

Punjab Legislative Council Debates.

25th July to 10th November 1921.

Vol. II.

OFFICIAL REPORT.



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MEMBERS' LIBRARY.

C. P. LEGISLATIVE COUNCIL.

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PUNJAB LEGISLATIVE COUNCIL.

THIRD SESSION.

Monday, 25th July 1921.

The Council met in the Council Chamber at seven of the clock.
Mr. President in the Chair.

VOIDANCE OF THE ELECTION OF CERTAIN MEMBERS.

Mr. President.—I have to inform the Council that since the Council last met, I have received intimation that His Excellency the Governor has declared the election of the following gentlemen as members of this Council to be void:—

Names.	Constituency.
Rao Bahadur Ch. Lal Chand.	North-west Rohtak, (Non-Muhammadian) Rural

Rai Sahib Ch. Lajpat Rai.	Hissar (Non-Muhammadian) Rural.
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Malik Mahabat Khan.	Sheikhpura (Muhammadian) Rural.
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Khan Bahadur Mir Muhammad Khan.	South-east towns (Muhammadian) Urban.
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Lt. Khan Sikandar Hayat Khan.	Attock (Muhammadian) Rural.
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In the case of the south-east towns (Muhammadian) Urban Constituency His Excellency the Governor has further been pleased to declare Nawabzada Muhammad Irshad Ali Khan to be duly elected as a member of this Council.

PANEL OF CHAIRMEN.

Mr. President.—I have to announce to the Council that I have appointed the

following gentlemen to serve on the panel of Chairmen for the present session:—

1. Diwan Bahadur Raja Narendra Nath.
2. Mr. Manohar Lal.
3. Khan Bahadur Raja Muhammad Akbar Khan.

SECRETARYSHIP OF THE COUNCIL.

Mr. President.—I have to announce to the Council that His Excellency the Governor has informed me that there has been some delay in deciding the question of a permanent Secretary to the Council. His Excellency has therefore directed that the Legal Remembrancer shall act as Secretary to the Council as a temporary measure for the purpose of this session. I ask Rai Bahadur Lala Jai Lal to take the Secretary's seat.

OATH OF OFFICE.

The following members were then sworn in:—

(i) G. F. de Montmorency, Esquire, C.I.E., C.B.E.

(ii) V. Connolly, Esquire.

(iii) Nawabzada Muhammad Irshad Ali Khan.

QUESTIONS AND ANSWERS.

(Question No. 429 was withdrawn by the questioner.)

QUARTERS FOR CLERKS.

430. Mr. Ganpat Rai.—(a) Is it a fact that quarters were built by Government on Multan Road, Lahore, for the more poorly paid clerks employed in offices of the Punjab Government, and primarily for those taken to Simla by the Government during the summer?

(b) Is it a fact that these quarters are at present occupied by *Gazetted Officers* who are not entitled to occupy them under the rules for occupancy approved by Government; while a number of those for whom they were built are excluded?

(c) If the answers to (a) and (b) are in the affirmative what steps do Government propose to take?

The Hon'ble Sir John Maynard.—(a) The buildings were erected for the use of non-gazetted clerks, but not primarily for those who go to Simla with the Punjab Government.

(b) In five cases non-gazetted officials, who were in occupation of these houses, were subsequently promoted to gazetted rank.

(c) They are still in occupation, but steps have been taken to ensure that they shall vacate the buildings as soon as possible.

REMISSION OF LAND REVENUE.

431. Rai Sahib Lala Thakar Das.—(a) Is it a fact that the rain has failed throughout the Punjab during the last financial year, and that damage has thereby been done to crops both on irrigated and non-irrigated lands?

(b) If so, will Government be pleased to consider the advisability of remitting,

wherever necessary, and reducing in all cases of hardship the land revenue for one year?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—In May 1920 the rainfall was above normal nearly everywhere. From June to September the rainfall was 43 per cent. below normal. Thereafter, except for local showers, mainly in the submontane tracts, there has been practically no rainfall. Damage has certainly been caused by the drought to crops both on irrigated and on dry lands.

(b) The existing land revenue rules as to suspensions and remissions are adequate to meet the situation. In the first instance relief will be given, where necessary, in the form of suspension of the revenue. The question whether any of the suspended revenue should be remitted will receive the most careful consideration of Government. It is only in the case of extraordinary calamities, such as hailstorms, locusts or floods in areas not usually subject to inundation, that revenue is remitted at once.

ACCOMMODATION IN TRAINS.

432. Rai Sahib Lala Thakar Das.—(a) Is it a fact that friction is sometimes caused between members of the European and Indian communities over questions of accommodation and comfort in trains?

(b) If so, will Government be pleased to recommend to the authorities of the North-Western Railway to remove all distinctions of creed and colour among the travelling public?

The Hon'ble Sir John Maynard.—(a) It is unfortunately true that contact between members of the different races in railway trains has sometimes led to friction.

(b) The question of the best method of minimising occasions of friction is one for the Railway authorities to whom a copy of this question and answer will be transmitted.

NOMINATION OF LAMBARDARS, ETC.

433. **Rai Sahib Lala Thakar Das.**—

(a) Will Government be pleased to state the principles on which the nomination of Lambardars and Zaildars in the Punjab villages and zails is based?

(b) Will Government be pleased to consider the advisability of making the appointment of Lambardars and Zaildars open to election by the people concerned, and of appointing a sub-committee of experts to draft the necessary rules and regulations for the said purpose?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The principles governing the appointment of Zaildars will be found in Land Revenue Rules 4, 5 and 7, and those of Lambardars in Land Revenue Rules 14, 15 and 17 to 19.

(b) Government is not prepared to extend the principle of election in the case of these appointments beyond the permission accorded to the Collector in paragraph 3, Standing Order No. 21, to take the votes of headmen of the circle when he thinks it advisable to do so in order to determine (1) which candidate for a zaildarship is the best qualified with regard to his personal influence, character, ability and freedom from indebtedness; the degree in which the candidates for zaildarship are by race or otherwise fitted to represent the majority of the agriculturists who reside in the zail.

QADRA CANAL.

434. **Sardar Allan Khan.**—With reference to the reply given to my question No. 246, will Government please state the conditions on which the Mistaganis and others can get water from the Qadra Canal, and lay papers on the table?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The conditions are already indicated in the answer to question No. 246,* namely, that the irrigators should pay the land revenue and a biana in the form of a share of the pro-

duce to the Tumandars to whom at the time of construction of the canal Government allowed a free hand in the distribution of water within the limit of their tumans. As no formal conditions were drawn up a copy cannot be placed on the table.

435. **Sardar Allan Khan.**—Were the Mistaganis a party to the proceedings in which the conditions mentioned in the previous question were determined and whether they agreed to abide by them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer is "no."

436. **Sardar Allan Khan.**—If the answer to the above be in the negative, will Government consider the advisability of giving water to the Mistaganis from the Qadra Canal on payment of the ordinary cash water rate?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer is "no."

WATER-LOGGED AREAS OF LAND.

437. **Rai Bahadur Lala Sewak Ram.**—Will Government be pleased to lay on the table a statement of water-logged areas of land, where the spring level is 10 feet or under, owing to (a) excessive canal irrigation, (b) other causes?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Land is not necessarily water-logged where the spring level is less than 10 feet, and a complete statement of areas where the spring level is less than 10 feet cannot be given, especially as they vary from year to year, dependent on the rainfall and no particular year has been stated.

Diversities of opinion exist as to the causes of water-logging and it is not possible to separate the areas under different classes of causes.

In the tracts irrigated by the canals north of the Ravi, the following areas are water-logged:—

The figures given on the next page refer to the year 1910.

Upper Jhelum Canal—

3,550 acres in the Gujrat and Kharian Tahsils of the Gujrat District.

Lower Jhelum Canal—

500 acres in the Phalia Tahsil of the Gujrat District.

Upper Chenab Canal—

835 acres in the Sialkot and Daska Tahsils of the Sialkot District and 1,100 acres in the Sharakpur Tahsil of the Sheikhupura District.

Lower Chenab Canal—

10,402 acres in the Hafizabad Tahsil, and 1,412 acres in the Wazirabad Tahsils.

For the tracts irrigated from canals south of the Ravi exact details of areas are not available, but Part IV of Punjab Irrigation Branch Paper No. 20, page 65, which is laid on the table, gives all the information on the subject which is available to Government.

LOWER BARI DOAB CANAL.**438. Rai Bahadur Lala Sewak Ram.—**

Is it a fact that the Lower Bari Doab Canal does not get its proper supply of water as compared with other canals connected with the Triple Project Scheme? If so, will Government be pleased to take such steps as are necessary to secure the proper distribution on all canals comprised in this scheme?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The point raised is at present being considered by Government. If it is found that there is any inequality of treatment, such inequality will be removed before next *rabi*.

PEASANT GRANTS FOR MILCH CATTLE.**439. Rai Bahadur Lala Sewak Ram.—**

What steps are in contemplation for encouraging the breed of milch cattle? Will Government consider the propriety of giving peasant grants of one rectangle or square for every two heads?

The Hon'ble Lala Harkishan Lal.—The Hon'ble Member is referred to the answer given to question No. 126* of Lala Atma Ram on the 1st March 1921.

The suggestion of the Hon'ble Member as to make peasant grants to improve the breed of milch cattle will receive Government's careful consideration.

JALALPUR PIROWALA NOTIFIED AREA.**440. Rai Bahadur Lala Sewak Ram.—**

Will Government be pleased to state how many members of Jalalpur Pirwala Notified Area Committee are Hindus and how many are Muhammadans, and what is the relative proportion of the population of these two communities in the town?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—One Hindu and two Muhammadans with the Naib-Tahsildar as fourth member and President. The census figures are not yet available. Twenty years ago there were two Hindus for three Muhammadans in the town.

**RELAYING OF KASUR-PAKPATTAN-
LODHRAH LINE.****441. Rai Bahadur Lala Sewak Ram.—**

Will Government be pleased to move the Railway Board to relay the Kasur-Pakpattan-Lodhran line at the earliest date?

The Hon'ble Lala Harkishan Lal.—Please refer to question No. 390† asked by Sayad Muhammad Hussain and the reply thereto, *viz.*, that the Sittlej Valley Railway will be relaid as soon as material is available, and it is hoped that the work will be started soon.

442. Rai Bahadur Lala Sewak Ram.—

Is it a fact that no member of the Pakpattan Municipal Committee is elected? If so, will Government be pleased to extend the system of election to this Municipality?

*Page 128 of Vol. I, No. 3.

†Page 524 of Vol. I, No. 10.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The fact is as stated by the Hon'ble Member. Bitter factions led to the abolition of the election system in 1906, and even so lately as in 1917 their continuance prevented a return to that system. Government will be glad to reintroduce the system as soon as it is satisfied that such a course is in accordance with the interests and the wishes of the town as a whole.

DISTRICT BOARDS OF MONTGOMERY, ETC.

443. Rai Bahadur Lala Sewak Ram.—When does Government intend to extend the system of election to the District Boards of Montgomery, Jhang, Muzaffargarh and Dera Ghazi Khan?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The question is under consideration. An experienced officer has been placed on special duty to assist in the solution of this and other questions connected with the advancement of local self-government.

ASSESSMENT OF INCOME-TAX IN MULTAN DIVISION.

444. Rai Bahadur Lala Sewak Ram.—Is there a general complaint in every district of the Multan Division that income-tax has been too heavily assessed? If so, and if the complaint is well founded, will Government be pleased to enquire why the initial assessments in these districts have been heavy?

The Hon'ble Sir John Maynard.—The question does not specify the financial year during which the alleged heavy assessments could or did give rise to any general complaint.

The original demand in the Multan Division during the last three financial years (the years ending on 31st March) was as follows:—

Years.	Rs.
1918-19	5,40,762
1919-20	5,81,082
1920-21	5,88,565

The increase in the assessments in the Multan Division is small as compared with the increase in the rest of the Province.

No. The only general complaint of which the Government is aware was from the piece-goods dealers of Multan City. Enquiries made show that these persons were not generally over-assessed.

ROAD FROM MONTGOMERY TO LAHORE.

445. Rai Bahadur Lala Sewak Ram.—Is it a fact that there is no direct road from Montgomery to Lahore? If so, will Government be pleased to take steps to construct a road?

The Hon'ble Lala Harkishan Lal.—It is understood that a *kacha* road from Niaz Beg (9 miles from Lahore) continues *via* Balloki, Chuchak and Muhammadpur to close to Montgomery. The purport of the question will be brought to the notice of the Provincial Communications Board for their consideration.

TRENCHES ALONG CHICHOKI-MALLIAN-SHORKOT LINE.

446. Rai Bahadur Lala Sewak Ram.—Is it a fact that the North-Western Railway has dug trenches along the Chichoki-Mallian-Shorkot line, thereby causing serious accidents? If so, will Government be pleased to ask the North-Western Railway to protect their boundary by fencing in place of trenches across open land?

The Hon'ble Lala Harkishan Lal.—No trenches have been dug along the North-Western Railway land boundary on the Chichoki-Mallian-Shorkot line, but shallow trenches have been dug about 1 mile apart within the Railway boundary at right angles to the line in order to prevent carts using Railway land as a road thereby damaging the formation and possibly establishing a claim to a right of way.

No accidents have been reported to have occurred and the Government are

therefore, not prepared to press the North-Western Railway to incur the unnecessary expense of fencing their boundary.

METALLING OF RAMPS.

447. Rai Bahadur Lala Sewak Ram.—Arising out of the answer given to my question No. 93* on 1st March 1921 will Government be pleased to order that all ramps be metalled and maintained for the safety of the zamindars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha.—Ramps of bridges on metalled roads only are metalled and maintained. If ramps of bridges on all other roads are also to be metalled it will mean a very large expenditure and no provision for such expenditure has been made in the Budget Estimate for 1921-22. Moreover, provided the earth ramps in all such cases are properly maintained, there appears to be no necessity to undertake this extra and very considerable expenditure. It is therefore not advised.

(Questions Nos. 448 to 454 standing in the name of Chaudhri Bansi Gopal were not put owing to the absence of the member.)

MAZARI TUMANDAR.

455. Sardar Jamal Khan.—(i) Is it a fact—

- (a) that Sardar Dost Muhammad is the Mazari Tumandar;
- (b) that he applied to the Deputy Commissioner, Dera Ghazi Khan, to be allowed to sit in the last Chiefs' Jirga and that his application was rejected;
- (c) that the Sarbarah of the Mazari Tuman sits in the Chiefs' Jirga;
- (d) that Rab Nawaz Khan and Karim Dad Khan, Khetrans, though near relatives, both sit in the Chiefs' Jirga?

(ii) If the reply to the above four questions is in the affirmative, will Government be pleased to state why the application of Sardar Dost Muhammad was rejected?

Mr. G. F. deMontmorency.—(i) (a) No. Sir Bahram Khan, K.C.I.E., K.B.E., is the Mazari Tumandar. Sardar Dost Muhammad as head of the family is also recognised as a titular Tumandar.

(b) Yes.

(c) No. There is no Sarbarah of the Mazari Tuman. Sir Bahram Khan sits in the Chiefs' Jirga as Tumandar.

(d) Both usually sit on the Chiefs' Jirga.

(ii) The application was rejected on the ground that the Jirga was sufficiently strong and Sardar Dost Muhammad's presence was not required.

FRONTIER CRIMES REGULATION.

456. Sardar Jamal Khan.—(a) Will Government be pleased to state how many people have been exiled under the Frontier Crimes Regulation during the past six months, and will Government be pleased to place papers on the table in connection with each exiled person?

(b) Will Government be pleased to state the number of criminal cases decided by the last Chiefs' Jirga at Dera Ghazi Khan and the number of persons convicted and acquitted?

The Hon'ble Sir John Maynard.—(a) Four persons were exiled during the six months from 1st October 1920 to 31st March 1921 in the Multan Division under the Frontier Crimes Regulation. Papers connected with each case are laid on the table. In three of the four cases the persons exiled were excluded from the district in order to save their lives. No persons were exiled during that period in the Rawalpindi Division under the Regulation referred to.

(b) Twenty-seven criminal cases were decided by the last Chiefs' Jirga at Dera Ghazi Khan, in which 50 persons were convicted and 28 were acquitted.

457. Sardar Jamal Khan.—(a) Is it a fact that under the Frontier Crimes Regulation people in the Dera Ghazi Khan District can be put in the political lock-up? If so, will the Government be pleased to give the number of people who have been thus locked up during the last year?

(b) Will the Government be pleased to state why the ordinary Criminal Law is insufficient?

The Hon'ble Sir John Maynard.—The answer to this question is not yet ready.

LAND ACQUISITION ACT.

458. Mian Muhammad Shah Niwaz.—

(a) Do Government propose to acquire land for Soldiers' Barracks under the Land Acquisition Act on and in the vicinity of Warris Road, Lahore? If so, will not the proposed acquisition interfere with the privacy of the Indians residing in that quarter?

(b) Is it a fact that a representation signed by several Indian gentlemen has been submitted to the authorities concerned, praying that the lands in question should not be acquired?

(c) Is it a fact that this plot of land is one of the few plots left in the civil station for the residence of Indian gentlemen?

(d) Does not the acquisition in question nullify the effect of the assurance given by Government in the Legislative Council on 18th March last in reply to a resolution moved by myself, concerning the acquisition of lands by Government in the vicinity of Lahore?

The Hon'ble Sir John Maynard.—(a) The answer to the first part of this question is yes. The answer to the second part is that Government believes that the proposed location of a company of infantry will not interfere in any way with the privacy of residents in the neighbourhood.

(b) Yes.

(c) There are not many sites remaining for new building operations in the civil station as at present constituted, but the expansion of the residential quarter of Lahore to new areas may with confidence be anticipated.

(d) Three assurances were given on March 18th—

- (1) that acquisition will not be effected unless it appears to Government that the land to be acquired is *bona fide* needed for a public purpose;
- (2) that Government will in all cases do its best to see that acquisition is unavoidable; and
- (3) that it will continue to be the policy of Government to give land in compensation, subject to certain conditions stated.

The Government will adhere to these assurances in dealing with the matter to which the questioner refers.

MURDERS BY MEANS OF KIRPANS.

459. Pir Akbar Ali.—(a) Is it a fact that murders were recently committed by a Sikh in the Gurdaspur district by means of Kirpans?

(i) If so, will the Government be pleased to state what facilities they intend to afford to other people for defending themselves against a possible abuse of Kirpans in the above manner?

The Hon'ble Sir John Maynard.—(i) Yes, a double murder.

(ii) Government does not think that there is any necessity for special facilities to be given to people to defend themselves against a possible abuse of Kirpans.

AGENT, N.-W. R., AS MEMBER OF
COUNCIL.

460. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to consider the desirability of nominating the Agent or Traffic Manager of North-Western Railway as a member of this Council?

The Hon'ble Sir John Maynard.—As the Punjab Government has no authority to deal with Railway matters, and the constitutional powers of the Punjab Legislative Council do not extend to them, it is not desirable to nominate a leading official of the North-Western Railway to be a member.

INUNDATION CANALS, MULTAN.

461. Rai Bahadur Lala Sewak Ram.—Is it a fact that there is a general complaint of the zamindars on the inundation canals in Multan, Muzaffargarh and Dera Ghazi Khan about the irregular supply of water? Does Government contemplate introducing means to regulate the supply better?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer to the first part of the question is in the negative.

With regard to the second part of the question it is proposed to improve, in the near future, the status of the following Inundation Canals to weir controlled non-perennial canals:—

(i) All the Lower Sutlej Series of Inundation Canals (Multan District).

(ii) The Ganesh and Talari of the Chenab Series (Muzaffargarh District).

(Questions Nos. 462 to 468 standing in the name of Sardar Dasavandha Singh were not put owing to the absence of the member.)

PUNITIVE POLICE IN HAFIZABAD TAHSIL.

467. Chaudhri Atta Ullah Khan.—(a) Will Government be pleased to state if it is a fact that Punitive Police were stationed at Pindi Bhattian, Jalalpur Bhattian and Kasise in the Hafizabad Tahsil, District Gujranwala, from March 1918 to January 1921?

(b) If the reply be in the affirmative, will Government be pleased to state the causes that led to the adoption of this measure?

(c) If it was due to the increase in the number of crimes in that area, will the Government be pleased to place on the table a chart showing the said increase as compared with the other parts of the same tahsil? and

(d) If the Government are unable to suggest a reasonable ground for the adoption of the said measure, are they prepared to consider the question of refunding the money realised from the inhabitants of the above-mentioned villages for the maintenance of the Punitive Police?

The Hon'ble Sir John Maynard.—A Punitive Police Force was imposed on these and other villages from the 15th March 1919 until the 1st January 1921. Twenty-one villages in all in the Hafizabad Tahsil were affected.

(b) The causes which led to the adoption of this measure were the general lawlessness in these villages largely due to habits of cattle lifting and traffic in stolen cattle and the impossibility of dealing with the offenders in Courts of law. Judicial conviction was made impossible by the general screening of offenders.

(c) The location of the Punitive Police on these villages was in consequence of many years, together with a general of criminality extending over a period of conspiracy to defeat the end of justice by withholding evidence of offences. When the location of the Punitive Police was considered the crime figures for the 3 years preceding were scrutinised. These

were as shown in the statement attached.* This pindi Bhattian had 39 cases and only 4 convictions.

Jalalpur	25 cases and 6 convictions and
Kassise	12 cases and 2 convictions

A statement will be laid on the table showing the figures of crime during the same period for six villages of the same Tahsil of approximate equal population.

(d) Government considers that the imposition of the Punitive Police was deserved and necessary. It is not proposed, therefore, to consider a refund of the charges levied.

WATER-LOGGING IN GUJRANWALA DISTRICT.

468. **Chaudhri Atta Ullah Khan**—Will the Government be pleased to place on the table a chart showing the area of land rendered waste owing to the water-logging caused by the Lower Chenab Canal in the Gujranwala District, the names or number of the land-owners who have been compensated by the grant of land, whether such grants were allowed free or in consideration for any value, and if it was so, how and by what scale of rates this valuation was determined?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret the answer to this question is not yet ready.

COMPENSATION TO FAMILIES OF PERSONS KILLED BY BOMBS AT GUJRANWALA.

469. **Chaudhri Atta Ullah Khan**.—Will the Government be pleased to state if the families of the 3 persons killed by the bombs dropped from aeroplanes on the 15th of April 1919, while proceeding to their farms in Dhulla, near Gujranwala, have been compensated; and, if so, what was the amount of such compensations? If the reply be in the negative will the Government be pleased to state reasons, if any, for excluding the above-mentioned families from the benefit allowed to sufferers at Amritsar?

The Hon'ble Sir John Maynard.—No compensation has so far been granted to the families of the deceased persons in question.

In accordance with the recent resolution of the Legislative Council the question of granting compensation to the dependents of those killed and to those injured at Amritsar, Lahore and Gujranwala will be referred shortly to a Committee with a view to the grant of adequate compensation.

CHAUDHRI NAWAB KHAN OF GAJARGOLA.

470. **Chaudhri Atta Ullah Khan**.—(a) Will the Government be pleased to state if it is a fact that Chaudhri Nawab Khan, Jagirdar of Gajargola, in the Hafizabad Tahsil, was deprived of his Lambardari and Jagir for five years in November 1919?

(b) If the reply be in the affirmative, will the Government be pleased to state if he had committed any crime to deserve this punishment?

(c) If the reply to (b) be in the negative is the Government prepared to reconsider his case?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) It is a fact that Chaudhri Nawab Khan, Jagirdar of Gajargola in the Hafizabad Tahsil was dismissed from the post of Lambardar and that his Jagir is under suspension for a period of 5 years from *Khorif* 1919.

(b) Chaudhri Nawab Khan was called upon to assist in patrolling the line when wire cutting was common near his village during the disturbances of 1919. He did not attend and thereby failed in his duty as Lambardar and Jagirdar.

(c) No.

ACTION ON QUESTIONS ASKED IN COUNCIL.

471. **Chaudhri Atta Ullah Khan**.—Will the Government be pleased to state what procedure is adopted to draw the attention of departments concerned to the matters referred to in the questions asked in this Council?

The Hon'ble Sir John Maynard.—The answers to questions put in the Legislative Council are drafted, or the materials for answers are prepared in the departments concerned so that their attention is necessarily drawn to the points raised by questioners. When in answering a question a member or Minister undertakes to do a particular thing, instructions on the subject are necessarily sent to the department concerned in consequence.

LAMBARDARS OF SHUJABAD.

472. Diwan Bahadur Raja Narendra Nath.—(i) Is it a fact (a) that some Lambardars of Shujabad Tahsil, in Multan District, brought to the notice of the local authorities the grievances of the land-owners of the Shujabad Tahsil against the new assessment; (b) that in consequence of their representation the recovery of enhanced revenue was postponed by a year, but they themselves were suspended?

(ii) If so, will Government be pleased to state whether the representation of a grievance is so serious a fault as to deserve punishment?

The Hon'ble Sardar Bahadur Sardar Sunjar Singh, Majithla.—(i) The answer to both parts of this question is in the negative.

(a) The facts are that three Lambardars, in spite of careful and patient advice and warning given them by the Settlement Officers, prevailed upon some of the land-owners of the Shujabad Tahsil to absent themselves on the date fixed for announcing the new distribution of assessment over estates. In consequence of this misconduct and breach of duty the three Lambardars were suspended. Government has no reason to believe that those land-owners had any grievance with regard to that distribution, nor indeed is it clear how they could have been aware of a grievance before they were aware of the orders fixing the assessments of their respective estates. In any case, the effect of their absence could only have been to deprive them of the opportunity of expressing any grievances they may have had. And in this connection it may be

stated that the new assessments were at the time of announcement received with remarkable satisfaction in the Shujabad Tahsil generally, and that the abortive agitation which the three Lambardars had prematurely endeavoured to foment collapsed entirely.

A reference to paragraph 25 of the Financial Commissioner's review on the Shujabad-Multan Assessment Report, dated 4th January 1921, will show that the decision to introduce the new assessments with effect from Kharif 1921 was made more than two months before the agitation was organised by the suspended Lambardars, owing to representations made by the Settlement Officer and Commissioner.

(ii) This part of the question does not arise.

INUNDATION CANALS IN MULTAN.

473. Diwan Bahadur Raja Narendra Nath.—(i) Will Government be pleased to lay on the table a statement showing the dates on which during the last 20 years 1900-20) the following Inundation Canals in the Multan District began and ceased to flow (a) with a full supply, (b) with a partial supply:—

1. Sikanderabad;
2. Baluchwah;
3. Wali Muhammad?

(ii) Has the opening of the Upper Chenab Canal affected the supply of water in the above-mentioned Inundation Canals from the Chenab river; specially in years in which the monsoon has failed or been delayed?

(iii) If the supply of water in the above-mentioned Inundation Canals has diminished as compared with the period of the previous settlement, will Government be pleased to state if this fact was borne in mind when determining for the purpose of assessment the normal rate of yield of various kinds of crops in tracts served by Inundation Canals?

(iv) Will Government be pleased to state if the project of erecting a dam at

Havelian in the Chenab river was designed to increase the supply of water in the Inundation Canals; and, if so, when is that project likely to be taken in hand?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majlithia.—(c) The required statements are laid on the table.

(ii) The opening of the Upper Chenab Canal has somewhat delayed the opening of the Inundation Canals named in part (i) above, but has had practically no effect on the dates of their closing.

(iii) Endeavours are always made to improve the position of the heads of Inundation Canals, by taking them higher upstream, in order to improve their command. By this means, the irrigation on these and other Inundation Canals has not diminished, but, on the contrary, improved, in spite of the opening of the Upper Chenab Canal. In view of this no reply is necessary to the last part of this sub-question.

(iv) The Haveli project is intended to improve the status of certain Inundation Canals from their present precarious inundation state to one of weir controlled thereby assuring them a regular supply throughout the *Kharif* and up to middle of October for *Rabi* first waterings. This project will in addition provide irrigation in certain new areas also.

The Haveli Weir can only be constructed after the Panjnad Weir of the Sutlej Valley project is built.

WOUNDED INDIAN SOLDIERS.

474. Captain Sardar Gopal Singh.—Will Government please find out from the Military authorities and state if it is a fact that wounded Indian soldiers get a lower rate of pension than demobilized Indian officers?

The Hon'ble Sir John Maynard.—The information required by the questioner has been called for from the Adjutant-General in India and will be furnished as soon as it is received.

PENSIONS FOR INDIAN OFFICERS.

475. Captain Sardar Gopal Singh.—(a) Is it a fact that there are many Indian

officers who have lost their limbs in the great war and have become unfit for the whole of their remaining life?

(b) If so, will Government be pleased to recommend to the Government of India to reconsider the case of their pensions?

The Hon'ble Sir John Maynard.—(a) It is a fact that a number of Indian officers have lost a limb or limbs through wounds received in the great war. All these Indian officers have either already received or shortly will receive pensions on the existing sanctioned scale for permanent disability.

(b) The whole question of enhancing the scale of disability wound pensions is at present under the consideration of the Government of India.

POSSESSION OF ARMS WITHOUT LICENSES.

476. Captain Sardar Gopal Singh.—Will Government be pleased to state to what extent punishments of imprisonment or fine were awarded to persons for possessing guns, swords and other arms without licenses during last five years?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majlithia.—The information asked for is laid on the table.

Statement showing the extent of punishments of imprisonment or fine awarded to persons for possessing guns, swords and other arms without licenses during last five years (1916-20) in the Punjab:—

NUMBER OF CONVICTIONS UNDER THE ARMS ACT.

Fine.	Imprisonment.	Fine and imprisonment.	Total.
387	743	67	1,282

ATTA RATION TO PRISONERS IN JAIL.

477. Captain Sardar Gopal Singh.—(a) Is it a fact (a) that the daily Atta Ration allowed for a prisoner in Jail is 1½ lb?

(b) That a common villager or labourer eats 2 lbs. of Atta.

(4) If so, will Government be pleased to increase the daily Atta Ration for a prisoner in jail from 1½ lb. to 2 lbs.?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The daily grain ration allowed to prisoners in jail is from 1½ to 1½ lbs. according to the nature of the grain.

(b) The daily consumption of the ordinary villager or labourer varies and cannot be exactly determined.

(c) The question of the grain ration in jails will be considered by Government in connection with the Jails Committee's Report. That Committee has noted that in the Madras Presidency the grain ration of a labouring male convict has in recent years been reduced from 1½ lb. to 1½ lb. and the reduction has been followed by an improvement in health and a decrease in bowel complaint. They suggest that the question whether a grain ration of more than a pound and a quarter is necessary might be considered in other Provinces.

SIKH PRISONERS AND KIRPANS.

478. Captain Sardar Gopal Singh.—Will Government be pleased to sanction for Sikh prisoners the privilege of wearing small miniature Kirpans in jail?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The sanction of Government has already been accorded to the wearing of a miniature Kirpan, 1 inch in length, by all Sikh prisoners confined in Punjab jails. The Kirpan will be supplied by the jail authorities.

REVENUE OFFICERS.

479. Captain Sardar Gopal Singh.—(a) Is it a fact that Revenue Officers owing to an excess of criminal work have not got time to check the work of the patwaris thoroughly, and that in consequence many grave mistakes on their part are left unnoticed?

(b) If so, will Government relieve Revenue Officers of criminal work and thus enable them to have more time for their Revenue work?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) and (b). It is a fact that in some districts, the Revenue Assistants have to try criminal cases, and are consequently unable to give their whole time to Revenue work; in 1913, and again in 1919, Government issued orders with a view to relieving Revenue Assistants of all criminal work (excepting security cases) in those districts in which the strength of the staff rendered this possible. Government believes that in consequence of these orders, the closer supervision of patwaris by Revenue Assistants has been promoted. Government recognizes that in the interests of the accuracy and quick despatch of Revenue work it is desirable to relieve Revenue Assistants of all criminal work, except cases in which patwaris are concerned or other cases where their expert knowledge is useful. The difficulty in the way of this reform is purely financial as it would entail additions to the staff of the Punjab Civil Service.

