I wished to draw particular attention to my repudiation of that answer. I think my friend said that the Finance Member says that this deficit is due to the reforms and to the reformed council.

Mr. Ganpat Rai : I must say, Sir, that I never said this, and perhaps the Honourable Finance Member was never able to understand me. I noted every thing that I said and I remember that what I said was that the Honourable Finance Member was to be congratulated for the very lucid, forcible and frank manner in which he had presented the Budget, but that the result of the working of the reformed council was that we had plunged the Province into bankruptcy.

The Honourable Sir John Maynard (continued) : I am glad that Mr. Ganpat Rai did not say that the Council or the Reforms were not responsible for this unfortunate deficit. As a matter of fact this Council is not in the least responsible for the unfortunate circumstances which have brought about this deficit. There is nothing whatever in the actions of this Council, or the actions which have been taken by Government in consequence of the recommendation of this Council, which has brought about the present financial situation. I am aware that there are people who say :—

" What has the Council done : it has done nothing but mischief."

Sir, I repudiate this charge On the contrary the vigilant criticism of some of my friends in the Council has done a good deal to improve the financial administration.

Again the deficit is not due to the contri ution which is made to the Government of India. I have endeavoured in the beginning part of my budget speech to make that plain. Under the old system, prior to the reforms, there were divided heads of revenue and expenditure. We took part of the receipts and bore part of the expenditure under different heads. In order to give us full financial autonomy in this Province, as also to other Provinces, the Government of India arranged for the abolition of these divided heads. The reason for this was that so long as you had divided heads, there must be divided control. The object was to give the Province complete autonomy in such matters as permitted, and therefore it was necessary to abolish these divided heads. In consequence of that redistribution, we received a much larger sum than we received before. By reason of this it was decided that a certain sum out of the largely increased revenues falling to the Province was to be paid annually to the Government of India in the form of contribution. I am not for the moment discussing the question whether these contributions were fixed at the right figure. I am simply pointing out that the Province by the new arrangements is getting more than before. The result of these readjustments is clearly shown by the review of the accounts of 1921-22 to which I have alluded in my budget speech. They altered our position for the better by the amount of three-fourths of a crore per annum. That is the true position.

These are the two things to which the deficit is not due. It is not due to the reforms, nor yet to the reformed council ; it is not due to the contribution to the Government of India. To what then is it due? The answer is : it is not due to any special extravagance on the part of anybody. It is due to the fact that there has been a

change in the value money. We have been compelled to pay higher wages to our servants. The cost of materials and labour has gone up. In detail the position is this: we are worse off by 140 lakhs per annum because of the increase of pay given to non-gazetted establishments. We are worse off by 25 lakhs by reason of the additions of pay to the gazetted establishment. We are worse off by 48 lakhs by reason of the additional working expenditure in the Irrigation Department, which I believe is entirely due to increased cost of material and labour. We are worse off by 25 lakhs per annum by the drop in the excise revenue which, I think, there is fairly substantial reason for treating as permanent. Now when these items are added together, they amount to 238 lakhs per annum. That, Sir, in brief is the explanation which accounts for deterioration that has taken place. That is the reason why our surplus has been converted into a deficit: and the Council is not in any way responsible, nor is the extravagancy of any particular persons responsible for it.

The important question is: having this difficulty, how are we going to deal with it; and that is where we need courage and determination. It has been suggested by some of the honourable members in the course of this debate that Government should change its policy in order to effect economies. I would give to the Council an illustration to show it how very difficult sometimes these changes of policy are—easy theoretically, in practice actually hard. Here is an example. No doubt the honourable member who suggested this was aware of the difficulty a certain number of ardent and enthusiastic reformers in the Central Punjab are causing. To-day these enthusiasts and ardent reformers have entered into a particular shrine in the Ferozepore District and have broken the lock of a particular part of that shrine and taken possession of it. Now the question arises what should be done under such circumstances. One course, theoretically possible is to stand aside and say to these enthusiasts and ardent reformers, do what you like. That is a theoretically possible course. The other course is to say: we are here to discharge the fundamental functions of a Government: we must prevent people from taking the law into their own hands, and however, expensive, however, unpleasant, the consequences may be, we must see that the law is observed. We must enter into a course which means worry, which means expense extending over many months. We cannot stand back and say: we will allow any person to do what he pleases and allow the law of the land to be violated in that manner. It is easy to say that we should change the policy; but there are circumstances under which policy cannot be changed without sacrificing so much that no administrator should be called upon to make the change. So much, Sir, by way of illustration of the difficulty of changing the policy with the object of economy.

The next point is the question of retrenchment. Now, in listening to the speeches of honourable members on this subject, I occasionally felt doubt whether our true position in this matter of retrenchment had been completely understood. It seemed to me sometimes that honourable members thought that we had done already all that we were going to do in the matter of retrenchment and that we had done very little. It would be quite true to say that we had not done very much, but to say that we had done all that we are going to do is a mistake. The proposals reached us in January and we really had no time to scrutinise them in detail. It is now intended by the Honourable Ministers and by the Members of the Council to call up in turn each Head of Department and to say to him: what can in practice be done to bring about real retrenchment.

[Honourable Sir John Maynard.]

That is what we are actually going to do. I am quite sure it will take a considerable time. I can foresee that this process will extend over several months. But we intend going thoroughly into the matter.

Mr. Ganpat Rai: We wish that it should be finished before the end of this year when this Council will be dissolved.

The Honourable Sir John Maynard: I trust that it will be possible to finish before that time.

So much, Sir, on the subject of retrenchment. I want to make it plain to the House that we do not consider that we have finished our labours in that respect but have only begun. We hope to go thoroughly into the matter. (*Hear, hear*).

Some honourable members thought that it should be possible to get from the Government of India some reduction of the Provincial contribution. As to that I can only repeat what I have said before that in April last all the Finance Members of the Provinces met the Government of India and did their very best to persuade them to reduce the contributions. The Government of India in effect replied 'Nothing can be done in the way of reducing the provincial contributions except by additional taxation which must naturally affect the provincial resources.'

There is a notion among some honourable members that some other provinces are being treated better than we are. I think there is a story current that the advanced Province of Madras has succeeded in getting its contribution largely reduced. As a matter of fact everybody must have known by this time from the speech of the Honourable the Finance Member of the Government of India that there is no such intention as was supposed and that the Madras Government is not going to be treated any better than the Government of the Punjab. We have obtained from the Government of India a definite assurance that when there is a reduction of contributions it would be made rateable to all the Provinces no Province being more favoured than another. It is certain that owing to the difficulties of the Government of India itself we must not look for any early reduction of the contribution.

There remains only one more subject for me to touch upon, and that is the question of new taxation. It is my firm conviction that after effecting all retrenchment that is possible it will still be necessary, if we are to allow for the adequate development of the beneficent departments, to levy fresh taxation. I will not conceal from the House what my conviction is. We propose to put this matter before a committee of this House which will discuss possible methods by which new revenues can be raised. It is premature, therefore, to say anything as to the particular form which the new taxation will take. I can only impress upon the House that the difficulties should be met in a manly and courageous spirit and that it should not suppose that they can be got rid of by closing the eyes to them. (*Cheers*).

The House then adjourned till two O'clock on Wednesday, the 7th March 1923.

618 PLC—425—12-3-23—SGPP Lahore.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Wednesday, the 7th March 1923.

THE Council met at the Council Chamber at two of the Clock. Mr. President in the chair.

OATH OF OFFICE.

The following member was sworn in :—

Lala Kesho Ram.

ANNOUNCEMENT FROM THE CHAIR.

DEATH OF RAI BAHADUR RISALDAR SARUP SINGH.

Before we enter upon the business set down for today I have a painful duty to perform. The members of this House will be grieved, as I have been, to hear the sad news of the death on the morning of Saturday, the 3rd instant, of Rai Bahadur Risaldar Sarup Singh, who represented South-East Rohtak (non-Muhammadan) Rural Constituency. He was a quiet man, but this did not prevent him from making himself useful to his Constituency and this Council by his regular attendance and the weight of his opinion. May his soul rest in peace.

PUNJAB MUNICIPAL (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I beg to move :—

"That the Punjab Municipal (Amendment) Bill as reported by the Select Committee, be taken into consideration."

In doing so, Sir, I think that as the report of the Select Committee has already been submitted and the Bill itself, which has come before the House many times, has been published, I do not think it necessary to make any elaborate speech in support of it. The Bill is before the Council and the honourable members can see for themselves as to what amendments they think necessary to make in it. With these few words, Sir, I move that the Bill may now be taken into consideration.

Mr. President : The question is—

"That the Punjab Municipal (Amendment) Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President : The Council will now consider the Bill clause by clause. The question is—

"That clauses 1 and 2 stand part of the Bill."

The motion was carried.

Mr. President : Clause 3.

Mr. Ganpat Rai [Lahore and Ferozpore-*cum*-Sheikhupura (Non-Muhammadan), Rural] (Urdu):

Sir, I beg to move—

"That in clause 3, after sub-clause 3, the following new sub-clause be added—'In sub-section 10 of section 3, line 8, *for* the words 'chapter V' *substitute* the words 'chapters V and IX.'"

In doing so, Sir, I think that no one would take any objection to such an amendment as the one I have moved in the House. The honourable members will notice that chapter IX of the Municipal Act begins with section 106, which is as follows:—

"(1) The Committee may set apart suitable places for the purposes of bathing and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing or washing animals or clothes in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use, and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

"(2) The committee may fix, by notice, places at which articles of clothing, bedding, or other articles which have been exposed to infection shall be washed, and no person shall wash any such article at any place not so fixed."

This deals with sanitation, and as a notice can be given to the owner of a place under chapter V, there is no reason why the same thing cannot be done under chapter IX in the case of sanitation for the removal of filth. After this explanation, Sir, I hope the House will appreciate the point and accept my amendment.

Mr. President: Clause under consideration, amendment moved—

"That in clause 3, *after* sub-clause (3) the following new sub-clause be added—'In sub-section (10) of section 3, line 8, *for* the words 'chapter V' *substitute* 'chapters V and IX'."

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education): I have no objection, Sir, to accepting this amendment.

Mr. President: Clause under consideration, amendment moved—

"That in clause 3, *after* sub-clause (3) the following new sub-clause be added—'In sub-section (10) of section 3, line 8, *for* the words 'chapter V' *substitute* 'chapters V and IX.'"

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That clause 3 as amended stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 4 stand part of the Bill."

The motion was carried.

Mr. President : Clause 5.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan), Rural] : Sir, I beg to move—

"That in clause 5, in the last line, *for* the words 'one-fourth' the words 'one-fifth' be substituted."

Sir, the original clause in the Act provides for one-third nominated element, whereas the present Bill provides for one-fourth. My amendment is that the nominated element in the Committee should be one-fifth. What I mean by my amendment is that there should be 80 per cent. of elected members instead of 75 per cent. as provided for in the Bill. The Government may say that this one-fourth nominated element is to consist of experts and therefore it is not desirable to reduce that strength. The same argument was used when I brought in a similar amendment in connection with the District Boards Bill. But I may point out to the House that that argument cannot hold good in the case of the Municipal Bill. Because in the District Board the community represented are a little backward and so you require the assistance of experts who have to be nominated. But in Municipalities you have expert professional men who may be returned to the Municipal Committees by election and there is no necessity for them to be nominated. Therefore that argument which may be advanced by Government is not a sound one. I do not know what other argument the Government is going to advance. Anyhow the chief object of Government in providing for one-fourth nominated seats appears to me to be one of political consideration.

In clause 4 the number of members of the Committee has been raised from three to five. When the number was three the proportion of nominated seats was one-third. To be consistent with that, when the number is increased to five the proportion should be one-fifth. With these remarks, I commend my simple amendment for the acceptance of the House.

Mr. President : Clause under consideration, amendment moved—

"That in clause 5, in the last line, the word 'one-fifth' be substituted for 'one-fourth.'"

The question is that that amendment be made.

Mian Ahmad Yar Khan, Daultana [Multan East (Muhammadan), Rural] (Urdu) : Sir I rise to oppose the amendment moved by my honourable friend Mr. Ganpat Rai. The present Bill, which is before the council provides that the elected element should be 75 per cent. and the nominated 25 per cent in the Committee. This is a distinct improvement upon the existing law, which provides for 66 per cent. elected and 33 per cent. nominated members. The Council ought to have felt grateful to the Honourable Minister for Education and the Government for this substantial concession in the existing order of things. But Mr. Ganpat Rai, acting upon the principle نیکی برباد گناه لازم of [ignoring the virtue and punishing for the sin] wants the elected element to be raised all at once to 80 per cent. and the nominated minority reduced to 20 per cent. I think my honourable friend does not perhaps understand the

[M. Ahmad Yar Khan Daultana].

importance of the nominated element in a committee. Sometimes the opinions of experts are very essential for the conduct of a certain sort of business and the end can only be achieved through this provision. At times Government has to protect the interest of the minorities. There are other circumstances too, under which Government feels such a necessity. It will be realized by the honourable members, who are members of Municipal Committees and District Boards, that reducing the nominated element still lower would not prove to be an unmixed good, and hence I hope that the House will reject the amendment under discussion.

Mr. K. L. Rallia Ram (Representative of Indian Christians) : Sir, I have listened to the arguments advanced by my learned friend Mr. Ganpat Rai. Although, as time goes on, I would have more elected members on the Committee still, considering the present state of affairs, I think one-fourth is a very good proportion. I have two reasons for thinking so. The first is that from one-third, we should not take a very big jump. All our progress in this world should be well regulated and the food which one takes should be within one's digesting capacity. In my opinion one-fourth from one-third is a very forward step and we should wait till we have proved ourselves competent enough to ask for one-fifth Then we find on the Committees some seats are reserved for *ex-officio* members. These seats are given to them by virtue of their office, as for instance, the Civil Surgeon has to be a member in some municipalities, a Police Officer in another, and so on. We have had in Lahore some times as many as five or six such seats. Then the interests of the minorities is also to be taken into consideration, though I am not for communal representation, I think in a place like Lahore it is only right that their interests should be protected. Then, at times it is very desirable to have some experts. Though Mr. Ganpat Rai seems to be against having experts on the Committees, experience shows that the presence of experts on the Committees is very helpful. I, therefore, hope that my friend will be satisfied with one-fourth for the present.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) (Rural)] (Urdu) :Sir, My honourable friends, who have spoken before me, have not done full justice to the cause of the nominated element in the Municipalities. Mr. Ganpat Rai wants to work the Committees without the representatives of minorities and without expert advice. Take the instance of a city, where there are four wards, and the majority of the voters are Muhammadans. In such a case the Government ought to protect the interests of the Hindu voters by nominating a member of their community on the Committee, in case they are unable to return any representative by elections. . . . . .

Mr. President : I think the honourable member is repeating Mr. Rallia Ram's argument. I do hope members will try to avoid repetition of their own or other member's arguments. If this continues, there will be great difficulty in finishing the business on the Government List.

Khan Bahadur Chaudhri Fazl Ali (continued in Urdu) : Very well, Sir. I submit, Sir, that my honourable friend gets all he wants without this amendment. The Bill as reported by the Select Committee, provides for what he aims at through this amendment. Almost each and every Municipal Committee requires expert advice for education, sanitary and building purposes. The Municipal Committees have to work on their own responsibility. They will be handicapped in the discharge of their proper functions, if for the consideration of matters stated

above they cannot have the assistance of at least one member from the Education, Sanitation and Public Works Departments. The Bill provides for elected element to the extent of seventy-five per cent. and if the nominated element, which has been fixed at 25 per cent. were reduced still lower, it will certainly go against the best interests of the public. The committees will not be able to work satisfactorily and shall thus be exposed to the risk of being dissolved by the Government.

Therefore, Sir, in view of what I have said, I submit that the nominated element should not be further reduced.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu) : Sir, the Municipal Act was passed in 1911. During this period of twelve years, the world has witnessed many changes. The last Punjab Council did not possess such a majority of elected member as the present Council does. Times are changing and we must change with them. To try to keep the old order in force is not a very good policy. I quite admit that the increase of the elected element as provided in the Bill from 66 to 75 per cent. is a change for the better, but I refuse to regard it as quite adequate and satisfactory. The amendment moved by my honourable friend Mr. Ganpat Rai simply wants to reduce the nominated element by 5 per cent. This is not an unreasonable demand. I admit that the interests of minorities need be protected, but this does not mean that if the amendment were accepted, it will interfere with that. If the principle of communal representation is accepted, the Government can give the minorities a right to elect their representatives. To say that such a high percentage of elected elements will minimise the chances of the Municipal Committees being benefited by the opinions of experts is incorrect. I do not think that it is necessary for the successful working of the Committee that some experts must be placed on the Committee. The premier Municipality of the Province has not got any experts as members. The experts are not indispensable persons. Since it is the earnest desire of the people to secure as much representation in the committees as possible it is not expedient to ignore public feeling in this respect and deny to them their legitimate demand. Sir, I in the best interests of the public appeal to the Honourable Minister for Education to accept the amendment before the House.

Rai Bahadur Lala Sewak Ram (Multan Division, (Non-Muhammadan), Rural] (Urdu) : Sir, the Council last year passed the Small Towns Improvement Act. The Act provided for one-fourth nominated element. The amendment moved by my honourable freind Mr Ganpat Rai is quite reasonable. There is no reason why such a provision should not relax in favour of big towns where Municipal Committees are to be established. It is in the best interest of the public that the nominated element be reduced as much in the Municipal Committees as possible. The city-fathers are generally well-educated. I think it will be better to give them chances to be returned to the Committees. Reducing the nominated element to 20 per cent. will be a proper justice to these Committees. There is no need of nominating Government Officers to membership of big Municipalities. Such Municipal Committees can satisfactorily do their duties without their advice. With these remarks, Sir, I support the amendment before the House.

Lala Kesho Ram [Amritsar City (Non-Muhammadan), Urban] (Urdu): Sir, those who know something about the present constitution of Municipalities realize fully well that according to the present system the

[L. Kesho Ram.]

interests of minorities are well protected by communal representation. Take the case of the Amritsar Municipality. It has three Sikh, eight Muhammadan and seven Hindu elected members. In addition to this the nominated element consists of three Sikh, three Muhammadan and three Hindu members. I understand that the same is the case with the Lahore Municipality. After such arrangements, I quite fail to see any reason for anxiety about the interests of minorities. As for the advantage of having experts as nominated members, I think there is no such necessity after we have got paid Health Officers and Municipal Engineers. The Municipal Committees can do, under these conditions, without the help of experts as nominated members. The amendment is quite a moderate one, and I hope that the House will not reject it.

Mian Ahmad Yar Khan Daultana: I beg to move, Sir—

"That the question be now put."

The motion was carried.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu): Sir, I quite agree with my honourable friend Mr. Ganpat Rai when he says that the amendment before the House is of no great consequence. If it is admitted that the best system is of election and that it prevails in all the civilized countries, then I fail to see any reason for the retention of the principle of nomination even to the extent of 20 per cent. I think, Sir, that the opinion of my friend Mr. Ganpat Rai is not very sound on principle, and the reasons which he has put forward in defence of his view are not convincing. The question has got two aspects. I take first the historical and the legal side of it.

Sir, I am surprised to see that the honourable member, who spoke before me is, inspite of his being a member of the Municipal Committee, quite unaware of the fact that the clause in question only gives discretionary powers to the Government to fix the strength of the nominated element up to 25 per cent. according to the circumstances of the case. It does not impose any obligation upon Government to nominate for all the 25 per cent. of the seats. Under it the Committee can have 80 per cent. elected element, if the Government does not object to it. It only provides that the number of nominated members shall not exceed 25 per cent. of the Committee. So much about the legal side of the question. Now, Sir, I take another aspect of the matter.

Mr. Ganpat Rai says that as the minimum number of the members of a Committee has been in the Bill raised from three to five, therefore the change should be from 33 per cent. to 20 per cent. The argument is fallacious. Under the Act of 1911, 33 per cent. is for the salaried servants of the Government and there is no limit to the nomination of the non-official element. In the Bill the unlimited power of nomination of non-officials is very much limited and power to nominate officials is very much reduced. Both are not to exceed 25 per cent. It is not a great advance? I hope the House has realized the significance of what I have submitted.

Sir, I have gone through the official documents and come to the conclusion that inspite of the changed circumstances, there are people still in the province who do not like to come into the field and fight the elections like ordinary mortals. Such men are found in the aristocracy. Is it right to exclude them altogether and is their presence in the Municipal

Committee to be made impossible? The Committee will surely gain by their experience, foresight and wisdom. Therefore, Sir, I think to keep one or two seats for such men in the Committee will not be considered as unwise and inadvisable. What is true of the Lahore and Amritsar Municipalities is not true of each and every Committee in the Province. These are the premier municipalities of the Province and at the same time are being worked under the principle of Communal Representation. But the trouble arises in the Committees in which this principle is not introduced. If the minority's interests can be safeguarded without any such provision, none will be more glad than myself.

As for the public feeling I claim to know something about it. I too have had some experience of public life and know fully well what the honourable members on the other side of the House mean when they refer to it. I am sorry to confess before the House that I have not so far got any instrument by which I may correctly gauge the intensity of the public feeling about a matter. If I am convinced of the fact that the public really wants the elected element to be raised to 80 per cent. of the total strength of the Committee, I would not hesitate to accede to it. But, unfortunately I am still unconvinced of the existence of any such genuine desire on the part of the public. Therefore, Sir, I submit that the reason put forward by the mover of the amendment about the public feeling is not very sound. The House will, in the course of the discussion of the Bill, hear some very startling things, and I hope that it will appreciate them at their intrinsic value.

The House is perhaps unaware of the fact that even now, if necessity arises, I possess the necessary power to reduce the nominated element still lower. But I do not think that any such necessity has yet arisen and I therefore request the House not to waste any more time on such an ordinary matter as is before it.

Mr. President: I have made a slight departure from the usual procedure. Just while I was putting the closure motion to the House the Honourable Minister for Education expressed a wish to have his reply and I agreed to it. I therefore gave him a chance to reply after putting the closure motion to the House. I offer this explanation because in cases of amendments it is the practice of the House not to give a right of reply after the closure motion has been carried, and I do not wish this incident to be taken as a Precedent.

Clause under consideration: amendment moved.

"That in clause 5, in the last line, *for* the words 'one-fourth' the words 'one-fifth' be substituted."

The question is that that amendment be made.

The motion was lost.

Mr. President: The question is—

"That clause 5 stand part of the Bill."

The motion was carried.

Mr. President: Clause 6. Mr. Ganpat Rai has sent in an amendment It is not really an amendment, but opposition to allowing the clause to stand part of the Bill. I will therefore call on him to speak on the clause.

Mr. Ganpat Rai [Lahore and Ferozpore-*cum*-Sheikhupura (non-Muhammadan), Rural] (Urdu) : Sir, the clause provides for the oath of allegiance to be taken by the members of the municipalities at the time of their entering upon office. I yield to none in loyalty to the Crown; but at the same time I am not a flatterer, and I like plain-speaking. I hope the official members will very kindly pay heed to what I say. Some of the members, being afraid of the official displeasure will not like to oppose the clause. They think they will be taken as traitors if they do so. They are not right in thinking so. A truly loyal subject should honestly speak out his mind without fear. Our Emperor, who is also the King of England, is loved by his subjects. The world has during the last decade witnessed the crashing of many a proud throne, but the English throne is as secure and as stable as it ever was. Last year when the Prince of Wales graciously paid a visit to our country, I was approached by the non-co-operators for giving my vote for the boycott of the visit of His Royal Highness. I absolutely refused to do so. A huge crowd of not less than two thousand persons visited me at my place, and on my refusing their request, they went back after heaping abuses upon me for my plain-speaking.

Mr. President: Will the honourable member confine himself to the argument in favour or against the particular point under discussion? We should get on rather faster.

Mr. Ganpat Rai (continued): Thank you, Sir, refusal to take oath of allegiance does not necessarily mean disloyalty. No such provision exists for the members of county councils in England then why introduce it here in the Municipal Act. In England Members of Parliament have to take oath of allegiance before they take their seats in either House. And here too nobody objected to it in the case of Legislative Councils. Does the Government, by such provisions want to repeat in the Punjab what happened in Bengal in 1905. I say do not create misunderstandings for nothing. If the Government does so, in spite of the warnings of the representatives of the people, it will be responsible for the consequences.

The Government has already tried new experiments, and it knows that the increase in the police has not crushed the non-co-operation movement. There is only a temporary lull now, and those who believe in the movement will again rise up. This will give further trouble to the Government.

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High Government officials and the honourable members of the Council take the oath of allegiance. Therefore do not slight all of us by introducing it for the Municipal Commissioners too. If the Government is very fond of it, it should prescribe it for the Government servants against bribery. I wonder why the Government is so keen about it. To say that the Madras Presidncy has done so, does not mean that we too should follow her in this respect.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I like to clear the position of the Government in this matter at this very stage. After that I shall be quite prepared to hear gladly what the House thinks about it. I am very sorry to notice that the honourable member who spoke before me has unnecessarily tried to throw discredit upon the members of the House by saying that the fear of official displeasure will stand in their way of voting on this motion as they please. That, Sir, I submit is quite untrue. To cast reflections upon the honesty and independence of the honourable members of this House is not a thing which one should be proud of. Does my honourable friend take the mem-

bers to be so cowardly as to hide their feelings on account of the fear of official displeasure? At least I think better of the honourable members, and I on behalf of the official members and myself want to make it clear to the House that there is no truth whatsoever in the objectionable statement of the mover of the amendments. I think the honourable member has in saying so thrown a slur upon the Council, and I trust the House will repudiate it. The Government officers I trust are not so narrow-minded as to be displeased at the free and honest expression of opinion by any of the members of the House.

As to the matter in question, the honourable member has warned me that in the event of this clause being passed the smouldering fire outside will at once become ablaze and...

Mr. Ganpat Rai: I never said 'at once'.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued in Urdu): Very well, the honourable member means to say after some time, and that the whole province will be thrown into turmoil, and that these will happen what took place in Bengal in 1907. When I heard this warning I felt sympathy with the Honourable the Finance Member, who will be put to a lot of trouble if all that happened because of the Bill under discussion. If the members apprehend some such untoward incidents, I leave it to them to show by their voting.

Then, Sir, it has been remarked that if the Madras Government has adopted a similar clause, it has committed a mistake, and we must not follow its lead in the matter. As to Bengal, it is said that Sir Surendra Nath Bannerji's example need not be followed, because he is of much advanced age. I am afraid, Sir, I cannot share the honourable member's opinion there. He may say anything he likes about that venerable old statesman, but I hold him in great esteem. As for the Madras Council, I have every respect for it. Sir, the fact of the matter is that the Government has no special aim in introducing the section under discussion in the Bill. At the suggestion of a member of this Council, Government made an inquiry as to the practice in other provinces and it was ascertained that other provinces had provided for this. I personally want to leave the matter to the House and say nothing about it. The House has after full discussion already passed such a provision in the District Boards Act. I do not know with what consistency it would reject it now. Voting will show whether the members have now changed their minds or not. Anyhow, I prefer to leave it to the House.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, I would like, with your permission to say, that I have never in criticising the Government cared for the views of others. My own conscience has been my only guide in it. Whenever I have thought it fit to oppose and criticise the Government, I have done so fearlessly. The idea of official favours or frowns has never interfered with my opinion. Whenever there has been an occasion to criticise in the public interests I have been second to none in the House to do so. But, Sir, I beg to say that to oppose the Government, when one knows it fully well that opposition will neither injure nor punish the man who opposes is not a very good test of courage, independence and honesty.

Mr. President: I think the honourable member should confine himself to the direct argument for and against the amendment.

Maulvi Muharram Ali, Chishti (continued) : I obey your order, Sir, all I wanted to say is that opposition to the Government is no criterion of one's independence. As my honourable friend (Mr. Ganpat Rai) has had a bitter experience on the occasion he has mentioned, he has now changed his mind. I never care for what the public says.

Mr. President: The honourable member goes on in exactly the same strain. I would ask him not to talk about cowardice and bravery, and so on.

Maulvi Muharram Ali, Chishti (continued) : Sir, the reasons advanced by my friend Mr. Ganpat Rai are nothing if not inconsistent. First he says that the administration of the oath of allegiance to the Municipal Commissioners is an insult to them, and then further on in his speech he shows himself to be so proud of this distinction, that he as a keen defender of the Council's dignity does not want the municipalities to be raised to the dignity of the Legislative Council in that respect.

Sir, I honestly submit that I have not so far been able to understand the lines which the non-co-operation movement is working upon. The followers of the movement do not enter the Councils because they say they will in that way be co-operating with the Government. But I fail to see with what consistency they enter the municipal committees. How they think the committees to be beyond the Government control, I confess I have not been able to understand so far. The Legislative Council is the source of the authority of the Government and the committees are under its direct control. Then to think that committees are free from Government control is nothing but nonsense. The dark picture of the events drawn by Mr. Ganpat Rai which will follow the passing of this clause is simply imaginary. Had the Government made any invidious distinction between European and Indian members of committees, I would have been the first to oppose it. But it is all the same for both sides, I do not find any reason to oppose it. Even the highest officials of the Crown have to take such an oath.

But against those who are disloyal at heart and want to enter the committees, the provision will stand as a barrier. It will be better for such people, if there be any, to stand aloof from municipal committees in future.

Sir, as we are already late, and it is your desire to finish the discussion as soon as possible, I would content myself with these few remarks in support of this clause.

Rai Bahadur Lala Hari Chand [West Punjab Towns (non-Muhammadan), Urban] (Urdu) : Sir, my honourable friend Mr. Ganpat Rai will be disappointed, if he wanted to get some votes by accusing us of cowardice. He should rest assured that the members of this House will vote according to their opinions, and no fear of official displeasure will interfere with their decision.

Sir, I am quite at a loss to understand the mentality of those who enter the municipalities and hesitate to take the proposed oath. Even the pro-entry Council party in the Congress is ready to take the prescribed oath, and men like Mr. Das and Pandit Nehru are advocating it. The Punjab leaders

too are no exception to it. Then, Sir, I fail to see any justification for the hue and cry which has been raised by my honourable friend Mr. Ganpat Rai against the motion. With these words I lend my support to the retention of the clause.

Mr. K. L. Rallia Ram (Representative of Indian Christians) : Sir, I rise to oppose the proposition put forward by my friend Mr. Ganpat Rai ; and I must confess that I have listened to his arguments very patiently. He has given only one or two arguments; and I shall deal with them later. I shall take the positive side since he took the negative.

I maintain, Sir, that the inclusion of this oath of allegiance to the Crown will lend a very great dignity to the municipalities and make them more respectable institutions ; and in my opinion, it is only right and proper that a man when he takes upon himself his civic responsibilities, should take an oath of allegiance to the temporal head of the Empire. There might be differences of opinion with Government and differences of opinion are bound to be ; but I can say without fear of contradiction that 99 per cent. or even cent. per cent. of the people of this country are loyal so far as the personality of the King Emperor is concerned ; and we rejoice to think that we have got such a noble and good King who has demonstrated such a lively interest in the people of this country. We still cherish the memory of his ancestors who have ruled before him, and we also like him to take the same interest in our welfare. All our aspirations, all our hopes hover round the British Crown. If India is to get self-government as an integral part of the British Empire, it is to be within the Empire and not outside it. I would therefore maintain, Sir, that if this oath is introduced, it will make the people more responsible.

Now I shall come to the arguments which he has put forward. The only argument in fact that he put forward was that this system is not in vogue in municipalities in England. Well, we are happy to think that it is our privilege to introduce it ; and I am sure that the municipalities in England will follow us. Then he has pictured the disastrous results which will accrue if this is introduced. In regard to this, I have only to say that the results pictured will do more credit to a novelist than to a speaker in the Council.

Sayad Ghulam Muhammad Shah : I beg to move, Sir—

"That the question be now put."

The motion was carried.

Mr. President : The question is :

"That clause 6 stand part of the Bill."

The motion was carried.

Mr. President : The question is :

"That clauses 7 and 8 stand part of the Bill."

The motion was carried.

Mr. President : Clause 9.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan), Rural] : Sir, I beg to move—

"That in clause 9, line 9, of the new sub-section (1) of section 32, the words 'small town committees' be substituted *for* the words 'notified areas.'"

[R. B. Lala Sewak Ram.]

My reason for moving this amendment is, Sir, that there are not going to be any notified areas in the future.

Mr. President : Clause under consideration, amendment moved—

"That in clause 9, line 9, of the new sub-section (1) of section 32, the words 'small towns committees,' be substituted *for* the words 'notified areas' ".

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan), Rural] : Sir, the honourable member is under a misapprehension. I tried to explain the case to him through telephone, but I could not get him on the line. I may tell him that it will take some time before the notified areas are abolished, and it is therefore necessary that "notified areas" should remain in the clause.

Rai Bahadur Lala Sewak Ram : The words then should be "small towns and notified areas"?

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I rise to make it clear to the House that "the Small Towns Improvement Act" is quite a separate piece of legislation complete in itself, and there is no need to make any reference to it in the discussion on the Municipal Amendment Bill. The Notified Areas and the provisions relating to them still exist. The Government, when time comes, will not fail to take the matter up.

Rai Bahadur Lala Sewak Ram : I beg leave to withdraw the amendment, Sir.

The amendment was by leave withdrawn.

Mr. President : The question is—

"That clause 9 stand part of the Bill".

The motion was carried.

Mr. President : Clause 10.

Rai Bahadur Lala Sewak Ram (Urdu) : Sir, I beg to move—

"That in clause 10, sub-clause (2), be omitted."

Sir, I am of the opinion that it will not be advisable and wise on the part of the Government to give such wide powers, as provided in the clause, to the secretaries of the municipalities. I know that the secretaries under the existing system have been in some cases performing such duties under the supervision of the presidents or vice-Presidents of the municipal committees. But, however, I cannot help thinking that such a provision in the Bill is, to say the least of it, quite uncalled for. I trust the Government will drop it. With these remarks, Sir, I commend the amendment to the House.

Mr. President : Clause under consideration, amendment moved.

"That in clause 10, sub-clause (2), be omitted."

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu) : Sir, the vice-presidents or sub-committees have already been enjoying this power, and I am of the opinion that both the parties have gained by it. The secretaries are responsible officers of the committees, and there is very little reason to think that such powers will be abused by them. In case of any abuse of powers, the committee is empowered to withdraw the powers

so delegated. I think, Sir, that the Committees will, in future, be enabled through this arrangement to do the work more expeditiously. The fears expressed by some of the honourable members are quite unfounded. The Bill on the whole is decidedly an improvement upon the existing law. The Vice-Presidents had no power of delegation before, but the Bill under discussion provides for it. It will naturally facilitate the working of the Committee and will surely increase the efficiency of the work.

With these words, Sir, I oppose the amendment before the House.

Mr. President: Clause under consideration, amendment moved—

"That in clause 10, sub-clause (3) be omitted."

The question is that that amendment be made.

The motion was lost.

Diwan Bahadur Raja Narendra Nath [Punjab Land-holders (General)]: I beg to move, Sir—

"That in clause 10, sub-clause (3), lines 5-6, *after* the word 'substituted' the words and figures 'after 170 insert 170-A (1), (2), *be inserted*."

The Honourable Khan Bahadur Mian Fazl-i-Husain: I have no objection to accept the amendment on behalf of Government.

Mr. President: Clause under consideration, amendment moved—

"That in clause 10, sub-clause (3), lines 5-6, *after* the word 'substituted' the words and figures 'after 170 insert 170 A (1), (2)' *be inserted*."

The question is that that amendment be made.

The motion was carried.

Diwan Bahadur Raja Narendra Nath: (Urdu) Sir, I beg to move—

"That in clause 10, sub clause (3), the words and figures 'between the figures 211 and the figures 212 the word 'and' shall be omitted; between the figures 212 and the word 'in' the word and figures 'and 220' shall be inserted' be omitted.'