LAND REVENUE ASSESSMENT.

480. Khan Bahadur Sayad Mohd Shah.—(a) Have Government considered the recommendations of the Joint Select Committee of Parliament on the Government of India Bill as contained in paragraph 11 of their report?

(b) If so, when do Government propose to take action so as to place the system of revising the land revenue assessments on a clear statutory basis?

(c) Will Government kindly consider the advisability of suspending all reassessments of land revenue in the Province, pending the enactment of a law on the subject in consultation with the representatives of rural interests in this Council?

(d) In particular will Government kindly consider the advisability of postponing the announcement of the reassessment of land revenue in the Lyallpur District, until the local responsible zamindars are consulted and the matter is placed before this Council for discussion and approval?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) and (b). The recommendations of the Joint Select Committee of Parliament on the Government of India Bill, as contained in paragraph 11 of their report, are at present under consideration of the Local Government.

(c) Government is not prepared to suspend all reassessments of land revenue pending the enactment of a law on the subject.

(d) The attention of the member is directed to paragraph 514-A of the Settlement Manual from which he will see that local responsible zamindars will be given an opportunity of expressing their views before the Assessment Report is dealt with by the Commissioner.

THE MUSLIM ZAMINDARS' ASSOCIATION, LYALLPUR.

481. Khan Bahadur Mehdi Shah.—(a) Has the attention of Government been drawn to the Resolutions recently passed by the Muslim Zamindars' Association, District Lyallpur, in its meetings held on the 4th March and 1st April 1921 and published in the *Civil and Military Gazette* of Lahore?

(b) What steps do Government propose to take to remove the grievances of the Lyallpur zamindars as expressed in those Resolutions?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Government has received copies of the Resolutions referred to and is considering them. When a decision has been reached it will be communicated to the Joint Secretary of the Muslim Zamindars' Association of the Lyallpur District.

ARMS ACT.

482. Pir Akbar Ali.—(a) Is it a fact that arms other than fire-arms have, in most other Provinces in India, been exempted from the operations of the Arms Act?

(b) If the answer to the above question is in the affirmative, will the Government

be pleased to consider the advisability of adopting the same course in this Province?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) Arms other than fire-arms have been exempted from the operations of the Arms Act in all Provinces of India except the North-West Frontier Province, the Punjab and Burma, but all other Local Governments have the power of retaining by notification all or any of the prohibitions of the Arms Act in respect of any arms in the case of any class of persons or of any specified area.

(b) Government last year considered the question of placing the Punjab on a footing of equality as regards this exemption with other Provinces (except Burma and the North-West Frontier Province) and came to the conclusion that it was inadvisable to do so.

MUHARRAM HOLIDAYS.

483. Sayad Ghulam Muhammad Shah.—Will Government be pleased to state what are the gazetted holidays for the Muharram festival in the Punjab?

(a) Is there any difference between the Punjab and the United Provinces in this respect?

(b) If so, what are the reasons?

The Hon'ble Sir John Maynard.—I regret that answer to this question is not yet ready.

NUMBER OF MUSLIMS IN THE PUNJAB.

484. Sayad Ghulam Muhammad Shah.—Will Government lay on the table figures to show for the last and present census the strength of the Muslim community in the Punjab, especially of the "Shias"?

The Hon'ble Sir John Maynard.—The 1911 census figures for the Punjab as it was then constituted were:—

	Male	Female	Total
Muslims and —	6,695,543	5,579,594	12,275,137
Shias	132,554	114,978	247,532

These figures include Indian States as well as British districts.

The 1921 census figures are not yet available, but will be sent to the Hon'ble Member on receipt.

RABI CROPS.

485. Sayad Ghulam Muhammad Shah.—Will Government state what has been the loss of Rabi crops in the Punjab during the present year owing to the short supply of water in canals?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—This information will not be available till September.

KHARABA SYSTEM.

486. Sayad Ghulam Muhammad Shah.—Is it a fact that Government has approved the kharaba system this year as before?

(a) If so, is it being followed properly in the Shahpur Division?

(b) If not, will Government be pleased to issue the necessary orders?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—There has been no change in the Kharaba Rules this year.

(a) There is no reason to believe that they are not being properly followed in the Shahpur Division. Government has received no complaint about the matter.

(b) In the circumstances the necessity of issuing orders does not arise.

ARMS ACT.

487. Sayad Ghulam Muhammad Shah.—Will Government state why the members of the Punjab Legislative Council are not exempt from the Arms Act?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The Government of India have not exempted the members of any Provincial Legislative Councils as such from the provisions of the Arms Rules, and are opposed on general grounds to any great extension of exemptions, especially when such exemptions extend only to limited periods.

TEMPORARY ENGINEERS.

488. Sardar Kartar Singh.—(i) Is it a fact—

(a) that Temporary Engineers were first engaged in 1890 and that since then their number has gone on increasing and is at present 69 in the Irrigation Branch alone?

(b) that except in a very few cases the services of Temporary Engineers are being retained continuously for a number of years?

(c) that the Public Services Commission in its report said that the position of the senior men had become practically permanent?

(ii) If so, why does the Government consider it necessary to retain the conditions of terminating service on one month's notice and sanctioning the retention of the services of such men from year to year?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(i) (a). It is not a fact that Temporary Engineers were first engaged in 1890, but the first such engineer was engaged in 1891. At the present time 67 Temporary Engineers are on the rolls of the Irrigation Branch, of whom some are absent on deputation.

(b) and (c). The replies are in the affirmative.

(ii) In a department like the Public Works establishments must be capable of contraction as well as expansion as the expenditure on works diminishes or increases. Accordingly, in order to meet the demand for extra supervision which may arise from time to time, this has been specially legislated for and conditions prescribed,—vide paragraphs 139 and 140 of the Public Works Department Code, 10th Edition. One of these conditions is termination of service on one month's notice on either side which is usual in temporary employment. Owing to the steady construction of new canals

for the protection and development of the Punjab the Irrigation Branch has been in a position to employ Temporary Engineers continuously for many years past, but it should not be assumed from this that such a unique or favourable position will always prevail.

489. Sardar Kartar Singh.—Is it a fact that several Temporary Engineers, when engaged, had not passed any professional examination from any recognised institution in India or England? If so, will the Government please lay on the table statement showing the names of such men as are still in service?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The reply of the first part of this question is in the affirmative. There are still in service some five or six officers who were engaged on account of their special and practical qualifications and fitness in all respects for the post of Temporary Engineer, although they had not passed the formal professional examinations. Such men were generally engaged during very busy periods such as the construction of the Swat and Triple Canals Projects when a large increase in officers was necessary, and according to the practice and policy of that time was met by recruitment in the country on a temporary basis. In view of these reasons it is not considered necessary to lay the names of such men on the table:—

LIBRARY AND COMFORTS COMMITTEES.

8 A. M.

Mr. President.—I have to announce to the Council that I have asked the following gentlemen to serve on the library and members' comforts committees for the present session:—

Library committee.

1. Diwan Bahadur Raja Narendra Nath (*Chairman*).
2. Mr. Manohar Lal.
3. Mian Muhammad Shah Nawaz.
4. Pandit Daulat Ram, Kalia.
5. Mr. K. L. Ballia Ram.
6. Mr. Ganpat Rai.
7. Malik Feroz Khan, Nun.

Members' comforts committee.

1. Khan Bahadur Raja Muhammad Akbar Khan (*Chairman*).
2. Mr. Ganpat Rai.
3. Bawa Hardit Singh Bedi.
4. Khan Muhammad Saifullah Khan.

CONFERENCE OF PRESIDENTS OF COUNCILS AT SIMLA.

Mr. President.—I have to announce to the Council that I have been invited to attend in September next a Conference of Presidents of the Legislative Assembly and Provincial Councils to be held at Simla. There was no opportunity to consult the wishes of the Council in the matter, so I decided to accept the invitation. I anticipate that much advantage will ensue from a consultation with my brother presidents. I trust that I shall have the approval of the Council in the step I have taken.

DIVISION OF THE COUNCIL ON MOTIONS.

Mr. President.—I have to announce to the Council that on the representation of various members and with the concurrence of the committee appointed by the Council to amend the Standing Orders I have decided to show in the official proceedings of this Council the names of members voting "aye" and "no" in divisions. This is the practice followed in Parliament, and in, I think, all the Councils of India, and it seems to me advisable that the same procedure should be followed here also. To give effect to my decision I have cancelled my previous instruction No. 4 and have passed the following new instruction No. 4 in its place:—

"Under Standing Order No. 31, I shall take the decision of the Council on motions put before it by voices, calling in order for 'ayes' and 'noes.' I shall then say I think the 'ayes' or 'noes' as the case may be, have it. If no division is claimed I shall then declare the motion carried or lost, as the case may be. If any member desires a division he should rise in his place and make a statement to that effect as soon as I have announced my opinion as to the result of the vote by voices. I shall thereupon direct that a division be taken. The division bells will then be rung for two minutes to enable members not present in the Chamber to return to their

[Mr. President.]

places. At the expiry of two minutes the doors of the Chamber will be closed. I shall then again put the question. I shall then call upon the 'ayes' to stand in their places and their names will be marked off by officials of the Chamber or by tellers on lists prepared for the purpose. A similar procedure will be followed in the 'noes'. The lists will then be handed to the Secretary, who will count the figures, and present to me the totals of 'ayes' and 'noes'. I shall then announce the result of the division. I shall then direct that the doors of the Chamber be reopened. The lists will be preserved and the names of members be shown in the Council proceedings. Should any member find he has given his vote not in the way he intended, he may rise in his place and on a point of order ask for a correction to be made in the lists. But he must do this before the Secretary has presented the lists to me duly totalled.

"This instruction supersedes the previous instruction on the subject, bearing the same number."

ALLOTMENT OF DAYS FOR NON-OFFICIAL BUSINESS.

Mr. President.—Hon'ble Members were informed originally that His Excellency the Governor had decided to allot only two days for non-official business during the current session. I have represented to His Excellency that there is a feeling amongst members that two days will not be enough, and that more time should be granted. His Excellency will readily allot two more days, if members so wish, and has authorised me to say so. To ascertain the wish of the Council I will first ask if there is any member who would prefer that extra days be not allotted. If there are such members I will arrange for a formal motion to be put, and so take the decision of the Council. If not, I will assume that the Council wishes the extra days. Does any Hon'ble Member oppose the allotment of extra days?

Chaudhri Muhammad Amin.—Sir, I desire that no more time be given.

Mr. President.—Then I will ask some member to propose that two extra days be given.

Maulvi Muharram Ali, Chishti.—Sir, I propose—

"That in the opinion of this Council two more days should be allowed for non-official business."

Sayad Muhammad Hussain.—I support the motion.

Chaudhri Muhammad Amin.—Sir, the time at which we are meeting is not suitable for long discussions or long sittings. We were originally given to understand that the Council session will last for five days and many of us have arranged our programmes accordingly. If any extension is given it will disturb the business of many members. If any extension was to have been granted it ought to have been announced at a suitable period beforehand. It has been so recently announced that whatever was arranged by members coming from outstations will be upset. I therefore ask that no more days be allotted for any business.

Mr. Ganpat Rai.—Sir, with your permission I wish to say a few words. This Council is aware that for want of time some important resolutions could not be taken up at the last session of the Council. As soon as I saw the lists of business for the current session, I gave notice to move a resolution for an extension of the time allotted. My resolution is incorporated in the list of resolutions which has been in the hands of members for many days. So it is not right to say that members did not know beforehand that the session might be extended. Five days are insufficient for the work we have on our hands. If any member objects to the extension of the session by two days, their objection, I am afraid, has no force. In fact I am of opinion that the Council should meet at least for six months in a year and not off and on like the old Council. I, therefore, strongly urge that the present session be extended by two days to enable non-official resolutions to be discussed by the Council.

Mr. President.—The question before the Council is—

"That in the opinion of this Council two more days should be allowed for non-official business."

The motion was carried.

Mr. President.—I propose to hold the two extra sittings on Monday and Tuesday, the 1st and 2nd of August.

The Hon'ble Sir John Maynard.—There is no objection to that on the part of Government.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

8-5 A.M.

Mr. President.—The Council will now proceed to discuss the supplementary demands for grants. There are three lists before the Council embodying the Government's demands. The first motion is to be moved by the Hon'ble the Finance Member.

The Hon'ble Sir John Maynard.—Sir, I beg to move the following motion:—

"That this Council sanctions the supplementary grants specified in list 1 attached to to-day's list of business."

It will be seen that list 1 contains three items: one of Rs. 4,25,000 for "Rectangular Surveys in the British part of the Sutlej Valley Project"; another for Rs. 14,00,000 for expenditure on the Sutlej Valley Project, and the third for Rs. 16,30,000 for *accrue* to agriculturists on account of the existing agricultural situation. With these words I beg to move the motion standing in my name.

Mr. President.—The motion before the Council is:—

"That this Council sanctions the supplementary grants specified in list 1 attached to to-day's list of business."

The motion was carried.

Mr. President.—The second motion with regard to list No. 2 will be moved by the Financial Secretary.

Mr. B. T. Gibson.—Sir, I beg to move—

"That this Council authorises the Government to make the re-appropriations involving new expenditure specified in list 2 attached to to-day's list of business omitting items 9, 13 and 25."

Mr. President.—Amendments have been received in the name of Maulvi Muharram Ali, Chishti.

Maulvi Muharram Ali, Chishti (Urdu).—With your permission, Sir, I beg to raise a point of order of a general character. Rule 31 of the Punjab Legislative Council Rules lays down as follows:—

"When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member, and shall be dealt with in the same way by the Council as if it were a demand for a grant."

Now, Sir, in the supplementary lists of demands attached to to-day's list of business there are a number of items which are not covered by the rule quoted. No money has been spent on any "service" during the current year in excess of the amount granted for that "service." Yet Government has come forward with a demand for excess expenditure. By "service" is meant an "appointment" (*mulazmat*), and the demands being put forward by Government do not relate to any "service." I, therefore, oppose the demands as a whole on principle.

Mr. President.—Where a point of order is going to be raised it is usual for a member to give private notice to the Chair. I should be grateful if hon'ble members would observe this rule. If this is done it is often possible to satisfy members without taking up the time of the Council. Further the Chair is able to consider its ruling, often a matter of importance, where an intricate point is involved. Luckily the point now raised is not intricate or difficult, and I am able to dispose of it at once. The word "service" does not mean "mulazmat," as supposed by the hon'ble member. It should be translated rather by the word "khidmat." Anything to be done for the public by Government is done in its "service," and the Government proposals are in order.

Maulvi Muharram Ali, Chishti who spoke in Urdu, then said, that he had another point of order to urge. It was the duty of the Public Accounts Committee to

[M. Muharram Ali, Chishti.]

bring to the notice of the Council every improper appropriation, and that was all it had to do.

Mr. President.—I think the hon'ble member's point is that the Public Accounts Committee has no power to approve expenditure, and that the words "The Public Accounts Committee has approved the expenditure," entered as a note against certain items in list 2, are open to objection.

Mian Muhammad Shah Nawaz.—Mr. President, may I draw your attention to Rule 33, sub-section (1) in the same connection :—

"As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee."

As a matter of fact the items were referred to the Public Accounts Committee by the Finance Department.

Mr. Manohar Lal.—I submit that no point of order arises. Whether the Public Accounts Committee approved of this expenditure or not is neither here nor there. It may be that the Committee thought well of the expenditure. But the fact that the Committee approved it does not seem to me to be a point of order at all.

Mr. President.—I think this discussion illustrates very well what I said just now about the desirability of giving private notice before raising points of order in Council. If the hon'ble member had spoken or written to me beforehand I should have told him that I had already myself raised this point with the Financial Department, and that it was under discussion with them. In my opinion no power of approving expenditure is vested in the Public Accounts Committee. At the same time this point does not arise on this motion, the operative part of which is that certain money be transferred from one head to another for a certain purpose. I am not prepared, therefore, to give a

ruling on the point raised as it is not relative to the motion itself. At the same time I can assure the hon'ble member that the matter is engaging my attention, and that I hope that by the next session some more suitable method of presenting the estimates will be thought out.

Maulvi Muharram Ali, Chishti.—After the decision of the Chair I do not wish to move the bulk of my amendments. I am satisfied that my views coincide with the views of the Hon'ble President on the general point involved. I will, however, move—

'That from list No. 2 of the supplementary demands item No. 10 be omitted.'

As regards this item my first contention is that the Council is debarred from dealing with the matter by Standing Order No. 71 (1) which runs as follows :

"When a resolution has been moved and has not been withdrawn with the leave of the Council no resolution or amendment raising substantially the same question shall be moved within one year."

Mr. President.—The Hon'ble Member is confusing resolutions with motions. If he will look at Standing Order No. 71 he will see that it falls under Head X—Resolutions, and specifically refers to resolutions. No resolution on this point has been moved in the Council. What was moved in the Council before was a motion. The Standing Order relative to motions is No. 32 :—

"A motion must not, except with the permission of the President, raise a question substantially identical with one on which the Council has given a decision in the same session."

This is a new session and therefore the motion can be repeated. If it had been a resolution it could not have been repeated. I rule against the hon'ble member's objection.

Maulvi Muharram Ali, Chishti (Urdu).—Originally a sum of Rs. 2,71,000 was proposed for the Public Prosecutors. By a vote of the Council the figure was cut down to Rs. 1,75,000. Now it is proposed to spend 90,000 in raising the fees

and salaries of Public Prosecutors. The proposal should stand over for the present. It is not proper that the proposal which the Council vetoed should be taken up in another form. The financial condition of the Province is unsatisfactory as we all know. The Finance Member told us the other day that new taxes would have to be levied in the near future.

The Hon'ble Sir John Maynard.—I did not say, Sir, that new taxes would be imposed. All that I said was that it might become necessary for the Finance Committee to consider the question of new taxes.

Maulvi Muharram Ali, Chishti (continued in Urdu).—At any rate the necessity for imposing new taxes is being already felt. We should, therefore, be economical in the matter of expenditure. We have acted with much liberality with regard to Amritsar, and we have substantially raised the emoluments of the Zaildars. We should now devise some means for curtailing expenditure. May I point out, Sir, that the salaries of Public Prosecutors are by no means inadequate. When a single post of Public Prosecutor falls vacant numerous applications are put in for the same. This shows that the salaries at present paid to Public Prosecutors are sufficiently attractive. A Public Prosecutor is allowed a fee of Rs. 4 for one case and he frequently disposes of four cases in an hour. The number of pleaders is greatly on the increase, and we can, without any difficulty, secure the best Public Prosecutors. Rupees ninety thousand is a heavy strain on the Provincial finances. I request the members of this Council that before accepting this proposal, which will entail unnecessary burden, they should not lose sight of the fact that when there is no way of increasing the income, the expenditure must be curtailed.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—I draw the attention of the Council to the argument that the grant should not be made not only because there is a shortage of funds and therefore we should be economical in the matter of

expenditure, but also on the ground that this Council has already given a decision on the matter. What the Council really decided was that Public Prosecutors should not be employed as whole-time servants. The proposals of the Government have been framed to meet the wishes of the Council. They fall into two parts (i) that the fees be raised, and (ii) that instead of Rs. 100, Rs. 150 should be given as monthly retaining fee. The present fees are quite inadequate and are not acceptable to the Public Prosecutors. Government is bound to raise the present rate of remuneration. It is not correct to say that the present financial condition of the Province is such that the burden of expenditure proposed cannot be borne. Further the Public Accounts Committee has voted this expenditure after very careful consideration. The point that new taxes may one day have to be levied is quite irrelevant. I therefore press that the sum of Rs. 90,000 for increasing the fees of Public Prosecutors be sanctioned.

Mian Bell Ram.—Before I proceed to speak on the subject, Sir, I wish the Government to consider whether they are inclined to give the Public Prosecutors an increase both in the retaining fee as well as in the fees for cases. Two sorts of increases have been proposed—retaining fee as well as ordinary fee. Is it possible for Government to reconsider their position and stick to one increase rather than to both, because in that case the solution might be easier. If Government is not prepared to do this, then, of course, I will speak. Two kinds of heads are proposed, one is the retaining fee from Rs. 100 to Rs. 150, and the other for daily cases from Rs. 16 to Rs. 20. If Government wishes to give either of the two then our attitude will be different. If Government chooses to grant both, then of course we must protest, and I am going to give reasons with your permission if they are not going to consider this proposal.

Mr. President.—It is not the time for asking questions. The Hon'ble Member must speak on the amendment and he will be replied to.

[Mian Peli Ram.]

Mian Beli Ram (Urdu).—Sir, may I point out that at the last session of the Council a sum of Rs. one lakh was asked for fixing the salaries of Public Prosecutors but the proposal was dropped on the ground that the expenditure was unnecessary. As pointed out by Maulvi Muharram Ali, Chishti, the number of pleaders is greatly on the increase, and we can secure the best men to work as Public Prosecutors on the present rate of fees. It has not been shown that the Public Prosecutors are not prepared to carry on their work on the terms at present allowed to them, or that there is dissatisfaction among them. When the work is smoothly going on, there appears to be no justification for increasing expenditure. At the present moment peasants are badly off for want of rain, and they deserve a helping hand from Government. Is it fair to pamper a few hundred Public Prosecutors in preference to those who shed their blood and give their sons and brothers in times of need. Unless we observe economy we cannot achieve success.

I whole-heartedly associate myself with Maulvi Muharram Ali and urge that this unnecessary expenditure be not incurred. In concluding my remarks, I request Government to show sympathy with the public voice in all matters.

8-45 A.M.
Sardar Bahadur Sardar Mehtab Singh.—Mr. President, this motion by Government for an increase in the retaining fee and the ordinary fee of the Public Prosecutors is a very important matter. So far as I know the present standard of the retaining fee and the ordinary fee was fixed in nineties. Now, we have seen that the pay in all the other departments has been raised, but so far as the Public Prosecutors are concerned there has been no increment at all. Naturally there is some disappointment, and as the cost of living has increased they feel that Government should do something for them also.

Now I come to another point. Much has been said about the crowds that apply for the post. Now, Sir, we have to see what kind of crowds come to demand

that post and what sort of men do you really want for this office. There is not a single post in the patronage of Government to which crowds do not flock. The question is, when you have the ablest counsel for the defence, what sort of man would you like to have to meet these ablest men at the Bar of every Province. In the Law Department picking up any man is not the standard which should be followed, as in a service like this you should have the best men to meet the best men. If the Government pick out just any man from the crowd, I think it will end in a chaos. Therefore we should not look to the crowd, we should look to the ablest man in the crowd or beyond it.

There is still another point. Some point has been made by my learned friend Mian Beli Ram that the Public Prosecutor's bills go up to Rs. 1,500 a month. That, Sir, is a figure which is seldom reached. I have been a Public Prosecutor myself, and I can say that only on two or three occasions the figure went up to Rs. 1,500 and that in a district like Ferozepore which is a criminal district. It could go up to Rs. 1,500 at Lahore, where, however, there are two Public Prosecutors. Therefore it is a figure which is rarely reached and we should not regard the normal fees of the Public Prosecutor to be Rs. 1,500 a month. Sir, yet another point of view. There are two kinds of cases. There are the ordinary original cases and there are the appeal cases. It is the appeal cases which bring in some money and not the original cases. In appeal cases the Public Prosecutors have to work hard at home. They spend, say, five hours at home to study the case which might only take half an hour in court.

There is no doubt that when a Counsel engaged in a case, he is expected to work at home for the duration of the case. But in appeal cases in which a Judge may only ask about one point of law or fact the Crown Counsel has to be ready for every point and has to work for several hours at home, although the

hearing of the case itself may take only half an hour in court. Then, Sir, it has been frequently noticed that when a Public Prosecutor and a defence Counsel are going by rail for the conduct of a case the former travels second class and the latter first class. That lowers his position in the eyes of the public. Although it may not be considered a very sufficient ground by everybody, the Public Prosecutors feel it keenly and are sometimes taunted on the point by defence Counsel.

There is a further point which I wish to bring to the notice of this Council, and that is, that there are now frequent prosecutions of a semi-political or sensational nature, and if you expect work of this nature to be properly done by the Public Prosecutors,—a work which is considered as lowering them in the eyes of men amongst whom they move,—then you must be prepared to compensate them and to pay them well. If you are not prepared to pay them well then you cannot get good men, at least competent men. In order to get competent men you should really offer them attractive terms to make them enter the department. It has been said that you can get the proper kind of men at the present emoluments, while at the same time there has been some criticism of the present members in the Law Department. I submit that, even if there is no complaint as to efficiency at present, this is not the department in which you should economize. There are a hundred and one items of a less necessitous nature which you have allowed, while this expenditure is of a very essential nature. If we are to have competent men, I must say that the present emoluments, which were fixed in nineties, are absolutely insufficient and we should raise them and make the service attractive.

Sayad Muhammad Husain (Urdu).—Sir, I find that the same situation is being created now as existed before. In this connection we must bear in mind two or three facts. In the first place to make up a deficiency of two lakhs

in the budget we shall have to raise the rate of taxation, and it will be the poor zamindars that shall suffer thereby. It was very kind of Sir John Maynard, when last time the zamindars were thus going to be taxed, that he relieved these poor creatures of this burden. The point, however, is that in such instances it is these poor zamindars that suffer.

Secondly, I want that we should realise that we are breathing hard under a great calamity, namely, lack of education. We should for this reason provide money for the Minister of Education.

Thirdly, granting that we sanction a lump sum of money for the Public Prosecutors, shall we get anything better than the present staff. The same men who are the favourites of local officials will be paid the higher remuneration without any attempt being made to secure the services of abler men. For the slight increment which we are planning, the first class Pleaders would still not accept the job. We will, therefore, get the same sort of men only a little dearer.

I think that in every pleader's practice there comes a stage when he shuns to appear for the crown. His experience and reputation make it more lucrative for him to appear on behalf of the accused. Thus in spite of sanctioning this big sum we shall not get men of the desired calibre. I, therefore, strongly support the amendment. I repeat that, what is more necessary is education. We should not go in for all sorts of expenses and should save the poor zamindars the impending burden of taxation. We should, on the other hand, stick to the resolution of the last meeting.

Malik Firoz Khan, Nun.—Sir, I think it is one of the greatest signs of human progress to find out one's mistake and then try to put it right. I think, Sir, the Council knows that the members of the Public Accounts Committee were elected by this Council. If they on a general reconsideration recommend that the item is necessary, I think, Sir, we should take their word for it, because as far as I think they are the ablest amongst us,

[Malik Feroz Khan.]

Then there is the question of economy. I am rather surprised to see a certain amount of inconsistency in the arguments put forward by certain members at different meetings. It is being urged now that we should economise. Where was this policy of economy when these members voted for a sum of Rs. 83 lakhs being spent on doubling the remuneration of Lambardars and Zaildars. Where was this policy of economising when they voted for an amount of 17 lakhs on account of the Amritsar indemnity, being met from Provincial revenues. I do not say a word against the indemnity resolution. All that I want to say is that if members wish to put forward the argument of economy they should be consistent. There is one thing more that has not been noticed. The average expenditure during recent years on account of Public Prosecutors has been nearly two lakhs a year and the demand made by Government in the last session was reduced by the Council to Rs. 1,75,000. If the allotment stands as it does, then the Public Prosecutors do not get even as much as they used to get, not to say of giving them an increase. In this matter I expect help from my friend Mr. Ganpat Rai, because he is a champion of all classes who are low paid. He has even advocated the case of chaprassis. He says that they get too low a pay and therefore their wages should be increased. If this theory can apply to chaprassis, it should certainly apply to the educated and learned men of this Province. I mean, the Public Prosecutors. There is no denying that the cost of living has gone up very high. I notice also that the mover of the amendment himself has been trying to advocate the cause of Munsifs and has been putting many questions in the Council with regard to raising their pay and status. If this theory is applied to other lines there is no reason why it should not apply to the Public Prosecutors who are really hard-worked. I hope that the members of this Council will not hesitate in granting this demand.

9-25 A.M.

Mian Muhammad Shah Nawaz (Urdu).—Mr. President, my friend, Mr. Firoz Khan, has said that the Public Accounts Committee resolved in favour of sanctioning the amount. This is not quite true. I know that Maulvi Muharram Ali, Chishti, Sayad Muhammad Husain, Raja Narendra Nath, Mr. Ganpat Rai, and myself, who were on that Committee, opposed the motion. It was only through a majority made up of officials that the proposal was carried. All the good members were opposed to it.

Mr. President.—What did you say?

Mian Muhammad Shah Nawaz.—I did not mean any offence. I admit that all the members on the Public Accounts Committee are good men (laughter).

Mr. Manohar Lal.—May I know if the member is right in thus giving out the proceedings of the Public Accounts Committee? These proceedings are, so far as I think, expected to be kept confidential except in so far that they are issued in the official Gazette.

The Hon'ble Sir John Maynard.—No, Sir, the proceedings of the Public Accounts Committee are public.

Mian Muhammad Shah Nawaz (continued in Urdu).—There was at any rate disagreement among the Committee and a strong opposition from the non-official members. The Committee carefully considered all sides of the question and not only the point of pay. It was thought that we can get abler men on the same pay. Moreover, at the present rate the Public Prosecutors cannot be said to be ill-paid. If they like, the Sessions Judges can allow them more than Rs. 16 for certain cases. Moreover, they can do private practice. Sardar Mehtab Singh has said that on behalf of the accused there are generally learned lawyers to argue, whereas on behalf of the Crown we generally have men of far poorer abilities. To my knowledge the case is quite the reverse. At least in the High Court there come many cases, and some of them very serious ones of murder, etc., in which the accused is not represented at

all. It has further been said that pleaders other than the Public Prosecutors earn so much as to be able to travel first class. This is also not right. With the exception of a few English men all pleaders travel by intermediate class. The Public Prosecutors, on the other hand, travel mostly second class or even first class. Mian Fazl-i-Husain has said that a large portion of the Provincial income comes from courts of justice, and therefore there is no harm in spending money on this department. But the Hon'ble Member seems to forget that this income is not from criminal courts. Why then should we devote such a large sum for the Public Prosecutors? Why should we not spend these savings on more useful and more necessary outlays. Sardar Mehtab Singh seems to think that the Public Prosecutors earn less than other pleaders of the same standing. I, on the other hand, think that these gentlemen earn no less than six or seven hundred rupees a month. Why should they get more? Above all we must keep up the dignity of the Council. Only three months ago we resolved to give no increase to the Public Prosecutors. It will be far from establishing the dignity of the Council if we arrive at a diametrically opposite conclusion in so short a time.

9-38 A.M.

Mr. K. L. Rallia Ram.—Sir, I would like to say a few words. The argument put forward by my learned friend, Mian Beli Ram, cannot be maintained; and if the principle established there is accepted then it should be adopted in every department. So far as I remember, Mian Beli Ram said what is the use of getting highly paid men when you can get men on lower emoluments. I think all Government posts could be auctioned and I think people would come forward who would be willing to take Rs. 200 and become Ministers and Rs. 300 and become Finance Members and so on. The question is what is the right thing to do and what is fair to a class. I think in view of the all-round increase in Government offices, the Public Prosecutors should not be deprived of what is their right. I quite admit

that certain Public Prosecutors or Public "Persecutors," as they are called by some, are not really first class men, but the very idea to pay them well is to get the services of really first class men. That was, I suppose, brought forward here in the last session and in every district we find really first class private practitioners earning much more than a Public Prosecutor; and in fact I understand that some of the good Public Prosecutors are resigning their jobs. If I am not personal, here is the Deputy President of the Council who has given up his job in order to set up a private practice. In order to get really first class men, I think it is quite essential to give them what is their right. I hope the good sense of the Council will compel them to do what is right and fair to this class.

Mr. President.—I wish to point out that over an hour has been spent, and that there are eight items more to come up.

9-42 A.M.

Chaudhri Muhammad Amin (Urdu).—Sir, I do not wish to appear wanting in economy. But the economy lies in the reduction of unnecessary expenditure while allowing legitimate charges. The proposed expenditure is necessary and ought to be granted. Whenever anybody wants to capture votes of rural members he appeals to them as if he was their greatest well-wisher. I, therefore, warn my friends, the rural members, against such attempts which are unfair. In fact the rural classes come into closer contact with the Public Prosecutors than the towns people, but apart from the lawyers' or the peasants' benefit we should look at the question on its merits. Do not the Public Prosecutors deserve that consideration, which, based on the prevailing high cost of living, has been paid to all departments of Government service? I think they do, and with that they should gain rather than lose, as the Hon'ble Minister for Education has said. I don't think it should be held objectionable to rule against what was decided on any previous occasion. This

[Ch. Muhammad Amin.]

only means that we failed to see, at first, all the sides of the question in their proper light. The lawyers, I trust, know fully well that with a difference in the social standing of their clients they are wont to demand different fees. They ask more from a man whose advent entails a lot of menial service in the form of spreading chairs and dusting carpets and the like (laughter) and less from a man who feels quite at home on the floor. Now I ask what client is more respectable than the Government itself. When the Public Prosecutors have to fight generally with lawyers of better practice than themselves it does not look well that they should be ill-paid. Apart from the question of travelling how can we expect a Public Prosecutor to fight the case well when he knows that he will only get his meagre fee of Rs. 16 only for all his troubles in an appeal whereas his opponent has taken such a lot more. We have got to settle whether or not the pay of the Public Prosecutors is quite right. No doubt we get a lot of applications for one vacancy, but how many are from capable lawyers. We ought to fix a pay for the Public Prosecutors which will attract at least the second class if not the first class lawyers. Certainly abler men shall apply and we shall have much better stuff. We should follow the golden maxim—

کہ مزدور خرش دل کند کار بیش.

‘A pleased labourer works harder.’

Why, I ask again, should we not consider for the Public Prosecutors the present cost of living. I know those who speak in favour of Government officials are set down as favourites. This, however, I think is not a demerit.

9-45 A.M.

The Hon'ble Sir John Maynard spoke in Urdu and related a story in which a Punjabi friend of his told him that the status of Vakils was so lowered that they were willing to take up cases on a fee of Rs. 4. The speaker was of opinion that this propagated the idea that the Vakils were not able and fit men. This

would also be the case with Public Prosecutors if their fees were not increased. A man of good sense either would have no pleader or he would have the fittest person at any cost. If the Public Prosecutors were not the fittest, the criminals would escape and crime would increase, which would necessitate very high expenditure on the Police. He opposed the amendment.

Chaudhri Ata Ullah Khan (Urdu).—Sir, up to this time no one has answered the point, ‘What is the necessity of increasing the pay of Public Prosecutors.’ The Hon'ble Members have lectured a lot. The real question, which is that of ‘necessity’ has not been touched. We are justified in spending ten crores where it is necessary, but to spend even ten rupees otherwise is extravagance. In the case of the Amritsar tragedy and the Lambardars which were I think necessary expenses the Government has not sanctioned anything? Why then should we give this money for the Public Prosecutors which is by no means necessary. I admit that the fact that this matter was put before the last Council and rejected, should not prevent its coming up now. But why should we lay emphasis on a wrong point, namely, the ability of Public Prosecutors. If we want clever enough Public Prosecutors to get the mischievous people punished, we do not want exceptionally clever ones to get even the innocent ones convicted. (Laughter). But above all we should avoid the charge that this Council can agree on a wrong point. I think the increase in the salaries of Public Prosecutors is, and should be, rejected as many times as it comes before the Council.

Mr. E. Joseph.—Sir, I move the closure.

Mr. President.—The question before the Council is ‘that the question be now put.’

The motion was carried.

Mr. President.—I will now put the amendment to the Council. The original motion before the Council is—

“That this Council authorises the Government to make the re-appropriations involving new expenditure specified in list No. 2 attached to to-day's list of business omitting items 9, 15 and 25.”

To this an amendment has been moved
That item No. 10 be also omitted.

The Council divided as follows :—

AYES—22

Khan Sahib Amir Khan.
Chaudhri. Ata Ullah
Khan.
Sardar Bakhtawar Singh
Rao Bahadur Balbir
Singh.
Sardar Balwant Singh.
Mian Roli Ram.
Mr. Manohar Lal.
Chaudhri Ghulam Mu-
hammad.
Sayad Ghulam Muham-
mad Shah.
Dawa Hardit Singh Padi
Sayad Hussain Shah.
Sardar Allan Khan.
Khan Bahadur Sayad
Mohd Shah.
Mr. Moti Lal Kaistha.
Khan Muhammad Ab-
dullah Khan.
Khan Bahadur Raja
Muhammad Akbar
Khan.
Chaudhri Muhammad
Hayat Khan.

Sayad Muhammad
Hussain.
Rana Muhammad Jamil
Khan.
Sayad Muhammad Raza
Shah.
Khan Muhammad Saif
Ullah Khan.
Mian Muhammad Shih
Nawaz
Mantri Mubarram Ali,
Chishti.
Chaudhri Nahi Baksh.
Diwan Bahadur Raja
Narendra Nath.
Lieutenant Sardar Rag-
bir Singh.
Raj Sahib Chaudhri
Raja Singh.
Sardar Sangat Singh.
Raj Bahadur R. Saldar
Sarup Singh.
Raj Bahadur Lala Sewak
Ram.
Raj Sahib Lala Thakar
Das.
Lala Utam Chand.

NOES—35.

The Hon'ble Sir John
Maynard.
The Hon'ble Sardar
Bahadur Sardar
Sunder Singh, Maji-
strates.
The Hon'ble Khan Baha-
dur Mian Fazl-i-
Hussain.
The Hon'ble Lala Har-
kishan Lal.
Mr. G. F. deMontmo-
rency.
Mr. V. Connolly.
Mr. E. Joseph.
Mr. E. T. Gibson.
Raj Bahadur Lala Jai
Lal.
Mr. P. J. Fagan.
Mr. G. M. King.
Colonel R. C. MacWeth.
Mr. H. W. M. Ives.
Mr. D. J. Boyd.
Mr. C. H. Townsend.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Malik Firoz Khan, Nun.

Chaudhri Muhammad
Amin.
Sardar Randhir Singh.
Khan Bahadur Diwan
Abdul Hamid Khan.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Chaudhri Rana Gopal.
Pandit Danlat Ram,
Kalia.
Chaudhri Daya Ram.
Sardar Sahib Rissalder
Dilbagh Singh.
Khan Bahadur Chaudhri
Fazl Ali.
Sardar Sahib Gopal
Singh, Lubana.
Sardar Kartar Singh.
Mr. K. L. Rallia Ram.
Misar Mela Ram.
Nawabzada Muhammad
Ishad Ali Khan.
Sardar Bahadur Sardar
Mehtab Singh.
Chaudhri Shah Ali
Khan.

The amendment was lost.

Mr. C. M. King.—I rise to a point of
order, Sir. There was a member who was
pulling up another member at the time
voting was taking place.

Mr. President.—The Hon'ble Member
should have risen to a point of order
before the division was announced. I
myself did not see any member pulling
anybody up, but if anybody did such a
thing it was very improper.

Mr. Ganpat Rai (Urdu).—Sir, I beg to
move :—

"That item No. 19 of list No. 2 attached to
to-day's list of business—Illustrations and
publication of Museum Catalogue of
Paintings prepared by Mr. S. N. Gupta,—
be omitted."

The publication has already been delay-
ed by one year and there seems no harm
in postponing this for another year. We
can consider it when passing next year's
budget.

Sayad Ghulam Muhammad Shah (Urdu).
—Sir, I support Mr. Ganpat Rai and
desire a postponement of the publication
of the list. It is really a trifling matter,
and we need not burden ourselves with it
now when we are being pressed for other
things.

Malik Firoz Khan, Nun.—I have much
pleasure in supporting Mr. Ganpat Rai's
amendment. It is not a very necessary
expenditure, and I think can be done with-
out. It is merely a question of printing,
and there is no immediate public benefit
in it, and I think that probably the Gov-
ernment would accept this amendment.

Mian Bell Ram.—I support Mr.
Ganpat Rai. This item is not very neces-
sary, so it may be omitted.
10-15 A.M.

The Hon'ble Lala Harkishan Lal (Urdu).
—Sir, the Catalogue which has been edited
by Mr. Gupta will be a useful publication,
and as he will not be here next year it is
important that the Catalogue be published
at once Mr. Gupta is a very capable man,
and it is hardly likely that any one else
will be in a position to undertake the
publication of the work when he is gone.

[Lala Harkishan Lal]

I therefore ask the Council not to vote for the omission of this item.

Mr. President.—The amendment before the Council is—

"That item No. 19 of list No. 2 in to-day's list of business be omitted."

The amendment was lost.

Mr. Ganpat Rai (Urdu).—Sir, I beg to move:—

that item No. 28 in list No. 2 of to-day's list of business—additional establishment required for the Assistant Consulting Architect—be omitted.

This amount of Rs. 20,000 for this year of Rs. 38,200 for the next is to be devoted to the appointment of the Architect's staff. I do not see the necessity of one when we have innumerable Engineers and their countless subordinates. In former times all the buildings, for example, in Delhi and Lahore, etc., were planned and supervised by Engineers. As time went on we desired to increase the staff and diminish the work of the individual. On the old system we were able to erect such splendid buildings as the Government College, the Chief Court, and the Mayo Hospital, etc. Now, I think, in pursuance of the policy of unnecessarily increasing staff everywhere, we need an Architect. I ask what will the Engineers do when the Architect is there to plan and supervise. I can see what it will be. He will go to the spot, to inspect roads, charging twelve annas or so per mile as travelling allowance, and see that what is going on is going on.

Again, in connection with what has been said of morals, I ask will the morals be necessarily bad if the buildings are not good. Now that we have learnt the English language do we need to despise our old simplicity. Here, quite near at hand, has been erected a boarding house for the Government College. I am sure that we could have built two equally serviceable buildings had the Architect Sahib stood alone. We are not teaching our children good moral but extravagance. They after studying in palatial buildings, go to their homes and not finding things to their newly developed taste talk daggers with their friends and parents.

It will be said that this appointment is only for a few years and hence does not matter. But see that even if the Architect is engaged for five years and no more the Provincial Government shall have in the meantime lost about two lakhs of rupees on his staff. I hope that this sum will not be sanctioned and the Architect Sahib will be given *rukhsat* (leave) and paid his dues under the expired portion of his five years' agreement and the sum of two lakhs be saved. I move that the grant demanded be not sanctioned.

Pandit Daulat Ram, Kalia (Urdu).—Sir, I beg leave to say that in other Provinces there are Consulting Architects. The object is that a wholesome influence should be created to bear on our moral. Architecture is an art and like all other arts must be promoted by the Government. If the State does not undertake to do so, science will become extinct. In past ages, all the Kings and Emperors undertook to get palatial buildings erected in their dominions. Why should not the English rulers do the same? Just for the sake of a branch of science, I would have the Architect appointed.

Pir Akbar Ali (Urdu).—Sir, I support the amendment. If other Provinces are following a custom it is not necessary that we should also do the same. What Punjab needs most is education. The Hon'ble Member for Education said last time that he was desirous of seeing pupils taking their lessons under thatched buildings. We too desire simplicity in life. If, Sir, we listen to the opinions of Doctors and Hakims we would find reasons to reject this building for a Council Hall. We should not therefore let our attention be diverted from such vital matters as education to trifling things like brick and mortar. If we have educated men we shall automatically develop good morals. As yet, we can certainly do with simple buildings as we want simple characters.

[10-30 A.M.]

The Hon'ble Lala Harkishan Lal spoke first in Urdu. He said that the demand for establishment was not made for the Architect or the Assistant Architect, but

for the department as a whole. There had been an Architect for seven years, and he had had an Assistant for one-and-a-half year. The plans of 42 buildings were under preparation by them, of which more than half were for local bodies. But their work was greatly hampered by a lack of qualified architectural draughtsmen, whom they had to get from as far afield as Bombay; and moreover owing to the great demand for their services they now had to be paid higher salaries. He read the following extract from a letter from the Chief Engineer:—

"After correspondence with the Bombay School of Arts, it is clear that we must agree to offer pays which will attract architectural draughtsmen and to offer them posts in the lower grades is useless. This has been tested by advertisements for ordinary grade draughtsmen, which have invariably failed to produce the best men."

Continuing, the Hon'ble Minister said:—

A few things are given below which are descriptive of the work of the Consulting Architect during the year:—

The temporary Legislative Chamber and Office, Lahore. This scheme came into office as one of extreme urgency and various other projects had to be put on one side whilst it was dealt with. The fact that over 100 plans were required for a short period of time gives some idea of the amount of work done. A photograph is given which shows the present state of the building: the pushing on of the architectural side of the work is largely due to Mr. Francis. So you can see that 100 plans had to be made before this place could be built. Of course I am not an Architect nor an engineer myself. Many of the members here seem to know everything about everything. I do not pretend to lay claim to that, while they can doubtless give hints to Engineers and instruct them how to make buildings, etc. It would be a very good thing indeed if some of us were really fit to do honorary work in these jobs; but unfortunately or fortu-

nately the Government still have to employ specialists, and if you do not sanction the little money required to provide them with a staff, the result will be that they will have to be put on jobs which are not worth their doing and will certainly not give us our money's worth. It has been sometimes suggested that some Public Works Department Engineers should be dismissed because of the appointments of Messrs. Sullivan and Francis. That is easier said than done. Before I came into office I thought I should make a clean sweep from Chief Engineer to Overseer, because I thought I knew something about buildings; but when the plans and estimates and the figures and requirements began to come in I sometimes seriously considered whether I should continue to be Minister for Public Works. The work is so immense that it is impossible to reduce establishment: on the contrary, the establishment requires to be improved. I think you have no idea of what work has to be got through. It is not only that new buildings have to be put up, but all those which are put up have to be looked after, and the number is increasing yearly. My friend on the left hand wants so many more buildings—of course he can put up thatched buildings for the students, but fortunately or unfortunately he requires them to be looked after. And besides the Architects are not required merely to plan school buildings.

I may tell you that I spent weeks in scrutinizing these items. I am not one of those who will give away the money of the public to the Public Works Department without scrutiny and enquiry; and I am rather inclined to think that the Chief Engineer would rather prefer to have a more pliant Minister than Harkishan Lal. But it seems the latter has to get lessons from the Council as to how to plan buildings, and I think it is rather too much, and one ought to really support the Departments so far as their work is concerned. And if you are going to begin a job and leave it incomplete you might effect some temporary economy, but you will lose a

[Lala Harkishan Lal.]

great deal of money. It must also be remembered that it is not only the outward appearance of the building for which an Architect is required, but also he has to design with a view to internal convenience, which is a much more difficult and complex question. Without any disrespect to the Public Works Department I doubt very much if a building of the kind which has been referred to could have been designed by any officer in the Public Works Department. And if on special occasions like this you have to go to outside specialists and pay their prices—that is of course one way of doing it—I think we shall have to spend a great deal more money than we are now spending. We are at present putting up another building for the Engineering College, and we have had to go to England for the plans and designs. When I first saw this I wondered why it had been necessary to go outside the Province for the designs. On enquiry I found out that it was impossible to get it through within the time at the disposal of Messrs Sullivan and Francis, and therefore the Director of Industries was quite justified in going to England to get his plans made. If that is the position I think it will be agreed that we should vote this sum very cheerfully, because otherwise, sooner or later, I will have to come to you for a still larger sum for this purpose in an indirect way.

We are planning to start Draughtsmen's classes in connection with the Mayo School of Arts, because we find we cannot get Draughtsmen in the Province and we have to go to Bombay and elsewhere to get up men; but of course if it be the feeling of the Council that it does not want Draughtsmen or Architects or Engineers of special abilities, then of course all progress in the line of technical education must come to an end. I do not want to say any more, but I will say this that this money is required only for staff, and if you do not sanction the staff the result will be that the Architects will be doing nothing and will be wasting their time and the money of the Government.

Mr. President.—There are only 10 minutes left and there are two more motions. Does anybody wish to speak on the motion before the Council.

Mr. D. J. Boyd.—I move, Sir, that the question be now put.

Mr. President.—The question before the Council is—

‘That the question be now put.’

The motion was carried.

Mr. President.—I will now put the amendment to the Council.

The amendment before the Council is—

‘That item No. 23 be omitted from list No. 2.’

The amendment was lost.

Mr. President.—I will now put the original motion to the Council. The motion before the Council is—

‘That this Council authorises the Government to make the re-appropriations involving new expenditure specified in list 2 attached to to-day's list of business omitting items 9, 15 and 23.’

The motion was carried.

Mr. B. T. Gibson.—Sir, I beg to move—

‘That this Council authorises the Government to make the transfers of funds from one grant to another grant specified in list No. 2 attached to to-day's list of business omitting the item 2—Taxes of Income—Rs. 23,265.’

Mr. President.—Does anybody wish to speak on this motion?

Mr. Ganpat Rai.—Sir, I wish to say about item No. 2 of list No. 3. Although the sum involved is Rs. 700 only, but yet it is a matter of principle. This amount is required for meeting the expenditure on the metering of house connections at Sialkot. Now, as I understand, the waterworks are run by the municipality and wherever necessary the municipality provides meters and charges rent. I do not understand why this item has been debited to Provincial account.

Mr. B. T. Gibson.—I should explain to the Council that they are all transfers (and not new demands for grants) of sanctioned expenditure from one head of account to another. In this case the Sanitary Board sanctioned out of its grant of 4 lakhs a sum of Rs. 700 in connection with metering of house connections at Sialkot. This amount of Rs. 700 is to be spent by the Public Works Department, therefore it is to be transferred from the head "38—Public Health-Grant for Public Health Purposes" to head "41—Civil Works."

Mr. President.—Is that a grant to the municipality?

Mr. B. T. Gibson.—It is not in the sense of a grant: as it is an experiment for which Government is going to pay. Otherwise it would be paid for by the municipality.

Mr. Ganpat Rai.—I submit, Sir, that this is a wrong principle. Why should Government spend money for the municipality? The municipality is getting special grant from Government and it can meet all such expenditure from that grant. But the fact, so far as I have been told, is that the public of Sialkot does not want this metering business. The Government put a pressure on the municipality. The municipality agreed in one of its meeting, but the public of Sialkot expressed themselves against the proposal. I do not know what happened in the municipality afterwards. Now when the public whom the municipality represent do not want, then why should this metering be forced on the Sialkot people. Therefore I say that this item should not be spent.

Chaudhri Muhammad Amin (Urdu).—

Mr. President, I am a resident of Sialkot and a member of the Sialkot Municipality. It was proposed by the Government that the municipality should meter the houses and thus check the waste of water. The waste of water for want of metering threatened the municipality with a loss of Rs 75,000 if they would not undertake the metering. The municipality chose the alternative of heavy loss but refused to

meter the houses as the people were against it. To enlighten the municipality on the utility and the necessity of the measure, the Punjab Government has undertaken the metering itself. This is going to be an experiment which has been thought necessary.

Mr. President.—I think the mover of the amendment should have moved in the matter at the time the original grant was voted. Does he still want to press his amendment?

Mr. Ganpat Rai.—No, Sir. I only wished to bring this to the notice of Government.

Mr. President.—Then I will put the original motion to the Council. The motion before the Council is,—

'That this Council authorises the Government to make the transfers of funds from one grant to another grant specified in list No. 3 attached to to-day's list of business omitting the item 2—Taxes per Income—Rs. 28,266.'

The motion was carried.

FINANCE RESOLUTION.

10-50 A. M.

Mr. B. T. Gibson.—Sir, I beg to move the motion standing in my name which runs as follows:—

"This Council authorises the Accountant-General, Punjab, to make allotment to various heads of accounts, where necessary, from the sum of—

- (1) Rs. 30,000 provided for the regrant of savings from contract contingencies;
- (2) Rs. 4,00,000 provided for revision of contract contingencies for all offices;
- (3) Rs. 3,25,000 provided for increase of horse and camel allowances;
- (4) Rs. 2,00,000 provided for dearness of food;
- (5) Rs. 2,00,000 provided for increased rates of travelling allowances to first class officers.

[Mr. B. T. Gibson.]

and increased rates in hilly tracts and of fixed travelling allowance;

(6) Rs. 60,000 provided for increased cost of liveries, warm clothing belts and badges;

(7) Rs. 25,000 provided for revision of establishments;

during the current financial year under the head "47—Miscellaneous."

It is purely a formal motion. The Council has voted all these sums, and in the ordinary course of the administration they have got to be divided over the various heads of accounts sometimes during the course of the current year by the Accountant-General. I do not think this calls for any further explanation. With these few words I beg to move the motion standing in my name.

Mr. Ganpat Rai.—I do not fully understand what is the real object of this resolution, whether the Financial Secretary wants a blank cheque in favour of the Accountant-General. Were these items sanctioned some time ago or do you want to take away the control of the Council over the items? What is it? I confess I do not know. To me it appears the real object seems to be that instead of getting the sanction of the Council from time to time the Council is asked to give a blank cheque to the Accountant-General so that the money may be spent in whatever manner he wants. I should like to be advised as I do not know what is the meaning.

Mr. B. T. Gibson.—Sir, I am very glad to enlighten the hon'ble member, but I should also like to suggest that if any Hon'ble Member do not understand a motion if they would come and discuss the matter with the Member-in-charge before coming to the Council it would probably save much time of the Council. All these sums have already been voted by the Council. The reason why the Government has come to the Council for sanction this year is because before the introduction of the Reforms Scheme, it had the power,

when sums had been voted in the budget, of transferring them from one grant to another or spreading them over various grants itself. But now the Government has not this power. The only power it has is of making re-appropriations within the grant. If any sum of money has got to be distributed over different grants it requires the authority of the Council. That is why this motion has been moved. Take the case of the first item. Since 1916, in order to encourage economy by heads of departments, Government has provided this sum of Rs. 30,000 annually to permit of any savings which heads of departments had been able to make in a previous year on their contingent grant being re-granted to them in the current year. That is to say, if the contingent grant of the head of the department is Rs. 20,000 and in the year he only spends Rs. 15,000, he would be entitled to apply to Government saying "last year the savings were Rs. 5,000 in my contingent grant and the amount of extra expenditure this year has exceeded. I therefore want you to regrant me Rs. 5,000, my savings of last year." This has been done by the Accountant-General before the Reforms Scheme came into being. The Government had given this authority in previous years to the Accountant-General, but now he says he has not the authority. Take the head "Police." The Accountant-General cannot transfer money which we provided under the head "Miscellaneous" to the head "Police." The Government has no authority to do so, and it requires the sanction of the Council, and it is exactly the same with all these other items. We are only asking for permission to formally distribute certain lump sum divisions as required during the course of the financial year.

Maulvi Muharram Ali, Chishti.—I want to ask a few questions. I have been looking into the rules. I do not find any rule which will guide us in the matter. I do not think there is any rule in the Finance Department. I do not know how we are authorised to give this power to the Accountant-General. There is no such rule in the Punjab Legislative Council

Rules and the Standing Orders and in the Finance Department either. The procedure is: There is a demand for a grant. Then there is a Public Accounts Committee and under section 34 the Public Accounts Committee in scrutinising the audit and appropriation satisfies itself that the money voted by the Council has been spent within the scope of the demand granted by the Council. The only power given to the Public Accounts Committee is that the matter may be brought before the Council. I do not think the Council has any power to sign a blank cheque in favour of the Accountant-General. There

must be some law laid down somewhere and the Hon'ble Member should enlighten us on the point.

Mr. President.—It is now eleven and the Council will adjourn. I shall then proceed to hold the ballot for resolutions. I want Hon'ble Members who have resolutions on the list or amendments to those resolutions to stay here instead of going to the Secretary's room as the ballot will be held in the Chamber.

The Council then adjourned till 1 a.m. on Tuesday, the 25th July 1921.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 26th July 1921.

The Council met at the Council Chamber at seven of the clock.
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

TEMPORARY ENGINEERS.

490. Sardar Kartar Singh.—(a) Is it a fact that before 1st January 1920 the general rule was to grant Rs. 50 increment to Temporary Engineers every two years?

(b) Is it a fact that certain Temporary Engineers have been given higher increments of Rs. 75 or even Rs. 100 not only bi-ennially but also annually? If so, a statement of such cases may please be laid on the table.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Yes, for eight years immediately preceding 1st January 1920 this was the general rule. Before that there was no fixed rate; increases were given on reports of recommending officers.

(b) Since the above general rule was introduced there have been no cases of the kind referred to in the Irrigation Branch and only one in the Buildings and Roads Branch where, for exceptional circumstances and very special reasons, an increase of Rs. 100 was allowed on one occasion only.

491. Sardar Kartar Singh.—(a) Is it a fact that a general increase of 20 per cent. in the pay of Temporary Engineers was given in January 1920 on account of high cost of living?

(b) Does the Government think that this increase is sufficient?

(c) Is it a fact that a further increase of 10 per cent. was granted to only a limited number of Temporary Engineers? If so, why was not this further increase granted to all?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The answer is in the affirmative.

(b) A general increase of 20 per cent. was considered sufficient.

(c) A further increase of 13 per cent., and not 10 per cent., was granted to the most deserving and capable Temporary Engineers as a special case.

PROVINCIAL SERVICE OF ENGINEERS.

492. Sardar Kartar Singh.—Is it a fact that—

(a) a new permanent provincial service of Engineers was started in February 1920 and that several permanent and temporary Upper Subordinates and some Lower Subordinates were taken into this service?

(b) in all such cases there has been substantial improvement in the pay, travelling allowance and status of such men varying from 100 per cent. to 500 per cent., and that the whole of the service period of all such men will be counted towards increases in pay and pension?

- (c) generally it is proposed to appoint Temporary Engineers to this service and on the same conditions ?
- (d) generally Temporary Engineers have refused to join the new service and that they would lose in pay, travelling allowance, and other allowances and status by doing so ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The answer is in the affirmative *except* that in neither branch were Lower Subordinates appointed to the new service.

(b) Those appointed to the new service have had substantial improvements in their pay, travelling allowance and status, but with only 8 exceptions no one has received more than 100 per cent. increase in pay.

When fixing the initial rate of pay other considerations besides length of service were taken into account, but in accordance with the orders of the Government of India no one can receive more pay than if his total service in the past had been in the Punjab Engineering Service. Although such service, however, will count for pension.

(c) Temporary Engineers are eligible for appointment to the Punjab Engineering Service and the Government has the right to fix their starting pay in the time-scale grade as may be considered suitable irrespective of the length of service rendered. Past continuous service will count for leave and pension.

(d) No Temporary Engineer in the Buildings and Roads Branch has refused to join the Provincial Engineering Service. Some gladly accepted these posts. One Temporary Engineer elected not to accept the terms offered as a separate case was then being considered to appoint him on the specialist officers' cadre as Assistant Sanitary Engineer.

In the Irrigation Branch the majority of the senior Temporary Engineers, *i.e.*, officers of over 10 years' service, did not

consider certain concessions made by the Government of India for entry into the new service quite good enough and put forward alternative proposals (through a deputation to His Excellency the Governor) which are now under the consideration of the Supreme Government. Most of those with under 10 years' service have expressed their willingness to join if selected for appointment.

TEMPORARY ENGINEERS.

493. Sardar Kartar Singh.—(a) Is it a fact that a deputation of Temporary Engineers waited upon His Excellency the Governor of the Punjab, in December 1920, and submitted a representation setting forth their grievances as regards bonus, pay and divisional charges, and that His Excellency gave sympathetic replies to the prayers of the deputation ?

(b) If so, when will the concession referred to be granted ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The reply is in the affirmative.

(b) The matter has been referred to the Government of India as stated in reply to question 492 (d) and their reply is awaited.

494. Sardar Kartar Singh.—(a) Is it a fact that a number of Temporary Engineers have in the past been taken into the Imperial Service and have done brilliantly in that service ?

(b) If so, why does not the Government absorb Temporary Engineers of, say, over 10 years' standing in the Indian recruited branch of the Indian Service of Engineers ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) In all ten Temporary Engineers have been appointed to the Imperial Service, some of whom have risen to administrative posts in the department.

(b) In Buildings and Roads Branch there is only one Temporary Engineer

with over 10 years' service and steps are being taken to appoint him to the cadre of specialist officers.

Before the introduction of the 1908 time-scale re-organization, owing to sudden and large increases in the cadre of Permanent Engineers, it was possible for the Government of India, with the sanction of the Secretary of State, to absorb a few of the best Temporary Engineers possessing the necessary qualifications into the Imperial Service in suitable positions without injustice to permanent men. Since 1908, however, it has been the policy of the Government of India and the Secretary of State not to admit any senior Temporary Engineers into the higher service as such absorption would have injuriously affected the prospects of an already blocked service. The question, however, is not one which rests with this Government as appointments to the Indian Service of Engineers are made entirely by the Secretary of State for India.

495. Sardar Kartar Singh.—(a) Is it proposed to grant bonus or increased Provident Fund to selected Temporary Engineers and to discharge the rest?

(b) If the reply to (a) is in the affirmative, how does the Government propose to find men of suitable qualifications and tried experience for the purpose of carrying out big projects like the Sutlej Valley and others that are likely to be started in the near future?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Replies to these question cannot be given at present as the whole matter is under correspondence with the Government of India, vide reply to question 492, and the Local Government, in the meanwhile, is not in a position to make any announcement at present.

(b) Judging by the number of applications received from qualified engineers seeking employment, it is not anticipated that there will be any difficulty in procuring such Temporary Engineers as may be required for the construction of big projects in the near future.

496. Sardar Kartar Singh.—(a) Is it proposed to limit the pay of a Temporary Engineer holding less important charge than a Division to Rs. 900 per mensem?

(b) Is the present limit Rs. 1,000 per mensem?

(c) Is it not a fact that several Temporary Engineers are getting Rs. 1,000 to Rs. 1,300 at present?

(d) Is it not a fact that with their present pay and the rate of increments proposed to be granted to them it is not possible for junior men or even for men of fairly long service to get a salary of Rs. 1,300 even after completion of 30 years' service?

(e) Is there any efficiency bar at present in the case of the service of Temporary Engineers?

(f) Is it proposed to have one?

(g) If so, why and at what pay?

(h) If the replies to (a), (b), (c), (d), (e) and (f) are in the affirmative, in what way do the new proposals improve the lot of Temporary Engineers?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Definite replies to each of the questions put cannot be given at present as the whole question as regards the terms under which Temporary Engineers will be employed in future is under discussion with the Government of India.

497. Sardar Kartar Singh.—(a) Is it a fact that the Jungle Allowance hitherto drawn by the Temporary Engineers has been on the same scale as was being allowed to officers in the old Provincial Service?

(b) Is it a fact that in the case of the old Provincial Service of Engineers the Jungle Allowance has been raised while it is still the same in the case of the Temporary Engineers?

(c) If so, will the Government consider the advisability of raising the Jungle Allowance in the case of Temporary Engineers?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The reply is in the affirmative.

(b) The reply is in the affirmative.

(c) The matter is under consideration of Government.

ASSISTANT HEALTH OFFICER,
SIMLA.

498. **Dr. C. A. Owen.**—Is it a fact that the Military Assistant Surgeon employed in the Municipal Health Department Laboratory, Simla, is the only member of his department who has not received the revised rate of grade pay as sanctioned by the Secretary of State from the 1st April 1920?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—No. The Military Assistant Surgeon, who holds the appointment of Assistant Health Officer, Simla, has drawn full grade pay to which he is entitled under the revised scale of pay sanctioned by the Secretary of State for India, from the 1st April 1920. In addition to his grade pay he has received the following allowances:—

	Rs.
Local allowance	60
Bacteriological allowance	100
House rent	60

499. **Dr. C. A. Owen.**—If so, (a) was not this appointment one of the two recommended by the Committee, convened by order of His Honour the Lieutenant-Governor of the Punjab on the 22nd September 1919, to be filled by a qualified and competent Military Assistant Surgeon?