Now Sir, I take up the second part of my amendment. The House will see that section 220 of the Punjab Municipal Act of 1911 provides that whenever the terms of any notice have not been complied with, the Committee may, after six hours' notice, by its officers cause the act to be done. The section, it will be noticed, gives such a power only to the Committee but does not authorise it to delegate it to any of its officers. I submit, Sir, that the Committee should not be given the power of delegation of this power to any of its officers. When the Committee already possesses the right to get the act done after six hours' notice there seems to be no need of this part of the clause, and I, therefore, submit, Sir, that it be omitted altogether.

Mr. President: Clause under consideration, amendment moved—

"That in clause 10, sub-clause (3), the words and figures 'between the figures 211 and the figures 212 the word 'and' shall be omitted; between the figures 212 and the word 'in' the word and figures 'and 220' shall be inserted' be omitted."

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura, Non-Muhammadan), Rural] (Urdu): Sir, I rise to lend my support to the amendment moved by my honourable friend Raja Narendra Nath. The Committee possesses the right, in case of a building being erected in contravention of the terms of any sanction granted, to give notice, under section 195, to the owner to get

[Mr. Ganpat Rai.]

the building altered or demolished within the period of thirty days from the date of the service of the notice. And in case of non-compliance, it has got the remedy under section 220 to get the act done by its own officers after six hours' notice. In case the Committee is given the power of delegation, I think it will not help it in any way. The Committee by delegation of its powers to Secretary will be incurring a great responsibility. It will make the position of the small Committees like those of Chunian and Sharakpur very bad. There will be many troubles if the responsibility for discharging such a grave duty were left to the judgment of the Secretaries. The hearing of objections to notices will thus be left to the Secretary and he will decide the question according to his individual judgment. This seems to be full of risks for the smooth working of the Committees. Therefore, Sir, I appeal to the Honourable Minister for Education to accept the amendment in the light of my observations.

Sir, I have been a member of the Lahore Municipality for the last 12 years and I can say from my personal experience that there are times when to leave the decision to a single individual, however wise and experienced he may be, is not without danger. Therefore, Sir, I appeal to the Honourable Member-in-charge of the Bill to kindly accept the amendment.

Mian Ahmad Yar Khan, Daultana [Multan East—Muhammadan (Rural)] (Urdu): Sir, I rise to oppose the amendment moved by my Honourable friend Raja Narendra Nath. I fail to see any harm in delegating the powers in question to such a responsible officer of the Committee as the Secretary. I think such delegation will not in the long run be a source of trouble to the Committee, but I hope that it will in a way be a gain to it. If has been asserted that the serious question of alteration or demolition of the buildings should not be left to the decision of a single individual. But, Sir, I want in this connection to be understood by the House, that it is in very rare cases that such steps are taken by a Committee; and when such occasions arise, the Secretary will not foolishly take the whole responsibility of deciding the question upon himself alone He will of course do, what the Committee expects him to do under the circumstances. Sir, I wonder to see the opposition to the clause. It is in a way a democratic principle. The people first want the extension of Local Self-Government, and when it is done, they begin to cry against it. If they cannot, under the conditions, trust a Secretary in such matters, I fail to see how they will work Self-Government when it is granted to them. My honourable friend, Mr. Ganpat Rai, has, by supporting the amendment, contradicted what he said in one of his earlier speeches.

With these observations, Sir, I oppose the amendment before the House.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West—(Muhammadan), (Rural)] (Urdu): Sir, I deem it my painful duty to have to draw the attention of the House to the attacks made by my honourable friend Mr. Ganpat Rai in his speech in regard to the fear of certain members in the matter of voting against Government.....

Mr. Ganpat Rai: Sir, I rise on a point of order. I never said anything of that kind.

Mr. President: I did not hear the honourable member make any attack of this kind on any member to which exception could be taken.

Khan Bahadur Chaudhri Fazal Ali (continued) : Sir, he made an indirect reference to me, when he said that some members will vote against his amendment on account of the fear of official displeasure.

Sir, I heartily support the amendment before the House I do not think that the delegation of such powers to the Secretary will in any case be dangerous. The present law is very sound and I do not think it is necessary for the Government to change it. I am of the opinion, Sir, that the cause of local self-Government will not in any case be advanced by it. This may easily create troubles for the Committees, and be the cause of many an unhappy incident. I am, Sir, in the interests of the Committees, against giving such powers to the Secretaries. With these remarks, Sir, I support the amendment before the House and hope it will not be rejected.

Mr. J. G. Beazley (Director of Industries) : Sir, listening to the speeches of the members who have spoken on this amendment one would think that the only question at issue was the question of delegating to the Secretary the power of issuing notice under section 220 following a notice under section 195. That is only a very small portion of the power proposed under the Bill with reference to section 220. If section 220 remains in this Bill, the power of delegation would not be restricted to delegation to the Secretary, but would include delegation to the President, the Vice-President and a Sub-Committee also. To deprive the Committee of this power under section 220 simply because it may be misused in one case seems to me to be absurd If a Committee thinks that it cannot trust its President, Vice-President, a Sub-Committee or Secretary to deal with cases of notices under section 195 when delegating powers under section 220, it can reserve to itself the right in respect of notices under section 195. If it can trust them, why should it not be allowed to do so? To concentrate purely and simply on one aspect of the question the delegation to a Secretary of the power to issue notices under section 220 in respect of notices under section 195 is, it seems to me, to confuse the real issue and to prevent Committees from being given a power which can be very useful in many cases. To take only one instance. A notice is issued under section 143 for the purpose of having a house disinfected When the time given in the notice expires, why in the world should the matter come again before a meeting of the whole committee? That is merely one instance.

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For these reasons, I oppose the amendment.

Mr. President : We have so far only got up to the tenth clause of this Bill. There are in all 68 clauses to be dealt with. Then we have got another Bill which we want to dispose of to-day and various supplementary grants. I think the House should remember that the Government have very generously given one of their days—to-morrow—for a very important resolution which would have taken up a great deal of the time allotted for non-official business; and I do hope they will help Government to get through the official business. I am sure, after having long sittings, the House would not like to have extra days added. I hope we shall get on faster.

Rai Bahadur Lala Hari Chand [West Punjab Towns—(Non-Muhammadan) Urban] (Urdu) : Sir, I rise to lend my heartiest support to the amendment before the House. The provision for delegation of such powers to the Secretaries will create many troubles to both the Committee and the public. I think it dangerous, Sir. There are occasions when the exercise of such delegated powers by a single individual will decidedly go against the higher

[R. B. Lala Hari Chand.]

interests of the Committees. It will not be wise to alter the present law in this respect. With these few words, Sir, I support the amendment moved by my honourable friend Raja Narendra Nath.

Maulvi Muharam Ali, Chishti [Lahore City—(Muhammadan) Urban] (Urdu) : Sir, with reference to the second part of the amendment moved by R. B. Raja Narendra Nath, I beg to submit that the delegation of such powers to the Secretary of a Municipal Committee as proposed in this clause ought not to be allowed. My reason for it is that had there been such Secretaries in all the Municipal Committees as we fortunately have in Lahore, there would have been no need for my opposition. But, as things stand and we know that there are, as a matter of fact, low-salaried people as Secretaries in Municipal Committees, it would be dangerous to delegate to them such powers. Further, Sir, I must say that, when courts grant decrees, there is always room for the postponement of execution of the decrees. In this case, however, a bungalow worth say Rs. 20,000 could be demolished on the authority of a Secretary. Such a thing might be countenanced in the case of a rich person. But what would happen in the case of a poor man who has built a *kotha* house) worth Rs. 500. Such poor men are often put to unjustified trouble by Municipal employees. Sir, I do not desire to associate myself with this harshness and repression. Hence I support Raja Sahib's amendment.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I have very attentively listened to what Maulvi Muharram Ali and Mr. Ganpat Rai have said. I have carefully thought over the possibility of the measure bringing ruin to the people. I have, Sir, however come to the conclusion that these honourable members have exaggerated one side of the question only to the exclusion of the other. The object of the provision is that if the Committees so desired they could delegate their powers to their Secretaries in this respect as well as in other matters, as they can do in favour of Vice-Presidents. But so far as I can see the committees will most probably not do so. For the sake of supposition, let us concede that they would, but at the same time they could withdraw the powers so delegated at will. Thus no danger is likely to arise. I therefore, Sir, cannot accept the amendment.

Mian Ahmad Yar Khan Daultana : I move, Sir—

"That the question be now put."

The motion was carried.

Mr. President : Clause 10 under consideration : Sub-clause (3). Raja Narendra Nath tabled an amendment in two parts, the first part of which has been carried. The second part of the amendment is—

"That in clause 10, sub-clause (3), the words and figures 'between the figures 211 and the figures 212,' the word 'and' shall be omitted; between the figures '212' and the word 'in' the word and figures 'and 220' shall be inserted' be omitted."

The question is that that amendment be made.

The Council then divided : Ayes 18 ; Noes 40.

AYES—18.

Rai Bahadur Lala Hari Chand.
Bawa Hardit Singh, Bedi.
Mr. Moti Lal, Kaistha.
Chaudhri Kharak Singh.
Mian Muhammad Shah Nawaz.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mr. Ganpat Rai.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakur Das.
Lala Uttam Chand.
Lala Atma Ram.
Sardar Balwant Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Chaudhri Fazl Ali.

NOES—40.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. D. J. Boyd.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. A. Latifi.
Mr. C. M. King.
Mr. E. R. Abbott.
Colonel R. Heard.
Mr. W. P. Sangster.
Lieut.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G Beazley.
Khan Muhammad Abdullah Khan.
Mian Ahmad Yar Khan, Daultana.
Khan Sahib Pir Ali Haidar Shah.
Lala Kesho Ram.
Khan Bahadur Rai Wali Muhammad Khan.
Captain Sardar Gopal Singh.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Rana Muhammad Jamil Khan.
Mr. K. L. Rallia Ram.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Chaudhri Nabi Bakhsh.
Khan Bahadur Raja Muhammad Akbar Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Raza Shah.
Khan Muhammad Saif Ullah Khan.
Nawabzada Muhammad Irshad Ali Khan.
Khan Bahadur Khawaja Yusaf Shah.
Dr. C. A. Owen.
Mr. Edward Ernest Clarke.

The amendment was lost.

Mr. President: The question is—

"That clause 10, as amended, stand part of the Bill."

The motion was carried.

Mr. President: Mr. Ganpat Rai has put in the following amendment:

After clause 10 *add* the following new clause:—

"In section 35 (1), *after* 'emergency' *add* 'when an emergent meeting of the committee cannot be convened.'"

I think that it is out of order unless he can show that it is in order.

Mr. Ganpat Rai: Sir, at first I was also under that impression. But after reading the debates of the Legislative Assembly and also the preamble to this Bill I consider that I am in order in bringing the amendment. The preamble does not say that the Bill is with reference to any particular section or sections of the Act to which it relates. The Bill proposes to amend certain sections of the Act and there seems no reason why

[Mr. Ganpat Rai.]

other sections also should not be amended. If you go through the debates of the Assembly, I believe you will agree with me that I am in order in moving the amendment.

Mr. President: The point is of considerable importance as a great many amendments of this character have been brought forward by Mr. Ganpat Rai. Before deciding this point I should like to hear the views of the Honourable Minister for Education and of other members of this House.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education): Sir, this matter engaged the attention of the Government as a matter of fact as early as 1921. The point considered was whether the Municipal Act as a whole should be amended and a new Bill brought forward or only whether particular sections should be added or amended by a Bill. It was considered by Government that it would take a long time to bring in a new Bill revising the existing Act and therefore it was decided to restrict our attempt to particular sections of the Act of 1911. It was for this reason that in the preamble the words *in the manner hereinafter appearing* were put in. That is to say, the efforts of the Council are restricted to those provisions of the Act which we have chosen for the purpose of amending the Act.

Maulvi Muharram Ali Chishti: Sir, I think the question before the House is not what the intention of the Government was relating to this Bill. The real question is "what is the meaning conveyed by the preamble?" and I do not see that the remarks of the Honourable Minister have any bearing on the question before the House.

Mr. Manohar Lal: Sir, the matter before the House is the consideration of this Bill. I think it is not open to us in considering the various clauses of the Bill to depart from that consideration and say that this Bill is an effort to amend an old Act and we shall therefore proceed to touch certain sections of the old Act with which this Bill does not in any way deal. That is the position from which there seems no escape. After considering the various clauses of the Bill and after adopting these with such amendments as are made, the House decides upon the preamble to the Bill. The Bill itself proceeds on a particular line and the Honourable Minister has very clearly indicated that. The preamble says "Whereas it is expedient to amend the law relating to municipalities in the Punjab *in the manner hereinafter appearing....*" This shows exactly that we are proceeding with the amendment of the old Act to a certain particular extent, the extent that is which this Bill distinctly defines and indicates. The preamble does not in any way enlarge the power of the House to deal with a matter actually before it; and as clause after clause is taken under consideration only such amendments can be allowed as satisfy the conditions of admissible amendments. I have no doubt that we can not consider any extraneous matter which is not directly and strictly relevant to and within the scope of the clause under consideration.

Mr. President: I fully agree with the view expressed by the Deputy President. I held the same view before but as the matter was one of interpretation and as I was not a legal man myself, I wanted to fortify my position. I rule that the amendment is out of order.

The question is—

"That clauses 11 to 15 stand part of the Bill."

The motion was carried.

Mr. President: Clause 16.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammdan), Rural]: Sir, I beg to move the amendment standing in my name and which runs thus:—

"In clause 16 *omit* the new sub-section (1) (*a*) (*i*) of section 61 and *substitute* therefor the words of the original sub-section (*B*) (*a*) (*i*) of the section."

Sir, for the purpose of explaining the object of my amendment I read that part of the new section which I seek to get amended. It reads thus:—

"Subject to any general or special orders which the Local Government may make in this behalf, and to the rules, any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose on the whole or any part of the municipality any of the following taxes, namely:—

"(1) (*a*) A tax payable by the owner, on buildings and lands"—

(*i*) not exceeding twelve and-a-half per centum on the annual value;"

and part (*B*) (*a*) (*i*) of the original section which I have moved, as an amendment, may be substituted. It runs thus:—

"With the previous sanction of the Local Government—

(*a*) A tax payable by the owner, on buildings and lands—

(*i*) not exceeding in the Municipalities of Simla, Dharmsala, Dalhousie and Murree, twelve and-a-half per cent., and elsewhere 10 per cent., on the annual value;"

It will be seen, Sir, that the new section which is to be substituted allows all the municipal committees, including those of hill stations mentioned above, to impose a tax not exceeding twelve and-a-half per centum. It means that no enhancement is made in the case of the latter, while all other places have got their burden liable to be augmented. In my opinion, no case has been made out in favour of enhancement which is both unsupported and unnecessary. With these words, Sir, I ask the House to accept my amendment.

Mr. President: Clause under consideration, amendment moved:—

"In clause 16 *omit* the new sub-section (1) (*a*) (*i*) of section 61 and *substitute* therefor the words of the original sub-section (*B*) (*a*) (*i*) of the section."

The question is that that amendment be made.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan), (Rural) (Urdu)]: Sir, I beg to oppose the amendment moved. My friend, the honourable mover, is beside the point when he says that the tax on buildings and lands has been enhanced. The real point is that the Bill empowers the municipal committees to impose tax up to the enhanced amount if occasion calls for it. It is not essential that the maximum amount should be imposed. Power alone has been extended, and it need not be used. It has been objected on the other side that no *primâ facie* case exists in favour of this change. But I will show it to the House that this enhanced power is very necessary. In Gujrat extra income was needed for the extension of education. Tax at an enhanced rate was imposed, but as we could not lawfully do so without the sanction of the Government, some of the tax which had been realised had to be returned. According to the current law, Government can refuse sanction. Sir, it is curious to note how when we are given extended powers in the realm of Local Self-Government, some of

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us refuse to have it. For these reasons, Sir, I oppose the amendment and believe that the granting of power to impose twelve and-a-half per cent. tax is right and proper.

Khan Bahadur Sayad Mehdi Shah [Lyallpur South (Muhammadan) (Rural)] (Urdu): Sir, I oppose the amendment because expenses are increasing day by day and the enhancement of taxes should keep pace with our increasing wants. Enhanced tax will only be imposed if need arises. It is necessary that this enhanced power should be given.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) (Rural)]: Sir, I am for the amendment. That is why I rise to speak It is said that the municipalities have been given the power to raise the tax up to 12½ per cent. They can do as they like, either keep the present 10 per cent. tax or not. If you do not want to raise the 10 per cent. tax, then there is no need for that power. Sometimes you get up and say the power of Government should be curtailed and of the municipality increased. At other times you say *vice versâ*. But, Sir, if we look at section 61, we find that this is not the only tax which can be levied and which is levied by municipalities; there are number of other taxes. Therefore for that reason also there is no necessity to raise it to 12½ per cent Then there is another great danger, that of communal representation. The community in majority will be able to levy this tax on the community in minority if its bitterness continues. So having regard to the question of communal representation, it is very dangerous to give municipalities this power to raise the tax to 12½ per cent. without any restriction. With these remarks I support the amendment.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu): Sir, I find that two arguments have been advanced in opposing this clause. The first is that to give the committees power to impose tax up to twelve and-a half per cent. instead of ten per cent. will be an extraordinary extension of their powers. I do not think it is an undesirable policy. The second is that as the principle of communal representation is going to be applied it is quite likely that one community will preponderate in the committees and they will oppress others who are in a minority. I think, Sir, that it is sufficient to reply to this sort of argument this way. India is a large country. It has many provinces and if the oppression by one community in a few local bodies in a single province induces Mr. Ganpat Rai and others like him to oppose the extension of powers of such local bodies, then it can only mean that the Reform Scheme should come into force where the majority is sure to be of Mr. Ganpat Rai. The least said about such a foolish idea, the better. Moreover, Sir, if it is alleged that in nine-tenths of the country oppression will follow the enlargement of the powers of local bodies, then let me submit that there would not be much harm done if there is oppression in local bodies of the remaining one province.

Mr. President: Clause under consideration, amendment moved:—

"In clause 16, *omit* the new sub-section (1) (*a*) (*i*) of section 61 and *substitute* therefor the words of the original sub-section (*B*) (*a*) (*i*) of the section."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That clause 16 stand part of the Bill."