(b) Does not this officer have to do work for Government by examining gratis in the Laboratory all cases entitled to free medical attendance, both Civil and Military, in addition to his work for the Municipality?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The appointment has been in existence since February 1911. The Committee referred to merely recorded the necessity for the return of the officer who originally held the appointment and who had reverted to military duty during the War, or for the appointment of a qualified and competent successor.

(b) Yes.

MILITARY ASSISTANT SURGEON,
MASHOBRA.

500. **Dr. C. A. Owen.**—(c) Did not the Committee, referred to in question 499, recommend that the Military Assistant Surgeon in charge of Mashobra Dispensary receive (a) average pay, and (b) a local allowance of Rs. 200 exclusive of house rent, and was not this proposal sanctioned and the emoluments drawn by the incumbent during 1920?

(ii) If so, should not the allowances of the appointment referred to in question 498 be equal to, if not greater than, those referred to under (c) on the ground that the incumbent (a) is debarred from private practice and (b) holds a technical qualification in bacteriology?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) Yes.

(ii) The question of the revision of the emoluments of the Assistant to the Health Officer, Simla, has not been referred to Government. If, or when, any proposals are received they will no doubt receive due consideration.

PAY OF EXTRA ASSISTANT COM-
MISSIONERS AND DEPUTY
SUPERINTENDENTS
OF POLICE.

501. **Rai Bahadur Lala Hari Chand.**—(a) Is it a fact that the Public Services Commission recommended equal rates of pay for Extra Assistant Com-

missioners and Deputy Superintendents of Police?

(b) If so, will the Government be pleased to state what steps have been taken to remove the present disparity of pay?

The Hon'ble Sir John Maynard.—(a) The Public Services Commission recommended the same rates of pay for the posts of Extra Assistant Commissioners on the executive side and Deputy Superintendents of Police for grades other than the selection grades. The pay proposed for the selection grades of the former was a good deal higher than for the latter.

(b) Government has very recently made a recommendation to the Government of India for the improvement of the present scale of pay for Deputy Superintendents of Police with a view to bringing that scale up to approximately the same level as the scale of pay sanctioned for certain other Provincial Services, but not to the same level as the scale sanctioned for the Punjab Civil Service.

TRAVELLING ALLOWANCE ADMISSIBLE
TO DEPUTY SUPERINTENDENTS
OF POLICE.

502. Rai Bahadur Lala Hari Chand.—(a) Is it a fact that in Madras Deputy Superintendents of Police get first class travelling allowance?

(b) If so, will the Government be pleased to grant the same rate of travelling allowance in this province?

The Hon'ble Sir John Maynard.—(a) Government has no information to show that Deputy Superintendents of Police in Madras are entitled to 1st class travelling allowance.

(b) The travelling allowance of Deputy Superintendents of Police in this Province is under the consideration of Government.

MARRIAGE REGISTRATION
FEES.

503. Khan Muhammad Abdullah Khan.—(i) Will the Government be pleased to lay on the table a statement to show by District Boards with regard to marriage registration fees (a) the income, (b) the expenditure, (c) the net saving to the District Board, (d) the community which pays such fees, and (e) when was the fee started?

(ii) If the fees are collected from Muhammadans alone, is Government prepared to advise the District Boards concerned that the savings from this income should be spent on Muhammadan Orphanages and Anjuman Islamias for Muhammadan education? In particular, will Government press the claims of the Muzaffargarh District orphanage?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) The statement* asked for is laid on the table.

(ii) It appears to be for members of the districts concerned rather than for Government to make such suggestions and press such claims on the notice of the Boards, but it is open to the District Board to act as suggested in the question and Government will forward to the Boards concerned, through the Deputy Commissioners, a copy of this question and answer.

POST MORTEM EXAMINATIONS.

504. Khan Muhammad Abdullah Khan.—Is it a fact that when a murder is committed in any part of a district the body of the murdered person is carried to the Civil Hospital at the head-quarters of the district for *post mortem* purposes and that then after that supplies *begar* for the purpose?

(b) If the reply is in the affirmative is it a fact that often the body gets decomposed and thus becomes a nuisance to the carriers, so much so that their health is endangered.

(c) If so, will the Government take steps to save the carriers of the dead body from this trouble?

(d) In particular is the Government prepared to order that for the future the *post mortem* of such bodies be held by the Assistant Surgeon at the Tahsil head-quarters or by the Civil Surgeon proceeding there?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) It is a fact that bodies are sent to head-quarters, or to such other place as may be appointed by Local Government for *post mortem* examination and that Police Officers along the route have orders to assist in obtaining men to carry the litters. The carriers are paid for their work by the police, who later on recover the cost from the Judicial Department.

(b) and (c) It is a fact that the bodies are sometimes decomposed when the season is hot or a long time has elapsed since death. The smell arising from decomposition though disagreeable is not a source of danger to life or health, and efforts are made to mitigate the discomfort by covering the body with carbolic acid powder (where available), charcoal, and leaves.

(d) It would be impracticable to order Civil and Assistant Surgeons, the only classes competent to conduct *post mortem* examinations, to conduct them at Tahsil head-quarters. Apart from the resulting interference with their work, which is often urgent, at district head-quarters, it must be remembered that two or three bodies sometimes come in for examination at the same time from different sides of the district.

BIRTH AND DEATH REGISTERS.

505. Khan Muhammad Abdullah Khan.—(a) Is it a fact that the village chaukidars are required to take their births and deaths registers to their respective thanas weekly for registration?

(b) If so, is it a fact that they are detained at the thana for several days,

and work as night watchmen in the absence of Police Constables and are thus put to trouble themselves, whilst their absence from the village causes inconvenience to other officers who may happen to come to the village?

(c) Is Government prepared to order the investigating Head Constable to register births and deaths when he is sent on weekly patrolling duty into the villages?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The answer is fortnightly not weekly.

(b) Chaukidars are not habitually detained at the thanas but it occasionally happens that they are required to help to guard prisoners in lock-ups when the Police Officers are insufficient for the purpose. Any irregular detention is as far as possible prevented.

(c) Patrolling duty was abolished some years ago and villages are only visited by the Police when circumstances occurring in them make a visit of enquiry necessary. The suggestion is therefore not practicable.

SILT IN THE CANALS IN THE MUZAFFARGARH DISTRICT.

506. Khan Muhammad Abdullah Khan.—(a) Will the Government be pleased to state whether it is a fact that *abiana* was levied from the zamindars of the Muzaffargarh District on the condition that in future the removal of the silt from the canals will be done by the Canal Department?

(i) If the reply is in the affirmative, will Government say which canals in the Muzaffargarh District have been cleared of silt by the Canal Department, and was the clearance in each case done on contract or by daily labour and at what cost?

(ii) If the clearance has not been done, what was the reason?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) *Abiana* was levied from the zamindars of

the Muzaffargarh District on the abolition of the system of *chher* labour, which was the only labour employed on the maintenance of the canals at a time when work was almost entirely confined to silt clearances, and from the time when this work was undertaken by the Irrigation Branch one of the aims of the latter has been to obviate the necessity of silt clearances by expenditure on technical improvements.

(ii) Silt clearance is still necessary to a modified degree and has been done. A statement is attached which shows the channels silt cleared and the expenditure incurred thereon during the triennium 1918-19 to 1920-21. This work has been done either through the agency of contractors or by daily labour, but the latter has been resorted to on very few occasions.

(iii) Silt clearances have been done when necessary, but the necessity for them has been considerably reduced by the expenditure incurred on technical improvements and scientific working and control.

JUNIOR VERNAICULAR TEACHERS.

507. Khan Muhammad Abdullah Khan.—(i) Is it a fact that Junior Vernacular Teachers who pass the Normal School Examination in the Second Division are not accepted by the Principals of the training institutions for admission to the Senior Vernacular Class?

(ii) If so, what is the reason?

(iii) If not, why do most of the Junior Vernacular Teachers fail to obtain the Senior Vernacular qualifications?

(iv) Are there rules to permit of the grant to experienced Junior Vernacular teachers of Senior Vernacular certificates? If so, what are the conditions for giving such certificates?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) & (ii) Junior Vernacular teachers passing the examination in the second division are admitted to Senior Vernacular classes; but preference is naturally given to those passing in the first division.

(iii) The Senior Vernacular classes attached to Normal Schools and the Training Colleges at Lyallpur and Hoshiarpur can offer facilities for training about 275 Junior Vernacular teachers while the number passing the Junior Vernacular certificate examination annually is about 750. Increased provision for the training of Senior Vernacular teachers has recently been made.

(iv) Special Senior certificates are awarded by the Director on the recommendation of Inspectors only, under very exceptional circumstances. Ordinarily, a candidate for such a certificate must have completed sixteen years' approved service during seven of which he has served as Headmaster of a secondary school.

COMPLAINT OF EXTORTION AGAINST A PATWARI.

508. Malik Feroz Khan, Nun.—(i) Is it a fact that Mr. Devi Ditta, B.A., of Miani, District Shahpur, complained to the Deputy Commissioner against a certain patwari for extortion?

(ii) If so, what steps were taken against the patwari in question?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Mr. Devi Ditta has hitherto refused to make any definite accusation to the Deputy Commissioner against the patwari and in the circumstances no action is possible.

CIVIL ASSISTANT SURGEONS ON MILITARY DUTY.

509. Mr. Ganpat Rai.—Will Government be pleased to state the number of Civil Assistant Surgeons in the Punjab who volunteered for military service in the temporary ranks of the Indian Medical Service, up to date, giving the number of permanent and temporary Assistant Surgeons separately?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The number of Civil Assistant Surgeons in the Punjab who volunteered for military service in the temporary ranks of the Indian Medical Service up to date is 102, of whom 14

were permanent and 88 were temporary Assistant Surgeons.

**CIVIL SUB-ASSISTANT SURGEONS ON
MILITARY DUTY.**

510. Mr. Ganpat Rai.—Will the Government be pleased to state the number of Civil Sub-Assistant Surgeons in the Punjab who volunteered for general service in the Military Department up to date?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The number of Civil Sub-Assistant Surgeons in the Punjab who volunteered for general service in the Military Department up to date is 58.

**CIVIL ASSISTANT SURGEONS ON
MILITARY DUTY.**

511. Mr. Ganpat Rai.—(a) Is it a fact—

(i) that those temporary Civil Sub-Assistant Surgeons who volunteered for general service in the Military Department were confirmed at once over the heads of those temporary Civil Sub-Assistant Surgeons who were senior to them but who did not volunteer for military duty;

(ii) that the service in the Military Department of these Civil Sub-Assistant Surgeons is being counted as double for grade promotion, i.e., for purposes of pension and promotion;

(iii) that the temporary service of temporary Civil Sub-Assistant Surgeons will count towards increment of pay even though they did not volunteer for military service;

(iv) that the temporary service of temporary I.M.S. Officers counts towards pension and promotion in the permanent cadre when they are given permanent commissions either by examination or selection;

(v) that the Civil Assistant Surgeons rendered valuable help in the time of need by volunteering for military duty;

(vi) that the Government have decided not to count the temporary service both in

the civil and military of temporary Civil Assistant Surgeons towards pension and increment of pay?

(b) (i) If answers to question 511 (i to vi) are in the affirmative, will Government be pleased to state why this distinction has been made in the case of temporary Civil Assistant Surgeons by not confirming them as permanent Assistant Surgeons at the time of their volunteering and by not counting their temporary military service at least as single if not double, towards pension and promotion?

(ii) Do Government propose to take any action for removing this distinction at an early date?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) (i) Yes.

(ii) The service in the Military Department of the Civil Sub-Assistant Surgeons, who undertook liability for general service, is counted as double for purposes of promotion but not for pension.

(iii) Yes.

(iv) Punjab Government has no information on this subject which rests with the Government of India.

(v) Yes.

(vi) The question of counting the temporary service of Civil Assistant Surgeons for pension and increments of pay is under the consideration of Government.

(b) The temporary Civil Assistant Surgeons, who were granted temporary Commissions in the Indian Medical Service, could not be confirmed at the time they undertook military duty as no permanent appointments were vacant. Many of them will now be confirmed with retrospective effect in existing vacancies which have since occurred.

The terms offered to Civil Assistant Surgeons for temporary Commissions in the Indian Medical Service were drawn up by the Government of India. This Government is not in a position to offer any explanation for the distinction in question. But, as already stated in reply to question

511. (a) (i), if the proposal before Government for counting temporary service for purposes of pension and increments is sanctioned the time spent on military duty will count as single.

(ii) The matter is one which does not concern this Government.

512. Mr. Ganpat Rai.—(i) Is it a fact that the Government gave a written undertaking to the temporary Civil Assistant Surgeons that those who volunteered for military service will be given preference in confirming them over all other temporary Civil Assistant Surgeons who did not volunteer their services?

(ii) If so, will Government be pleased to state if they have made any exception to this rule? If so, why?

The Hon'ble Khan Bahadu Mian Fazal-i-Husain.—(i) Yes.

(ii) Exceptions to the orders referred to have been made in the case of two Civil Assistant Surgeons. They are both employed on the staff of the King Edward Medical College, Lahore. One of them held an appointment reserved for a Military Assistant Surgeon, and his services could not have been spared for military duty. He was given the appointment on the understanding that he would not be relieved until a Military Assistant Surgeon became available. The other obtained the degree of M. D. while employed in College and rendered military service with the University Double Company. Their names have been restored to their original positions.

COMPLAINTS AS TO *abiana* IN SHEIKHUPURA DISTRICT.

513. Mr. Ganpat Rai.—(i) Has the attention of Government been drawn to a memorial submitted by the landowners and tenants of certain villages in Tahsil Khangah, District Sheikhupura, Upper Chenab Canal, describing their grievances as to *abiana* and other matters?

(ii) If so, will Government please state what action it has taken or intends to take?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Yes, the attention of Government has been called to the memorial and a copy of the reply* given to the memorialists is laid on the table for information.

OPERATION OF CRIMINAL TRIBES ACT.

514. Malik Feroz Khan, Nun.—(i) Will the Government be pleased to state the number of persons placed under restriction under the Criminal Tribes Act during the year 1920?

(ii) Were any persons discharged under section 18 of the Criminal Tribes Act No. 3 of 1911; if so, what was their number?

(iii) Will Government be pleased to discharge every year such persons as are recommended as harmless by the Deputy Commissioner, Criminal Tribes, and to give them the option either to stay in the settlement or to leave it if they like?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(i) During the year 1920, 2,745 persons were registered under the Criminal Tribes Act.

(ii) During the year 1920, 395 persons were discharged from Settlements under section 18 of the Criminal Tribes Act.

(iii) Government has already issued orders for the release of really harmless persons, and has recently approved a scheme under which only really bad and homeless persons will be detained in settlements while all others are to be released. Necessary action to comply with these orders is being taken by the Deputy Commissioner for Criminal Tribes.

DISTRICT COURT, DEERA GHAZI KHAN.

515. Sardar Allan Khan.—(a) Will the Government be pleased to place on the table a statement showing the number of civil suits instituted, the number of appeals accepted and the number of appeals dismissed every year in the dis-

trict of Dera Ghazi Khan since the creation of the District Court?

(b) Is it a fact that the institution of suits has increased abnormally during the last three years? If so, can the Government assign any cause for this increase?

(c) Is it a fact that the proportion of the appeals accepted to the appeals dismissed has something to do with the increase in the institution of suits?

The Hon'ble Sir John Maynard.—

(a) The statement is laid on the table.

(b) The Hon'ble Member will be able to judge from the statement what the fluctuations have been. An increase in the number of institutions may be due to popular appreciation of the character of the Court which deals with cases.

(c) Government has no reason to suppose that this suggestion is correct.

STATEMENT.

Year.	Number of suits instituted.	NUMBER OF APPEALS DISPOSED OF		
		Accepted.	Dismissed.	Total.
1914	...	45	35	80
1915	...	134	187	321
1916	...	147	152	299
1917	...	165	152	317
1918	...	135	145	280
1919	...	177	147	324
1920	...	223	190	353

1. Miscellaneous appeals are also included.

2. The appeals shown against the year 1914 were those disposed of from 1st August 1914 to 31st December 1914. The District and Sessions Judge's Court was created on 1st August 1914.

3. The suits against the year 1914 are for the whole year.

Rai Bahadur Lala Sewak Ram.—Would Government be pleased to state whether such increase, if any, is confined to Dera Ghazi Khan District alone or is it common in other districts?

The Hon'ble Sir John Maynard.—It is not possible to say without complete investigation of all the increase of all the districts concerned.

516. Sardar Allan Khan.—(a) Is it a fact that, at the time of the creation of the District Court, the High Court, having regard to the strength of the Hindu and Muhammadan population in the district, appointed to the ministerial staff 7 Muhammadans and 2 Hindus, and has this proportion been maintained till now?

(b) If not, what is the proportion at the present moment, and has it the sanction and approval of Government?

(c) Is it a fact that at the present moment the Clerk of the Court, the Reader, the English Clerk, the Typist, (Assistant English Clerk), the Nazir, the Naib-Nazir, the Ahlmad and the three Copyists in the District Judge's office are all Hindus, and is the District Judge himself a Hindu?

The Hon'ble Sir John Maynard.—The answer to clause (a) of question is in the negative. There were eight permanent and pensionable appointments at the date of the creation of the court in 1914 of which four were given to Hindus and four to Muhammadans. Out of the existing nine appointments four are held substantively by Hindus and five by Muhammadans.

The present proportion is four Hindus and five Muhammadans. These appointments are filled by the District Judge without reference to Government or the High Court.

As stated above, four out of nine appointments are held substantively by Hindus and five by Muhammadans. Of

the three permanent Copyists one is a Hindu and two are Muhammadans. The present District Judge is a Hindu.

Rai Bahadur Lala Sewak Ram.—Would Government be pleased to lay a complete statement on the table of all officers and officials of other departments in Dera Ghazi Khan district showing (a) their designation, (b) the community to which they belong.

The Hon'ble Sir John Maynard.—The Government is prepared to lay such a statement on the table but not at once.

EDUCATION IN DERA GHAZI KHAN DISTRICT.

517. Sardar Allan Khan.—(a) Is it a fact that Dera Ghazi Khan is the most backward district in education in the province?

(b) Will Government kindly open two new Government High Schools at Rajanpur and Taunsa Sharif and more Anglo-Vernacular Middle Schools at suitable centres?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) No.

(b) Government has recently raised the Middle School at Jampur to the high stage and has provincialised the school. Government will consider the claims of the Dera Ghazi Khan District generously, with due regard to the claims of other districts in the province.

PAY OF TEACHERS IN DERA GHAZI KHAN DISTRICT.

518. Sardar Allan Khan.—Will Government kindly state if teachers serving under the Dera Ghazi Khan District Board are paid adequately as compared with teachers in other districts of the Multan Division?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The scale of teachers' salaries in the Dera Ghazi Khan District is similar to those in the Muzaffargarh and Multan Districts; but is generally lower than those in the other districts of the Multan Division.

DISTRICT BOARD SCHOOL BUILDINGS IN DERA GHAZI KHAN.

519. Sardar Allan Khan.—(a) Is it a fact that the District Board Schools in the Dera Ghazi Khan district are very poorly housed and that their equipment and furniture is very inadequate?

(b) If so, will Government consider the advisability of moving the District Board concerned to build better school houses and to provide better equipment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes; but not more so than in several other districts, e.g., Muzaffargarh.

(b) The Board spent last year Rs. 8,061 (including the Government grant of Rs. 7,000) on buildings, and Rs. 3,948 on furniture and equipment. Its provision for the current year is Rs. 18,000 and Rs. 5,117, respectively. Government has just given a grant of Rs. 10,000 towards school buildings. The necessity for better school buildings will be put before the Board.

ROADS IN DERA GHAZI KHAN DISTRICT.

520. Sardar Allan Khan.—Will Government kindly state what steps it proposes to take to improve the condition of the roads in the Dera Ghazi Khan District?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The only provincial road in the Dera Ghazi Khan district is that from Dera Ghazi Khan to Fort Munro. To this the Hon'ble Member does not apparently refer.

The improvement of the condition of the other roads is primarily the concern of the District Board and the attention of that Board should be drawn to this matter.

DISPENSARIES IN DERA GHAZI KHAN DISTRICT.

521. **Sardar Allan Khan.**—Is Government satisfied that the dispensaries in the Dera Ghazi Khan District are well supplied with medicines and other necessary equipment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—On enquiry Government is satisfied that the dispensaries in the Dera Ghazi Khan District are well supplied with medicines and other necessary equipment according to their needs. Grants have been made by Government and the District Board to bring equipment up to modern requirements where necessary. If the Hon'ble Member intends to draw attention to any defect, the Inspector-General of Civil Hospitals will gladly enquire into it.

HEADS OF OFFICES IN DERA GHAZI KHAN DISTRICT.

522. **Sardar Allan Khan.**—Will Government kindly lay on the table a list giving the names of the heads of the Government and Board office establishments in the Dera Ghazi Khan District?

Mr. G. F. deMontmorency.—The question is not clearly worded. The heads of the various branches of the administration in the district are Deputy Commissioner, Mr. Worsley; District and Sessions Judge, Mr. Topan Ram; Superintendent of Police, Mr. Beaver; District Inspector of Schools, Sheikh Allah Rakha; Divisional Forest Officer, Lala Ram Nath; Assistant Engineer, Public Works Department, Buildings and Roads; Sheikh Abdul Qadir; Superintending Engineer, Public Works Department, Irrigation, Mr. Claxton or Mr. Moncrieff. Mr. Worsley is President of the District Board.

DELAY IN DISPOSAL OF CASES IN THE HIGH COURT.

523. **Mian Ahmad Yar Khan Daultana.**—Will the Government be pleased to state—

(a) How old is the oldest case pending in the High Court? When was it instituted originally, and when was it brought to the High Court file?

(b) How many cases over five years standing are pending in the High Court?

(c) What steps it proposes to take to get the arrears of the High Court worked off?

The Hon'ble Sir John Maynard.—

(a) The oldest case in the High Court has been pending for a period of 7 years. It was originally instituted in the Court of the District Judge (old style), Rawalpindi, on 27th June 1912, and was brought on to the High Court file on 28th May 1913. This is a war case and was postponed *sine die* as the respondent proceeded on field service.

(b) Thirty-eight.

(c) An application by the High Court for a temporary increase in the number of Judges is under consideration.

PRICE OF LAND IN THE LOWER BARI DOAB CANAL COLONY.

524. **Mian Ahmad Yar Khan Daultana.**—Will the Government be pleased to state—

(a) What is the average price at present of one square of land in the Lower Bari Doab Canal Colony?

(b) What is average net income that a landlord receives from such a square of land?

(c) What amount does the Government receive from such landlord for one square as land revenue, local rate, water rate, *panjotra*, etc.?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) It is

understood that by the word "square" the questioner means rectangle. Land in the Lower Bari Doab Canal Colony is divided into rectangles of 25 acres each and not into squares of 27.7 acres. There are no statistics available to show what the average price of a rectangle of land sold by private individuals is. At the last 3 auctions which were held on—

(a) 3rd to 5th March 1919,

(b) 8th March 1920,

(c) 4th April 1921,

the average prices obtained per acre were—

(a) Rs. 493,

(b) Rs. 503, and

(c) Rs. 503.

This would work out to (a) Rs. 12,325, (b) Rs. 12,575 and (c) Rs. 12,575 per rectangle of 25 acres, or an average of Rs. 12,575 per rectangle during the triennium.

(b) No statistics are available to show what is the average net income that a landlord receives from a rectangle of land in the Lower Bari Doab Canal Colony.

(c) I place on the table a statement* giving the necessary information about land revenue, malikana and tesses. For the schedule of occupiers' rate the questioner is referred to Punjab Government, Irrigation Branch, Notification No. 547-R. I., dated 23rd April 1913, as amended by Notification No. 9105-R. I., dated 25th June 1913.

HONORARY MAGISTRATE, UNA.

525. Mian Beli Ram.—Will Government be pleased to state—

(a) How many criminal cases triable by 2nd and 3rd class Magistrates arose in (a) Thana Amb, (b) Thana Una of the Hoshiarpur District, in each of the following years, namely, 1920, 1919, 1918, 1917, 1916?

(b) How many of these cases were cognizable by Police and how many instituted by private individuals in each of the said years?

(c) How many of the cases instituted by private individuals were disposed of without summoning the accused; how many compromised, in how many the

accused were discharged or acquitted; and in how many accused were convicted in each of the said years?

(d) How many of these cases were disposed of by the Honorary Magistrate of the Una and how many by the Tahsildar and Naib Tahsildar?

(e) Were any of these cases tried by any other 3rd or 2nd class Magistrate; if so, by whom, in what year, and how many?

The Hon'ble Sir John Maynard.—Material for the reply is not available, and an estimate of the cost of compiling it has been called for to see whether the outlay can be justified.

526. Mian Beli Ram.—Is it a fact that there is an Honorary Magistrate at Una invested with 3rd class powers exercisable within the limits of Thana Una and another Magistrate with 1st class powers for Thanas Anandpur and Nurpur?

The Hon'ble Sir John Maynard.—The reply to the above question is in the affirmative.

HOLIDAYS IN PUNJAB CIVIL SECRETARIAT.

527. Mian Beli Ram.—Is it a fact that clerks in the Punjab Civil Secretariat Offices, and particularly in the C. I. D. Branch, are frequently required to be present in office on gazetted holidays?

If so, will Government be pleased to issue instructions to the Heads of the Departments that this class of public servants be allowed to avail themselves of gazetted holidays, or be allowed additional payment for the additional work done on holidays?

Mr. G. F. deMontmorency.—It is a fact that some clerks in the Punjab Secretariat are at times required to be present in office on gazetted holidays. Attempts are, however, made—

(a) to allow all clerks to avail themselves as far as possible of gazetted holidays;

(b) to allow as a rule clerks of particular religious denominations to absent themselves on holidays connected with festivals of their respective religions; and

(c) only to employ clerks at all on holidays when there is work of particular urgency.

2. Government do not propose to alter this system in view of the fact that the number of Government office holidays in a year is considerably larger than the number of holidays enjoyed by private employees under the Negotiable Instruments Act, and that these holidays are given on the understanding that the state of work permits of a holiday being allowed. Government do not propose to grant any allowance for attendance on holidays.

ENHANCEMENT OF REVENUE IN MULTAN AND SHUJABAD TAHSILS.

528. **Diwan Bahadur Raja Narendra Nath.**—Is it a fact that one of the Chief Engineers was consulted before Settlement operations were begun in the Multan and Shujabad Tahsils, and that he gave it as his opinion that the effect of the triple canal project on Chenab Inundation Canals should be seen before enhancement of revenue is made in tracts irrigated by those canals?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh, Majithia.**—It is not in the public interest that the advice tendered to Government by any of its officers should be divulged, but, to prevent misapprehension, it may be stated that Government accepted the advice of the officer referred to in the question.

WATERWORKS, MULTAN.

529. **Diwan Bahadur Raja Narendra Nath.**—Is it a fact that a scheme of waterworks for Multan city was proposed as early as 1910 or 1911, and that the only thing which then remained to be

done was to determine the sites for tube wells? Will Government be pleased to state what has been done towards the execution of that scheme and what stage it has now reached? Why has there been delay in giving to the city the benefit of waterworks?

The Hon'ble **Khan Bahadur Mian Fazl-i-Husain.**—In September 1910 the Deputy Commissioner, Multan, asked the Sanitary Engineer to Government to frame a preliminary project for a piped water-supply for Multan city. The Sanitary Engineer furnished an outline of the scheme in 1912, but it had again to be revised on the recommendation of the Sanitary Commissioner. In 1913 the scheme was approved by the Sanitary Board. Administrative approval was accorded by Government and a grant-in-aid of 1½ lakhs was sanctioned. The Sanitary Engineer was asked in 1914 to prepare a detailed project. The project was approved by the Sanitary Board and technical sanction was given by Government in the same year. The Municipal Committee desired the work to be carried out by the Public Works Department, but were unable to place funds at their disposal earlier than April 1915. But in August 1915 the Sanitary Engineer taking advantage of the experience gained in carrying out the Sialkot Waterworks submitted a revised project which was approved by the Municipal Committee. In 1916 the Sanitary Board postponed the scheme until a scheme in combination with the electric supply was ready for consideration. In 1918 the Sanitary Board again asked the Sanitary Engineer for proposals regarding the portions of the water supply scheme which could be undertaken without awaiting a decision on the electric installation. The Sanitary Engineer submitted his proposals, but the Municipal Committee desired the Sanitary Engineer to revise the scheme so as to use electricity as the motive power. Accordingly a preliminary estimate was prepared by the Sanitary Engineer, but the Committee considered it prohibitive. In November 1919 the Sanitary Board held a

meeting at Multan to discuss the salient features of both drainage and water-supply projects, and asked the Committee to reconsider the case. In December 1919 the Sanitary Engineer furnished a further revised preliminary project, but the estimates and the annual maintenance charges were still high. The Municipal Committee considered the method of financing the scheme, and in 1920 agreed to the imposition of a terminal tax in the town. The scheme to introduce terminal tax is still under consideration. The Committee has at the same time proposed to start a local company for the installation of electricity in the town and intends to move the Company to provide equipment sufficient for the waterworks project.

Diwan Bahadur Raja Narendra Nath.—What is the total estimate of waterworks for Multan City?

The Hon'ble Mian Fazl-i-Husain.—A supplementary question like that necessarily needs notice.

GAURAB SINGH, RETIRED INSPECTOR OF POLICE.

530. Diwan Bahadur Raja Narendra Nath.—Will Government be pleased to lay on the table the file relating to the enquiry against Gaurab Singh which ended in the sequestration of his pension for two years.

The Hon'ble Sir John Maynard.—The Government does not consider it necessary to comply with this suggestion as the substance of the case has already been communicated to the Council in answer to questions. The pension was withheld for a period of two years, and on the conclusion of that period without further cause for complaint the Government has recently permitted the pensioner to draw the arrears of his pension for the two years in question.

ARTICLES SUPPLIED TO MILITARY OFFICERS DURING DISTURBANCES OF 1919.

531. Diwan Bahadur Raja Narendra Nath.—Is it a fact that the

firm of Jagjit Singh and Pritham Singh of Amritsar supplied 7 maunds, 21 seers and 14 chataks of *atta* on 2nd May 1919 to the Talsildar at Amritsar for the use of the Martial Law authorities at Amritsar, that the firm made repeated demands for the price of flour thus supplied, and that it has not yet been paid? If so, will Government be pleased to state (a) why delay has occurred in settling the claim of the firm; (b) why reasonable interest should not be paid by Government to the firm from the date of supply up to the date of payment; (c) whether there are any other firms at Amritsar who supplied provisions during Martial Law days and whose claims have not yet been settled?

The Hon'ble Sir John Maynard.—(a) There has been delay in settling the claim owing partly to the original bills and the vouchers ordering the supplies in question having been mislaid. The claim was finally resubmitted to the Military authorities for settlement on the 2nd April 1921.

(b) Interest on Rs. 43-2-0, the amount of the debt, does not appear to have been claimed from the Military authorities by the firm in question.

(c) Including the claim referred to by the questioner a claim of Rs. 845-11-11 in all is outstanding on account of cost of articles supplied to Military officers during the disturbances.

THE "HAQ" RULES.

532. Diwan Bahadur Raja Narendra Nath.—Is it a fact that the rules determining the area which each landowner on the Upper Bari Doab Canal has a right to irrigate have varied from time to time? Will Government be pleased to lay on the table such rules (called "Haq" Rules) as were in force—

before 1911,
in 1911 and thereafter, and
as they are now?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The reply

to the first part of the question is in the affirmative.

As regards the second part of the question, the "Haq" rules asked for are laid on the table. In perusing the so-called "Haq" rules the following may be noted particularly :—

For the old irrigation of the original distributary the permissible annual irrigation is based on the average irrigation done during the 5 years ending 1918-19.