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] : Sir, I beg to move my amendment which is as follows :—

"In clause 16 leave out clause (*b*) of sub-section (1) of the new section 61."

My experience as president of municipal committees is that the tax on persons practising any profession or art is a very unfortunate tax and municipal committees should think twice before imposing it. It would be better to treat this tax as a tax which requires the previous sanction of the Local Government. The octroi tax and the Terminal tax are very common. The octroi tax which has been levied in towns for generations is made subject to the sanction of the Local Government. It is a very common tax and people have been paying it for generations. If that tax is subject to the sanction of the Local Government, why should not this tax be also subject to the sanction of the Local Government ? This tax is very unpopular, while the octroi tax is very common. I need not make any long speech on this. It is a very simple point and there are many heart-burnings which a tax like this creates.

Mr. President: Clause under consideration, amendment moved :—

"In clause 16 leave out clause (*b*) of sub-section (1) of the new section 61."

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I submit that as the time at our disposal is short, it would be better to be brief. Raja Sahib's point, as I understand it, is that because octroi cannot be levied without the sanction of the Local Government, therefore, the tax on persons practising any profession or art or carrying on any trade or calling in a municipality should not be imposed without such sanction. He has said that though the octroi tax does suck one's blood we do not feel it but this tax would be thoroughly felt. Hence its undesirability. In my opinion, this is a measure which has been endorsed by the principles which have been enunciated by Indian National Congess and aims at giving the municipal committees freedom of action. I am surprised to see that Raja Sahib is taking exception to it. Perhaps there is, in the heart of some persons, a fear that they may adversely affect the monopolists. But I believe that such prejudices will be soon removed and the method adopted in the Bill would be liked.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu) : Sir, I oppose the amendment. I think the committee and not the Local Government is the best judge to decide the question of imposing the proposed tax on persons practising any profession or art.

[*At this stage Mr. President left the Chair which was occupied by the Deputy President.*]

I submit, Sir, that since the octroi tax is more or less collected from persons coming from outside the municipal areas, it seems necessary to secure the sanction of the Local Government in order to hold such persons liable for it. But this ought not to be the case with this class of persons—carrying on some profession or trade—that the sanction of the Local Government be deemed a condition precedent to their being taxed. As a matter of fact we have become used to live on other people's earnings, hence we dislike to tax ourselves. Traders and professional people will add the amount of tax to the price of their goods and services. After all it is the

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consumer who will pay it. Is it not the proof of our incapacity that we care not to understand our own business and invite Government to interfere? Cannot the members of the municipalities decide best what to do? We ourselves are better able to investigate on the spot and decide accordingly. Of course, if the object is to deceive Government and thus to evade taxation, then it is a different matter altogether. Lastly, Sir, I should recommend that we should not put obstacles in our own way when new powers are given to us.

Mr. Ganpat Rai Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural] (Urdu): Sir, I support the amendment. It has been said that the Congress had endorsed such measures. I would however ask the honourable members if they accept all the principles laid down by the Congress instead of only one. In that case I for one will follow even if there were some mistaken measures adopted. It had been said that we had no capacity to manage our affairs. To this I beg to reply, Sir, that when we ask that the nominated element should be reduced from 25 per cent. to 20 per cent. we are given quite a different answer.

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The Deputy President: Will the honourable member confine himself to the amendment?

Mr. Ganpat Rai (continued): Sir, the tax is of such a nature that it does require sanction of the Government. It had been said that the Government was not fully acquainted with all the circumstances relating to the imposing of the tax under consideration, but I should say that now that there were Indian Ministers forming part of the Government, the latter did not labour under any such shortcoming as was contemplated. Rather these Ministers were in secret with Government. They know all that there is to be known. Hence I must say that this matter should be entirely left to the discretion of the Government. With these words, Sir, I support the amendment.

The Deputy President: Clause under consideration, amendment moved:—

"In clause 16 leave out clause (*b*) of sub-section (1) of the new section 61."

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan) Rural]: Sir, my amendment goes further than the amendment moved by Raja Narendra Nath. . . . . .

The Deputy President: You must move your amendment first.

Mr. Ganpat Rai (continued): My amendment which I move is as follows:—

"Clause 16, in the proviso to section 61 (1) (*f*) *omit* 'when' and the two clauses (*i*) and (*ii*)."

The meaning of my amendment is, Sir, that all the taxes of the municipality should not be levied unless the sanction of the Local Government has been obtained. My reasons are as follows:—

First, we have not been given the freedom which other countries enjoy. We have only to-day perpetuated the 25 per cent. nominated element in our new Act. Therefore we are not free. When we are not free, when all our actions are subject to the veto of the Government, what is the good of this partial freedom.

Secondly, this department is under the Minister. The Ministers have been newly appointed. They have to be trained, if I may be allowed to say so, by having experience of the local bodies and they can only do so when all papers go before them and they are able to think and consider before they pass orders.

Thirdly, Sir, the communal representation of the local bodies is being pressed very hard; and I think it is dangerous. Whichever community may be in majority will work against the interests of the other community specially in the present feeling which has recently arisen in this Province.

The Honourable Minister's reference to the policy of the Congress does not appeal to me. If he adopts the policy of the Congress in all matters, I would be glad. But to follow its policy in one respect and not in another is not a right thing. After all what do I ask? I simply ask that the sanction of the Minister should be taken in the matter. With these remarks I request that my amendment be accepted.

The Deputy President: Clause under consideration, amendment moved:—

"Clause 16, in the proviso to section 61 (1) (*f*) *omit* 'when' and the two clauses (*i*) and (*ii*)."

The question is that that amendment be made.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), (Urban)] (Urdu): Sir, I support the amendment as I see no force in the arguments advanced against it. Since the clause in question deals with a direct kind of taxation it is more expedient to let the responsibility remain with the Local Government. In fact, I do not find any considerable difference between the two ways. If it is levied at the bidding of the Local Government, by which I mean of the Honourable Minister of Education the position of the Committee is more secure. I do not think we ought to waste more time on this discussion.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu): Sir, It has been said that these powers should not be given to the Municipal Committees but to the Minister of the Government. This means that the poor Minister is being sought to be made a bureaucrat. This is a bad principle. No one who is at all familiar with the principles of political science will countenance such a proposal.

[*At this stage Mr. President resumed the chair.*]

But, Sir, I must point out to the people who entertain some fear that a certain class of people will capture the committees to the detriment of some other class and therefore attempt to curtail the powers of the committees, that this attitude of theirs is unworthy of them and they should be ashamed of it. I hope that the repitition of such ideas which are not likely to benefit any body will not be indulged in in future. With these words, Sir, I oppose the amendment.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), (Rural)] (Urdu) : Sir, I am glad to hear that the Honourable Minister for Education does not like to be a bureaucrate. But I must say, that in one respect he would wish to be one and in another not. He is keeping the responsibility of indirect kind of taxes to himself and leaves the committees to their fate in respect of direct ones. I might tell this House that the latter kind is most unpopular since it directly affects the people. And since the clause in question will only affect a few individuals—those practising any profession or art—it will be a hard task for the committees to take up this work independently. The Honourable Minister of Education should not leave them here helpless. I think that both powers, if put in the same hands, would work better than otherwise. I therefore am compelled to support the amendment.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu) : Sir, I support the amendment inasmuch as the wide outlook of the Honourable Minister for Education cannot as a matter of course be commanded by the municipalities. The former will always decide in accordance with all the circumstances of the case. The committees should be given the power of supervision, but not of the imposition of the tax.

Mian Ahmad Yar Khan, Daultana : Sir, I beg to move—

"That the question be now put."

Mr. President : The question is—

"That the question be now put."

The motion was carried.

Mr. President : Clause 16 under consideration, amendment moved :—

"Clause 16 in the proviso to section 61 (1) (*f*) *omit* 'when' and the two clauses (*i*) and (*ii*)."

The amendment was lost.

Mr. President : The question is—

"That clause 16 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clauses 17 to 23 stand part of the Bill."

The motion was carried.

Mr. President : Clause 27.

Maulvi Muharram Ali, Chishti : Sir, I beg to move—

"That in clause 27 relating to section 115, the words 'or person or persons claiming ownership' be omitted."

The Honourable Khan Bahadur Mian Fazl-i-Husain : I accept the amendment, Sir.

Mr. President : Clause under consideration, amendment moved :—

"Clause 27 in section 115 omit the words 'person or persons claiming ownership.'"

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That clause 27 as amended stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 28 to 33 stand part of the Bill."

The motion was carried.

Mr. Preisdent: Clause 34.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural]: Sir, I beg to move my amendment as follows:—

"*Omit* clause 34 altogether and let the old sub-section (2) of section 128 stand."

This, Sir, is only a penalty clause. It is suggested that the fine be raised from Rs. 20 to Rs. 50. I do not know of any reason why these fines should go on being raised. Rupees 20 is quite sufficient and I see no necessity whatever why more power should be given in the hands of those concerned to fine as much as they like. Therefore I object to the raising of fine from Rs. 20 to Rs. 50, and submit that this new section should be omitted and the old section should be retained as it is.

Mr. President: Clause under consideration, amendment moved:—

"*Omit* clause 34 altogether and let the old sub-section (2) of section 128 stand."

The question is that that amendment be made.

Mian Ahmad Yar Khan Daultana [Multan Division (Muhammadan), Rural Urdu: Sir, I beg to oppose the amendment. This provision extends the power of the municipalities with a view to punish those who do not carry out their orders. I do not think there is any harm in giving this power to a Committee, the majority of whose members are elected. Many irregularities often occur and a small fine is not a sufficient deterrent. Also it is not essential that those who contravene the terms of the section will be punished with the maximum amount of the fine. The object is that people should fully respect the dignity of law. I hope the House will reject the amendment.

Mr. Ganpat Rai [Lahore and Ferozepore *cum*-Sheikhupura (Non-Muhammadan), Rural]: Sir, the argument which the opposer of the amendment puts forward in support of Honourable Minister's new section is that power is being given to the Committee to inflict the fine. I have tried both at home and in the Council Chamber to find out whether the power is given to the Committee. I have known so far that the power is to be exercised by the Magistrate and not by the Committee. I shall be very glad to know from the Honourable Minister whether the power is given to the Committee. I think he is wrong, but of course I am subject to correction.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Does the honourable member support the amendment?

Mr. Ganpat Rai: I will support the amendment or not after hearing the Honourable Minister's speech.

The Honourable Khan Bahadur Mian Fazl-i-Husain: Then he still has an open mind.

Mr. Ganpat Rai: Of course I have.

Khan Bahadur Chaudhri Fazl Ali : [Gujrat West (Muhammadan), Rural] (Urdu) : Sir, I oppose the amendment. It seems to me that there is a misunderstanding about the provision which gives power of punishing with fine, not to the municipalities but to the magistrates The question is that the committees will not inflict a maximum fine of Rs. 50 instead of Rs. 20. Nor will they be required to do so. As for the enhanced amount of fine, we all know that section 323, Indian Penal Code, provides 2 years' imprisonment, but magistrates seldom send the accused to jail, and generally inflict a small amount of fine : so the real purpose of increasing the maximum amount of fine to Rs. 50 is to inspire some respect for the Municipal Law. At the same time it would not be here out of place to mention that the value of a rupee having depreciated it is thought necessary to amend the maximum amount of fines. I therefore strongly oppose the amendment.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu) : Sir, I want to be satisfied on two points only whether the reason for enhancement of fines is based on economic considerations or on penal considerations.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education -(Urdu) : Sir, it is a simple matter, and of course the reason for the change in the amount of fine is that the value of money has depreciated. The other end in view while introducing this clause was to uplift the prestige of the Municipal Law. I must also bring it to the notice of the House that the standard of hygiene and sanitation among the people has so far risen that if the committee wanted to avail of the provisions of section 128 it might inflict a considerable amount of fine. I therefore ask the mover to withdraw the amendment if he has a mind open to conviction.

Chaudhri Kharak Singh [Amritsar-*cum*-Gurdaspur (Non-Muhammadan), Rural] (Urdu) : Sir, I beg to support the amendment. I think that the Honourable Minister for Education is taking a retrograde step. The people are becoming more and more civilized. We should press moral force into service and not follow the old times when an ordinary crime entailed capital punishment. The fifty rupees fine will ruin the poor. I therefore support the amendment.

Mian Ahmad Yar Khan, Daultana : Sir, I beg to move—

"That the question be now put."

Mr. President : The question is—

"That the question now be put."

The motion was carried.

Mr. President : Clause under consideration, amendment moved—

"*Omit* clause 34 altogether and let the old sub-section (2) of section 128 stand."

The question is that the amendment be made.

The amendment was lost.

Mr. President : The question is—

"That clause 34 stand part of the Bill."

The motion was carried.

Mr. President : Clause 35.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan), Rural] (Urdu) : Sir, I beg to move—

"That in clause 35, new sub-section (2) of section 135 be omitted."

Sir, the amending Bill has introduced so many penalties that I am simply disgusted with it. I therefore move the amendment.

Mr. President: Clause under consideration, amendment moved—

"That in clause 35, new sub-section (2) of section 135, be omitted."

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu): Sir, the matter is simple enough. Section 135 prohibits people from making a connection with a pipe without the permission of the municipal committee; he who acts in contravention of the provisions of this section, should be brought to justice. But legislation was not explicit on that score, and it was a long standing complaint which this clause intends to remove. I therefore hope that the House will reject the amendment which is calculated to nullify the end in view.

Khan Bahadur Chaudhri Fazl Ali: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: Clause under consideration, amendment moved—

"That in clause 35, new sub-section (2) of section 135, be omitted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That clause 35 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 36 and 37 stand part of the Bill."

The motion was carried.

Mr. President: Clause 38.

Mr. Ganpat Rai: Sir, I beg to move—

"That in clause 38, *turn* the existing clause into sub-clause (1) and *add* the following as sub-clause (2):—

(2) In section 141, at end of the existing proviso, *add* the following new proviso:—

"Provided that the committee may make bye-laws for payment of fee to a person practising medical profession for the notification of any infectious diseases, and in such cases the medical practitioner will be found to give information."

Section 141, as the honourable members will observe, provides for information to be given of diseases called infectious diseases, such as cholera, small-pox, and now tuberculosis has been added by the clauses which we have passed to-day. Now, under section 141, if a medical practitioner or a person openly and constantly practising the medical profession—he may be a *vaid* or he may be a *hakim*—unauthorised (when I say unauthorised I mean unpassed, but perhaps some one abler than the passed man), or the owner or occupier of any dwelling, or the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, being cognizant of

[Mr. Ganpat Rai].

the existence of the disease therein, fails to give information to such officer as the committee may direct, or gives false information respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees. There is a proviso already in existence, exempting persons who have reasonable cause to suppose that the information has been or will be duly given.

Now in this case, there are three agencies (1) the medical practitioner, (2) the owner or occupier of the dwelling, and (3) the person in charge of the patient. That is to say, one of them shall have to give the information. We experience this difficulty in the Lahore Municipality : nobody gives information several times. In some cases, the medical practitioner says, "I thought the owner or occupier would give the information", who in his turn would say "I thought the person in charge would do that". The result is very serious in some cases. Certain plague cases have come from outside. Nobody has reported. Nobody thought that it was his duty, though there are three agencies. It has happened in many cases during the last 30 years that I have had the privilege of belonging to the Lahore Municipal Committee, and therefore after consultation with the Health Officer, and I believe the Director of Public Health will also agree with me on this point, I brought forward this amendment. We want somebody to be particularly and solely responsible. The best man is the medical practitioner. The medical practitioner will say, "well, I cannot do that, I am a busy man ; I am an outsider, I come for treatment, I cannot report". Therefore, I say that in order to check the prevalence of infectious diseases, the committee may with the sanction of the Local Government frame bye-laws by which a small fee may be prescribed for every medical practitioner. In that case we can make it obligatory on him, and say "we pay you for the job, therefore you cannot get out of it. It is your duty to report in the interests of public health". These bye-laws of course will be framed with the approval of the Local Government, because certain bye-laws have to be sanctioned by the Local Government. In that case, if he fails to give information, we can prosecute him. We can say "well now, we pay you for it, and if you fail to give information you are liable for prosecution." This is in short my suggestion, and it is in the interests of the people living in the municipality, inside the city or outside the city, for everybody without communal distinction. I therefore move the amendment.

Mr. President. Clause under consideration, amendment moved—

"That in clause 38, *turn* the existing clause into sub-clause (1) and *add* the following as sub-clause (2),

"(2) In section 141, at end of the existing proviso, *add* the following new proviso :

"Provided that the committee may make bye-laws for payment of fee to a person practising medical profession for the notification of any infectious diseases and in such cases the medical practitioner will be bound to give information."

The question is that that amendment be made.

Mr. K. L. Rallia Ram [Representative of Indian Christians] : Sir, as it has been pointed out by my honourable friend, there are three agencies contemplated in this section. The idea is of course to safeguard any omission. So far as my experience goes, this section has worked quite satisfactorily. I do not think in my time there has been any trouble over it in Lahore. We have been getting information. Of course, it is outside my personal jurisdiction ; but I know it.....

Mr. Ganpat Rai: May I rise with your permission, Sir, to point out that this was particularly at the instance of the Health Officer that I put in this amendment.

Mr. K. L. Rallia Ram (continued): I would hold, Sir, that the amendment is impracticable. In the first place, suppose there are five doctors who attend on one patient. According to his amendment, they are all entitled to this fee. How is my friend proposing to fix these fees Of course, they are not likely to accept Rs. 2 for this job. There are eminent doctors now who would demand a fee of Rs. 32 or so. I think it is obligatory for every doctor to give this information in the interests of public health, and, so far as I know, we have had no trouble whatsoever. I think that this amendment is wholly impracticable, and, if it is carried, it will mean an unnecessary expense to the committee. I hope he will withdraw it.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister of Education): Sir, I have been thinking how to get the discussion finished on the amendment moved by Mr. Ganpat Rai. Over and above what Mr. K. L. Rallia Ram has said, the difficulty is that if we accept this amendment it would not tally with the spirit of section 141, clause (*a*). Under section 141 (*a*) it is obligatory on every doctor to furnish all the information that comes to his hand during the course of his work in connection with infectious diseases. If he failed to do so, he was liable to a fine which may extend to Rs. 50. It is feared that the municipal committees did not try to apply the law to doctors as the latter were likely to be useful to the members of the committee. Now it is recommended that a fee should be paid to the doctors for supplying the information. In my opinion it should be the first duty of the doctors, even leaving aside the question of monetary remuneration, to give all information. I therefore oppose the amendment, and I trust the House will reject it.