For the new irrigation of the extension the permissible annual irrigation is based as 50 per cent. of the culturable commanded area (less well lands), the percentage on which the extension was built :—

The "Haq" Rules before 1911

(i) Every village shall continue to receive a supply sufficient, in the opinion of the canal officers, for the irrigation, with due economy, of the area assessed at settlement or subsequently to "*nakri-parta*" or of the average area irrigated in the three years next before last settlement whichever is greater.

(ii) When the average area irrigated in the three years next before last settlement was less than 50 per cent. of the commanded area, less well lands, but the average area irrigated during the three years 1897-1900 exceeded that irrigated at settlement, the water-supply to be maintained shall be sufficient, in the opinion of the canal officers, to irrigate either (a) the average area irrigated in the three years 1897-1900, or (ii) 50 per cent. of the commanded area, less well lands, whichever is less.

(iii) Provided that in no case shall the area to which irrigation is continued be less than the area assessed to "*nakri-parta*" at settlement or since.

The "Haq" Rules of 1911.

(a) "Whenever in connection with contemplated extension of the canal

system or with the re-arrangement of outlets, etc., it is necessary to ascertain the area of irrigation permissible to any village, the permissible area shall ordinarily be taken to be the average area irrigated during five years previous to the ascertainment, provided that 63 per cent. of the commanded area (*minus* well lands) shall ordinarily be considered as sufficient maximum.

(b) When, however, having regard to this maximum, it is proposed to register the permissible area at more than 15 per cent. less than the said previous average of irrigation such reduction shall not be decided on otherwise than in consultation with the Deputy Commissioner."

These proposals were not accepted by the Local Government which gave instructions that neither the so-called "Haq" Rules of 1901 nor the rules proposed by the Committee should be enforced except where a rise in the water level has produced or is likely to produce water-logging.

ACT V OF 1918.

533. Diwan Bahadur Raja Narendra Nath.—(a) Will Government be pleased to lay on the table a statement showing in how many cases since Act V of 1918 came into force were orders passed under (a) section (7), (b) section (8), (c) section (12) of the Act, and how many persons were convicted under section (17) of the Act?

(b) Is there any statistical evidence to show that action under the above Act has brought about decrease of crime?

The Hon'ble Sir John Maynard.—It will be seen from paragraph 40 of the Criminal Justice Report, which is laid on the table, that the movements of 604 persons were restricted in 1919 under Act V of 1918. Separate particulars under different sections of the Act are not available.

It is too early yet to draw any inferences from statistics as to the effects of these measures. A tendency to reduce

tion brought about by one factor may be neutralised by another factor operating in the other direction and the present tendency of crime is upwards.

WATER-COURSES IN THE BARI DOAB COLONY.

534. Diwan Bahadur Raja Narendra Nath.—Has the attention of Government been drawn to a letter written by one Ajit Singh of Montgomery headed "An illegal impost in the Bari Doab Colony" and published in the "Tribune" of the 27th May 1921? Will Government be pleased to lay on the table a statement showing the total amount to be recovered on account of charges for the construction of water-courses, the amount so far recovered by the imposition of acreage and the amount still to be recovered on account of this impost? Will Government be pleased to state for how long this acreage impost is likely to continue, and how the cases of those land-owners, who constructed water-courses at their own expense, are proposed to be met?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The attention of Government has been drawn to the letter in question. The impost of eight annas per acre referred to is being levied on the Lower Bari Doab Canal as well as on the Upper Chenab and Upper Jhelum Canals in accordance with Punjab Government, Irrigation Branch, Notification No. 1191-R.L., dated 21st November 1917, the whole of which should be read together with Punjab Government, Irrigation Branch, endorsements No. 1102-R.L., dated 21st November 1917, and Nos. 1103-05-R.L., dated 21st November 1917, and Nos. 1106-07-R.L., dated 21st November 1917, from which it will be seen that the eight-anna charge covers cost of (1) preliminary surveys and demarcation, (2) construction of water-courses and (3) construction of culverts and masonry works on water-courses.

The total amount to be recovered under the above heads (1), (2) and (3) is not

at present obtainable as work is still proceeding.

A statement of the amount so far recovered on the Lower Bari Doab Canal has been called for and will be laid on the table as soon as received. The impost will continue until such time as the cost incurred by Government will have been recovered.

The case of those land-owners who have constructed water-courses at their own expense is provided for in the endorsements quoted above.

STATUS OF MUNSIFS.

535. Maulvi Muharram Ali, Chishti.—With reference to the answers given to question No. 32 of Mr. Ganpat Rai and to the answer to the question No. 139 asked by me in the last session of the Council, will the Government be pleased to state—

(1) (a) The date on which the Secretary of State sanctioned the amalgamation of the cadre of Munsifs with the Provincial Service, and

(b) how much time is approximately to be taken in the consideration of the details of the scheme?

(2) Whether the delay in considering the details of the scheme is causing anxiety and discontent among the Punjab Munsifs?

(3) Whether, in considering the details of the scheme of the Munsifs, it has kept in view the following points:—

(a) That the pay of all Provincial Services was revised with retrospective effect from the date of the Secretary of State's sanction?

(b) That all the members of the Provincial Service were given the benefit of the newly sanctioned time-scale pay according to the length of their service?

(4) Whether it is a fact that—

(a) the pay and status of the Munsifs of the Central Provinces were exactly the same as those prevailing in the Punjab, and

(b) that the total past service of the Central Provinces Munsifs was counted towards increment according to the newly sanctioned time scale pay with retrospective effect from 1st December 1919?

(5) If the answer to (4) is in the affirmative, whether it is prepared to follow the Central Provinces new scheme in this respect? If not, what are the reasons for any differential treatment in the case of the Punjab Munsifs?

(6) In what manner it is contemplated that the status and emoluments of the Punjab Munsifs will be "closely assimilated to those of the Munsifs in the neighbouring provinces?"

(7) Whether High Court has passed any orders on a representation of the Munsifs for permission to form an Association of their own like other services? If not, when the orders of the High Court are expected to be issued?

Mr. G. F. deMontmorency.—(1) (a) The Government of India informed the Punjab Government in July 1920 that the Secretary of State had sanctioned the inclusion in the Punjab Civil Service of Munsifs employed on superior work in the Punjab.

(b) The details of the scheme were submitted to the Government of India some time ago and will be published when their orders have been received.

(2), (3) and (5).—These points were considered before the scheme was submitted to the Government of India. An announcement can only be made after the orders of the Government of India have been received.

(4) Government have no information on the subject.

(6) The existing Munsifs after their amalgamation with the Punjab Civil Service will draw pay in the time-scale published in Punjab Government resolution No. 10242, dated 1st April 1921. This scale closely corresponds with the scale fixed for the United Provinces Judicial Service.

(7) The Hon'ble Judges were unable to consider the draft articles of the Punjab Munsifs' Association.

Maulvi Muharram Ali, Chishti.—Clause 1 (a) has not been answered. I asked in the question the date of the Secretary of State's sanction. Will Government please give the date on which the Secretary of State sanctioned the amalgamation?

Mr. G. F. deMontmorency.—I did not mention the exact date. I mentioned the month and the year (1920).

Maulvi Muharram Ali, Chishti.—The month mentioned is the one in which the Government of India informed the Punjab Government. I really wanted the date on which the Secretary of State sanctioned.

Mr. G. F. deMontmorency.—I should like due notice, please.

Maulvi Muharram Ali, Chishti.—As regards clause (1) (b) my question has not been answered. I wanted to know approximately what time will be taken for consideration, either weeks, months or years. I only want to know the approximate time.

Mr. G. F. deMontmorency.—It is not quite clear—as regards the details of the scheme—from what period the time is to be computed, whether from the period the proposal first came under consideration or from the time of receipt of the opinions of the Government of India in July 1920.

Maulvi Muharram Ali, Chishti.—As regards clause (2) I think I have not received any reply. It has only been said that the scheme has been considered. I wanted to know whether the Government was aware that the delay in considering the details of the scheme was

causing anxiety and discontent among the Punjab Munsifs.

Mr. G. F. deMontmorency.—Government have not received any information on the subject.

Maulvi Muharram Ali, Chishti.—As regards clauses 4 (a) and (b), would the Government be pleased to make an enquiry on the subject; the reply merely states that they are not aware of the fact?

Mr. G. F. deMontmorency.—Enquiries were made from the United Provinces in regard to the pay of Munsifs, but no enquiries were made from the Central Provinces. Enquiries can be made.

Maulvi Muharram Ali, Chishti.—In reply to clause (5) of my question it was said that the Government had considered this. If the conditions mentioned in clause (4), however, have not been fulfilled, may I ask how the Government has considered the matter mentioned in that clause?

Mr. G. F. DeMontmorency.—Government considered the pay of Munsifs and Judicial Service in the adjoining province of the United Provinces. It is the nearest neighbouring province.

Maulvi Muharram Ali, Chishti.—My clause (5), Sir, refers only to the Central Provinces.

Mr. President.—The Hon'ble Member is not asking a question; he is making a speech. If you have any supplementary question to ask please put it.

Maulvi Muharram Ali, Chishti.—I have put the question that if, as stated, Government has not made an enquiry from the Central Provinces, how is it that they have been able to consider the proceedings of that Province?

Mr. G. F. deMontmorency.—The question of considering the scale of pay, etc., in other provinces was considered, and Government came to the conclusion to follow as far as possible the scale of the United Provinces, which is a neigh-

bouring province and in which conditions are similar to those in the Punjab.

PROVINCIAL ENGINEERING SERVICE.

536. Sardar Dasaundha Singh.—(i) Is it a fact (a) that the recruitment made to the new Provincial Engineers Service has caused serious discontent among senior members of the Upper Subordinate Service; (b) that the claims of some men with engineer qualifications, sub-engineers and supervisors with long and distinguished service have been ignored whilst overseers and even sub-overseers have been considered fit for promotion; (c) that some members of the Upper Subordinate Service who were considered fit for promotion to the Indian Service of Engineers (old Provincial Engineer Service) have not been taken into the new service?

(ii) Is the method of fixing initial salaries of men selected such that some of the senior members get superseded by their juniors?

(iii) What steps has the Government so far taken in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(i) (a) The Government is not aware of any serious discontent; but when appointments, as in this case, are made on a purely selective basis some disappointment is inevitable.

(b) The reply is in the negative. The claims of all Upper Subordinates were considered and the men appointed were specially selected.

(c) There is only one such case, and at the time the first batch of appointments were made to the Provincial Engineering service he was not recommended.

(ii) The reply is in the affirmative.

(iii) The matter has been referred to the Government of India, who have been asked to give the Local Government the necessary power to remove such anomalies.

which have arisen under the terms laid down for appointment of Upper Subordinates to the new Provincial Engineering Service.

EXECUTIVE ENGINEERS.

537. **Sardar Dasanandha Singh**—

Will the Government be pleased to lay on the table statements giving the following information about the Simla, Ambala, Kangra, Rawalpindi and Lahore No. 3 Provincial Divisions (B. & R.)—

- (a) The number of years the division has been in existence?

- (b) The total periods during which charge was held by (i) European, (ii) Anglo-Indian and (iii) Indian Engineers, respectively?

- (c) What is the maximum period for which an Indian has ever held charge of any of these divisions?

The Hon'ble Lala Harkishan Lal—

A statement showing the information is laid on the table. It is regretted that owing to the destruction of old records it is not possible to give the full information asked for.

Statement showing the number of years certain Public Works Divisions of the Railways and Roads Branch have been in existence and the total periods during which charge was held by (1) Europeans, (2) Anglo-Indians, and (3) Indians, etc.

No.	Name of Division.	Date of formation of Division.	Number of years the Division has been in existence.	THE PERIODS OF CHARGE			Maximum period an Indian held charge of Division.	REMARKS.
				Europeans.	Anglo-Indians.	Indians.		
1	Simla	November 1880.	41 years ...	Y. M. D. 26 0 2	Y. M. D. 3 3 23	Y. M. D. ...	Y. M. D. ...	Prior to November 1880, the Division was known as the "Hill Roads Division" and dates back to 1864. Records prior to 1884 have been destroyed. Information as to incumbents who held charge of the Division prior to 1882 is not forthcoming.
2	Ambala	1890 ...	31 years ...	26 years 7 months 14 days.	3 10 13	1 0 9		Information in regard to the formation of this Division, etc., prior to 1890 is not forthcoming.
3	Kangra	28th April 1905.	16 years ...	14 5 6	1 1 0	0 4 25	0 2 23	Information in regard to the formation of this Division, etc., prior to 1905 is not forthcoming.
4	Rawalpindi	1894 ...	27 years ...	25 years 9 months 13 days	1 2 17	0 5 27		Information in regard to the formation of this Division, etc., prior to 1894 is not forthcoming.
5	Lahore, II.	11th December 1904.	16½ years ...	12½ years	34 months	2 months,		

* Information not available by Europeans and Anglo-Indians.

538. Sardar Dasaundha Singh.—

(a) Is it a fact that the undermentioned Provincial Divisions (B. & R.) are at present held by very junior European Assistant Executive Engineers :—

- (i) Multan Provincial Division ;
- (ii) Rawalpindi Provincial Division ;
- (iii) Quarry Division ?

(b) Is it a fact that several senior Indian Assistant Executive Engineers are without Divisions ?

(c) Is it a fact that some of these seniors have to serve under their junior European Engineers ?

(d) What special experience these junior officers had in the department ?

The Hon'ble Lala Harkishan Lal.—

(a) The Multan Provincial Division is held at present as a temporary measure by Mr. J. H. Johnstone, Assistant Executive Engineer, and an officer with nearly seven years' service.

The Rawalpindi Provincial Division was held, as a purely temporary measure, by Mr. A. E. Knox, Assistant Executive Engineer, an officer with nearly eight years' service from the 18th April 1921 to the 23rd May 1921 pending the arrival of Mr. D. Macfarlane, Executive Engineer, as the permanent Divisional Officer.

The duties of Quarry Engineer to the Punjab Government are carried out by Mr. G. T. Fould, Assistant Executive Engineer, an officer with nearly eight years' service.

(b) Three Indian Assistant Executive Engineers with more than six, eight and ten years' service each are now in charge of Sub-Divisions, as the two Engineers with over eight years' service each are not considered to be qualified for Divisional charge at present.

(c) The answer is in the negative. None of the three Indian Assistant Executive Engineers are serving under any junior European Assistant Executive Engineers.

(d) This portion of the question is not understood, but the officers mentioned in the reply to question (a) above were and are considered qualified for the charges they hold.

PROVINCIAL ENGINEERING SERVICE.**539. Sardar Dasaundha Singh.—**

(a) Is it a fact that a second grade Sub-Engineer was promoted to the (old) Provincial Engineer Establishment of Buildings and Roads Branch in 1917 with effect from September 1916 ?

(b) Is it a fact that this Sub-Engineer was placed in the seniority list above several Assistant Engineers appointed to the service several years before him ?

(c) If so, what were the special reasons for departure in this particular case from the established rule (*vide* paragraphs 159 and 160, P. W. D. Code, Volume I, 9th edition) ?

(d) Is it a fact that this Sub-Engineer was given increment with effect from 1st September 1912, *viz.*, five years prior to his promotion to the Engineer establishment ?

(e) Will the Government be pleased to state when was this Sub-Engineer first recommended by his Executive Engineer for promotion to the old Provincial Engineering establishment ? Was this recommendation annually repeated until his promotion ?

The Hon'ble Lala Harkishan Lal.—

(a) The answer is in the affirmative.

(b) The answer is in the affirmative.

(c) This Government recommended to the Government of India, Public Works Department, in 1916 three Sub-Engineers for appointment to the Provincial Engineering Service in accordance with the established rule quoted by the Hon'ble Member, but the Government of India selected only one man and fixed his pay and position in accordance with the

following principle followed by the Government of India :—

"The subordinates selected for promotion are not invariably appointed at the bottom of the list of Engineers or on the lowest stage in the incremental scale of pay, but their positions both in respect of seniority and pay are determined with reference to their age and length of service, their standing in the upper subordinate establishment, pay drawn and the positions occupied by those promoted before them."

(d) The answer is in the affirmative.

(e) The Sub-Engineer was first recommended in 1913 and not again till 1918.

540. Sardar Dasaundha Singh.—Will the Government be pleased to place

on the table a statement giving the following information regarding Upper Subordinates appointed to the old Provincial Service, Buildings and Roads Branch, during the last 30 years :—

(a) Names and grades of Upper Subordinates so promoted.

(b) Date of appointment to Engineer Service.

(c) Initial pay and personal allowances in Engineer Service.

(d) Last pay as Upper Subordinate.

(e) Special services rendered on which these promotions were based?

The Hon'ble Lala Harkishan Lal.—The Provincial Engineering Service was introduced from July 1892. A statement is laid on the table giving the required information.

Statement showing the names of the Upper Subordinates serving in the Buildings and Roads Branch appointed to the old Provincial Engineering Service between the years 1890 and 1920.

Names and grades of Upper Subordinates so promoted.	Date of appointment to the Provincial Engineering Service.	Initial pay and Personal Allowance in Engineering Service.	Last pay as Upper Subordinate.	Special services rendered on which these promotions were based.
1890 to 1906	No appointments.	Rs.	Rs.	
M. Abdul Ahad, Sub-Engineer, III Grade.	1st September 1908.	250	250	Good record generally.
1907	No appointments.			
Sardar Sahib Balwant Singh, Sub-Engineer, III Grade.	1st September 1908.	250	250	Ditto.
1909 and 1910	No appointments.			
Lala Raja Ram, Sub-Engineer, I Grade.	1st September 1911.	Pay 250 P. A. 150	400	Ditto.
1912-1915	No appointments.			
K. Latif Hassan, Sub-Engineer, II Grade.	1st September 1916 (counts service from 1st September 1912).	350	300	Ditto.
1917	No appointments.			
Mr. B. H. Moss, Sub-Engineer	1st September 1918 (counts service from 1st September 1915).	325	300	Ditto.
1919 and 1920	No appointments.			

**MILITARY WORKS EXECUTED BY PUNJAB
PUBLIC WORKS DEPARTMENT.**

those officers were recognised or appreciated by the Department?

541. Sardar Dasranda Singh.—Will the Government be pleased to state the names of the important Military Works executed by the Punjab Public Works Department, Buildings and Roads Branch, during 1916-19, the names of officers placed in charge thereof, and the way in which the services of

The Hon'ble Lala Harkishan Lal.—The names of the important Military Works executed by the Punjab Public Works Department, Buildings and Roads Branch, during 1916-19, with the names of the officers placed in charge thereof, and the recognition of the services of those officers is as in the statement attached.

Statement showing the more important Military Works executed by the Punjab Public Works Department, Buildings and Roads Branch, during 1915-19 and the names of the officers placed in charge thereof.

No.	Name of work.	Amount of estimate.	Date of commencement.	Date of completion.	Names of officers in charge.	Recognition of services.
1	2	3	4	5	6	7
1	Adding a storey on lower and upper blocks of Army Headquarters, Simla.	Rs. 2,75,000	26th November 1917.	April 1918	Mr. V. Stainton, S. E. Mr. I. H. M. Heathcote, E. E. Mr. B. H. Moss, A. E. E.	Mention in <i>Gazette of India</i> , His Excellency the Commander-in-Chief's Despatch.
2	Temporary Infantry Lines at Montgomery.	1,35,000	1917	Work suspended.	Mr. A. S. Montgomery, S. E. S. Garbakh Singh, E. E. M. Ahmed Din, Overseer	Ditto M. B. E. (Received). Mention in <i>Gazette of India</i> , His Excellency the Commander-in-Chief's Despatch.
3	Temporary Infantry Lines at Ludhiana.	4,06,972	1917	1918	Mr. V. Stainton, S. E. Lala Sant Ram, E. E. Lala Kundan Lal, A. E. E.	Ditto Ditto
4	Construction of a bridge over the Haro river.	1,02,442	10th June 1918.	31st September 1918.	Mr. E. D. Coathurn, S. E. Mr. A. R. B. Armstrong, E. E. Mr. C. C. M. Anderson, A. E. E.	Ditto Ditto
5	New Head-quarters and Armoury building for the 5th Punjab Light Horse, Lahore.	88,854	21st October 1918.	1920	Mr. Johni Mall, A. E. Mr. W. T. Keckston, A. E. Mian Fazal Iqbal, A. E. Lala Mehr Chand, A. E.	N.A.
Total		10,99,168				

**TREATMENT OF INDIAN ENGINEERS BY
EUROPEAN OFFICERS.**

542. Sardar Dasaundha Singh.—
(a) Is it a fact that there is a strong feeling among the Indian Roorkee Engineers of Buildings and Roads Branch that they are not justly treated by their Imperial European Officers?

(b) If so, has the Government ever taken any steps to remove this impression? Will the Government be pleased to request the Minister in charge to call a conference of Indian and European Officers to devise means to improve the relations and bring about a better understanding between the two classes of officers.

The Hon'ble Lala Harkishan Lal.—
(a) Government is not aware of any such feeling as is alleged to exist.

(b) In view of the answer to (a) above, the necessity of a reply to (b) does not appear to arise.

**ASSAULT BY A MILITARY OFFICER ON
INDIAN RAILWAY PASSENGERS.**

543. Sayad Ghulam Muhammad Shah.—Has the attention of the Government been called to an article in the *Tribune* of Thursday, the 19th May 1921, headed "An arrogant military officer assaults Indian passengers?"

(a) Has Government taken any step against that officer?

(b) If not, why not?

The Hon'ble Sir John Maynard.—The occurrence referred to in the article has been reported to Government.

(a) & (b) The occurrence was investigated by the Police and a case under section 120, Railway Act, was lodged against the officer in question; and he was convicted and fined, under section 120 of the Railway Act, by the District Magistrate of Sialkot.

**EXEMPTION OF HONORARY MAGISTRATES
FROM THE ARMS RULES.**

544. Sayad Ghulam Muhammad Shah.—Is it a fact that Honorary Magistrates were exempted from the Arms Act before the Reforms were introduced?

(a) Why they are not exempted now?

(b) Will Government be pleased to give this privilege to Honorary Magistrates as before in the Punjab?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—1. Honorary Magistrates were exempted from the provisions of the Arms Act until the introduction of the Indian Arms Rules, 1920.

2. As regards (a) and (b), Honorary Magistrates have not been exempted under the rules issued in 1920, but the question of exempting all Magistrates is at present under consideration in connection with a recommendation for such exemption adopted by the Council of State at Delhi in March last.

MUNSI, DERA GHAZI KHAN.

545. Sardar Allan Khan.—(a) Is it a fact that the first additional Munsif at Dera Ghazi Khan is closely related to the present District Judge, and has this fact been brought to the notice of the Government by the District Judge himself?

(b) If so, does Government think it advisable to post closely related officers at one and the same station, especially where one is directly under the other? Will the Government be pleased to take steps to transfer one of the officers at an early date?

Mr. G. F. deMontmorency.—(a) Government has no precise information on the point. The point has, however, been brought to the notice of the Hon'ble Judges who deal with the postings of Munsifs.

(b) The answer to the first portion is in the negative. As regards the latter portion, as already pointed out, the matter has been brought to the notice of the Hon'ble Judges.

546. **Sardar Allan Khan.**—(a) Is it a fact that the present Munsif at Rajanpur is a resident of the same tahsil and is the son of a local zaildar, who has an extensive relationship with the money-lending class of the *ilaka*?

(b) Will the Government be pleased to place on the table a statement showing the following particulars :—

- (1) Number of zails under the jurisdiction of the present Munsif at Rajanpur and the number of zails under the jurisdiction of his predecessor,
- (2) Number of suits instituted every month in the court of the Munsif at Rajanpur from October 1920 to May 1921,
- (3) Number of suits instituted during the corresponding period in 1919-20,
- (4) Number of suits pending in the said court on the 1st October 1920,
- (5) Number of money suits dismissed during October 1920 to May 1921,
- (6) Number of money suits in which future interest was allowed,
- (7) Number of money suits decreed in full during the said period,
- (8) Number of suits returned by the present Munsif by reason of any of the parties being his relations,
- (9) Number of suits, if any, in which the present Munsif reduced interest by virtue of the provisions of the Loans Act and Rules and Orders of the High Court, Volume I, Section XVI (b).

The Hon'ble Sir John Maynard.—(a) The present Munsif at Rajanpur is a resident of the same tahsil and is the son of a local Zaildar. He has some relatives who are money-lenders.

(b) (1) Two zails which were under the jurisdiction of the present Munsif's predecessor ceased to be under his jurisdiction from April 1921. This is the only change made in the area of the jurisdiction.

(8) Five suits were transferred to other courts at the request of the Munsif himself. Two of them were retransferred to his court by the District Judge on the application of the party who was not related to the Munsif. As a general rule complaints from relatives were not received by the Munsif.

As regards the other questions asked, the questioner is referred to the answer given to question No. 548 put by him.

AGRICULTURIST LITIGANTS.

547. **Sardar Allan Khan.**—(a) Will the Government be pleased to state what special instructions have been issued to the judicial officers in the Punjab to show indulgence to the agriculturist litigants owing to failure of crops?

(b) Will the Government be pleased to state what steps the High Court have taken to see that the judicial officers observe the instructions contained in section XVI (b) of the High Court Rules and Orders, Volume I?

The Hon'ble Sir John Maynard.—(a) No special instructions have been issued so far, nor do the Judges consider that it is necessary to issue any such special instructions in the matter.

(b) Paragraph 19, page 102 of Volume I of the Rules and Orders of the High Court at Lahore, already contains instructions for the District Judges to see that the subordinate Courts act in accordance with the principles laid down in section XVI (b) of the volume quoted. No further steps have been taken by the Judges in this matter.

DISTRICT JUDGE, DERA GHAZI KHAN.

548. **Sardar Allan Khan.**—(a) Is it a fact that the present District Judge, Dera Ghazi Khan, has, in several cases, interfered with the judgment of the Lower Court, which had reduced interest or allowed instalments in accordance with the High Court Rules above referred to?

(b) Is it a fact that there is not a single case in which the District Judge has on appeal reduced the interest decreed by the Lower Court against an agriculturist or allowed instalments?

(c) If so, what measures does Government intend to adopt?

The Hon'ble Sir John Maynard.—The Court of the District Judge is subject to the control of the High Court, and its decisions are subject to the appellate and revisionary authority of that Court. The Government has no control over the judicial decisions of the courts, and it is a fundamental constitutional principle that it should not attempt to exercise any. The Government is therefore not prepared to investigate the questions raised by the Hon'ble Member.

ESTABLISHMENT UNDER DISTRICT JUDGE
DERA GHAZI KHAN.

549. **Sardar Allan Khan.**—(a) Will the Government be pleased to place on the table a statement showing the number of Muhammadan and Hindu candidates accepted in the office of the District Judge, Dera Ghazi Khan? and the number of Muhammadan and Hindu petition-writers licensed by the District Judge during the incumbency of the present Clerk of the Court?

(b) Is it a fact that preference has been given in certain cases to junior Hindu employees in the District Court over senior Muhammadan employees in matters of promotion?

The Hon'ble Sir John Maynard.—(a) The required statement is laid on the table. It will be seen that 15 Hindus and

10 Muhammadans were accepted as candidates, and that 15 Hindus and 11 Muhammadans were granted license for petition-writership during the incumbency of the present Clerk of Court. It may also be pointed out that the Clerk of Court is only a ministerial officer of the Court and the decision of such cases rests entirely with the District Judge.

(b) No preference seems ever to have been given to junior Hindu employees over senior Muhammadan employees unless circumstances warranting such preference existed.

STATEMENT.

	Hindus.	Muhammadans,
Number of candidates accepted during the incumbency of the present Clerk of Court (offg. and permanent) ...	15	10
Number of petition-writers licensed during the incumbency of the present Clerk of Court (offg. and permanent) ...	15	11

OATH OF OFFICE.

Chaudhri Ghazi Ram was sworn in.

STANDING ORDERS COMMITTEE.

Sardar Bahadur Sardar Mehtab Singh.—Mr President, the Standing Orders in the first instance had to be framed by His Excellency the Governor. They were so framed, and on 2nd of March a Standing Orders Committee was appointed by this Council to examine and report if necessary what Standing Orders required amendment. Its detailed report was presented by me to the Council on the 16th April last. A copy of the report then presented was placed on the seat of every member, and it has now again been so placed. No amendment has been put forward. I have now to move—

That the report of the Committee on the amendment of the Standing Orders be taken into consideration.

[Mr. President.]

Mr. President.—Does any member wish to speak on this motion?

Rai Bahadur Lala Sewak Ram.—The report should have been given to us yesterday.

Mr. President.—It was given to you on the 16th April last.

Mr. President.—The question before the Council is—

‘That the report of the Committee on the amendment of the Standing Orders be taken into consideration.’

The motion was carried.

Sardar Bahadur Sardar Mehtab Singh.—I now beg to move, Sir,—

‘That the report of the Committee on the amendment of the Standing Orders be passed.’

Mr. President.—The question before the Council is—

‘That the report of the Committee on the amendment of the Standing Orders be passed.’

The motion was carried.

THE PUNJAB VILLAGE PANCHAYAT BILL.

8-13 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to move—

‘That leave be granted to introduce the Punjab Villages Panchayat Bill.’

The Bill was published in the *Punjab Gazette* on the 15th of this month, and after publication I have no doubt it has been in the hands of the Hon'ble Members. I understand, Sir, that it is not necessary for me to discuss the principles of the Bill while moving this motion, and that I will have to make my remarks when the next motion is placed before the Council, that is to say, that the Bill be referred to a Select Committee. Therefore I do not add anything to what I have already said.

Mr. President.—The question before the Council is—

‘That leave be granted to introduce the Punjab Village Panchayat Bill.’

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I now introduce the Bill.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—SIR, now I beg to move—

‘That the Punjab Village Panchayat Bill be referred to a Select Committee consisting of—

The Hon'ble Sir John Maynard,
Sayad Muhammad Hussain Shah,
Mian Boli Ram,
Chaudhri Muhammad Amin,
Sardar Dasandha Singh,
The Legal Remembrancer, and
The Mover.’

Sir, I attach very great importance to this Bill, and feel that on its careful framing, and efficient working, depends the growth of that self-government which secures the prosperity of a people. In order to make clear the aims and objects of this legislation, it seems to me necessary to go into its genesis.

The British administration in the Punjab now lasting for nearly three-quarters of a century, has no doubt transformed the conditions prevailing in the Province at the time of annexation. The foundations of an efficient administration were laid in the very beginning. Education, sanitation and affording of medical relief were taken in hand. Agricultural advancement was kept in the forefront of the programme of progress and the system of administration of justice was introduced which began by giving entire satisfaction to the people at large. A great deal of success was achieved in developing various departments of Government activity, but as years passed it was found that while education did advance, a stage was reached where further advance was very slow, and in no way was the rate of progress rapid enough to satisfy either the Government or the people. In the matter of sanitation in the rural tracts, it was a task in

which but little success was achieved. Medical relief was made available at the headquarters of districts and in some cities, but the village population at large was not as well provided for. From an economic point of view while the ignorance of the peasant made the introduction of important agricultural methods difficult, there was an unexpected loss in the extinction of cottage industries. While the existence of civil, criminal and revenue courts was a blessing for the people and a protection to the poor against the grasping greed of the rich and the powerful, it was found that the machinery of justice indirectly tended to foster litigation, undermine national character by recourse to disregard for truthfulness. It was also found that as the machinery for administration of justice developed it became very expensive and its utility was to a certain extent reduced by the existence of corruption amongst those entrusted with its working. It was also found that where formerly a great deal of sympathy and fellow-feeling and hospitality existed, a change in the social conditions of the village communities tended to lower the high standard at which these have been believed to exist in olden times. Those entrusted with the administration of the Province from time to time have felt that the ignorance and apathy of the people stood in the way of further development of education and sanitation of the country, stood in the way of introducing improved methods of agriculture and also tended to make the machinery for the administration of justice an instrument for perpetrating injustice. On the other hand, amongst the thoughtful section of the people conviction has been gaining ground that until the colossal ignorance of the masses is done away with, no steps to improve their sanitary condition can succeed, and that all the expense incurred either in engaging highly-paid agricultural experts and industrial experts is wasted and that the machinery for the administration of justice is bound to become increasingly more expensive and less useful until the darkness of ignorance is removed and a better and a nobler

outlook on life is introduced. It is in order to achieve these objects that from time to time the Government and the people have been engaged in discovering the requisite machinery.