Mr. Ganpat Rai: After hearing the Honourable the Minister for Education I do not want to press my amendment. I beg leave to withdraw.

The amendment was by leave withdrawn.

Mr. President: The question is—

"That clause 38 stand part of the Bill".

The motion was carried.

Mr. President: The question is—

"That clauses 39 to 43 stand part of the Bill".

The motion was carried.

Mr. President: The question is—

"That clause 44 stand part of the Bill".

Rai Bahadur Lala Sewak Ram: Inasmuch as there is a separate enactment "The Town Improvement Act," I do not see the necessity for this provision. I therefore oppose it, Sir.

Mr. K. L. Rallia Ram (Representative of Indian Christians): Sir, I consider this provision absolutely necessary. So far as I understand the small municipalities are not in a position to take advantage of the Town Improvement Trust. Therefore it is necessary that they should have power to make streets, construct tunnels and make such other improvements as the municipalities may require.

Mr. President: The question is—

"That clause 44 stand part of the Bill".

The motion was carried.

Mr. President: Clause 45.

Rai Bahadur Lala Sewak Ram: Sir, I beg to move—

"That in clause 45, the word 'public' be prefixed to the word 'street' wherever it exists in new sections 170-A to F."

Mr. President: Clause 45 under consideration, amendment moved—

"That in clause 45 the word 'public' be prefixed to the word 'street' wherever it exists in new sections 170-A to F".

Mr. K. L. Rallia Ram [Representativ of Indian Christions]: With your premission, Sir I wish to draw the attention of the honourable member to section 3 (13) (a) of the Municipal Act, 1911, where the definition of the word 'street' is given—

"'Street' shall mean any road, footway, square, court, alley or passage accessible, whether permanently or temporarily, to the public, whether a thoroughfare or not;

and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid".....

In view of the definition being so comprehensive I do not see the necessity for the amendment, Sir.

Mr. President: Clause under consideration, amendment moved—

"That in clause 45, the word 'public' be prefixed to the word 'street' wherever it exists in new sections 170-A to F".

The question is that that amendment be made.

The motion was lost.

Diwan Bahadur Raja Narendra Nath: The amendment which I want to move runs as follows:—

"That in clause 45 the following explanation to new section 170-E be added:

'*Explanation.*—A street is made or laid, when it is demarcated on the ground by permanent boundary marks'".

The Honourable Khan Bahadur Mian Fazl-i-Husain: I accept the amendment, Sir.

Mr. President: Clause under consideration, amendment moved—

"That in clause 45 the following explanation to new section 170-E be added:

'*Explanation.*—A street is made or laid, when it is demarcated on the ground by permanent boundary marks'".

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That clause 45 as amended stand part of the Bill".

The motion was carried.

Mr. President: The question is—

"That clause 46 stand part of the Bill".

The motion was carried.

Mr. President: Clause 47.

Mr. Ganpat Rai: Sir, I beg to move—

"That in clause 47, after sub-clause (3) the following new sub-clause be added

'In clause (i) of sub-section (2) of section 173, line 2, omit the word 'police'".

Sir, the Honourable the Education Minister himself, I know is for the removal of the word 'police'.....

The Honourable Khan Bahadur Mian Fazl-i-Husain: I think my friend is misjudging me.

Mr. Ganpat Rai: I am very sorry, but he told me so in a private conversation. It was in the Select Committee.....

Mr. President: You are out of order in referring to what happened in the Select Committee.

Mr. Ganpat Rai (continued): Sir, the present section provides that if there is any obstruction in a street which can be removed summarily the committee may remove it or cause it to be removed by the police, etc. I suggest that the word 'police' be omitted. In the original Bill there was no reference to this. When the framers of the Bill sent it for the approval of the Government of India, because no Bill can be introduced in a local Council without the previous sanction of the Central Government.

Mr. President: I understand you argue that the word 'police' was put in there in order to obtain the sanction of the Government of India. That insinuation is not proper. The sanction of the Government of India is necessary when the Bill proposed to be introduced relates to such matters as taxation, etc.

Mr. Ganpat Rai: I am making no insinuations, Sir. I understand that all Bills are sent to the Government of India and their previous permission is obtained before they are introduced.

Mr. President: Not all Bills.

Mr. Ganpat Rai (continued): I think this Bill was sent. That is my information. I, however, leave that subject aside. In former days the assistance of the police was necessary. Now that the municipalities have got more powers and have their own staff to do these things, there is no necessity for them to seek the assistance of the police. I say that in the interests of the police and in the intersets of Government the word should be omitted. The police are already unpopular, and if the local bodies also seek their assistance these institutions will I fear grow unpopular too. Why should not the municipalities engage their own agency for the purpose?

6 P.M.

In case you think the assistance of the police is necessary and should be provided for in the Act, are you going to provide for the military also whose assistance may be required?

The word 'military' is not there. If we put the word 'police' we should put the word 'military' also. My submission is this. . . .

Mr. President : I am afraid it is past six and the honourable member will have to conclude his speech when the Bill again comes up for discussion. I do not see any prospect of his stopping at present.

Mr. Ganpat Rai : Sir, with the remark that the word 'police' should be taken away, I close my speech.

The Honourable Sir John Maynard (Finance Member) : Sir, befor the Council adjourns, I wish to make a request. I am responsible for getting the business of Government through before this House and the request which I wish to make is that the sitting be continued until this Bill is disposed of.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) (Urban)] : Sir, I think that this is a matter which should be put to the House as to whether they wish to continue the sitting or not.

The Honourable Sir John Maynard : Sir, I did not make a motion. I have made a request to the Chair.

Mr. President : I quite realise that it is important to get through the business. We have made very little progress to-day and in the circumstances, I think, the best thing to do is to go on with it.

Clause under consideration, amendment moved :—

"In clause 47, after sub-clause (8) the following new sub-clause be added :—

'In clause (*i*) of sub-section (2) of section 173, line 2, the word '*police*' be omitted.'"

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education) : Sir, I have inspected many municipalities and I have been requested to make such a provision in the Municipal Act as would enable them to obtain the help of the police when needed. In the Select Committee, when the Bill was being amended, I had at one time thought of not inserting this provision, but later on I changed my opinion, therefore I oppose the amendment.

Mr. K. L. Rallia Ram (Representative of Indian Christians) : Sir, I endorse the remarks made by the Honourable Minister, and as the Secretary of the Lahore Municipal Committee I can say from my personal experience that the Committee will be badly handicapped if the help of the police is denied it. Occasions have arisen when the Municipality could not cope with the situation and we had to ask for military help. But though that is not so necessary, the help of the police is. Therefore when it is needed we must be prepared to ask their help. Encroachments are being made to such an extent in the city that at times it is impossible for any executive officer to remove those encroachments without the help of the police. I submit, Sir, that if the word 'police' is omitted from the clause, the Committee will be greatly handicapped in its work.

Khan Bahadur Sayad Mehdi Shah [Lyallpur South (Muhammadan), Rural] (Urdu) : Sir, the help of the police should be extended to municipalities, otherwise their work will suffer. Hence I oppose the amendment.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, some gentlemen who are very greatly interested in the business which is to follow and the sections which are to come up, have left, thinking that the business would not come up to-day. I think it would be very unfair to them to conduct the business in their absence. If the position had been explained to them beforehand or if they had had notice of it even this morning, it would be a different matter. I therefore request that the business should not be proceeded with.

Mr. President: I have been trying my very best to have this matter hurried through, and if it is not finished to-day it will not come up for many days to come. I really do not think I can be responsible for members who have left the House. The wording is that the House will ordinarily adjourn at 6 P.M. and I must stick to my previous decision.

There is one point about the amendment before the House. Mr. Ganpat Rai's amendment as it is put is meaningless. The amendment should have been for the omission of the words 'by the police.' It is merely a verbal matter.

Mr. Ganpat Rai: I thank you for that, Sir.

Mian Ahmad Yar Khan, Daultana: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: Clause under consideration, amendment moved:—

"In clause 47, after sub-clause (3) the following new sub-clause be added—
In clause (i) of sub-section (2) of section 173, line 2, the words 'by the police' be omitted."

The question is that that amendment be made.

The amendment was lost.

Mr. President: The question is—

"That clause 47 stand part of the Bill."

The motion was carried.

Mr. President: Clause 48.

Lala Atma Ram (South-East Towns (Non-Muhammadan), (Urban)]: Sir, I beg to move—

"In clause 48, proposed sub-section 2 of section 183 at end of the exception add 'and to municipalities of the second class.'"

The object of my amendment is that this law should not be applied to municipalities of the second class. In such places people are not so well educated as to understand the meaning of such conventions. There is not in these places so heavy traffic as to necessitate keeping to the left when passing a vehicle or when passing a vehicle in the same direction, to keep to the right of that vehicle. It is an unnecessary law except in municipalities of the first class. I have therefore moved this amendment.

Mr. President: Clause under consideration, amendment moved :—

"In clause 48, proposed sub-section 2 of section 183 at end of the exception add 'and to municipalities of the second class'."

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education): Sir, there is no reason why this rule should not be promulgated in places other than Lahore and Amritsar. The amount of traffic is sufficiently heavy everywhere to necessitate it. There have been a great number of serious accidents where lives have been lost and physical injuries received owing to the non-observance of this rule of traffic. I, therefore, cannot accept this amendment.

Mr. President: Clause under consideration, amendment moved :—

"In clause 48 in the proposed sub-section 2 of section 183 at end of the exception add 'and to municipalites of the second class'."

The question is that that amendment be made.

The amendment was lost.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan) (Rural)]: I suggest, Sir, that clause 48 be omitted altogether. I think that there is no necessity whatever for putting in this clause. It will give considerable powers to any constable in the Police to catch hold of any carriage and haul it up. This will only increase corruption, against which we are crying so much. Every day, Sir, we find that powers are being given to the ordinary subordinate officials which tend to corruption. We are only affording them opportunities for corruption. People driving may or may not go this side or that side, this way or that way. But this clause will only give the police constable a plea to catch them and get some bribe. For these reasons, Sir, I contend that this clause be altogether omitted from the Bill.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu): Sir, the Honourable Minister for Education has insisted on keeping the provision in the Bill, but he has not given statistics of accidents to prove his case. On the one hand we hear the cry raised against the Police and on the other hand newer and newer pieces of legislation are enacted which augment the powers of the Police. I fail to see any good reason for it. It is, Sir, absolutely uncalled for adding a penal provision to give trouble to law-abiding people at the hands of the Police. Such regulation might be necessary for motor cars but our people have known the art of driving vehicles for generations past. We need not leave them to the tender mercies of the Police. I therefore oppose the new section.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) (Urban)] (Urdu): Sir, I support the omission of this clause from the Bill. The Honourable Minister for Education has failed to cite any cases in his support, while from the opposite point of view, there are plenty of cases which can be brought forward in which people have been put to a great deal of trouble by the Police. Sir, the Police is already given to extort bribes from the poor tongawalas who might, some how or other, be brought under the operation of such rules and regulations. I am dead against multiplication of laws, the more so when people, particularly the poor, are more likely to be put to

trouble. To say that those who are wronged by the Police, ought to launch complaints against the latter is not studying the character of their country in a proper way. The innocent and poor person often prefers to yield to his extortion rather than to bring a policeman to justice.

Khan Bahadur Sayad Mehdi Shah [Lyallpur South (Muhammadan), Rural] (Urdu): Sir, in Gojra Municipality there were about 600 or 700 vehicles. It has several times happened that people have been killed and wounded owing to accidents resulting from non-observance of the rule in question. It was curious how some members were inclined to take pity rather on drivers and owners of vehicles than on those who lost their lives. The need of such legislation as is being considered is very great, particularly on the occasion of *mandis*.

Mr. N. H. Prenter (Legal Remembrancer): Sir, I think that there must be a special providence watching over the Lahore traffic, and so perhaps no such clause as this is really required. To illustrate this I should like to relate to the House what I saw this morning. A tonga laden with men, women and children was going along the left side of the road. It was followed by a second. Another tonga came furiously along on the wrong side of the road and collided with the first. Both ponies fell. The following tonga then fell over these two, and I who was behind on my bicycle fell over the lot. A policeman was standing by with his arms folded and the only tyranny he was guilty of was to say "shabash." No harm was done and everyone laughed. So probably no "rule of the road" is really required in Lahore. (Laughter).

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan), Rural] (Urdu): Sir, I heartily support the provision. It is a mistake to suppose that the accidents mentioned do not occur. It was useless taking pity on drivers and owners of vehicles if they do not observe the ordinary rules of traffic. As for the control of the police, we might as well take away from them the work of cognizable cases in which the police can arrest the offender without warrants. I maintain that it is in the interest of public tranquility to ask for such legislation. I trust the House will reject the amendment.

Mian Ahmad Yar Khan, Daultana: I move, Sir—

"That the question be now put".

The motion was carried.

Mr. President: The question is—

"That clause 48 stand part of the Bill."

The motion was carried.

Mr. President: Clause 49.

Mr. Ganpat Rai: Sir, I beg to move—

"That in clause 49, sub-clause (4), insert a comma after the words 'food-grain godowns' followed by the word 'dispensing chemists' shop.'"

The Honourable Khan Bahadur Mian Fazl-i-Husain: I am prepared to accept this amendment, Sir.

Mr. President: Clause under consideration amendment moved :—

"That in clause 49, sub-clause (4), insert a comma after the words "food-grain godowns" followed by the words "dispensing chemists' shop."

The question is that that amendment be made.

The amendment was carried.

Mr. President: The question is—

"That clause 49 as amended stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clause 50 stand part of the Bill."

The motion was carried.

Mr. President: Clause 51.

Mr. Ganpat Rai (Urdu) : I beg to move, Sir—

"That in clause 51, new sub-section (*h*) to section 190, after the words 'food-grains' the words 'for purposes of sale' be added."

Sir, my object is clear. The section under consideration prohibits any person to keep more than six maunds of food-grains in his house unless he has made such a store-house as contemplated by this clause. The framers of the law, I believe, meant it to be applied to traders only and not to private persons. The present provision of the Bill, however, applies to all men, whether they may be traders or zamindars. Now, Sir, the question is, whether we should call this proposal salutory or silly. It is a sort of imitation of English ways, which our country is not ready to accept at this stage. Private individuals and particularly the poor, cannot be expected to comply with this provision since it entails a considerable amount of expenses. Some of them have not rooms enough to live in, not to speak of providing one separate for storing grain. And moreover, Sir, this clause if not amended would place a great clog on an individual's liberty to store provisions against famine. I therefore propose that private individuals be spared from observing this condition precedent to storing food-grains. I have no objection if grain dealers were bound by it. I trust the House will accept my amendment.

Mr. President: Clause under consideration, amendment moved :—

"That in clause 51, new sub-section (*h*) to section 190, after the words 'food-grains' the words 'for purposes of sale' be added."

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) (Urban)] (Urdu) : Sir, I support my friend Mr. Ganpat Rai's amendment. The framers of the provision, it seems to me, Sir, have not taken into consideration the difficulties that the poor will have to suffer. Those who will really be benefited by the new provision are two kinds of persons :—

(1) zamindars who store food-grains for the purposes of selling them when prices are more favourable to them ; and

(2) the traders who would certainly take advantage of the situation, considering that there would be no private consumers' stocks and all would have to depend on grain dealers.

Sir, there are thousands of persons who by dint of the strictest economy, even by going without part of their food, lay by a certain amount of food-grains against possible famine. All these would now be debarred from

doing this for themselves. Under such circumstances restrictions of this sort will be absolutely harmful. Poor people are already hard pressed for want of proper and sufficient accommodation. They have often small, dingy rooms already insufficient for the family members. How could such persons, Sir, be expected to find additional room and expense for building storehouse. Storing of grain stocks by the poor people is very desirable considering that famine has now become a normal feature of our country.

It was not long ago that this province came under British sway, hence it was rather premature to turn it into London or Paris. Such new provisions if kept in the Bill and enacted would change this Municipal Act into *Gharib Mar Act*. Moreover, Sir, the science of social economy and civilized life of which such proposals were the outward expression have gained favour in the eyes of our educated and England-returned persons. We have to look for the welfare of the masses and not a few individuals. Such reforms are not wholly undesirable on our part, but I have to submit that Rome was not built in a day.

In conclusion, Sir, I beg to support this amendment.

Lala Kesho Ram [Amritsar City (Non-Muhammadan) Urban] (Urdu): Sir, I think that we are perhaps not making a distinction between godowns for trade purposes and stores kept in private houses. Is the new section meant to apply both to private houses and tradesmen's godowns? I would like to hear an explanation from the Honourable Minister for Education.

Lieutenant-Colonel Forster (Director of Public Health): Sir, section 190 clearly refers to buildings that are being erected or going to be erected and has nothing to do with buildings that have already been erected.

Then again the meaning of the clause is clear. Inasmuch as the intention is that the structure should be rat proof what does it matter whether the food-grains are stored for the purpose of sale or for personal use?

Mr. H. D. Craik (Chief Secretary): Sir, I beg to move:

"That the question be now put."

Mr. Ganpat Rai: Sir, I beg for leave to withdraw my amendment now that I am assured privately that the maundage is going to be raised from 6 to 50.

The amendment was by leave withdrawn.

Lala Atma Ram: Sir, I beg to move.

"That in clause 51 (2), proposed sub-section (*h*) of section 190, *substitute* 'fifty' *for* 'six'."

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education): Sir, I am quite prepared to accept that amendment.

Mr. President: Clause under consideration, amendment moved—

"That in clause 51 (2), proposed sub-section (*h*) of section 190, *substitute* 'fifty *for* 'six'."

The question is that that amendment be made.

The amendment was carried.