In 1912 in the Punjab a Panchayat Act was passed whereby certain civil disputes with the concurrence of the parties to those disputes could take their differences to panchayats instead of having recourse to law courts. But in practice it has been found that when two parties have entered upon a dispute it is almost impossible for them to come to a panchayat. Opinions received from those entrusted with the administration of the country and the public are all to the effect that the Act has proved entirely useless, and that with the provisions it contained the result could hardly have been otherwise. It is obvious that a law that does not serve its purpose has no business to remain on the statute book of a country.

Panchayat Acts have been passed by our sister legislatures, by Bengal in 1919, and by Bombay, Madras, United Provinces, and Central Provinces in 1920. We in the Punjab, Sir, stand a better chance of organising efficient panchayats, because—firstly, we in the Punjab have still such a thing as a village community; secondly, in that village community there is a solidarity which enables that village community to administer its affairs effectively and justly, and, thirdly, it is possible to use the representatives of this village community with the object of carrying out those reforms which hitherto the administration has not been able to do effectively. When I say the affairs of the village, I mean thereby education up to the primary stage, sanitation, agricultural and industrial development within the village, and so far as the administration of justice is concerned where conditions are favourable it should be possible to let the representatives of the village settle minor disputes both of a civil and of criminal nature within the limits of that village. I feel, Sir, that if these objects are achieved, if the representatives of the village community begin to do

[K. B. M. Fazl-i-Husain.]

their duty, foundations of self-government will have been laid in the Punjab which in course of time will be an example for others. As the civil feeling in the village community redevelops, as the efficiency of the representatives of the village community in various walks of administration grows, there will be a corresponding saving in the expense incurred by the Province in maintaining expensive law courts. These are, Sir, the aims and objects of this legislation and I now, Sir, proceed to state the various provisions of this Bill which are intended to achieve these aims and objects.

It will be noticed that the first Chapter simply repeals the Punjab Panchayat Act of 1912, and makes provision for such cases, if any, as are pending before the panchayats to be transferred to the civil courts. The second Chapter deals with the constitution of panchayats and it is an exceedingly important part of the Bill. How are the panchayats to be constituted? There are two ways of doing it:—(1) election and (2) nomination. One or other of these methods has been adopted by our sister provinces. I feel that I cannot adopt nomination as the best method of creating a panchayat. On the other hand, there are practical difficulties in the way of having a purely formal election. It is wrong to elect in a formal manner a body which is entrusted with judicial powers, both civil and criminal. So, as at present advised, I am in favour of election, though not a formal one. I, Sir, would like to have a panchayat elected in an informal manner and then left uninterfered with by officials. Section 6 thus leaves the matter open and discussions in the Select Committee and in the public Press will enable us either to amend section 6 of the Bill or to frame rules in order to get at the best way of forming our panchayats. It will be noticed, Sir, that the suspension or abolition of a panchayat rests with the local Government, which in practice means this Council, for the Minister in charge of local self-government will control the suspension or abolition of panchayats, subject of course to

the control of this Council. In sub-section (i) of section 7, suspension or removal of a panch is no doubt left with the Deputy Commissioner subject to an appeal to the Commissioner, but it should not be forgotten that the Deputy Commissioner and the Commissioner when dealing with a matter concerning local self-Government are directly under the authority of the Minister who is under the control of this Council, and thus the suspension or removal of a panch really lies with the representatives of the people themselves. I better further explain section 7 (ii) of the Bill. It is intended that where a panchayat is found not to work efficiently it better be suspended and another panchayat brought into being which has the confidence of the people. It is only where circumstances beyond the Minister's control render it necessary that recourse to abolition will be had. The office of sarpanch is made elective, and I have taken the precaution to give no paid clerical establishment to the panchayat so that the complaints one hears of a wily *muharrir* arrogating to himself the functions of an officer may not arise. While a panchayat may need labourers to build for it, to dig for it, to do other works for it, a paid clerical establishment tends to deprive the panches, some of whom may be illiterate, of a great deal of responsibility. So to summarise, a panchayat is intended to be elected in an informal manner; sarpanch is to be elected, and though the panchayat can engage servants to carry on the duties with which the panchayat is entrusted, paid clerical establishment is denied to a panchayat. But it will be noticed that at least one member of the panchayat should be literate so that the necessary records may be kept by him.

Having constituted the panchayat it has to be seen, Sir, what are the functions of this panchayat? These can be subdivided under two heads, firstly, administrative and secondly judicial. As to administrative functions these have been divided under several heads; firstly, those functions which the pan-

chayat may perform. These relate to public ways and drains, water-supply and burial grounds and making arrangements for village chowkidars and village patrol. Secondly, there are functions which the panchayat may be directed to discharge. These refer to the distribution of canal water and administration of education and control and management of cattle-pounds. Thirdly, while section 14 lays down various items of administration which it is optional with the panchayats to perform as the panchayats feel their strength, it is hoped, that they will begin to address themselves to the performance of these optional functions. As a number of duties have been laid upon the panchayats and many functions entrusted to them it is but natural that they should have some administrative powers, and these are provided for in section 17 of the Bill.

Now, Sir, I come to the judicial functions. These are both criminal and civil. Under the head criminal, it will be noticed that it is only in the case of assault or criminal force or offence under the Vaccination Act and Punjab Primary Education Act and Cattle Trespass Act that the panchayat has full powers; while in case of theft and mischief the jurisdiction of the panchayat is limited in two ways, firstly, by the value of the property stolen, and, secondly, by the fact that the accused is named in the complaint or is under arrest. While in the case of simple hurt and intentional insult, the panchayats have no jurisdiction till it is conferred upon them by a magistrate competent to take cognizance of the cases referred to the panchayats. It will be noticed that within these limits the jurisdiction is exclusive. Similarly in case of civil powers as long as both parties reside within the village and the value of the subject matter in dispute does not exceed Rs. 50 and the matter in dispute is of a simple nature, the jurisdiction of the panchayat is exclusive. Section 19 of the Bill excludes a large number of matters over which the panchayats will have no jurisdiction. The question of the powers of the panchayat being

exclusive and there being no appeal against their order provided for, are matters about which different opinions can be reasonably held. On the one hand, those who like me, want to try this great experiment, want to have confidence in the representatives of the village community, want to give full scope to their capacity for honestly and efficiently discharging the functions of their office, and feel that if panchayats are to be a success they should be trusted, they should be allowed to show what metal they are made of, and their powers should not be narrowed down. We should realise that petty litigation is an evil, as much an evil as the drink habit, and if you will have appeal or revision provided for, this craving for litigation will inevitably lead to recourse to appeal or revision and thus never allow the panchayats to learn their limbs. It will be noticed that these panchayats are to conduct their proceedings without the assistance of legal practitioners. Objections having been urged against this by two eminent authorities—one of them is the Home Department of the Government of India and the other is a local Nationalist paper professing extreme views. The agreement of these two high authorities is enough to shake any one's confidence. It is said that an appeal against the decision of the panchayat should be provided for, that these panchayats should not have wider powers than those wielded by the Small Cause Court Judges or by summary magistrates, and I am told that inasmuch as no appeals or revisions are provided for, these panchayats are likely to be engines of injustice and oppression. Government of India have faith in our courts of justice, and if the extremist paper had also been one believing in the efficacy of our courts of justice, I could have understood his criticism against my Bill and appreciated his desire to fight for his right to the bitter end, right up to the High Court, but this wise critic considers these courts of justice as machines of injustice, and I feel amused at the suggestion that an appeal or revision to one of these courts against the

[K. 3. Mian Fazl-i-Husain]

orders of the panchayat be provided for in this Bill. Whether we should interfere with the finality of the orders of our panchayats or not is a matter which I have no doubt will be fully discussed in the Select Committee.

Before I conclude my remarks, Sir, I have to mention that in this connection the Government of India have made certain suggestions pointing out certain omissions and defects in the provisions of the chapter dealing with judicial functions. These will be duly laid before the Select Committee for consideration.

This brings me, Sir, to the question of finance. As is well known, Sir, there is already a chowkidara fund in existence, and besides that every village has its own *malba* fund. It is obvious that these two funds should be placed at the disposal of the panchayat, and it is also obvious that in order to meet the needs of the village the panchayat will require in course of time further funds. Section 30 provides for the levying of village rate which will be a percentage of the chowkidara tax as is actually in practice levied now-a-days. It will be noticed, Sir, that section 31 of the Bill provides that no special rate is to be levied unless it is sanctioned by two-thirds majority of the adult male rate-payers of the village in a meeting assembled and voting the special rate. It appears that the importance of this section is not realised by those who have up till now expressed any opinions on the subject. This Bill invests the rate payers with what I may term the power of the purse. It is not possible that a panchayat which is not acceptable to the village community can exist to levy a special rate unless it commands the confidence of a village community. I claim, Sir, that this section is a sufficient guarantee for the democratic nature of this institution.

In the last chapter it is laid down that our panches will be public servants with definite liabilities attached to them, but otherwise they will not be liable to be sued for anything done in the discharge of their duties.

I now better refer to the Statement of Objects and Reasons and a detailed note, on clauses appended to the Bill. I, Sir, entertain great hopes in the future of this Bill. I trust it is going to lay sound and solid foundations for a firm structure of real local self-Government. The subject-matter of this Bill has been engaging the attention of all public men and officials for quite a long time. Opinions on the Panchayat Act of 1912 have already been received. For the last two years various committees have considered the advisability of introducing a Panchayat Bill. In five sister provinces Panchayat Bills were introduced, discussed and passed. Therefore I feel confident, Sir, that this Council will commit it to a Select Committee forthwith. As you are aware, Sir, the Select Committee has sufficient time to devote to the Bill inasmuch as the report of the Select Committee cannot be laid before this Council within two months from the date on which it is committed to that committee. As a matter of fact, it will be only in the next session, in the beginning of the cold weather, that the Council will meet again. During this time all those interested in this Bill which has already been published in the Gazette will have sent in their opinions which will be made available to the Select Committee. I trust, Sir, that the Bill will be committed to a Select Committee.

As to the constitution of the Select Committee it will be noticed that under the rules the Minister in charge of the department and the Legal Remembrancer are *ex-officio* members of the Committee. Of the remaining five members only one is an official, but, if I may say so, Sir, one who is, if anything, more keenly interested in the Bill than any non-official. Of the four non-official members all are representatives of rural areas. I trust the constitution of the Select Committee will also meet the approval of the Council.

At this point I draw the Council's attention to an alteration made in the Bill which appeared in the Gazette. Printed corrigendum slips have been put

in the places of members this morning. Between sections 18 and 19 there has been interposed another section 18-A, as a result of the correspondence between the Punjab Government and the Government of India. This contains the following provisions :—

- (1) That panchayats shall not try the cases of Government officials.
- (2) They shall not try the case of a man who has been previously convicted, for in such cases it is necessary to inflict a severer punishment. A fine, for example, of Rs 25 of which the panchayats have authority, may be quite insufficient for a serious offender.
- (3) Similarly cases of men belonging to criminal tribes would be out of the panchayat's jurisdiction.
- (4) The people of British nationality would also be tried by the ordinary course of law.

These are the provisions of section 18-A. I will later on mention the results of amendments in taxation in its proper place.

Mr. President.—The question before the Council is—

‘That the Bill be referred to a Select Committee consisting of the following members :—

The Hon'ble Sir John Maynard,
Sayad Muhammad Husain Shah,
Mian Heli Ram,
Chaudhri Muhammad Amin,
Sardar Dasannda Singh,
The Legal Remembrancer to Government,
Punjab, and
The Mover

8-40 A.M.

Diwan Bahadur Raja Narendra Nath.—Under Standing Order No 40, sub-section (2), clause (b), I move that the Bill be circulated for eliciting public opinion and be presented before the Council on the first day that the Council meets at the next session.

Mr. President.—Under the Standing Order the Hon'ble Member must specify a definite date.

Diwan Bahadur Raja Narendra Nath.—I do not know the date when the Council will next meet, but I will say the 1st November 1921. Then my amendment will run as follows :—

‘That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November 1921.’

I have two reasons for putting this motion before the Council. The first is that the Select Committee ought to be furnished with some data on which to discuss and proceed with the Bill. There is no doubt that the important question of panchayats has been engaging the attention of the country for a long time; but the Bill in which it is intended to give a definite shape to that idea has been in the hands of the public for only a very short time. I congratulate the Hon'ble Minister for his good intentions for sowing the seed of self-Government in this country, but the Select Committee has to use its pruning knife and they should know how and in what manner that pruning knife ought to be used.

The second reason is that, if the Select Committee is now appointed, it will probably hold its sittings in Simla, and it is not convenient for many members to go to Simla for attending Sub-Committees or Committees. The Bill is not of the nature of an emergency measure and therefore there is no reason for hurrying with it. It introduces an important change, and if we proceed slowly it does not matter.

I should now like to offer a few remarks on the Bill itself. If I understand it aright, clause 4 proposes to divide the whole of the Punjab into a number of panchayat circles. The areas exempted from the operations of clause 4 are given in the proviso; they are municipalities and notified areas. I understand that the Bill will apply to the whole of the Punjab and to the rest of the area. The first thing to consider is how this Bill will

[Mr. President.]

affect the landed gentry and aristocracy of the Province. That class is divided, into two main groups: first, men who are single owners of estates, and, secondly men belonging to families that have owned for a long time major portions of estates. It seems to me that the interests of this class, which is represented in large numbers in this Council, will be adversely affected. I may mention the names of some of the gentlemen who belong to this class and who are members of this Council.

Mr. President.—I trust the hon'ble member is not going to introduce personalities. We do not want the Council divided into aristocrats and democrats.

Diwan Bahadur Raja Narendra Nath.—No, Sir, that is not material to my argument. It is not a question of aristocrats, it is a question respecting rural areas. I will, however, bow to your order and will not mention any names.

The question is, these gentlemen have so far been exercising their authority unchecked by any extraneous influence, except the law of the country, on matters which it is proposed to put under the purview of panchayats. The first question for consideration is, how will their interests be safeguarded and their feelings respected? The second question is with regard to the system of election. I have listened attentively to the speech of the Hon'ble Minister. He has given some reasons for not giving a guarantee of election, but they do not satisfy me—they do not convince me. He says, because it is proposed to give judicial powers—mind you, they will not be compulsory, they will not be conferred on every panchayat, it will be optional for Government to confer such powers—because it is proposed to give judicial powers to panchayats, Government does not promise to give election. I say that judicial powers may be given only to such panchayats as contain men who are able to exercise such powers and who can be entrusted with such responsibility. If by election competent men are returned, then judicial

powers may be given: but if by election such men do not come, that is, if the electors do not return them, judicial powers need not be given. But without a guarantee of election it appears to me that the Bill will be a backward step—a retrogressive measure. The Bill will create a bureaucracy within a bureaucracy. The panchayats will be so many agents of executive officers and selected according to their whims and ideas.

The powers of the panchayats will be extensive and wide. Reading certain clauses together, such as clauses 22, 26 and 30, a friend of mine criticised the Bill in that pithy phrase of three words which were very much in vogue at the time when a certain measure, which need not be specified here by name, was passed by the Imperial Legislative Council. He said that this Bill neither allows vakils, nor *dalils*, nor appeal. I therefore think that election to the panchayats should be made by the villages themselves. I anticipate a difficulty in such a case. It will be said that because the panchayats will be invested with some powers which may be exercised to the prejudice of some persons the villagers will not elect men who will do their duty fearlessly. Well that may result in some cases but I think it is better to have a measure which may prove to be infructuous than to have a measure which may produce harmful results. Then there are villages which have factions, family factions, communal factions, or factions on various other grounds. The experiment of panchayats will not succeed in these villages. To meet all this difficulty I would suggest that the creation of panchayats should be made dependent on the initiative of the village itself. Those villages should be given panchayats, the majority of the landowners in which ask for them. The experiment should be watched with interest, and if it succeeds in the few villages in which panchayats are first introduced, the experiment may be extended. But I question the wisdom of superimposing on all

the villages in the Punjab a system about which we have heard much but of the actual results of which we have no experience. These are matters which should be considered very fully, and as there is no use hurrying the Bill, I propose that the Bill be circulated for eliciting public opinion and for presentation on the 1st of November.

8-50 A.M.

Pandit Daulat Ram, Kalia.—Sir, I congratulate the Hon'ble Minister for Education for introducing this Bill this morning. In November last when elections were being held and the village people had to go to the polling stations to exercise their vote they understood very little whether they were getting anything for themselves. They thought that it was simply a trouble to them to go to the polling stations in the interests of others whom they had to send to the Council. But when this Bill is passed into Act they will realize that they also benefit under the Reforms Scheme when this Bill will be passed by their representatives on this Council. After this Bill has been passed into an Act, they will have no longer to go to the headquarters of a district and undergo expenditure on litigation and will have no longer to tip the *shalkars* and the *chaprasis*. They will have further interest when they will have funds at their disposal which will be spent on improving the village condition. Not only that, but it is the complaint of some of the members of this Council also that Police officers, and other subordinates who tour in the villages, use *malba* fund for their expenses and when there is a panchayat in a village there will be a check on all such irregularities. The existence of a panchayat in a village will be a great preventive against many other things, specially family feuds. Another advantage will be that the village people will no longer consider the village schoolmaster to be an officer but the schoolmaster will feel that he is a servant of the village community. This is a very important Bill and requires to be passed as soon as possible, because in the

Punjab especially if panchayats are not established in the villages the non-co-operators and other agitators who have already established panchayats in the cities will establish the same in the villages also. It is a right measure which is going to be taken at the right time. The only thing that is required is that there should be an elective element in the panchayats. As to this, Sir, at present according to the provisions of the Bill, as introduced, the members of panchayats are to be nominated. There is no doubt much can be said in favour of election, but we see in the ancient history of panchayats the membership was hereditary and if we look to the jurymen and assessors we find that they are also nominated by Government. But the Congress panchayats are also nominated, there is a desire that some right of election should be given to the people of the villages. They should have their voice in the formation of panchayats. It is, therefore, necessary that some elective element be introduced in the making of panchayats. I mean that some of the members should be elected and others nominated by Deputy Commissioners or some other authority. Another thing that I want to impress on the Hon'ble Minister for Education is that in this Bill it should be provided that before a panchayat is going to be suspended an explanation should be called for from the panchayat. With regard to the argument of "appeal, *dalil* and *vakil*" I do not think it applies in this case. We do not want any *vakil* to appear before the panchayats as it will involve expenditure unnecessarily. There is one more thing, Sir that I want to impress on the Hon'ble Minister for Education. It is that convictions by panchayats should not stand in the way of getting Government service. I mean that a person convicted by a panchayat should not be ineligible for Government service and such a conviction should not be a proof of a defect in character. With these remarks I support that the Bill may be passed as soon as possible as it is required immediately in view of the Congress panchayats in the Province.

[R. S. Lala Thakar Das.]

9-0 A.M.

Rai Sahib Lala Thakar Das.—Sir, The Punjab Village Panchayat Bill introduced by the Hon'ble Khan Bahadur Fazl-i-Husain seems to defeat the object for which it is being introduced. Instead of fostering and developing Local self-Government in the rural areas of the Punjab, as is claimed for it by the Hon'ble Member-in-charge, the Bill, I am afraid, will have the effect of curtailing the existing liberties of the people to a very great extent. In the first place, panches are to be selected not by the people themselves, but for them by the Government executive, and this provision alone would be sufficient to take away the popular character of our panchayats. In the second place, the panches are not even authorised to appoint their own servants for carrying out the duties imposed upon the panchayats. Can people who are not believed to be worthy of being entrusted by the Hon'ble Mover of the Bill with the appointment of their own servants be regarded as fit to administer Civil and Criminal justice among the villagers? They at any rate would fail to command that confidence among the villagers which is so very necessary for the successful working of the measure. The Bill again confers very extensive powers on the panchayats, which, constituted as they would be, they cannot be trusted to discharge in a most satisfactory manner. There are other provisions in the Bill which also require considerable modification if the Bill is to serve the object for which it is intended. I am afraid, Sir, the public has not had sufficient time to rush this Bill through the Council in hot haste.

The idea of local self-Government has developed considerably among the people, and if the proposed measure is to be of any use, it should cope with the needs and requirements of the times. The present Bill is more a nineteenth century measure than that of the time in which we are living. I am, therefore, strongly of the opinion that the Bill should be circulated for public opinion before it is

taken up for consideration here. With these words I support the amendment proposed by my friend, Raja Narendra Nath Bahadur.

9-10 A.M.

Mr. Ganpat Rai (Urdu).—Sir, I congratulate the Hon'ble Member in charge for having brought forward such a Bill for the good of the country. I hope, relying upon his good will, that he will not mind postponing it for a short time. I mean, I hope, that he will not insist upon its immediate passing. He himself has stated that this Bill was brought forward in 1912 but was rejected. If now a short interval is allowed it will not matter. In the meantime those people who are not yet fully acquainted with the Bill will be able to have a say in the matter. It may be objected here that the committee, appointed for the purpose, can sift the matter for itself. But my point is that the opinion of a vast public has to be sounded, and the members of the committee can not in the present weather go about freely enough for that.

The Hon'ble Member for Education has said that two diverse opinions, namely, the press and the Imperial Government, have concurred in this. But I think that, whereas the Imperial Government, through whom, I think, the proposal is coming has had enough time to weigh the question, the Press has not had time to express its opinion. No doubt the papers can speak their mind while the committee sits. But again, I say it is the general public which we have to sound, and for that the present weather is not suitable. I once more request the Hon'ble Member not to press his motion to refer the Bill to a Select Committee. If he waits for some time we shall know what changes are requisite, and later when the committee sits we shall have greater facilities for procedure. We know that the Council, the Congress, the Government, all of us, are in favour of panchayats. This is another reason why all concerned should be given time to think for themselves. As yet there are grave defects in the Bill. We are giving Civil and Criminal

powers to the panchayats and we rule that certain cases will be tried by none but the panchayats. In ordinary courts we are allowed to apply for transfer of cases from judges whom we consider not to be impartial. Why must then the panchayats try all cases? Again the Hon'ble Members talked of an addition to the effect that the Government officials would not be tried by panchayats. This means that a menial chaprasi may shoe-beat a respectable zamindar, but the panchayat cannot try him, though it can try the case of rich zamindars who may have been mischievously convicted. It is, therefore, necessary that all cases of all people should be tried by the panchayats. In my opinion the Bill should provide that initiative should rest with the villages and not with the Deputy Commissioner for the application of the provisions of the Act. Some villages are the exclusive property of individuals. We should learn whether the *muzria* in such villages are in favour of panchayat. This should be done in case of those villages, too, in which one-half or more belongs to one man. There is further the possibility of disturbances in the panchayats as now proposed to be constituted. For example, according to section 15, sub-section (1), panchayats have a right to allot canal-water. We are aware of what bloodshed ensues in such cases. In cases where a common canal runs between two or more villages there is bound to be friction, and possibly serious disturbance. I do not say that the panchayats will be as cruel and bloodthirsty as individual villagers, but the men will after all be zamindars, and how can we expect them to forego personal interests of such vital nature as the distribution of water for their lands. All these matters require time for consideration.

Moreover it seems to me that the Hon'ble Minister is against election and favours nomination. I for one am in favour of election. This point has also got to be settled and hence a greater need for postponement. There is one more condition which is not provided for in the Bill. The heads of the panchayats should

be educated men. Illiterate heads would be curious. People will say, "Look at our novel Member for Education, what illiteracy he advances." I think there should be some standard to judge the fitness of members for panchayats. There should be held a departmental examination or something of that sort. Lastly opportunities should be given for appeal and revision to save the honour of respectable litigants in panchayats. We should not hurry through this affair. Otherwise we shall incur the stigma of imposing on men a law which allows no appeal, no *dalil*, and no *vakil*.

9-29 A.M.

Sardar Bahadur Sardar Mehtab Singh.—Mr. President, so far as I have been able to understand, the object of this measure from the learned Minister for Education, it is entirely for the benefit of the village communities. In the first place his object is to save the villagers from petty but ruinous litigation. Their time, energy and money is wasted in carrying on petty litigation, and this measure, it is claimed, will decrease that litigation to a material extent and to that extent benefit the villagers. The second point made for it is that the villagers will know that the Government has more confidence in them and allows them to manage their own affairs up to a certain point. The third claim made is that the Bill will raise the character of the villagers inasmuch as they will know that they are to manage their own affairs to a certain extent and are free agents in looking after their own interests.

These are all very noble and laudable objects; but when you have to do a certain thing or to carry out a certain measure for the benefit of a certain section of the community, you should always give that section of the community a say as to what they think about the measure. If the Select Committee with the best intention, and after spending a good deal of time and energy and taking a great many pains put forward their amendments and the measure is carried in that form; if then the public are not

[S. B. Mehtab Singh.]

satisfied with it, then I do not think it will be so beneficial as it would be if the Select Committee heard the public who are mainly interested in the measure and then introduced such amendments as the public demanded.

Then, Sir, this is a measure which, in more than one respect, is *prima facie* open to objection. Just at present the public movement is against Honorary Magistrates, and considers them to be merely agents of the Government who try mainly to keep up the spirit of bureaucracy and to support Government in any measure which it thinks fit to impose. If this Bill is carried just as it stands now, then instead of one Honorary Magistrate in say about two hundred villages, we shall have three to five Honorary Magistrates and Civil Judges combined in every village, which the public would certainly not like in its present mood. If the present measure is carried through it will fail to secure the confidence and contentment of the public and will indeed do more harm than good. If we desire the confidence of the public in this matter we should make it purely elective. Of course if a panch or a sub-panch or even a whole panchayat misbehaves itself, then the power may be given to the Executive to remove the panches, subject to, say, the Minister's approval. But in the first instance the appointment of panches should be by election and in the hands of the public. That is my opinion—I may be wrong—but as the Bill is open to objection in many ways, I think much more time should be given to the public to say what they think about it. Besides this there are many other objections and some of these have been put forward by the learned members who have preceded me. But I think at this stage it is enough to say that it will be much better to keep the public along with us in any measure which we carry; because we have come here after all only as representatives of a part of the public, as most of the electors did not go to the poll. And apart from that fact, unless we know what our Constituencies think about this measure, even

a Select Committee with the best intentions may not satisfy public aspirations, and I would strongly recommend and would request the learned Minister not to oppose the amendment which has been put forward for this Bill to be circulated for public opinion now and brought forward at a later stage before the Council for the appointment of a Select Committee.

Mr. President.—I think it would be convenient if there could be an indication from the Hon'ble Minister as to his attitude towards the amendment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, as far as the question of time is concerned I may say that the Select Committee will have sufficient time to devote to the Bill inasmuch as the members of the Select Committee will be required to submit their report in the next session of the Council, which will begin about the end of October. The Select Committee will thus be able to discuss the Bill right upto the middle or end of October, during which time all those interested in the Bill will have sent in their opinions and to which due regard will be paid by the Select Committee.

Sardar Bakhtawar Singh (Urdu).—Sir in the Budget session of the Council I laid great stress upon the fact that panchayats should be established in villages that the administration of certain local matters should be assigned to them. In 1912 in the Punjab a Panchayat Act was passed whereby parties to certain civil disputes could take their differences to panchayats instead of having recourse to law courts. But the Act proved a failure, partly because of the fact that the members of the panchayats did not enjoy the confidence of the people by whom they were regarded as flatterers and henchmen of officials, and partly because of the fact that when two parties have entered upon a dispute it is almost impossible for them to come to a panchayat. If panchayats are to be a success, their members should not be nominated by officials, but they should, on the other hand, be elected and left uninterfered with by officials. There

panchayats should conduct their proceedings without the assistance of legal practitioners, inasmuch as pleaders complicate instead of simplifying matters. Hence, in order to avoid ruinous litigation it is absolutely necessary that panchayats should be allowed to do their work in their own way. It is not very difficult for a man to tell a pack of lies in a law court but in a panchayat where the people know each other, it is not so easy.

There is one thing more upon which I wish to lay special stress; and it is this. These panchayats are likely to prove engines of injustice and oppression if an appeal against their decisions is not provided for, and I hope that the matter will be fully discussed in Select Committee. I support whole-heartedly the amendment of Raja Narendra Nath, but in my opinion it is not enough that the Bill should be published and discussed in papers; it is also necessary to acquaint ourselves with the views of the people for whose benefit the Bill has been introduced.

Pir Akbar Ali (Urdu).—Sir, I oppose the amendment on the ground that as the life of this Council is not a very long one, it would be impossible for the members of this Council to see that the Bill is acted upon in its spirit. It is no use putting obstacles in the way of the Bill. The Bill ought to be referred to a Select Committee as soon as possible. The Select Committee would meet in September, and the period till then is quite enough for public opinion to express itself.

9.42 A.M.

Mian Muhammad Shah Nawaz.—Sir, in ancient times the village in the Punjab was a real unit of administration. With the advance of the British administration the village community was disorganised, but I believe there is still an inherent desire on the part of the villagers to refer their disputes to the decision of the panchayats. In villages where factional spirit has not contaminated the purity

of unity and brotherhood, the elders still exercise great influence. Their influence extends to civil cases and to social and religious affairs. The necessity therefore of introducing the Panchayat Bill is inevitable, and I congratulate the Hon'ble Member in charge of this department for taking this step. The real aim of the Panchayat Act should be that inhabitants of the locality should feel that they have a real power entrusted to them; they should feel that they have a real responsibility to discharge; they should feel that they have a duty to their neighbour and to their community. Well, with all deference to the Hon'ble Member in charge of this department, I say the drafting of the present Bill has absolutely failed to achieve this object. Immense powers have been given to the Deputy Commissioner, and if there is election it is only informal. In my opinion the election of the President and that of the members of the panchayat should be formal and strictly observed, otherwise they will be tools in the hands of the Deputy Commissioner to whom they will look for advancement and promotion.

I agree with my friend, Raja Narendra Nath, that there should be an enabling section in the Act, that is to say, if inhabitants of a certain village do not like this Panchayat Act, they need not have it. I know in the Lahore District personally there are party factions in several villages, where the Panchayat Act will not be popular. I think the people should have a choice whether the Panchayat Act should be introduced there or not. There are very contentious provisions in this Bill, as pointed out by my friend, Mr. Ganpat Rai, for instance, provisions of the Bill relating to the distribution of water. This in my opinion should never be given to the panchayat. There are other provisions in the Bill which will not be liked by the people at all. My first duty is to my electors and I must consult their views and wishes. I have not consulted them and I wish to consult them. I think some of them may not like the panchayats at all and many of the provisions of the Panchayat Bill. Therefore,

[Mr. Manohar Lal.]

with these remarks, Sir, I associate myself with the proposal made by Raja Narendra Nath that this Bill should be circulated among the public for opinion.

9-53 A.M.

Mr. Manohar Lal.—Sir, the principle involved in the amendment proposed by Raja Narendra Nath is so important that I feel that I must not give a silent vote to this question. It seems to me, Sir, that the Hon'ble Member in charge has, in taking the step he has, introduced an unfortunate tradition in the early history of this House. It is recognised, Sir, that immediately on the Bill being introduced it will be published with the speech by the hon'ble mover. The public will then examine the Bill in the light of the speech then made. And when the public and the various bodies chiefly concerned in the matter have expressed their opinions and those opinions are available, the members of the House will undertake the legislation. It is only at that stage that members are in a position at the motion of the hon'ble mover to commit it to the Select Committee to discuss it. And it will be only in the third stage that the Select Committee is appointed and any amendments that there are can then be considered in detail. Now, Sir, the hon'ble mover claims and claims rightly that the measure he is putting before this House is an important one. If that be so, Sir, then has he given us any indication in his speech why he is so much in a hurry with it? In the first instance, allow the public which is so intimately concerned in the matter to consider this along with the speech which is made to-day.