Mr. President : The question is—

"That clause 51 as amended stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 52 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 53 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 54 stand part of the Bill."

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] : Sir, I contend that this clause 54 be omitted altogether. Sir, I think that this clause is not essential at all. I mean section 195-A which is proposed to be added at the end of the section 195. Section 195 is quite sufficient for the purposes of the Municipality, because the last clause of that section reads thus :

> 'Provided also that the committee may instead of requiring the alteration or demolition of any such building, accept by way of composition such sum as it may deem reasonable.'

There is no necessity whatever of introducing into the Bill a penalty clause again. I take a strong exception to getting penalty clauses introduced into the Bill one after another. Therefore I do not think there is absolutely any necessity of introducing 195-A when Section 195 already in the Bill suits the requirements of the Committee ; in every case they can have composition of any sum they want from that person who builds a house without the sanction of the Committee.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders, (General)] (Urdu) : Sir, I support the amendment as the provision would prove very troublesome. Stopping building work during its course would be fraught with difficulties for the owners. Let us imagine the condition of a building yet incomplete, the work whereof has been stopped in pursuance of the provision of section 195-A. Let us also imagine that a heavy rain were falling just as we are having here to-day. In such circumstances the condition of the owner's mind is better to be imagined than described. I have not come across any good reason, which could justify this provision, I therefore support the amendment.

Lala Ganpat Rai [Lahore-Ferozpore-*cum*-Sheikhupura (non-Muhammadans Rural] (Urdu) : Sir, it has come into my experience as a Municipal Commissioner that people sometimes build houses without the sanction of the Municipal Committee or sometimes they exceed the terms of such sanction. Now the question is whether or not to demolish such buildings. When it is decided that such unauthorised constructions should be demolished, people begin to pour in, speaking for the guilty party and the members find it difficult not to defend them. The result often is that no such building is demolished. I would illustrate this fact, Sir, from a recent case. A person, who is a professor, built a house without the sanction of the Lahore Municipal Committee. When asked about the matter he promptly leased it to the Training College. The Municipal Committee

resolved to demolish it but the Deputy Commissioner intervened and demolishing was not undertaken. Next the Committee demanded Rs. 500 as penalty, but here too it had to forego its claim. It is therefore a very serious trouble in the way of Committees. People often escape the rigour of law, since section 195 afforded somewhat relaxation. The House will be surprised to see me opposing this amendment.

7 P.M.

Mr. E. R. Abbott: I move, Sir—

"That the question be now put."

Mr. President: There have not been many speakers on this. A number of members still wish to speak?

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, I would like to ask for some latitude in respect of time on the part of those members who speak from my benches since we hold so very independent views, free from any prejudice or bias, that we do not hesitate to express them however divergent they may be from those of our associates'. And, moreover, we do not take each other's opposition very seriously.

The reasons advanced in favour of this clause by my honourable friend Mr. Ganpat Rai do not in any way convince us, and the shortcomings to which he has referred and which he intends to remove by the insertion of this new section 195-A nowhere appears from the perusal of it.

It will appear that should a building be begun or erected without the sanction of the Committee or in contravention of the terms of any sanction granted there is already section 195 imposing penalty for such disobedience, and in the presence of that adequate remedy, I deem this new clause as redundant and devoid of any utility. I oppose it, Sir, since the penalty which it provides to impose will prove exceedingly severe for the poor. A rich man might afford to pay it and his building might thus escape being demolished, but as for a poor man neither his means would help him to pay the penalty nor his building would escape being demolished. With these remarks I oppose this clause.

The Honourable Khan Bahadur Mian Fazl-i-Hussain (Minister for Education) (Urdu): Sir, the only point I would like to mention in reply is that the speech of the honourable member from Lahore is wholly irrelevant and has no bearing on the clause in question.

Mr. President. The question is:

"That clause 54 stand part of the Bill."

The motion was carried.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, we have now come to the end, and the clause with which we have to deal now is very important and is one regarding which considerable feeling exists in Lahore. I would request that this and the following clauses be considered in a fuller house. This is not an emergency measure, and there is no necessity of passing it so soon. It does not matter even if it is not passed in this session or the next session. I would request that the consideration of this Bill be now adjourned to tomorrow and the Bill be considered tomorrow. Your order to proceed with the Bill I am afraid, will be misunderstood in some quarters and some people will think that perhaps there was too great an anxiety on the part of Government to pass clause 55 and the following clauses. I would therefore request for the adjournment of the House now.

Mr. President: Well, I do feel that it is hardly fair on the minority to take up clause 55. I pressed at the beginning of the sitting to-day that we should not waste time. I have had some hesitation about the matter of continuing the sitting. We have never before, in the history of this Council, so far as I know, sat beyond the ordinary hour for adjournment. On the other hand I do feel that some of the members brought forward unnecessary arguments and put forward unnecessary amendments, and the business could not be got through. I tried to impress on the honourable members that they should not indulge in unnecessary arguments, and that we should get through the business. I do not know whether any of the Government members had any warning of Sir John Maynard's intention to ask that the House should sit beyond 6 P.M. I myself had no such warning. If Government members had warning, and non-official members no warning.... ..

Sir John Maynard: No, Sir—I did not communicate my intention to any of the officials.

Mr. President: Then that point drops. Well, I think that the proper course now is to move that the consideration of clause 55 be postponed till some later date. It will be perfectly in order, and I think we can then proceed with the other clauses and finish them as far as possible. I think I am within my right to say that consideration should be paid to the wishes of the minority in this matter. If any member wishes to move this, he can do so. Then I can leave it to the vote of the House, whether clause 55 be taken up or whether it be postponed.

Diwan Bahadur Raja Narendra Nath: If the Honourable the Finance Member who asked for the continuance of the House has no objection to the adjournment, is it necessary to put in a formal motion, Sir? The difficulty is this; if the motion is put forward it is not likely to be carried with the Government members opposite voting against us (laughter). They are in larger numbers at present than the non-officials.

Mr. President: I quite agree that if the Honourable the Finance Member who is responsible for the business of the House is prepared to withdraw his request there is nothing wrong and I am quite prepared to adjourn.

The Honourable Sir John Maynard: With due deference to the chair, Sir, I am not prepared to withdraw my request.

Mr. Ganpat Rai: I beg to move—

"That the House do now adjourn."

Mr. President: The question is—

"That the House do now adjourn."

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu): Sir, the reason why the honourable members on the official benches are pressing for continuing the discussion on the Bill appear to me to be that they have been somewhat annoyed at our lengthy speeches. If the Bill is rushed through to-night and the discussion on clause 55 and the rest of the portion is not postponed to some more suitable time, I am of opinion that it would be a gross injustice to the non-official party. Had we been informed beforehand that it is an emergency measure, we would not have made this request. Anyhow, Sir, if it is going to be postponed, I would desire that not only discussion on clause 55 be postponed, but also that consideration of the rest of the Bill be deferred along therewith. At the same time, Sir, I deem it my duty to make it clear to the House that in future if a similar

occasion arose in which Government members were interested, we should mete out a similar treatment that might be meted out to us just now. This occasion, however, will afford us a very important precedent.

Mr. President: I think a better wording will be—

"That the consideration of the remaining clauses of the Bill be postponed to a future date."

Mr. Ganpat Rai: I have no objection to adopt that wording, Sir.

Mr. President: The question is—

"That the consideration of the remaining clauses of the Bill be postponed to a future date."

The House then divided: Ayes 10; Noes 22.

AYES.

Lala Atma Ram.	Diwan Bahadur Raja Narendra Nath.
Khan Bahadur Rai Wali Muhammad Khan.	Mr. Ganpat Rai.
Lala Kesho Ram.	Rai Bahadur Lala Sewak Ram.
Mr. K. L. Rallia Ram.	Rai Sahib Lala Thakar Das.
Maulvi Muharram Ali, Chishti.	Lala Uttam Chand.

NOES.

The Honourable Sir John Maynard.	Mr. D. Milne.
The Honourable Khan Bahadur Mian Fazl-i-Husain.	Mr G. Anderson.
The Honourable Lala Harkishan Lal.	Mr. J. G. Beazley.
Mr. H. D. Craik.	Mian Ahmad Yar Khan, Daultana.
Mr. D. J. Boyd.	Khan Bahadur Sayad Mehdi Shah.
Mr. Miles Irving.	Chaudhri Nabi Bakhsh.
Mr. N. H. Prenter.	Khan Bahadur Raja Muhammad Akbar Khan.
Mr. A. J. Gibson.	Chaudhri Muhammad Hayat Khan.
Mr. A. Latifi.	Khan Muhammad Saif Ullah Khan.
Mr. E. B. Abbott.	Nawabzada Muhammad Irshad Ali Khan.
Mr. W. P. Sangster.	
Lieutenant-Colonel W. C. H. Forster.	

The motion was lost.

Mr. President: The question is—

"That clause 55 stand part of the Bill."

Mr. Ganpat Rai: [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan) Rural]: Sir, I beg to contend that this clause be omitted altogether.

The present section 197 runs thus:—

"The Committee may, by bye-law,—

(*a*) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;

(*b*) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for such specified articles of food or drink;

(*c*) regulate the hours and manner of transport within the municipality of any specified articles of food or drink;

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(*d*) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places for sale;

(*e*) prohibit the sale of milk and butter by persons not licensed by the committee;

(*f*) prohibit the import into the municipality for sale of milk and butter by persons not licensed by the committee;

(*g*) fix the conditions on which licenses under this section are to be granted and may be revoked;"

Now, Sir, the first amendment which has been incorporated is this. It says: "In clause (*a*) of section 197 between the word 'manufacture' and the word 'or' shall be inserted a comma followed by the word 'sale' and between the word 'preparation' and the word 'for' shall be inserted the words 'or exposure.'" Clause (*a*) as amended will read thus:

"The Committee may, by bye-law,—

(*a*) prohibit the manufacture, sale or preparation or exposure for sale of any specified articles of food or drink in any premises not licensed by the committee."

In order to make myself fully understood I shall take paragraph by paragraph and give my reasons for each paragraph because unless I do so, it will be very difficult to make my honourable friends here fully grasp the reasons for my objection.

In the paragraph I have already read out, we have got that the committee may prohibit the manufacture or preparation for sale. The new words are: prohibit 'sale' and 'or exposure' for sale. Now, Sir, I want to ask the House whether this paragraph (*a*) is not already sufficiently strict to put restrictions on the people? Is there no other law besides the Municipal Law which is sufficiently strict. I submit there is. If there is, has it proved defective in any way that you want to amend this section. I submit it has not proved to be defective. I hope my honourable friend the Minister for Education will tell us whether the law already existing has failed. I refer to the Adulteration of Food Act and the provisions of the Indian Penal Code. If they have not failed, then I submit no case has been made out for amending this section, and I may say that this is an unnecessary and uncalled for amendment.

Then proceeding further, Sir, it is said that "clauses (*b*) and (*d*) of the same section shall be omitted, and clauses (*c*), (*e*), (*f*) and (*g*) shall be re-lettered (*b*), (*c*), (*d*) and (*e*) respectively." And then "in sub-sections (*c*) and (*f*) of the same section, now re-lettered (*c*) and (*d*) respectively, between the words 'milk' and 'butter' in each sub-section the word 'and' shall be omitted, and after the word 'butter' in each sub-section shall be inserted a comma, followed by the words '*ghi*, curd, meat, game, fish and poultry.'" I wish there were more members of the agricultural community present here to-day. They would have told us what curd means, and surely they would have been for the removal of that word if not for any other. (Cries of no, no). Curd is so favourite a dish of the poor as well as the rich in the country as well as in the city, that I need not dilate upon it. Had there been a full House, we would have had the benefit of the advice and ultimately the vote one way or the other on the thing mentioned as '*ghi*.' Now who is it who makes money out of '*ghi*'? (A voice, shop-keepers). The honourable member of Multan, I think, says 'shop-keepers.' That shows his ignorance. It is not due to anything but his age and inexperience. I am sure it benefits not the shop-keepers, but the poor zamindars and the poor *kamins* of the zamindars.

who import any amount of 'ghi' into the city and make money out of it. I am surprised to find that such ignorance is shown in the interest of the electorate which the honourable member represents. Then besides 'ghi' are mentioned curd, meat, game, fish and poultry. Are these produced within the municipal limits or are they the produce of the municipality? Where does the major part of it come from and whom does it benefit. Does not major part of it come from outside? The honourable member is a very big landlord, and I am a small agriculturist possessing a small piece of land. I look after the herd of sheep in my village. I look after everything, and I have.....

Mr. President: This is quite irrelevant.

Mr. Ganpat Rai: Sir, my point is this that the major portion of meat, game, fish and poultry comes from outside the municipal limits, and it supports the major portion of the poorer peasant and agricultural community. Indirectly it helps the Government finances, because in years of scarcity the poor agriculturist lives on the small quantity of 'ghi' which he can collect together and which he sells within the municipal limits. He also brings and sells within municipal limits any poultry that he happens to possess. I submit, Sir, that it is wrong on the part of the honourable member to think that this section benefits only the shopkeepers, and therefore they have started the agitation. I think the agitation is in the interest of the poor people.

Then, Sir, I come to clause (*g*). We read: "For clause (*g*) of the same section now re-lettered (*e*) the following shall be substituted, namely, 'make regulations for the grant and withdrawal of licenses and the levying of fees therefor under this section.'" As I said, there are other laws and they have not failed, they have not proved unsatisfactory, why do you impose this restriction on licenses? These poor villagers, who live on the sale of poultry and 'ghi' and such things, they have to get licenses when they come to sell one fowl in the Municipality of Lahore. Then the clause says that fees should be levied. Is this the way the honourable member represents the cause of the poor? Is this the way he should represent their cause? I submit not. This is really curtailing the little money which these poor people could make and live on. Formerly the law provided that no fee shall be charged for a license so that a better quality of game, curd and 'ghi' should be sold to people living within municipal limits, and therefore the trouble and worry and pain for granting a license was saved to the subordinates and underlings of the Municipal Committee. Now they say that fees must be levied. I am not going to illustrate it at great length as today the time at our disposal is rather short, otherwise I would have taken the full time I am entitled to. Well, Sir, a poor villager brings one or two fowls and half a dozen eggs across the Ravi bridge. He has to pay a fee. The fee may be very small, it may be nominal, one pice per rupee, but where is he to pay it? Every municipal servant is not allowed to take the license fee. It is not an octroi which is to be paid at the octroi barrier. It must be paid at the head office of the municipality. How many of the poor villagers know where the Town Hall of Lahore is situated? No sooner they enter the municipal limits of the Lahore Municipality, than they are required to take out a license and pay the necessary fee. A sentry would not receive any cash, the rules do not allow it. He must go and pay into the Municipal Treasury. How is it to be paid there? The *khazanchi* is not going to receive it. The revenue officers know very well that there must be a *dakhila*. No money is received in any treasury without a *dakhila*, whether it is a pice or a lakh. That *dakhila* has to be prepared and somebody else must write it, because though

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you are prepared to manufacture this strict law, you have not yet educated that man. You could impose all these conditions after you had done your first duty and that was free and primary education. Then you could insist on all these things. So, Sir, I am just to submit to this House what length of time it would take.

Mr. President: It seems to me that Mr. Ganpat Rai is speaking as much against the original clause as against the amendment

Mr. Ganpat Rai (continued): Sir, the levying of fees is a fresh thing. It is printed in italics here, and whatever it may be I am not in favour of this clause, as it is. I say that the clause should be omitted and one of the reasons is the levying of the fees. If the Government is prepared to withdraw those words, of course this matter will end.

Now, Sir, taking the case of people living in the Municipalities. People who sell all these articles, are neither educated people, nor men of high intelligence, nor men of riches, but mostly the people in poor circumstances, minor children, children who are legally minor, and widows also. My honourable friends may smile, but of course they live in paradise. If they were to go into the heart of the towns over which they have ruled they would find any number of widows selling these things. I can mention some of these places, such as Gujranwala, Wazirabad from my personal experience, including Sialkot. I hope when they were Deputy Commissioners they saw all these things. Now, Sir, is the Municipality going to give a license to a minor. That is another point. Now how many hundreds of boys who are technically minors for the purposes of the law are being seen selling these things within the Municipal limits of Lahore? Is the Municipality going to give them licenses? Surely giving of a license and taking of a fee is a contract and we know and every lawyer and every beginner in law knows that a contract with a minor is void *ab initio*. It is no contract in law. Therefore the Municipality would not give license to a minor. Are you going to deprive those poor orphans, those poor boys, who live miserably, from making a little money by selling these things? Is this the advancement of Local Self-Government, Sir? Then take the case of the widows. A number of them are *purda nashin*. That must be known to the Indian officials, if not to all the Europeans. Numbers of *purda nashin* ladies go and sell some of these things in the lanes, in the private houses, and make their living out of them. Go and see all these things before you pass this amendment by the majority which is now at your command. Go and see all this, I say. Will they go to the Municipality, taking off their *burqa*, saying that we want a license? Would they run after the underlings of the Municipalities for a license? This license cannot be given in an offhand manner. They are reported upon by a subordinate officer, they then go up to the Sub-Committees, etc. Are the funds at the command of the Municipalities sufficient for those purposes? This will be another result of carrying out your proposal. Of course, it will be said that I am making a long speech, but I want to impress upon this majority in the House to-day that they should not rush through and carry this proposal in the face of the facts which I have brought out. Otherwise, they may pass this clause whether at 10 or 12 in the night, because I am accustomed to sitting for the whole night and do my work. You will be blamed, the majority in the House for this and not we. Sir, with these remarks, I oppose this clause being put in the Bill. I need not give other reasons of which I have a large number, because I am sure my other friends who will follow me will give them.