I have read, Sir, again and again in speeches of other Chambers and the Imperial Legislative Council that it is regarded a distinct right of the people to consider the Bill not merely as suggested but along with the speech of the introducer. And it must have become patent to the House to-day that the general right possessed by the people for whose sake the legislation is being made is being violated. In his speech the

Hon'ble Mover has referred to the question of election with which he says he is in imminent sympathy, though it does not clearly indicate the policy because after all the Bill cannot indicate the question of policy in detail. There is no indication there whatever as to how the question of election does not find any expression there. In these circumstances, I feel that it is not really acting fairly if I may say so.

I would consider, Sir, personally that this would be an unfortunate step in the building up of the tradition of this House, and we certainly expect one word, if not an apology, of explanation as to why this extraordinary step, that this House should be asked to hurry up in an important measure like this, is being taken. I do not wish to refer in the least to the many important provisions that are embodied in the Bill. These are matters on which essentially the representatives of various bodies who will be concerned should be consulted. Is there any reason why this extraordinary step should be taken? Is there any ground for emergency in the business of the undertaking of this legislation in the House? I would appeal to the House to accede to the amendment so ably proposed by the Raja Sahib.

Khan Bahadur Chaudhri Fazal Ali (Urdu).—Sir, there is a clamour for self-government abroad in the country, but some members are seeking to withhold the fundamental rights of the people. The Bill should be immediately referred to the Select Committee. The personnel of panchayats should, however, be elected. The present Bill is what an honest man would think satisfactory on all points. The owners of villages are not divine. All men are equal, and there should be absolutely no distinction among men as men.

Captain Sardar Gopal Singh.—Mr. President, with your permission I will say a few words. I will not go into details at present and shall wait till the Bill comes before the Council. I congratulate the hon'ble mover on the

introduction of such a Bill, the need of which was badly felt. It is an admitted fact that the present machinery of the Government administration has become very expensive and justice in the Courts is very costly. We do want to adopt some measures to save the rural population from the heavy court-fees involved in judicial cases and the unnecessary delay in deciding even the simplest cases. As the Bill is very important, it is desirable that it should be circulated for public opinion and sufficient time should be given to study it thoroughly, and after the people have expressed their opinion on it this Council will be in a much better position to give their consent to it. The Bill was only published a few days ago and sufficient time has not been given to study it properly. I submit that sufficient time should be given to consider it. It is not a matter which needs to be hushed up and hurried through the Council. On the contrary, it needs to be carefully moulded and in such a way that no further defects remain in it. The future of the rural population is bound up with this Bill and they therefore must know more about it before it is passed. By giving the public a chance of studying it and giving their opinions on it, we will prevent the possibility of unnecessary litigation. I hope the Hon'ble Mover will have no objection to giving sufficient time to consider it. I will not go into any more details at present.

10-4 A.M.

Rai Bahadur Lala Sewak Ram.—Whilst supporting the amendment of the Raja Sahib I only wish to offer a very few remarks, because at this late hour of the debate I do not wish to take more than a few minutes. I thank the Hon'ble Minister for his anxiety for the welfare of the zamindar class, but he will be thanked all the more if the zamindar class takes up with him the feelings that he has. As it is, the way in which the Bill has been put before this Council I am inclined to think that it is a very retrograde measure and also a measure of a nature in which

there is no right of appeal and no power for a pleader to appear. For such a measure to be put before this Council by so eminent a lawyer as the mover puts me in all the more regret that in this enactment we should have been going back to the ancient days; by this enactment we are going back to the early days of District Boards, and instead of what we have striven in the last 30 years to get an elected body in the form of an elected District Board or Municipal Committee, we are now being given a panchayat which is only a nominated panchayat. While we are clamouring for election here and election there, this panchayat system, which does not advocate election at all, is going to be practically thrust upon us in the form in which it has been introduced. Sir, I submit that this antiquated, retrograde measure should be thoroughly discussed by the public before it is passed by this Council; and in order to do that sufficient time should be allowed. Why does Government want to force such panchayats on the people—panchayats whose members are not elected, panchayats, the appointment, dismissal and suspension of whose members depend on one solitary person, the Deputy Commissioner. Would such a panchayat be welcomed in these days of progress and advancement? People would not have such a body to lord it over them. They would have nobody which is not an elected body. As to compelling every village to have a panchayat I do not think it is fair. Why does Government want to take away our freedom of action? Panchayats under the old Act have been very unpopular. Government cannot compel one to go to panchayats until such panchayats can command the confidence of the people. Do they imagine that the present Bill, which is a *la valit* and *la appeal* measure will command the confidence of the people?

Then comes the question of the big landlords. Would they welcome such a measure? Would they like panchayats from other villages to come and interfere with the internal working

[S. Ghulam Muhammad Shah.]

of their own village? I, for one, would certainly resent it most strongly that the affairs of my village should be dealt with by a panch from another village. Mr. Ganpat Rai has fully gone into the case of the big landlords, and so has the Raja Sahib; and I do not wish to go into this. I only wish to finish my remarks by saying that nominated panchayats are most unwelcome and they will interfere with the jurisdiction of established courts of law. In the time that we are asking the Hon'ble Mover to give us, the High Court and other bodies will be consulted and we will have their authentic opinions on a Bill which interferes so much with their rights.

Sayad Ghulam Muhammad Shah (Urdu).—Sir, most of the members of this Council claim that what they do they do for the advantage of the zamindars, but, as a matter of fact, what they do is for their own advantage and injurious to the interests of zamindars. The zamindars have never put in a claim for self-government. What they want are greater facilities for education, fixed periods of settlement, and reduction in the land revenue assessment. If this Bill in its present form is passed, the days of the Punjab aristocracy will be numbered. They will be obliged to treat the village *kamins* on equal terms with themselves, which I, as a Sayad and a descendant of the Prophet and a Pir, can never tolerate. The so-called principle of equality is not a divine principle, and no earthly Government can make all men equal. It is, on the other hand, the fundamental principle of the non-co-operators, and in introducing this Bill the Government seems to favour the non-co-operators, who, one and all, are bent upon destroying the aristocracy and of reducing all men to the dead level of equality. As in man the lower self is governed by soul through spirit so the masses can only be governed by the authorities through the aristocracy. If the aristocracy are reduced to the level of the masses, as this Bill implies, Government will become impossible.

Sardar Dasaundha Singh.—I have listened very carefully to the speeches delivered by the various hon'ble members. A very great majority of them have expressed themselves in favour of the amendment, but I stand unconvinced of the advantage of this postponement. I have not hitherto heard a word as to what its advantage there will be if the Bill is circulated, and if it is postponed till the next session. To me it seems that there is considerable justification for the hon'ble mover to adopt the procedure that he did. In the first place it is not a contentious measure and in the second place the measure is so very tempting and the need for it is so very crying that one feels like having it rushed through. The only question is whether this Bill, as it stands, can be amended to the extent to which the public desire to have it amended. For this purpose there will be considerable time and opportunity for the various members, and the majority of the members of this Council belong to the rural areas and very well understand the needs of the people in this respect. They are the representatives of the people for whose benefit this Bill is meant, and I do not think that during these few months they cannot avail themselves of the advice of their constituents. I do not think if the Bill is circulated for opinion, the members, at any rate the rural members, shall be the wiser for it. I do not think that the measure is such upon which any advice, any expert advice, is required because the rural members are well aware of the needs of the village people. So far as the main provisions of the Bill are concerned, I think there will be perfect agreement among all the rural people that the panchayats should be based on electorate system and there are certain other provisions too which will require a great improvement, but I do not think that the fears that have been expressed by some of the members have any foundation at all; for example, it has been said that there will be some sort of quarrel over it between the landed

magnates and the poor people. I do not think there is any reasonable cause for entertaining any such fears. My submission is that the time that will be at our disposal till the 15th of September will be quite sufficient to acquaint ourselves with the views of the public and with the views of the people for whose benefit this measure has been launched. With these words I oppose the amendment.

10-50 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I have listened to this most interesting and instructive discussion, and I must say that I will derive a great deal of benefit from such suggestions as have fallen from the lips of the Hon'ble Members, and I have no doubt they will go very far to improve the Bill as it exists at present. Certain points no doubt in the debate have come more as a surprise than I was prepared for. I will, Sir, with your permission begin to deal first with those points which have come to me by way of surprise and then detail those which have come to me more or less in the nature of instructions for which I am grateful.

The first point which surprised me, Sir, was the objection made by certain members that the Bill intended to nominate panches and panchayats. The Hon'ble Member from Lyallpur, that is his constituency I believe, insisted upon urging that this was a retrograde measure, and then he proceeded to urge that it was retrograde because there was a system of nomination introduced in it. I thought there was some justification for this criticism inasmuch as the section of the Bill which deals with the creation of panchayats does leave the matter a little bit vague, though it does not say that the panches shall be nominated, it does not either say that they shall be elected. But I should have thought that the remarks which I made this morning and in the language of the Province were clear enough to convince anyone who could hear me that I was against the system of nomination, and that I had

urged strongly in favour of election. As the Hon'ble Member for Lahore, Rural Hindus, pointed out, the choice was which was the best form of election, either a formal one—the *parshi* system—or an informal one, which was according to him the old system under which in this Province representative offices used to be filled. As I pointed out before, this is a matter of detail which can be corrected and put right either in the Select Committee, and, if that Committee fails to do so, then in this Council when the report of the Select Committee is presented and the Bill is taken into consideration. The second point that came to me as a surprise was.....

Mr. President.—I point out that it is the amendment which is before the Council. You will have a right of reply to the main motion later.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I beg pardon. I was wrong in making these remarks and will proceed now to meet the amendment.

The amendment is to the effect that the Bill be circulated for opinion, and the Hon'ble Member representing the University insisted that a very bad precedent was being laid down inasmuch as the Bill was not to be circulated but to be referred to the Select Committee straight away. I contend, Sir, that I know of no such rule either of etiquette or of procedure which says that the usual course for a Bill, which has already been published in the Gazette—and elsewhere for that matter—is that it should be circulated for approval. But what surprises me most is the fact that either I must have been speaking in a very low tone indeed, or my language must have been fearfully defective: inasmuch as the last paragraph but one of my speech made it clear for four or five reasons why this particular course of asking this Council to refer the Bill to a Select Committee was adopted. The first of those reasons is the fact that the question of panchayats is one that has been agitating the public mind, including the mind of villagers, for more than one

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

year. We know perfectly well that the national movement—call it by any name you like, whether the Congress movement, or the non-co-operation movement or the Khilafat movement—has been pressing this particular point, the creation of panchayats to save people from ruinous litigation, and placing it in the forefront of the nationalist programme. The subject has been discussed, I may say, threadbare in most of the leading newspapers. Not only that, Sir, the subject has been discussed in the neighbouring Province of the United Provinces, where a Bill was introduced, it was discussed, referred to a Select Committee, taken into consideration and passed. Are not the proceedings of that Council available to Hon'ble Members who have really taken an interest in this matter? Similarly, in the Central Provinces, a Bill was introduced, passed through various stages and was actually enacted into law. Again, Sir, in the Bombay Presidency the same thing happened; in the Madras Presidency the same thing happened, and, lastly, our Bengal friends passed a Bill. Here are five sets of Council proceedings showing all the arguments for panchayats, all the arguments against panchayats: whether they should be elected or whether they should be nominated: whether particular powers should be given to these panchayats or whether they should not be given. That is to say, in five of the Provincial Legislatures of India arguments for and against on every conceivable point dealing with the constitution, the functions, the safeguards and the powers of panchayats are detailed at very great length. Not only that: but there is the fact that when these Bills were introduced in the Councils of the five Provinces I have mentioned, the press in those respective provinces dealt with the question and discussed it and expressed its opinion on the various points arising out of this discussion and the debates on the Bills. Am I to understand, Sir, that in the Punjab those papers are not available? They are if the hon'ble members will

only take the trouble to get them. And after all am I asking that this Bill be taken into consideration to-day? Certainly not. Sir, I only prayed that it be referred to a Select Committee, and I supplemented my statement by saying that it need not be referred to a Select Committee which will begin to discuss it forthwith, but that right up to the 15th September opportunity should be given to the public press to express its opinion on the various provisions of the Bill and on the debate which has taken place to-day in this Council Chamber. More than that, I pointed out that the proceedings of five Provincial Legislatures and criticism on those debates in the public press are available to the hon'ble members and to the Select Committee.

Mian Muhammad Shah Nawaz.—May I ask when the Bill was introduced into the Bengal Council.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—In 1920.

Mian Muhammad Shah Nawaz.—Yes, and that was before the introduction of the existing régime.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The suggestion is that the distinguishing feature was that these bills were passed in their respective Councils before the introduction of the reforms. Am I to understand, Sir, that the discussion to which I have listened to-day is based on these democratic reforms which have since been inaugurated and which have been denounced from various quarters? However, I beg to add that while I claim that the proposal made this morning by me that the Bill be referred to a Select Committee is in my humble opinion, Sir, a most natural one to make, there is the further fact that the people at large in the Province expect this Council to act up to the national ideals and to give the country panchayats, the elected panchayats, which the country so badly needs. If, on the other hand, Sir, the feeling of non-official members in this Council is as the Hon'ble Member who moved the

amendment appeared to indicate, that these panchayats are likely to lead to trouble and to do harm to the big landlords.

(A voice.—Not only them).

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I would be the last one, Sir, to harm them. I also happen to represent the same sort of constituency which has had the honour of returning the hon'ble member, and their interests cannot but be near to my heart. I also want the panchayats to bring peace to the country and not to disturb its peace. If therefore such assertions are really believed in by any of the non-official members of this Council, I will really leave no stone unturned, Sir, to have this Bill circulated for opinion, and circulated to any particular body which non-official members may choose to mention, so that no step may be left untaken which would ensure the final success of a Bill which in my humble opinion the country wants and which I am prepared to give to the country to the best of my ability. But before this matter is finally settled I beg to urge that two things be taken into consideration. One is that the amendment made in this Council to-day is to the effect that the Bill be placed before this Council not earlier than the 1st of November. Not earlier than the 1st of November, that means that in the first cold weather session the Bill be placed before the Council with the object of being referred to the Select Committee, which is the next stage. That would mean again several months before the Select Committee deal with it, and if any amendments are suggested in the Select Committee, it may have to be published for expression of opinion by the public. The result will be that during the year 1922 this Bill will hardly be passed. Is that what the non-official members want? If not, then I must point out that the carrying of this amendment—I am agreeing to its being accepted—would amount to this that there is really no keen demand for the panchayats here. It should not be forgotten that the demand for panchayats has

come, in the first instance, from the public and Government is trying to meet the public demand in the best way it can by making the panchayats as representative as possible. If, on the other hand, we have been misled by what the press imagined was a real demand for panchayats, if the feeling of the Punjab public is, as the Hon'ble Members from Lyallpur and Shahpur Muslim Rural believe, that the people really have strong faith in British courts, that they are fond of appeals and revisions, and so on, and that the ordinary law is not expensive, as the Hon'ble Member for Lahore Rural General appeared to say, then Government will have to acknowledge that it made a mistake in considering the public press as a correct interpreter of public opinion about panchayats, and naturally I will not be anxious, if there is substantial opposition from non-official members, to press for a measure being pushed, but if the large majority of non-officials want me to send this Bill to the Select Committee, I will gladly do so.

Sir, I feel that knowing as I do that the people at large do want panchayats and want them as early as possible, I cannot readily agree to an amendment which cannot but end in postponing the passing of the measure to a date which will not be earlier than November 1922. In all likelihood it will not be earlier. On the other hand, I feel that, if I do not pay sufficient regard to the wishes of those Hon'ble Members of this Council, who, for reasons best known to themselves, I can only guess, are anxious that the Bill be not proceeded with, I find myself in a position of some difficulty.

Mr. President.—Does the hon'ble member think he will be able to close his remarks within a few minutes?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—No, Sir, it will take me some time to explain all the points.

Mr. President.—As it is already past eleven the debate will stand adjourned. When the Council meets to-morrow,

[Mr. President.]

it will proceed, after questions have been answered, with the discussion on the Punjab Village Panchayat Bill. After this I shall take up the resolution of Mr. Gibson, left over from yesterday's list of business. We shall then proceed with the Small Towns Bill and the Town Improvement Bill.

Honble members will have heard the result of the ballot held yesterday. A continuous list of resolutions has been printed up in the order in which they will be taken for the four non-official days. Members will find the list in their places.

The Council then adjourned till 7 a.m. on Wednesday, the 27th July 1921.

PUNJAB LEGISLATIVE COUNCIL.

Wednesday, 27th July 1921.

The Council met at the Council Chamber at seven of the clock.
Mr. President in the Chair.

METHOD OF ANSWERING QUESTIONS.

Mr. President.—I suggest, Sir John Maynard, that we should not be too strict about the absence of members today in view of the weather conditions, and that instead of treating the questions of any member who is not present as withdrawn the answers may be laid on the table and incorporated in the proceedings.

The Hon'ble Sir John Maynard.—The Government has no objection.

QUESTIONS AND ANSWERS.

SUB-ASSISTANT SURGEONS.

550. Chaudhri Bans Gopal.—(a) Is it a fact that in compliance with the orders contained in Government of India letter No. 1046, dated the 23rd October 1914, only one person, Rai Bahadur Dr. Mathra Das of Moga, was promoted from the Sub Assistant Surgeon's cadre to the rank of an Assistant Surgeon in the Punjab, and that the number of such promotions in Burma and Bengal was 9 and 5 respectively?

(b) Is it a fact that few Sub-Assistant-Surgeons were strongly recommended by their Civil Surgeons for the above mentioned promotion?

(c) Is it a fact that a certain number of posts of Civil Surgeon is reserved for Assistant Surgeons? If so, will the Government be pleased to grant a similar concession to the Sub-Assistant Surgeon class?

(d) Will the Government be pleased to promote more Sub-Assistant Surgeons in future?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes, only one such promotion has been made in the Punjab.

No information is available as regards the number of Sub-Assistant Surgeons promoted to the rank of Assistant Surgeon in Burma and Bengal.

(b) Only one Sub-Assistant Surgeon so far has been recommended. Such recommendation by an individual Civil Surgeon does not necessarily imply fitness for promotion.

(c) Yes. Government is not prepared to reserve Civil Surgencies for Civil Sub-Assistant Surgeons as such.

(d) The question is already under consideration of the advisability of relaxing the orders contained in the Government of India, Home Department, letter quoted in part (a) of the question by which the grant of the concession of promotion to the rank of Assistant Surgeons is to be jealously guarded and strictly confined to a few men, with not less than 20 years' service, who, in the exercise of their profession, have shown themselves to be possessed of very exceptional attainments.

LOOTING AT PARASHAR.

551. Chaudhri Bans Gopal.—(a) Has the attention of the Government been drawn to an account published in the *Siyasati*, dated 25th May, in the *Parashar*, dated 26th May, and in the *Tribune*, dated 29th May 1921, of serious looting at a fair held in March last at Parashar in Karnal District?

(b) If so, will the Government please state what, if any, action have the local authorities of the District so far taken in the matter?

(c) If no action has been taken up to this time will the Government be pleased to order the local authorities to institute immediate inquiries?

The Hon'ble Sir John Maynard.—A representation was made to Government in this matter and it was sent to the Commissioner, Ambala, and a report called for. The report has not yet been received.

SCARCITY OF WATER AT ISA KHEL.

552. Khan Muhammad Saifullah Khan.—(a) Is it a fact that the people of Isa Khel are put to inconvenience owing to scarcity of drinking water?

(b) If so, will Government please take some steps to remove this grievance?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The answer is in the affirmative.

(b) The question of the water-supply of Isa Khel has been before Government on several occasions. A scheme was approved in 1918 at an estimated cost of Rs. 45,300 towards which Government undertook to contribute Rs. 25,750, but the scheme was abandoned in 1915 owing to the suggested removal of Tahsil headquarters from Isa Khel. The matter came before the Sanitary Board again in 1919, but had to be postponed owing to the disturbed state of the frontier. It was again referred to the Sanitary Board on the 17th of June last, and the Board proceeded to make enquiry from the Commissioner of the Division as to the share which might be expected from the Khwanin, wealthy people, the District Board and the Municipal Committee towards the cost of the scheme, which is now roughly estimated to cost a lakh of rupees. The Sanitary Board undertook to consider the possibility of making a contribution of a grant not exceeding half the total cost. A reply to this reference is awaited from the Commissioner.

SHEIKHUPURA CANAL COLONY.

553. Khan Muhammad Saifullah Khan.—Is it a fact that in the Sheikhupura Canal Colony abiana is levied on the spontaneous growth of maina grass

accidentally irrigated by spilled water? If so, will Government stop the levy of abiana on such grass?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Each case of "accidental spilling" brought to light is investigated on the spot under section 33 or 34 of the Canal Act, VIII of 1873, according to whether the spilling turns out to be "Najaz" or "abzaia" and the rates charged are in accordance with Rule 33 of the Rules under the Act.

TENANCIES IN THE LOWER JHELM CANAL COLONY.

554. Sardar Bahadur Sardar Mehtab Singh.—Will Government be pleased to reply to the following questions:—

(a) How many persons were granted tenancies in the Lower Jhelum Canal Colony and how many of these were Military pensioners?

(b) Were the grants made to military pensioners as a reward for their services in the Indian Army?

(c) How many of these pensioner grantees had served in the Cavalry and how many in the Infantry?

(d) Were the Cavalry pensioners granted land on horse breeding conditions and the Infantry pensioners free of these conditions.

(e) Is it a fact that the pensioner grantees on horse breeding conditions are dissatisfied with the conditions, and that there is discontent among them?

(f) Is it a fact that they submitted memorials to His Excellency the Commander-in-Chief and His Excellency the Governor and have also approached other Government officers praying for the amelioration of their conditions, the revision of the terms of their tenancies and the assimilation of their status with that of the Infantry grantees?

(g) What action does Government propose to take to meet the grievances expressed?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The information is not readily available and cannot be obtained without an expenditure of labour which appears to be excessive compared with the object to be attained.

(b) The grantees were selected by the military authorities. There is no information as to the reasons for which the grantees were chosen.

(c) Information is not available.

(d) The general practice was as stated in the question.

(e) The grantees may be dissatisfied with some of the conditions. Government has no reason to suppose that they are dissatisfied with those conditions by which their grants are of two squares instead of one square and their malikana less than that of Infantry grantees.

(f) A memorial has been received by this Government.

(g) The matter is under consideration.

555. Sardar Bahadur Sardar Mehtab Singh.—(a) Is it a fact that the rule of primogeniture governing the tenancies referred to in the previous question is the most fruitful source of discontent to the grantees themselves as well as to their younger sons?

(b) Does the Government consider that the eldest son is the only person entitled to the reward for services rendered by his father to his King and country?

(c) Is it a fact that the rule of primogeniture is unknown to the peasantry of the Punjab elsewhere?

(d) Is it a fact that owing to the rule of primogeniture there have been breaches of the peace between the eldest and the younger sons, sometimes leading to loss of life?

(e) Does Government propose to take action to remove the rule of primogeniture for purposes of inheritance?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Primogeniture is one of the causes of discontent, but there is no information to show if it is the most fruitful source of discontent.

(b) No.

(c) Yes.

(d) Government has no information on this subject.

(e) The whole question of horse-breeding conditions is under the consideration of the Financial Commissioner.

PUNJAB VETERINARY COLLEGE.

556. Sardar Bahadur Sardar Mehtab Singh.—(a) Is it a fact that a revised course of studies for the Punjab Veterinary College has been approved by the Government of India, according to which instruction will be imparted in English instead of in vernacular?

(b) If so, will the Government lay the same on the table?

(c) Is it a fact that the medium of instruction for the students of the Punjab Veterinary College has been the vernacular of the province since 1882, the year in which the college was established?

(d) Will the Hon'ble Minister for Agriculture be pleased to state—

(i) The total number of civilian students from the Punjab (private as well as those nominated by the District Boards) who were admitted in the Punjab Veterinary College during the last 10 years.

(ii) The total number out of the above, of those who had not passed the Entrance Examination of the Punjab University or its equivalent before admission to the College.

(e) Is it a fact that Mr. Townsend, Director of Agriculture, Punjab, in the address to His Excellency the Viceroy and Governor-General of India in December 1915, attributed the success of

the Veterinary College to the fact that that college was the only college in India where the medium of instruction was the vernacular, except in respect of the Post Graduate course, and that His Excellency the Viceroy in his reply to the above address recognized and appreciated the wisdom of the policy then adopted in the matter of language used for the college course?

(f) Will the Hon'ble Minister for Agriculture be pleased to state whether any responsible Indians were consulted before the scheme referred to above was submitted for the approval of the Government of India?

(g) Will the Hon'ble Minister for Agriculture state whether with the introduction of the scheme referred to the expenditure of the college, both recurring and non-recurring, will be increased both immediately and ultimately? If so, to what extent?

The Hon'ble Lala Harkishan Lal.—(a) Yes.

(b) A copy of Punjab Government letter No. 27759 (Rev. & Agri.—Genl.), dated the 12th December 1919; and of Government of India letter No. 486-163, dated the 15th March 1920, is placed on the table.*

(c) Yes.

(d) A statement is placed on the table.

(e) Yes, but in the six years that have since elapsed veterinary science has advanced considerably and it is desired to procure a more advanced class of practitioner from the college.

(f) Indian opinion was consulted before the final orders were passed and very grave and careful consideration was given by myself to the matter. The advocacy of English as the medium of instruction was based on a real desire of bringing the student into close touch with superior teachers who have themselves received instruction at the hands of still superior men and had the advantage of the best laboratories and lecture rooms of Europe.

Another argument was that the present vernacular text-books were at best in different translations and adaptations from obsolete European text-books, and the vernacular had not kept pace with the advance of research and knowledge now available in the English text-books and scientific magazines of Europe. I was led finally to the conclusion that the question of the medium of instruction should be separately and fully examined by a Committee at a later date, which might make recommendations as to the improvement of vernacular literature and the recruitment of a teaching staff equal in ability to any other in the world and capable at the same time of imparting instruction through the medium of a provincial vernacular. When these two requirements of staff and books are assured the change in medium back again to the vernacular would be easy and would not, if otherwise desirable and practicable, be impeded by the present decision to use English as a medium. Government, therefore, decided that the fresh admissions to the college should be on the new basis without prejudice to a subsequent reconsideration of the question.

(g) The additional recurring expenditure on staff is estimated at about Rs. 550 per mensem. There is no reason to anticipate any material increase in the non-recurring expenditure.

KIRPANS.

557. Sardar Bahadur Sardar Mah-tab Singh.—(a) Will Government be pleased to state if any instructions were issued in February 1921 or thereabout to Deputy Commissioners relating to the "Kirpans" carried or possessed by Sikhs or about their manufacture or sale?

(b) If so, will the Government please lay those instructions with connected papers on the table?

The Hon'ble Sir John Maynard.—It is a fact that Government did issue some instructions regarding the Kirpan question to Deputy Commissioners in

February last. The purport of the instructions was as follows:—Deputy Commissioners were reminded that under paragraph 3 (VI) of Schedule II to the Arms Act of 1920 Kirpans possessed or carried by Sikhs were exempted from the prohibitions of the Indian Arms Act according to a recommendation of the Punjab Government which had pointed out that the Kirpan was primarily intended as a religious emblem. At the same time it has noticed that while the Kirpan as formerly worn had been an emblem, a few inches in length, a tendency has grown up for persons to wear Kirpans often as much as two feet in length and resembling a weapon rather than an emblem. An increase in this practice had obvious dangers at times of excitement and faction feeling. The Government had hoped that Sikh associations would themselves take the matter in hand. It was within the discretion of Government to move the Government of India to define a Kirpan by limiting its length; but the Government did not at the time propose to take this step. Under section 5 of the Arms Act, however, the manufacture of Kirpans is illegal without a license. District Magistrates were directed to warn licensed manufacturers to reduce the size of blades of Kirpans in their stock to nine inches and not to manufacture Kirpans of a size in excess of this limit in future.

Under sanction given by the Secretary of State, Government may spend up to 3 lakhs on the initial requirements of the town in which the sale proceeds accrued or in any other newly established town or market in the Punjab. Credits are made according to the needs of the towns as they arise and no specific proportion of the sale proceeds is set aside for credit to the towns.

LACK OF PASTURE LAND NEAR LYALLPUR.

559. Rai Bahadur Lala Sewak Ram.—Is the Government aware that hardship is felt by the people of Lyallpur owing to the lack of pasture land near the town? If so, what steps does Government intend to take to remove this difficulty?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—It is a fact that owners of cattle in Lyallpur town have difficulty in pasturing their animals, because there is a lack of pasturage near the town.

The proper solution seems to be the establishment of a dairy farm which will make it unnecessary for people to keep cattle within the town. This matter is receiving attention.

RESIDENTIAL SITES IN COLONY TOWNS.

558. Rai Bahadur Lala Sewak Ram.—Does Government realise a considerable sum of money from the sale proceeds of residential sites in colony towns? If so, will Government be pleased to state what proportion is credited to the municipalities or notified areas of those towns?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Government does realise a considerable sum of money from the sale proceeds of residential sites in colony towns.

LYALLPUR MUNICIPAL COMMITTEE.

560. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to consider the desirability of increasing the number of the elected seats in the Lyallpur Municipal Committee.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The question is engaging the attention of Government and it is probable that an increase in the number of the elected seats will take place.

SUSPENSION OF LAND REVENUE IN
MUZAFFARGARH, ETC.

561. Rai Bahadur Lala Sewak Ram.—Is it a fact that the crops in the Muzaffargarh and Dera Ghazi Khan Districts have suffered considerably on account of drought? If so, will Government be pleased to suspend the land revenue and to remit it wherever there is a total failure?

The Hon'ble Sardar Bahadur Sardar Suniar Singh, Majithia.—From reports received up to date it appears that the rabi harvest in Muzaffargarh and Dera Ghazi Khan has been considerably below average, as in many other parts of the Province. Government has no doubt that the matter is receiving the most careful attention from the local officers in pursuance of Standing Orders and of the special instructions issued.

It is contrary to rule to remit the revenue of a harvest in the first instance on account of failures due to drought, this form of relief being limited to special calamities, such as hailstorms and destructive flooding.

INCOME TAX ASSESSMENT IN ALIPUR.

562. Rai Bahadur Lala Sewak Ram.—Is it a fact that there is complaint as to the way in which income-tax has been assessed in the Alipur Tahsil of the Muzaffargarh District? If so, will Government be pleased to make enquiries in the matter?

The Hon'ble Sir John Maynard.—The member is referred to the answer given to question 444.*

MUZAFFARGARH DISTRICT BOARD.

563. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to state how many members of the Muzaffargarh District Board are Hindus and

how many Muhammadans and what is the relative proportion of these two communities in the population of the District?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—There are 40 members of the District Board. Of these 32 are Muhammadans and 6 are Hindus. According to the Census figures of 1921, the proportion of Muhammadans to Hindus is as 16:2.

KOT ADU AND JARANWALA NOTIFIED
AREAS.

564. Rai Bahadur Lala Sewak Ram.—Will Government consider the desirability of raising the status of the following notified areas to municipalities:—

(a) Kot Adu in Muzaffargarh District,

(b) Jaranwala in Lyallpur District,

and of introducing the system of election in them.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The desirability of raising these and other notified areas to the status of municipalities will be considered when the Small Towns Bill and the revised Municipal Bill have become law.

CONTRACTORS FOR SUPPLYING PROVISIONS
IN MULTAN.

565. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to lay a statement on the table showing the places where contractors for supplying provisions have been or are to be appointed in the various districts in the Multan Division, also showing what emoluments have been fixed for them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is not yet available and will be given in due course.