Rai Sahib Lala Thakar Das [North-West Towns (Non-Muhammadan), Urban] (Urdu): Sir, I represent here the Rawalpindi Division, which contains no less than 14 municipal towns. In all these towns, Sir, there have been mass meetings protesting against this very clause. Sir, what this new clause aims at is that in future the vendors of ghi, curd, meat, game, fish and poultry shall have to apply for licenses from the Municipal Committee. Although this measure is calculated to improve the sanitation and health of the Province, time has not yet arrived to introduce innovations of this nature. It is a custom of very long standing in this country that disabled persons who are otherwise unable to earn their livelihood, either on account of their physical disability or for want of sufficient funds, put up small *chabris* in the street and thus manage to earn their living. Will this measure, Sir, not deprive them of this benefit? I should warn this House that if this measure is rushed through, I am afraid, it will provoke great agitation throughout the Province. The House is, moreover, well aware of this fact that on account of making it obligatory for the Lahore milk-vendors to get licenses, the Municipality of Lahore has indirectly helped them in raising the price of milk, which cannot be had here for less than 6 or 7 annas a seer. And yet, Sir, to crown all this misery, it is always adulterated. Will anybody dare to ask why the quality has deteriorated? It is due to the fact that the license has placed a premium on the purity of milk, it has encouraged corruption among the Municipal employees who accept tribes from the license-holders and connive at the latter's adulteration. Thus the extension of licenses to those who deal in other commodities is likely to prove detrimental to the interests of the public in the long run. Improved methods of sanitation and hygiene that are prevalent in Europe are not likely to succeed, if introduced here at present. The province is not prepared to accept them at this stage. With these remarks, Sir, I oppose this clause.

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Mian Ahmad Yar Khan, Daultana [Multan East (Muhammadan), Rural] (Urdu): Sir, I do not understand why this clause has formed subject of such a lengthy debate. In the very beginning of section 197 the words are "The Committee may, by bye-laws. . . . . ." It is nowhere provided that "the Committee shall" prohibit these vendors from selling these articles of food or drink without first getting proper licenses. It is thus not mandatory for the Committee to enforce the provisions of this section whether those who constitute the Committee desire it or not. Moreover, Sir, we have just now decided that in future there will be 75 per cent. elected members and in the face of such a predominant element representing public opinion how would the Committee enforce a measure not acceptable to the public? It has just now been mentioned by some of the honourable members that since curd is a very important necessary of life, our legislation should not affect it. I maintain, Sir, that the very fact that it is an indispensable necessary of life, should call upon us to devise means to procure it to the public as pure as possible. And the legislation in hand is certainly calculated to solve the problem. Those who live in Lahore know this fact perfectly well that milk comes here entirely from outside the municipal limits, and becomes adulterated only when it has come into the hands of these shop-keepers. This clause therefore is most essential with a view to ensure the purity of such important commodities on which depend. This requires attention of Indian life. It is absurd to attribute the high price of milk to license, its price has arisen along with other commodities on account of certain economic causes which we need

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not discuss here. I am grieved to find that those who oppose this clause are not doing justice to the public whose welfare is the main purpose in view. Only to secure the good will of a few shop-keepers they are neglecting the great beneficent end which this measure would realize. I strongly support this clause.

Lala Atma Ram [South-East Towns (Non-Muhammadan), Urban] (Urdu) : Sir, I oppose the clause under discussion. The Committees are already invested with a good deal of powers in this connection by section 197. I find no reason why a clause of this nature should further place clogs on the liberty of those who deal in these commodities. If clause 55 were allowed to pass it would become incumbent upon the shop-keepers to apply also for license of the building where they would sell the commodities in question. . . . .

The Honourable Khan Bahadur Mian Fazl-i-Husain : No, Sir.

Lala Atma Ram (continued) : Sir, the word used in section 197 is "premises." And the shop-keeper will have to pay some fees for this license. I am afraid, Sir, that such restrictions might compel the poor shop-keepers to discontinue their avocation and search work in Railway Workshops. Moreover, this measure is likely to encourage the Municipal employees to extort much bribe. Those who study newspapers are perfectly aware of this fact that this clause has evoked strong criticism in the Press. With these few remarks I oppose it.

Mr. K. L. Rallia Ram (Representative of Indian Christians): There seems to be a good deal of misunderstanding on the section and most of the agitation is based on that. Most of the discussion is about the details of the working rather than on the principles involved in the clause. The hardships referred to relate to the working of the clause. But they can be obviated by such sagacious and public spirited champions of the poor like Mr. Ganpat Rai and others who are in the municipal committees. In my opinion the present clause is more liberal than the original. If there was any hardship it was due to sub-clause (*b*) which it is now proposed to omit. Clauses (*b*) and (*d*) are going to be omitted; the section will then become more liberal. As regards license even now a man is required to take a license for the sale of fuel, milk, meat, etc. Experience has taught us that we have been better able to control the sale of these things. We are now able to see that genuine and good articles are sold instead of adulterated or damaged things. If there is any difficulty in the matter of license it would be because the vendors do not conform to the rules of sanitation, etc. This is no hardship to the poor and the Minister for Education will be the last person to cause any hardship to the poor. I think we have as much the interests of the poor in our hearts as any other member in this House professes to have. If by this clause the poor are enabled to get good ghee, good butter and good *dahi* in Lahore it will benefit a large number of people. In fact I am not exaggerating when I say that it is almost impossible to get unalterated ghee in Lahore. There is only one shop in the whole of Lahore where you can do so and many of us, I for one, would never buy from Lahore. We always ask our country friends to import it for us because it is impossible to get good ghee in Lahore. You cannot get even pure milk in spite of the fact that there are so many shops. Three years ago we tested about 1,200 samples of milk and we found that more than 1,000

were adulterated. So is the case with all the other articles of food. I know that a new measure is always unpopular. People do not want things to change. But we must seek the highest good of the highest number. We should not say that it is going to be inconvenient to a few shopkeepers. It is a measure which is going to do good to all; more so to the poor because the rich have their own cows, and it is the poor who cannot get pure milk. They appreciate the value of good ghee and good milk at the time of infection. I must close my remarks now as there is a note for me to be brief.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural]: Sir, I can hardly comprehend Government trying to pass this legislation which is so very important and at the same against which there is so much agitation going on. I am very sorry to see that in spite of the public meetings which have been held and the different representations that have been made to the Minister, this legislation is going to be enforced on the poor people at this time. I have got at the moment a representation of the people which is in four pages and there is no time to read it. I shall be thankful if you will please take it as read and have it placed for the purpose of record, after it has been translated into English.

Mr. President: I have no objection to its being put on the proceedings if the Honourable Member wishes to make it a part of his speech.

Rai Bahadur Lala Sewak Ram (continued): Sir, here is a representation addressed to the honourable members of the Punjab Legislative Council. It runs as follows:—

You will be called upon in a day or two to pass section 197-A of the Punjab Municipal Amendment Bill in the Council and thus decide the fate of hundreds of poor people who earn their livelihood by carrying on such professions, which the section applies to. I beg you to kindly realize the terrible effects of the section upon the poor shop-keepers, who will be brought under the scope of the provision and thus rendered destitute of the means of their livelihood. The families of these poor shop-keepers will be ruined and God knows how many human beings will, out of want and misery caused by the provision, take to nefarious professions. It will seriously tell upon the trade of the province and the prices will certainly rise. The Government already possesses sufficient powers to deal with the offenders against law under the Adulteration of Food Act, and I submit that there is no need for further legislation in this respect. It is bound to strangle the trade of the province and reduce hundreds of families to starvation.

Therefore, Sir, I appeal to you in the name of justice and the poor class in the province to raise your voice in the Council against the provision. I assure you, that in doing so you will be rendering a signal service to the cause of the poor public, which I know has always been dear and near to your heart. You will come to the conclusion that this license will involve great hardships on the poor people. I do not wish to say more, because my learned friend, Mr. Ganpat Rai, has already said everything at great length.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (Generals)]: Sir, I oppose this clause. When I was an administrator a proposal was made to me that the scope of the Act to Prevent Cruelty to

[D. B. Raja Narendra Nath.]

Animals be widened so that it should be applied to an area and that the power of areas should be given to persons who did not exercise that power before. I opposed that proposal and did not agree to it on the ground that in our attempt to prevent cruelty to animals we may be causing cruelty to men. I am glad to say that my Commissioner, who now occupies a prominent place on one of the opposite benches, agreed. It is exactly on the analogous grounds that I oppose this clause. So far as the amendment is concerned, so far as the idea underlying it goes, I have nothing to say against it, but I am afraid that this legislation will give rise to a good deal of trouble and widen to a very great extent the door of corruption. I do not see anything against the section as it stood before, but the addition which the clause now proposes to make is this that it expects all premises which are meant for exposure or sale of food articles to be licensed. The former section 197 required licenses for places where articles of food were manufactured or prepared for sale. Now this widening of the clause would require nearly all shopkeepers in the city to take licenses. Hardly any shop would be left that would be run without a license.

Mr. Rallia Ram in his speech has pointed out that the change makes the section more liberal. I think he has not read very minutely the clause as it stands. Clause (*b*) and clause (*c*) have been cut out because they become redundant by the additions which are proposed to be made to clause (*a*). The granting of the licenses would be in the hands of the committee, according to the bye-laws, and the withdrawal of the licenses also.....

The Honourable Khan Bahadur Mian Fazl-i-Husain: By which bye-laws ?

Diwan Bahadur Raja Narendra Nath (continued): Which would be made by the committee. Well, Sir, it has been said that a proportion of elected members in municipalities has been increased and for that reason so long as the elected members are the representatives of the people they will give expression to their feelings and to their voice. This Council does not contain a majority of elected members who give expression to the voices of the people. I do not think that the Municipal Committees fare any better.

The giving of license for certain premises and the selection of premises that are fit for giving licenses will give a vast power in the hands of landlords. When a certain shop or a certain premises has been licensed, the shopkeepers will be at their mercy and while the friends of the poor will stand up for the rights of shopkeepers and would like to save them from oppression, I think that in the long run, the landlords also suffer; and I think that will be an additional argument for opposing the clause. So I think, whether landlord or tenant, all will suffer by this change which is proposed to be made in the law.

It is said that the consumers will benefit. Even there, my experience is to the contrary, and what I heard yesterday at a meeting at which several gentlemen, who had nothing to do either with the interests of the landlords or with the tenants, were present, supports my view.....

The Honourable Khan Bahadur Mian Fazl-i-Husain: Which meeting, Sir ?

Diwan Bahadur Raja Narendra Nath (continued): The "At Home" to which the Honourable Minister was invited, but where he did not come.

He probably did not want to hear the other side. I was told that since the system of giving license for the sale of milk had been introduced, the quality of milk had deteriorated and the price of the milk had risen. I am not a purchaser of milk; but I am certainly a purchaser of meat. Well, I can say from my experience that there has been a great deal of deterioration in the quality of meat available, while there has been a rise equally great and equally accellerating in the price of meat. The consumers, the landlord, the tenant and the shop-keeper will all suffer alike. I do not think that the time has come when these changes in the system of exposure or sale should be enforced or bye-law .....

Mr. President: I must ask members, if they want to consult each other, to speak in whispers. It is impossible to go on with the debate if loud conversation goes on.

Diwan Bahadur Raja Narendra Nath (continued): We have, Sir, one Act on the Statute Book which can be applied, if necessary, and that is the Act for the preventing of adulteration of food. Where is the necessity for this? The result of this law will be that the shop-keepers will be entirely at the mercy of the underlings of the municipalities; who will on the slightest pretext report for the withdrawal of their licenses. I have experience of Lahore, which is a very important Municipality; and I know that underlings and subordinates who can exercise influence over shop-keepers get many things without payment. If the power of giving license is immensely widened, no shop-keeper will escape. It is on these grounds that I oppose the clause and it is on these grounds that the opposition to this clause amongst the people is based.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), (Urban)] (Urdu): Sir, I also strongly endorse the views which have been expressed in opposing this clause. I deem it necessary to let the House know that unlike the honourable members on the official benches who have to support every measure which Government bring forward, I always see it in the light of the dictates of my own conscience. A few days ago a mass meeting of the citizens of Lahore was held under presidentship of the Honourable Rai Bahadur Lala Ram Saran Das, with a view to protest against this proposed measure. As representatives of the Hindu and Muhammadan communities my friend Raja Narendra Nath and myself were also invited to it. The meeting was extraordinarily a well-attended one and represented all castes and creeds. It was very strange to see that apart from their communal dissention the Hindus and Mussulmans were united together with a view to protest against the clause we are discussing at present, and I think the latter fact is sufficient to convince the House that how very undesirable this clause is. It would be flouting the public opinion and very much repugnant to the principle of democracy if this measure is rushed through in the teeth of opposition If the official members have somehow or other been assured that it will not evoke any great agitation, I would warn them that they are labouring under a misapprehension. However I do not mean to say that since the Lahore public is very much restive, they would revolt against the established Government. Suffice it to say they would feel disgusted with the latter. Government should not therefore forget their responsibility. I associate myself with my friend Mr. Ganpat Rai in saying that the poor classes will suffer very much from this new clause, and I could not understand the humour when some of the members on the official benches began to laugh at him. Is it not a hard fact, Sir, that

[M. Muharram Ali, Chishti]

there are some cities in this Province where women sell the commodities mentioned in the clause under discussion, from door to door and thus greatly obviate the trouble of those other of their own sex who though poor would observe the *parda*? Will not this strange innovation of binding all those who deal in these commodities to take licenses deprive the one of their chances to earn livelihood and the other of meeting their wants while sitting at home? When a critic said that the new system is likely to encourage bribery among the municipal employees it was remarked from some quarter that we should manage to take proper action against the latter. Sir, in the Lahore Municipal Committee, the President caught some of the employees red-handed and launched proceedings against them but to no effect. The poor fellow had to give up the matter, having been pursuaded to do so by members of the Committee.

In addition to what I have said already there is one more reason why I take exception to this clause. There is a very summary procedure in the case of municipal *challans*. And since a summary procedure does not afford the accused full opportunity to defend himself it would not be wise to drag more people into the clutches of a municipal committee by passing this clause. If the purpose in view is to improve the public health by prohibiting some *chabriwalas* or other shop-keepers to sell adulterated or such deteriorated things which are obnoxious to health, then that end can be achieved by the provisions of the Indian Penal Code and it is useless to make new legislation for the same purpose.

Sir, I oppose the clause because it is calculated to injure the interests of some poor people. For example there is a poor widow who has got a minor son and to whom she has provided with a small *chaburi* whereby he earns a living. Supposing the clause under discussion were allowed to pass, will that boy remain any longer in a position to earn his living? Since he is a minor the committee would refuse to grant him a license. Who will in that case be responsible for bringing about such a misery to a widow and her minor son? (Hear, hear.) Sir, these are the hard and stern facts which cannot be denied. I am glad that my friend Mr. Rallia Ram has himself admitted that in spite of the system of licenses the quality of milk obtainable at Lahore has deteriorated. I will hold, Sir, that it will deteriorate still. The quality of mutton too is not good. And then one has to pay about annas 14 and sometimes one rupee a seer. . . . .

Mr. President: The honourable member is repeating arguments that have already been repeated.

Maulvi Muharram Ali, Chishti (continued): Very well, Sir, I will leave it. I will however say that where lies the necessity of taking so many precautions to ensure the good quality of milk and curd. . . . .

Mr. President: You are again repeating the same arguments.

Maulvi Muharram Ali, Chishti (continued) : Sir, I beg your pardon. I need not prolong my speech. It is sufficient to say in the end that this clause is most undesirable.

The Honourable Khan Bahadur Mian Fazl-i-Husain : I beg to move—

" That the question be now put ".

Mr. President: The question is—

"That the question be now put".

The Council then divided: Ayes 24; Noes 8.

AYES 24.

The Hon'ble Sir John Maynard.	Mr. G. Anderson.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mr. J. G. Beazley.
The Hon'ble Lala Harkishan Lal.	Mian Ahmad Yar Khan, Daultana.
Mr. H. D. Craik.	Khan Bahadur Chaudhri Fazl Ali.
Mr. D. J. Boyd.	Chaudhri Ghulam Muhammad.
Mr. Miles Irving.	Sayad Ghulam Muhammad Shah.
Mr. N. H. Prenter.	Mr. K. L. Rallia Ram.
Mr. A. J. Gibson.	Khan Bahadur Sayad Mehdi Shah.
Mr. A. Latifi.	Chaudhri Nabi Bakhsh.
Mr. E. R. Abbott.	Khan Bahadur Raja Muhammad Akbar Khan.
Lieut.-Col. W. C. H. Forster.	Chaudhri Muhammad Hayat Khan.
Mr. D. Milne.	Khan Muhammad Saif Ullah Khan.

NOES 8.

Lala Atma Ram.	Diwan Bahadur Raja Narendra Nath.
Lala Kesho Ram.	Mr. Ganpat Rai.
Mian Muhammad Shah Nawaz.	Rai Bahadur Lala Sewak Ram.
Maulvi Muharram Ali, Chishti.	Rai Sahib Lala Thakar Das.

The motion was carried.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Urdu): Sir, I have heard the debate on clause 55 with great patience and forbearance. I shall briefly refer to the history of this subject, how it was introduced into the Bill, what was Government's opinion about it, what memorials were received by Government in connection with it and lastly, what has been the result of this evening's discussion. 9 P.M.

Government had received a reference on this subject from the Delhi Municipal Committee, and Sir, on the basis of that reference it was considered necessary to introduce a clause in the Bill for this purpose. It was not objected to by any of the members at any earlier stage of the Bill.....

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadan), (Rural)]: I wrote a minute of dissent.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Urdu): Sir, the mere word dissent does not mean anything.

Diwan Bahadur Raja Narendra Nath: If I remember a right, in the minute of dissent recorded by Mr. Ganpat Rai he said that he would omit this section.

Mr. President: Certainly, he did.

Diwan Bahadur Raja Narendra Nath: The Honourable Minister said that he did not object to it.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): Sir, I am not feeling perplexed in any way and this confusion and disorderly behaviour on the part of certain members does not put me out at all as the case in support of which this demonstration is being made is a weak one.

[Khan Bahadur Mian Fazl-i-Husain.]

I still maintain that none of these members took exception to this clause on any previous occasion. I think it necessary to let this House know the occasion when I came to know of any agitation against it. Sir, it was brought to my knowledge only when a mass meeting was held at Lahore, which was presided over by the Honourable Lala Ram Saran Das, C.I.E. Later a big deputation waited upon me at my bungalow. Among these people I also found my brethren *nan baies*, whose condition evoked a good deal of sympathy from me. I also witnessed the Hindu sweetmeat sellers with prosperous and radiant faces. A representation which has just now been read out in the Council, was also read out to me there. I heard their arguments and I candidly admit that when these people had departed I was disposed to think twice before deciding anything about the clause. I, however, consoled them by telling them that if a clause of this nature was not existing in the Municipal Acts of other provinces, I would take the responsibility of deleting it from this Bill. And, Sir, to-day even, I was not attaching to it any very considerable importance inasmuch as I frankly told the official members here that they were at liberty to vote whichever way they chose. My colleague, the Honourable Minister for Agriculture, was just now telling me that if this couplet (That a wise enemy is better than a foolish friend) could apply anywhere it applied to the present case. Anyhow, Sir, I am now convinced after hearing this night's debate that this clause ought to remain in the Bill. Sir, if people are going to repose any confidence in their elected members whose element in future will undoubtedly be very large, I find no reason why this clause should not remain there.

As for the allegations of certain critics that the committees are corrupt, I see no justification in that statement.

Maulvi Muharram Ali, Chishti: I never said it, Sir, about the committees, but I made this remark about the municipal employees.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): Sir, I am grieved to notice that this opposition has only been made with a view to give vent to the pent-up feelings of the opposition. They know how weak their case is, so instead of attacking the provision of the proposed law, they attack in round terms the whole Bill and those in support of it. It reminds one of the football eleven which has met a much superior team and though unable to score against its opponents, devotes itself to shouldering the opponents rather than going on with the game. Similar is the position of my critics, they might or might not succeed in their amendments, still think it a fit occasion to attack the official members. Repeating here in this Council all those speeches which should be made in Pind Dadan Khan Municipal Committee, or Lahore Committee, or other Committees is of no use. Any person of however poor ability can talk for an hour or so and it does not require any great wisdom. I deem it necessary here to apologise to those who had invited me yesterday to a generous treat in connection with this clause since I could not attend it, as I had been working here all the day long I could not attend it, I therefore ask Raja Sahib's forgiveness.

Diwan Bahadur Raja Narendra Nath: I was not the host.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued) : Well, Sir, so far as the card shows, R. S. V. P. is to Raja Narendra Nath.

Diwan Bahadur Raja Narendra Nath : I have to repeat, Sir, that I was not the host.

The Honourable Khan Bahadur Mian Fazl-i-Husain : Very well, Sir, he was at least the agent of the host. [Laughter.]

Diwan Bahadur Raja Narendra Nath : I was not even the agent.

The Honourable Khan Bahadur Mian Fazl-i-Husain : Then, Sir, he at was all events the most favoured guest. I close my speechhere, Sir, with the remark that it does not behove my critics to obstruct the passing of this clause.

Mr. President : The question is —

"That clause 55 stand part of the Bill."

The Council then divided : Ayes 25, Noes 8.

AYES 25.

Chaudhri Ghulam Muhammad.	The Hon'ble Lala Harkishan Lal.
Sayad Ghulam Muhammad Shah.	Mr. H. D. Craik.
Mr. K. L. Rallia Ram.	Mr. D. J. Boyd.
Khan Bahadur Sayad Mehdi Shah.	Mr. Miles Irving.
Chaudhri Nabi Bakhsh.	Mr. N. H. Prenter.
Khan Bahadur Raja Muhammad Akbar Khan.	Mr A. J. Gibson.
Chaudhri Muhammad Hayat Khan.	Mr. A. Latifi.
Khan Muhammad Saif Ullah Khan.	Mr. E. R. Abbott.
Nawabzada Muhammad Irshad Ali Khan.	Lieut.-Col. W. C. H. Forster.
The Hon'ble Sir John Maynard.	Mr. D. Milne.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mr. G. Anderson.
	Mr. J. G. Beazley.
	Mian Ahmad Yar Khan, Daultana.
	Khan Bahadur Chaudhri Fazl Ali.

NOES 8.

Lala Atma Ram.	Diwan Bahadur Raja Narendra Nath.
Lala Kesho Ram.	Mr. Ganpat Rai.
Mian Muhammad Shah Nawaz.	Rai Bahadur Lala Sewak Ram.
Maulvi Muharram Ali, Chishti.	Rai Sahib Lala Thakar Das.

The motion was carried.

Mr. President. The question is—

"That clause 56 stand part of the Bill."

Maulvi Muharram Ali, Chishti : Sir, it is desirable to be brief. I need not make any speech in this connection. I need only say that this clause is useless and redundant.

Mr. President : The question is—

"That clause 56 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clauses 57 and 58 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 59 stand part of the Bill."

Mr. Ganpat Rai : Sir, clause 59 is very curious and I may say against the principle of Criminal Jurisprudence. Coming as it does from the Honourable Minister for Education, who is a lawyer of considerable repute I am surprised at this clause. It runs as follows :—

"Every person convicted of an offence under the Act on account of any act, or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission."

Now what is claimed is that there shall be a sort of composition between the committee and the person from whom this amount is to be claimed. Why should this clause not have been inserted in the Criminal Law of India drafted by eminent lawyers of the past age whose memory is still revered. Have they enacted any such section, that if a theft is committed, robbery is committed or any other mischief is done, the man is punished and after the punishment, the complainant or the person who has lost his property, can go before a magistrate and say "Well compensation should be given to me?" What is the remedy for all those millions of people living in this country who are victims of such like offences. Now, Sir, if this was a wise course, and a course allowed by the Criminal Jurisprudence, I fail to see why it was not incorporated in those laws. Of course, there is a provision in the law which allows compensation for any frivolous complaint but an amendment like this has been unheard of. I think if it had been a sound and a wise innovation, I would have supported it. You may have seen that I have not supported the amendment where I do not agree. I cannot be made a party because it is a wish of the other side that the amendment may be carried. This is my position, and has been so all along.

It is quite possible that where damage has been done to the extent of Rs. 500 the magistrate may award damages to the extent of Rs. 5,000. Is this just, Sir? What will then be the position of the poor man? He is at the mercy of the committee. Of course the Honourable the Minister may say that we are on the committees. That is probably his only argument. He may carry out his point whether his argument is sound or not. (Hear, hear.) But if we have abused the committee, we have abused the working of the committee (laughter). If I had permission I would cite a witness who is not in this Council, but who is in the visitors' gallery the President of the Lahore Municipality.

Mr. President : The honourable member is quite unwarranted in referring to gentlemen in the visitors' gallery.

Mr. Ganpat Rai (continued) : Very well, Sir, with these remarks I object to the clause.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), (Rural)] (Urdu) : Sir, I deem it impossible to think of anything worse and at the same time more dangerous for an accused person than this new section 219-A. Even in a murder case, the survivors of the victim cannot bring a suit for damages in a Civil Court. But what do we see here? There is no limit to the magistrate's power to determine the amount of damages or compensation which shall have to be paid under this section. And then, Sir, it is not made

clear whether the decision of a magistrate will in such cases be final or appealable. Even the criminal law is more liberal towards the accused in this respect. But here we find quite a summary procedure laid down for such cases. To give such dangerously despotic powers to a magistrate is terrible. One cannot imagine of anything worse than that. It is against every established principle of law. It will arm the magistrate with such wide powers that every person who is brought before him under this section will feel quite helpless. No one can say what mischief it may do to the cause of justice, equity and fair play. I most earnestly appeal to the House in the best interests of the public to reject the new clause unanimously.

Maulvi Muharram Ali Chishti (Urdu): Sir, so far as the previous clauses were concerned I was content to call them worthless and cruel. But when we have come to deal with the one now under discussion I feel that in it the height of absurdity has been reached, and I do not think it is possible for anybody to think of anything worse than that. This section of the Bill if passed by the House will stand as the Eighth Wonder of the world. I can only call it absurd. The official benches have many members who are well-versed in civil law, in which the foremost question is about the limit of the amount of compensation. But there is no such limit to it under the section. The section punishes not only offences of commmission, but of omission too.

The Honourable Minister for Education who is in charge of the Bill ought to have taken into consideration the intricacies of the Civil Law. The House knows the way in which trials are conducted in the municipal Committee cases. Persons accused of one offence or the other are herded together before the magistrate, and are generally punished without being allowed to put in a defence. Even of any of the unfortunate accused persists in doing so, he simply incurs the magistrate's displeasure, and his sentence is proportionately severe. I do not want to go into the details. I think the Honourable Minister, who has himself been a leader of the High Court Bar, has experience of the conduct of such trials. . . . . .

The Honourable Khan Bahadur Mian Fazl-i-Husain: I never had an occasion to appear in such cases.

Maulvi Muharram Ali Chishti (continued): —He ought to know something about it. If he does not he cannot possibly appreciate the troubles the people will be exposed to under this section. I too personally never appeared in such cases. But as I do not shut my doors against people who come to seek help and advice, I know of their troubles. Such knowledge is only gained through experience. Therefore I think that the section being against every accepted canon of law, morality or justice should not be incorporated in the Bill. Its absurdity has reached, if I may say so, the superlative degree. With these words, Sir, I earnestly appeal to the House to reject it.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Urdu): Sir, I wish to point out to the honourable member who spoke before me, that this clause if enacted will attain no such distinction as to be the Eighth Wonder of "Criminal Jurisprudence." I quite fail to understand how educated gentlemen who have not lost their memory can conveniently forget what they did only the other day. Some of my honourable friends have exhibited surprise at the introduction of this new clause in the Bill, but I like to remind the House of the fact that the section is not quite a new

[Khan Bahadur Mian Fazl-i-Husain.]

provision. It was only recently passed by this House in the Towns Improvement Act, 1922. The honourable member, who spoke before me, was himself a member of the Select Committee appointed to report on the Bill.

Maulvi Muharram Ali, Chishti : I may explain, Sir, that I opposed that Bill. It is on record.

Mr. President : You say you opposed it. Did you publish any minute of dissent ? You cannot give us details of what you said in the committee.

Maulvi Muharram Ali, Chishti : I opposed it in this Council.

Mr. Ganpat Rai : And who was the author of that Bill ? The Minister himself.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued) : Sir, let it be noted by the House, that this Bill did not originate with me, Mr. Hallifax had prepar d the Bill and the section was taken from the United Provinces Act. The Punjab Council patronized the clause and passed it in the Towns Improvement Act, and now it has found its way into the Bill under discussion. I do not know the reason why none of the members objected to it before this. Nota word was said against it in the Select Committee and no amendment was sent in relating to it. I think that perhaps some of the honourable members want to tire us out in the discussion. This is the only explanation for the objection. But, Sir, I want to assure my honourable friends that even their flood of oratory will not put us out.

Mr. President : The question is :—

" That clause 59 stand part of the Bill. "

The motion was carried.

Mr. President : The question is—

" That calues 60 stand part of the Bill. "

Rai Bahadur Lala Sewak Ram : Sir, I oppose this clause entirely. In this case the fine has been raised from Rs. 50 to Rs. 100. I have already submitted that I am opposed to penalty clauses. I oppose this clause on the same grounds.

Mr. President : The question is—

" That clause 60 stand part of the Bill. "

The motion was carried.

Mr. President : The question is—

" That clauses 61 to 63 stand part of the Bill. "

The motion was carried.

Mr. President : Clause 64.

Mr. Ganpat Rai. Sir, I beg to move the following amendments :

" That for the existing clause *substitute* the following :—

' Clauses (*a*), (*b*) and (*c*) of section 225 shall be omitted and in *lieu* thereof the following shall be substituted :—

' by any resolution and order of the committee or its president under section 35 of the Act, ' "

Sir, I only want to extend the scope of the clause by the amendment moved by me. If the clauses (*a*), (*b*) and (*c*) are omitted, my purpose will be gained and the aggrieved party will have more scope to appeal against any order of the committee or its president than is the case now. I think the Honourable Minister for Education will not have any objection to accepting my amendment. My amendment is a very simple one, and it does not make any fundamental change in the provision. It only extends its scope. I hope that the Honourable Member in charge of the Bill will very kindly accept it.

Sir, the right of appeal is always granted to the aggrieved party. Even the orders of the third class magistrates are appealable. Then there seems to be no reason why it should not be granted in such important cases. Neither the Government nor the committee will lose anything by it. It is said, Sir, that there will be much pressure of work, if this request of mine were acceded to. The Government has got thousands of officers, and it can authorise any of them to hear such appeals, if it likes. It is not out of any spite that I am saying so. I am submitting it respectfully.

Mr. N. H. Prenter (Legal Remembrancer) : There should be a comma after the word 'committee.'

Mr. President : I am afraid I quite misunderstood the amendment. Does the mover of the amendment want a comma after the word 'committee'?

Mr. Ganpat Rai : Yes, Sir. I would only content myself with an appeal to the House to support the amendment before it, and I trust that the Government will very kindly accept it.

Mr. President : Clause under consideration, amendments moved—

"That *for* the existing clause *substitute* the following :—

'Clauses (*a*), (*b*) and (*c*) of section 225 shall be omitted and in *lieu* thereof the following shall be substituted :

'by any resolution and order of the committee, or its President under section 35 of the Act.'"

The question is that these amendments be made.

Mian Ahmad Yar Khan, Daultana (Urdu) : Sir, I beg to oppose the amendment under discussion. There are black sheep in every society, and evil-minded persons will certainly misuse the right asked for by the mover of the amendment. They are just likely to use the right not with a view to get justice, but with the set purpose of vilifying the committees or their presidents. This will be very bad in the best interests of the cause of local self-government If such an instrument is given in the hands of the wicked people, they will make the working of any institution quite impossible. Therefore, Sir, I hope the House will reject the amendment before it.

Mian Muhammad Shah Nawaz (Urdu) : Sir, Some very novel clauses have been introduced in the Bill. The right of appeal ought to be provided for against all important orders, but there are in the Bill under discussion many important orders against which no appeal is allowed. The

[M. Muhammad Shah Nawaz.]

House was just now discussing section 219-A, according to which any person notwithstanding any punishment to which he may have been sentenced, is made liable to pay compensation, the amount of which is to be determined by the Magistrate. No limit has been imposed upon the magistrate as to the maximum amount of fine. To crown this all that too is not made appealable. I honestly submit, Sir, that I fail to see the reason for the refusal to grant such a right of appeal against the orders of the committee, its president or secretary. Therefore, I submit, Sir, that in the interests of justice either Mr. Ganpat Rai's amendment should be accepted or section 225 should be revised. I wonder to hear Mian Ahmad Yar Khan characterising such an amendment as absurd. Let it be quite clearly understood by the House that the interests of justice will seriously suffer if the amendment is rejected. Therefore, in the end, I earnestly appeal to the Government to accept the amendment, which is sure to advance the cause of justice.

Diwan Bahadur Raja Narendra Nath (Urdu): Sir, I wonder to see such absolute provisions in the Bill in these days of democracy. It is very difficult to blow hot and cold at one and the same time. The provision is quite inconsistent with the spirit of the times we are living in. There were times when magistrates themselves gladly advised the aggrieved parties to appeal against their decisions. I have myself seen them doing it. Sir, I am quite at a loss to understand the reasons of the Government for refusing the right of appeal to the aggrieved party. Spirit of the times want it to be extended as far as possible, and in my opinion it will be in the interests of all concerned, if that is done. With these few words, Sir, I lend my support to the amendment before the House.

Mr. K. L. Rallia Ram: Sir, Mr. Ganpat Rai's amendment is too wide and general. If he had named certain sections, I would have been the first man to support his amendment. But as it is, I find myself unable to do so. It means that an appeal can be made against any resolution of the committee. What is a resolution of the committee. Suppose, the committee dismisses a servant. According to Mr. Ganpat Rai that servant is entitled to an appeal to the Deputy Commissioner. Is it not an insult to the intelligence of those 2 members who voted against him. The amendment as it stands seems to me to be absurd. A man is not given an increment. He can apply to the Deputy Commissioner against the decision of the Municipal Committee. I think Mr. Ganpat Rai has not thought out the matter. He does not understand what he says.

10 P.M.

Mr. H. D. Craik (Chief Secretary): I move, Sir—

"That the question be now put."

The motion was carried.

Mr. President: Clause 64 under consideration, amendments moved—

"That for the existing clause *substitute* the following:—

'Clauses (*a*), (*b*) and (*c*) of section 225 shall be omitted and in lieu thereof the following shall be substituted:—

'by an resolution and order of the committee or its president under section 35 of the Act,'"

The question is that those amendments be made.

The amendments were lost.

Mr. President : The question is—

"That clause 64 stand part of the Bill".

The motion was carried.

Mr. President : The question is—

"That clause 65 stand part of the Bill".

The motion was carried.

Mr. President : The question is—

"That clause 67 stand part of the Bill".

Mr. Ganpat Rai : Sir, this * is my last amendment, and I am very sorry that I have taken a lot of time of the Council, but I may assure them that I have not wasted the time at all. This is a very important measure which affects the every day life of the people and especially of those who live within the municipal limits. I have seen, Sir, the working of this Act and of the previous Act for a large number of years. I have been charged that I do not understand such provisions; that I do not know anything of it at all. But I can tell my young friend (Mian Ahmad Yar Khan, Daulatana) that he is only a baby of one year that he will have to learn much more.....

Mr. President : Order, order. I do not think this amendment is in order. It seems to me to be an amendment which is outside the scope of the present Bill, and introduces a totally new principle into the Bill; and I think it is out of order.

Mr. Ganpat Rai : Thank you, Sir.

Mr. President : The question is—

"That clause 67 stand part of the Bill".

The motion was carried.

Mr. President : The question is—

"That clause 69 stand part of the Bill".

The motion was carried.

Mr. President : The question is—

"That this be the preamble to this Bill".

The motion was carried.

Mr. President : Under Standing Order 52 (2) the Bill is referred to a committee consisting of the Honourable Khan Bahadur Mian Fazl-i-Husain Mr. N. H. Prenter and Mr. Manohar Lal for examination as to what amendments of a formal or consequential character should be made in the Bill and for submission of a report by the 17th instant.

The House then adjourned till 2 o'clock on Thursday, the 8th March 1923.

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* That in clause 67 the following new sub-clause be added :—

"In sub-section 5 of section 240, *after* the word 'publication' *add* the words 'and sanction of the Punjab Legislative Council."