PAY OF THE CLERKS OF COURTS TO DISTRICT AND SESSIONS JUDGES.

566. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that the pay of the Clerks of the Court to the District and Sessions Judges compares unfavourably with that fixed for the Head Clerks (now Superintendents) of the Deputy Commissioners' offices?

(b) Have any memorials been received by Government from any of the Clerks of the Courts, Punjab, complaining of inadequacy of pay?

(c) Does Government propose to take steps to assimilate their salary and status with those of the Superintendents of Deputy Commissioners' offices?

The Hon'ble Sir John Maynard.—

(a) The salary of the Clerk of Court of a District and Sessions Judges office has, with effect from the 1st October 1920, been fixed at Rs 150—5—22½ p.m., while that of a Superintendent of a Deputy Commissioner's office is Rs. 250—20—350 p.m.

(b) Government has so far not received any memorials from any of the officials referred to.

(c) As the duties as well as responsibilities of the two classes of officers are quite different Government do not propose to take steps to assimilate their salary and status.

PUBLIC WORKS DEPARTMENT ACCOUNTANTS.

567. Rai Bahadur Lala Sewak Ram.—Is it a fact that the pay of all Senior Public Works Department Accountants has been fixed at Rs. 270 per mensem from 1st April 1920?

If so, what steps does Government propose to take to compensate those who were already getting higher pay since 1st October 1919?

The Hon'ble Sir John Maynard.—

The scale of Senior Accountants on the all-India list is settled by the Government of India. It was fixed at Rs. 270—20—450 from the 1st April 1920, and not at a fixed rate of Rs. 270 per mensem as stated in the question. The former scales were:—

	Rs.
1st grade ...	350—20—450
2nd grade ...	250—15—340

In the case of men who would have received little or no benefit from the new time-scale, a personal allowance has been given. This has been fixed so as to give on the 1st of April 1920, an increase of 20 per cent. over the pay drawn on that date under the old scale subject to the proviso that no one should be allowed to draw more including the allowance than the maximum pay of Rs. 450 per mensem.

COLONISTS ON THE LOWER JHELUM CANAL.

568. Sayad Ghulam Muhammad Shah.—(a) Will Government be pleased to state what classes of colonists (abadkars) on the Lower Jhelum Canal have not yet been granted proprietary rights, and why?

(b) Is Government prepared to grant proprietary rights to them now?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Except for occupiers of a small area which has been granted as rewards for recruiting and other good work the area of the Lower Jhelum Colony is held by tenants none of whom has been granted proprietary rights. The reason is that the greater part of the area of the Colony has been used for horse-breeding grants and it would be difficult to enforce the conditions of those grants if full proprietary rights are granted. Instead of full proprietary

rights, therefore, rights of occupancy are given. It has been thought inadvisable to differentiate between horse-breeding tenants and others in this Colony.

(b) The matter is under consideration. It should be realised that horse-breeding grants are of two squares. If proprietary rights are granted and horse-breeding conditions relaxed it will be for consideration whether one rectangle of each grant should be surrendered.

RULE OF PRIMOGENITURE IN LOWER JHELUM COLONY.

569. Sayad Ghulam Muhammad Shah.—(a) Is it a fact that the existence of the rule of primogeniture in the Lower Jhelum Colony has led to the crime of murder in Chak No. 101 N.B.?

(b) If so, will Government change the rule?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Government has no information as to the alleged murder.

(b) Reference is invited to the reply to question No. 555.*

HORSE-BREEDING GRANTEES IN LOWER JHELUM COLONY.

570. Sayad Ghulam Muhammad Shah.—(a) Will Government be pleased to say how many fines have been inflicted on horse-breeding grantees by the Remount Officers of this colony during the last three or four years, and for what reasons?

(b) Is it a fact that in certain cases fines have been imposed because the young stock produced was not up to standard, or because the mare was too fat, or was not producing stock?

(c) If so, will Government put an end to such fines in future?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret that the answer to this question is not yet ready.

TAHSIL SIRSA.

571. Pir Akbar Ali.—(a) Is it a fact that there is a proposal before the Government to make the Sirsa Tahsil into a district by adding to it all the villages of the Fazilka tahsil and some villages of the Muktesar Tahsil?

(b) If the answer to (a) is in the affirmative, is Government satisfied that the people of Fazilka and Muktesar will not dislike the change?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The question of the re-constituting the old Sirsa District was informally mooted, but in reviewing the Final Settlement Report of the Ferozepore District, Government expressed the view that such a scheme was not yet within the range of practical politics. Since 1916 the proposal has not been revived.

TRAVELLING ALLOWANCE OF SETTLEMENT NAIB-TAHSILDARS.

572. Pir Akbar Ali.—Will the Government be pleased to state whether—

(a) the travelling allowance of the Settlement Naib-Tahsildars is fixed, and if so, what is its amount?

(b) there is any difference in the travelling allowance of the Naib-Tahsildars, Mahal, and that of the Settlement Naib-Tahsildars, if so, why?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Settlement Naib-Tahsildars in charge of circles in the Punjab draw a fixed travelling allowance of Rs. 45 per mensem, while others draw a daily allowance of Rs. 3 per diem.

(b) District Naib-Tahsildars draw the same daily allowance as settlement Naib-Tahsildars not in charge of circles. Settlement Naib-Tahsildars in charge of circles are given a fixed travelling allowance, as they have to be constantly on tour and while incurring travelling expenses, may

frequently be unable to draw travelling or daily allowance under the ordinary rules.

TAHSILDARS AND NAIB-TAHSILDARS.

573. Pir Akbar Ali.—(a) Is it a fact that Tahsildars and Naib-Tahsildars cannot count days spent on tour as such unless they put up for a night away from their head-quarters?

(b) If so, does not this practice cause unnecessary trouble to the people and the officers concerned without any gain to the Government?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—It has been ruled that "Days on tour" for purposes of quarterly revenue business statements should not include any day of which the night was spent at the tahsil or within 5 miles of it.

The reason for this order is that tahsil officials are inclined to obscure the fact that they are not sufficiently covering their circles by spending an undue amount of time on the villages within a 5 mile radius of their Tahsil. The last six words of the order which do not appear in the question, are of great importance to an understanding of the order.

(b) It does not appear how this order causes unnecessary trouble to the people, unless a particular official develops the habit of pitching a camp just outside the 5-mile circle. In so far as the order tends to make officials arrange their touring so as to attend equally to all parts of their circles, it tends to prevent the inconvenience inseparable from camps being concentrated on a particular locality.

So far as the officers are concerned, Government cannot admit that well-arranged touring is an unnecessary trouble.

STANDARD OF QUALIFICATIONS FOR MEMBERSHIP OF DISTRICT BOARDS.

574. Pir Akbar Ali.—(a) Is it a fact that the standard of qualification (amount of revenue or local rate) for membership of District Boards is

higher than that required from rural candidates for the Punjab Legislative Council?

(b) If so, will the Government be pleased to change this arrangement at once?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The qualification is higher only in the four cases of Ferozepore, Hoshiarpur, Gurdaspur and Lahore.

(b) Government will after consulting these four boards consider the desirability of lowering the qualification.

RAILWAY FREIGHT FOR FODDER.

575. Pir Akbar Ali.—Will the Government be pleased to arrange that the Railway freight for fodder be reduced this year by at least half on account of the prevailing drought?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The transport of fodder at concession rates to scarcity areas has already been sanctioned by Government. The statement* (which is placed on the table) shows that these concession rates are even less than $\frac{1}{2}$ of the usual charges.

REPRESENTATION OF COMMUNITIES IN MUNICIPALITIES.

576. Rai Sahib Lala Thakur Das.—Will the Government be pleased to state what principle is followed in fixing the representation of different communities in the municipalities? Is representation based only on numbers, or are other factors, such as taxation, education, relative source of municipal income, and relative importance of trade, professions, industries, etc., taken in consideration?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—If and when it is desired to introduce communal representation into a municipality, the population and voting strength of each community are the main factors taken into consideration. But the case of each municipality is considered on its own merits.

COMMUNAL REPRESENTATION IN
WAZIRABAD.

577. Rai Sahib Lala Thakur Das.—Will the Government be pleased to state (a) the exact amount of income-tax paid in the year 1920 by Hindus, Sikhs and Muhammadans of Wazirabad, (b) the exact amount of indemnity recovered in June 1919, from the Hindu, Sikh and Muhammadan inhabitants of Wazirabad, and (c) the number of Hindu, Sikh and Muhammadan voters for the Legislative Council in the municipality of Wazirabad?

The Hon'ble Sir John Maynard.—

(a) The income-tax paid between the 1st January 1920 and the 31st December 1920 (both dates inclusive), by Hindus, Sikhs and Muhammadans of Wazirabad was—

	Rs.
Hindus ...	11,091
Sikhs ...	2,963
Muhammadans ...	2,282

(b) The information is not at present available, and will be furnished later.

(c) The number of Hindu, Sikh and Muhammadan voters for the Legislative Council in the Municipality of Wazirabad is 325, 44 and 329 respectively.

578. Rai Sahib Lala Thakur Das.—(a) Is it a fact that the Hindus of Wazirabad, though fewer in numbers than the Muhammadans, are of more importance from the point of view of taxation, education, professional activity, trade, industry, etc.?

(b) Is it a fact that before the introduction of communal representation in the Wazirabad Municipal Committee the number of elected members of both these communities was equal, and that adding the nominated members the Hindus were almost always in a majority?

(c) Since when was a separate electorate for Hindus and Muhammadans established in this committee, and was it done to protect the majority of Muhammadans or the minority of Hindus?

(d) Is it a fact that at that time one elective seat was transferred from the Hindus to the Muhammadans and, if so, was this done with the idea of giving an increased representation to the Muhammadans or of making their representation double that of the Hindus?

(e) Was a memorial submitted by the Hindus of Wazirabad in 1911, protesting against the above mentioned reduction of their representation and in reply was an assurance conveyed to them that the Hindus would not be placed in a permanent minority?

(f) Is it a fact that now the strength of the Wazirabad Committee is 15, and at present, leaving two *ex-officio* members it consists of 8 Muhammadans (7 elected and 1 nominated), 2 Sikhs (both nominated) and 3 Hindus (all elected) members?

(g) Is it also a fact that the 2 Sikhs have been nominated without regard for the numerical strength of their community, and that the Hindus, even including the Sikhs, are placed in a permanent minority?

(h) Is it a fact that the President, Vice-President, Secretary, Accountant, Sub-overseer, and the other important office bearers of the Committee as well as of its Sub-Committees, are all Muhammadans, and that the Hindus have practically no voice in the management of their own affairs?

(i) Will the Government be pleased to take the necessary steps to prevent the Hindus from being in a permanent minority in the Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Government has no definite information.

(b) There was no communal representation in the Wazirabad Municipal Committee until 1910; until then six seats were open to election irrespective of the religion of the candidates. The number of Hindu and Muhammadan candidate returned to the Committee that existed immediately before the introduction of

communal representation was equal. There were two *ex-officio* members and one was appointed by name. The nominated member was a Hindu who for 12 years had been Vice-President of the Municipal Committee.

(c) In 1910 it came to the notice of Government that Muhammadans were under represented on the Municipal Committee of Wazirabad and it was decided that of the six elected members four should be Muhammadans and two Hindus, Muhammadan voters voting only for Muhammadan candidates and Hindu voters only for Hindu candidates, Hindus including Sikhs.

(d) As before 1910 no seats were reserved for Hindus or Muhammadans the question does not arise.

(e) The answer to the first part of the question is in the affirmative.

The memorialists pointed out that by the new arrangements "the Hindu members of the Committee will be placed in a permanent minority." All that Government said was that looking to the constitution of the Municipal Committee as a whole it was unable to share the apprehension.

(f) In 1918 Government decided that the Municipal Committee of Wazirabad should in future consist of 11 elected members and of 4 appointed either by name or by office. Of the elected members seven were to be Muhammadans and four Hindus or Sikhs. In February 1919 the Committee consisted of 7 elected Muhammadans, 4 elected Hindus, one nominated Sikh, one nominated Muhammadan, and two *ex-officio* members. A Hindu and a Muhammadan member, both elected, were removed from the Committee in connection with the April 1919 disturbances at Wazirabad. A Sikh and Muhammadan were nominated for them instead.

(g) The two Sikhs were nominated for their personal qualifications and not out of regard for the numerical strength of the Sikh community.

According to the census of 1911 the population of Hindus and Sikhs in Wazirabad is 5,300 against 11,736 Muhammadans and the voting strength of Muhammadans is also larger than that of Hindus and Sikhs combined. The Muhammadans are therefore entitled to a larger number of seats on the Committee.

(h) The President, Vice President and secretary of the Committee are Muhammadans, but Government has no information about the officials.

(i) In view of the facts noted in (g) above Government sees no necessity for making any change.

MUNICIPAL COMMITTEE OF WAZIRABAD.

579. Rai Sahib Lala Thakur Das.—(a) Will the Government be pleased to state whether it is a fact that during the Martial Law regime two elective seats in the Municipal Committee of Wazirabad, one Hindu and one Muhammadan, were confiscated as a punishment for the residents of wards No. 1 and No. D?

(b) Is it a fact that these wards were inhabited for the most part by Railway employees, and that they remained loyal during the disturbances?

(c) Is it a fact that the residents of these wards submitted memorials protesting against this confiscation and, if so, what reply was sent to them?

(d) Is it a fact that the Muhammadan seat has recently been released for election and that the Hindu seat still remains confiscated? If so, will the Government be pleased to explain this differential treatment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Two members of the Municipal Committee of Wazirabad, viz., Lala Amir Chand and Sheikh Muhammad Hussain Jolli, having been arrested for offences committed during the disturbances of April 1919, were

removed from the Municipal Committee and their seats were filled by nomination, as it was not considered advisable to hold an election owing to the disturbed state of the Municipality.

(b) Government has no information.

(c) An unsigned memorial was received by Government but no reply could be given as there was no signatory.

(d) One vacancy occurred, and it was forthwith thrown open to election. It could be given only to one community, and as the Muhammadan population and voting strength predominate in the Municipality it was only just that the first vacancy should go to them. It has already been decided that as soon as a vacancy occurs in the nominated seats, the Hindu seat will be similarly treated.

WAZIRABAD MUNICIPALITY.

580. Rai Sahib Lala Thakur Das.—(a) Is it a fact that defects in the constitution of the Wazirabad Committee were brought to the notice of Mr. Mitchell, late Deputy Commissioner of Gujranwala, and that he gave an assurance to the Hindus that their representation would be increased?

(b) If so, will the Government be pleased to state what report, if any, he made to the Commissioner and what action was taken thereon?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has no information.

DRAINAGE AT WAZIRABAD.

581. Rai Sahib Lala Thakur Das.—

(a) Will the Government be pleased to state the total expenditure incurred on the drainage scheme at Wazirabad?

(b) Will the Government also be pleased to state if this drainage scheme at Wazirabad has been, or has not been, a success as regards avoiding the discharge of the sewage into the Pulkhu Nullah, which forms into a lake at Wazirabad?

(c) Has the Sanitary Commissioner, Punjab, ever inspected this site, and seen for himself whether the condition of this stagnant water, aggravated by the discharge of the sewage into it, is not injurious to the public health, and, if so, what remedy, if any, has been proposed?

(d) It is a fact that under this drainage scheme the sewage was constructed only in the Muhammadan parts of the town and that the main bazars and almost all other Hindu parts are still devoid of sanitary drains of improved type and of flushing arrangements, and, if so, will the Government be pleased to explain this differential treatment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The total expenditure incurred on the Wazirabad Drainage Scheme is Rs. 78,017.

(b) As the municipal committee of Wazirabad have not completed their arrangements for utilising the sullage it is discharged into the Pulkhu Nullah. The utility of the arrangements made for carrying the sullage across the Pulkhu cannot be completely tested in practice until the committee brings these arrangements into regular use.

(c) The Sanitary Commissioner inspected the site referred to on the 6th April 1920, and discussed the whole question of sullage disposal with the municipal committee and the Civil Surgeon. He noted in his inspection report that "the present method of discharging into the Pulkhu Nullah cannot be permitted to continue" and that the committee must arrange for the proper disposal of the sullage, acquiring more land for the existing disposal works across the Nullah if and when requisite.

He also noted that the question of the feasibility of the disposal of part of the sullage on the Southern or Eastern side, as desired by some members of the municipal committee, was a question for the Engineers to decide.

The present position is that disposal works now exist for the disposal of the

sullage at present poured into the Pulkhu Nullah, but these are not being utilised by the municipal committee.

(d) No systematic internal drainage was included in the drainage scheme. It consisted of 2 intercepting drains, an outfall, disposal works and flushing arrangements. It is understood that the municipal committee has a scheme under consideration for the internal drainage of the town.

It is quite incorrect to suppose that the drainage scheme recently completed had any relation to the religion of the people in specified areas of the town. The scheme was designed solely on technical considerations.

THE SUTLEJ VALLEY PROJECT.

582. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to state when work on the Sutlej Valley Project will be taken in hand?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The Sutlej Valley Project has been sent to the Secretary of States for sanction. Work on the Project will be started when sanction is received and the necessary funds are provided.

KHANWAHA DISTRIBUTARY.

583. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that owing to there being two sub-divisions on the Khanwaha Distributary of the Sutlej Inundation Canals, proper regulation of the water supply is not made?

(b) If so, will Government be pleased to consider the desirability of amalgamating two sub-divisions into one?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The reply is in the negative.

(b) The question of amalgamating the two sub-divisions has been considered and amalgamation is not desirable in Government's opinion.

SUPPLY OF WATER TO THE MANDI TOWNS.

584. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that the supply of water to the Mandi Towns of Okara, Chichawatni, Channu and Khanewal is irregular?

(b) If so, will Government be pleased to deal with the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—These colony towns are now notified areas and any deficiencies in the drinking water arrangements should be brought to the notice of their committees.

DIPALPUR.

585. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that Dipalpur in the Montgomery District has a population of over 3½ thousand, but is not a notified area?

(b) If so, does Government propose to take steps in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The answer to the first part is in the affirmative. As to the second part no proposals have been received for declaring Dipalpur a notified area, and in the absence of them or of any public demand for creation of a notified area Government does not consider any action in that direction is necessary.

586. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that the paving of streets and the drainage of Dipalpur town are urgently required?

(b) If so, will Government be pleased to move the Sanitary Board to give some grant for this purpose?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has no knowledge of the facts, which concern the local officers and local bodies primarily. An application for assistance will be duly considered by the Sanitary Board.

NANKANA-PAKPATTAN RAILWAY.

587. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that a narrow gauge railway, known as the Nankana-Pakpattan Railway, viz. Balloki and Dipalpur has been surveyed?

(b) If so, when will the work of its construction be taken in hand?

The Hon'ble Lala Harkishan Lal.—A survey was carried out in 1913 for a narrow gauge Railway between Nankana and Pakpattan *via* Balloki and Dipalpur, but it has been decided not to proceed further with this project.

REVISION OF ASSESSMENT OF LYALLPUR AND MONTGOMERY.

588. Rai Bahadur Lala Sewak Ram.—(a) Will Government please state what prices will be assumed for the purposes of the revision of the assessment of the Lyallpur and Montgomery Districts?

(b) Will Government be pleased to pass orders that the prices prevailing since the war up till now be not taken into account?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Commutation prices proposed for Lyallpur settlement have not yet been reported. Those sanctioned for the Montgomery settlement are, for the leading staples, as follows:—

- Wheat — 44 annas per maund = 14½ seers per rupee.
- Gram — 32 annas per maund = 20 seers per rupee.
- Rice — 32 annas per maund = 20 seers per rupee.
- Bajra — 33 annas per maund = 19 seers per rupee.
- Toria — 53 annas per maund = 11 seers per rupee.
- Cotton — 20 annas per maund = over 7 seers per rupee.
- Fodder — Rs. 10 per acre.

(b) Government does not propose to pass orders that any known fact shall not

receive due consideration in fixing commutation prices. It is clear from the figures just quoted that ample allowance has been made for any fall in prices, other than purely temporary ones, which on any reasonable view is likely to occur in the future. It may be taken for granted that the same prudence will be brought to bear on the case of Lyallpur, though the superior communications and commercial development will have to be taken into account.

KHARABA ON UPPER SUTLEJ INUNDATION CANALS.

589. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that very little *khara*ba is given on the Upper Sutlej Inundation Canals? (b) If so, will Government be pleased to issue instructions to give *khara*ba freely in future?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The Inundation Canals on which *khara*ba is assessed by the Irrigation Department are:—

- The Upper Sutlej.
- The Shahpur Imperial.
- The Shahpur Provincial.

In the year 1919-20 the percentages of *khara*ba given were 5.02, 3.93 and 6.48, respectively.

That given on the Upper Sutlej Cannals was, therefore, practically the same as on the average of the other two systems.

Government sees no need for issuing instructions to grant *khara*ba more freely, especially as the physical conditions on the Upper Sutlej Canals are specially favourable.

SETTLEMENT ALLOWANCE.

590. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that, where settlements are going on, (i) no settlement allowance is given to Settlement Tahsildars and Naib-Tahsildars? (ii) Only Re. 0-12-0 per day is given to Settlement Naib-Tahsildars while Rs. 3 per day is given to Mahal Naib-Tahsildars?

(b) If so, will Government be pleased to remove this distinction?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) (i) Tahsildars and Naib-Tahsildars employed on Settlement do not receive any Settlement Allowance. Part (a) (ii) of the question presumably refers to Travelling Allowance and has already been answered in the reply to question No. 572* to which a reference is invited.

(b) The fixed rate of travelling allowance allowed to Settlement Naib-Tahsildars is on the average equivalent to the allowance granted to District Naib-Tahsildars. The main object of giving a fixed allowance is to save work and staff in the Audit Departments. Government does not propose to remove the distinction.

PASTURE GROUNDS NEAR LYALLPUR AND MONTGOMERY.

591. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that no areas are reserved as pasture grounds near the newly established colony towns in Lyallpur and Montgomery Districts?

(b) If so, will Government consider the desirability of reserving such areas?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

BEGAR IN SMALL MANDI TOWNS.

592. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that in small Mandi towns *begar* is still taken by commanding carts brought in by zamindars with their produce and by obtaining the compulsory services of *kahars* (watermen) and of shopkeepers?

(b) If so, will Government be pleased to forbid such practices?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Government is not aware of the alleged practice.

ROADS IN OKARA, ETC.

593. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that the town roads in Okara, Chichawatni, Channu and Khanewal are not fully metalled up to this time?

(b) If so, will Government be pleased to issue instructions for expediting this work?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Ye.

(b) Government is satisfied that every effort is being made by local officers to complete the work as rapidly as funds permit and does not consider any instructions necessary.

PRIMARY SCHOOLS IN MANDI TOWNS.

594. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that not even Primary Schools are opened in all the Mandi towns on the Lower Bari Doab Canal?

(b) If so, will Government be pleased to consider the desirability of opening them as early as possible?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The following are the Mandi towns in the Okara and Montgomery Tahsils and the Khanewal Sub-Division of Multan. The kind and number of schools at each place are noted against each:—

(a) Okara:—

- (1) Anglo-Vernacular full Middle School for Boys maintained by Notified Area Committee.
- (2) Girls' Primary maintained by Notified Area Committee.
- (3), (4) Two private Girls' Schools.

(b) Montgomery:—

- (1) Government High School (Boys).
- (2) Municipal Board Lower Middle (Boys).

- (3) District Board Industrial Primary (Boys).
- (4) Municipal Board Gurmukhi and Nagri Girls' Middle School.
- (5) Municipal Board Urdu Primary School for Girls.
- (6) Guru Nanak Aided Pathshala for Girls.
- (7) Talim-ul-Quran, Aided Indigenous (Boys).
- (c) Chichawatni :—
Anglo-Vernacular Lower Middle, for Boys, maintained by Notified Area Committee.
- (d) Mian Channu :—
District Board Boys' Primary.
- (e) Khanewal :—
(1) District Board Boys' Primary.
(2) Khalsa Anglo-Vernacular Middle School, unrecognized.
- (f) Jahanian :—
District Board Primary School for Boys.

PASTEUR INSTITUTE AT KASALI.

595. Mr. Daulat Ram, Kalia.—(a) Is it a fact that the Pasteur Institute at Kasali is the only place for the treatment of patients bitten by rabid dogs, and that many people do not go there on account of the long distance and the heavy expenses?

(b) If so, will Government be pleased to make arrangements at Lahore and other convenient places for the treatment of such patients?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The Pasteur Institute at Kasali is the only place in the Punjab for the treatment of persons bitten by rabid dogs. It is not the case that distance or expense prevents many

people from going there. No person, however poor, is prevented from going to Kasali for treatment, as provision is made by Government and local bodies for transport and maintenance while there of those who cannot afford the expense.

(b) The question of the advisability of giving the treatment at other places has, however, been considered and will shortly come before the Committee of the Pasteur Institute and the Central Health Board. There are many problems involved such as the possibility of administering the treatment in the summer heat of the Punjab plains, the provision of sufficient skilled staff to manage more than one institute and the effect on the Kasali institute of reducing the material that is now treated there. In view of the answer given to part (a) of the question no reason appears to exist for anticipating the consideration of these questions by the authorities concerned.

(Question No. 596 was withdrawn by the questioner.)

UPPER SUBORDINATES IN IRRIGATION DEPARTMENT.

597. Mr. Daulat Ram, Kalia.—Is it a fact that upper subordinates in the Irrigation Department drawing Rs. 140 per mensem as pay and allowance are not allowed second class travelling fares, while they pay income-tax on such pay and allowance?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Travelling allowances are regulated under the ordinary rules of the Civil Service Regulations and income-tax is levied in all cases where income exceeds Rs. 2,000 per annum.

The temporary allowance is not reckoned as part of pay for the purpose of calculating travelling allowance.

INSPECTORS OF POLICE AND HORSE ALLOWANCE.

598. Mr. Daulat Ram, Kalia.—(a) Is it a fact that Inspectors of Police are

required to keep a horse and are not given any horse allowance while the Sub-Inspectors get it?

(b) If so, will Government be pleased to give the reasons for the above rule?

The Hon'ble Sir John Maynard.—(a) and (b) Circle Inspectors are not obliged by rule to keep a horse, but are obliged to move freely about in their circles and for this they are given travelling allowance for all journeys beyond five miles from their headquarters. Sub-Inspectors in charge of Police Stations are obliged to keep a horse and do not get travelling allowance for travelling within their own jurisdiction, but are given horse allowance.

FATAL ACCIDENTS ON RAILWAYS.

599. Mr. Daulat Ram, Kalia.—(a) Will Government be pleased to state the number of fatal accidents reported to the Civil Surgeons or dealt with by them on the report of the Railway Police or Railway authorities during the last year?

(b) Will Government also show in how many such cases passengers lost their limbs?

The Hon'ble Sir John Maynard.—The information asked for is not at present available, but necessary enquiries are being made and the figures, when received, will be communicated to the member.

CHAIR OF MUSIC AT GOVERNMENT COLLEGE, LAHORE.

600. Mr. Daulat Ram, Kalia.—Will Government be pleased to create a chair of music in the Government College, Lahore?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government will make enquiries about this matter though up till now there has been no demand for a chair of music.

FODDER SCARCITY IN PUNJAB.

601. Mr. Daulat Ram, Kalia.—What steps has the Government taken to meet the fodder scarcity in the Punjab and to save the cattle from death by starvation?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Government has sanctioned carriage of fodder by rail at concession rates, on the recommendation of local officers, to places where there is scarcity of fodder. Wide publicity has always been given to the grant of such concessions. A fodder controller has been appointed to assist Government and District Officers in making arrangements for procuring fodder in the most efficient manner possible.

DAIRIES IN MUNICIPAL TOWNS.

602. Mr. Daulat Ram, Kalia.—Will the Hon'ble Minister for Agriculture consider the desirability of running dairies in the municipal towns of the Punjab under Government management and with capital subscribed by the public?

The Hon'ble Lala Harkishan Lal.—Government is ready to consider (and advise in the preparation of) any dairy scheme which may be put before it by a Municipal Committee or by a private individual for the supply of milk to municipal towns, but it is not in a position to manage dairies in the way suggested in the question.

ELECTRIC LIGHT IN MUNICIPAL TOWNS.

603. Mr. Daulat Ram, Kalia.—Is the Government taking any steps for providing electric light in the municipal towns of the Punjab under Government management and with capital subscribed by the public?

The Hon'ble Lala Harkishan Lal.—Government is making efforts to encourage electrical installations in the towns of the Punjab. In April 1921 the Electric Inspector to Government and the Director of Industries visited Gujranwala, Lyallpur, Amritsar, Jullundur City and Cantonment, Ambala City, Ferozepore, Fazilka, Hissar, Ludhiana and Sialkot.

and discussed with the Municipal Committees and leading residents the possibility of establishing electric installations. The result of these interviews was satisfactory. Government has agreed to extend to private individuals and companies the concession, originally limited to municipalities, of obtaining the advice and services of the Electric Inspector.

HIGH PRICES.

604. Mr. Daulat Ram, Kalia.—Will the Government appoint a committee to go into the question of high prices and to suggest measures by which living in the Punjab may be cheapened.

The Hon'ble Lala Harkishan Lal.—Government doubt whether a Provincial Committee could throw fresh light on the general question which has been the subject of much investigation in all parts of the world; but they are prepared to appoint a Committee to examine such causes for high prices as appear to be of a local character, and to make suggestions for the curtailment of wasteful expenditure on the part of the public.

MUNICIPAL TOWNS AND FIRE EXTINGUISHING APPLIANCES

605. Mr. Daulat Ram, Kalia.—Is Government satisfied that all the municipal towns in the Punjab are equipped with satisfactory fire extinguishing appliances?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has no information on the point, but expects municipalities to attend to this important matter.

RECREATION CLUBS FOR CLERKS.

606. Mr. Daulat Ram, Kalia.—Will the Government consider the question of providing recreation clubs for the ministerial establishments of courts and for the clerks in all the offices?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Assistance in the provision of recreation clubs for subordinate Indian officials is recognised as a

legitimate form of public expenditure and Commissioners are empowered to make small grants for the purpose out of the allotment at their disposal for miscellaneous expenditure.

MUNICIPAL COMMITTEES AND PROVISION OF RECREATION GROUNDS.

607. Mr. Daulat Ram, Kalia.—Will the Government be pleased to ask the municipal committees to provide recreation grounds for their rate-payers?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The question is one that concerns the municipal committees themselves, but will be brought to their notice.

HONORARY MAGISTRATES.

608. Mr. Daulat Ram, Kalia.—Will the Government consider the desirability of appointing Honorary Magistrates of the first and second class from gentlemen who can read and write and of raising the powers of those who pass the departmental examination prescribed for Extra Assistant Commissioners in the law of crimes and of procedure?

The Hon'ble Sir John Maynard.—In the case of making appointments of Honorary Magistrates for the first and second class, Government do consider it desirable to pay attention to the literacy of the persons recommended for such appointments. The grant of higher powers is recommended only after considerable experience of the work of the Honorary Magistrate concerned. Proposals for such enhancements of powers are submitted through the High Court. In certain cases, recommendations for enhancement have not been made until the person recommended has at the instance of the Deputy Commissioner passed the examination prescribed for Extra Assistant Commissioners in the criminal law and procedure.

COTTON YARN FOR JAIL MANUFACTURE.

609. Mr. Daulat Ram, Kalia.—Is it a fact that cotton yarn for jail manufac-

tures is not produced in jails, but purchased in the market? If so, is it due to the fact that a prisoner put on the spinning wheel gives a smaller return than when put on any other labour?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia.—The reply to both parts of the question is in the affirmative.

BAR ROOMS AS GOVERNMENT BUILDINGS.

610. Mr. Daulat Ram, Kaliala.—(a) Is it a fact that Bar Rooms in the Punjab are Government owned buildings placed at the disposal of the members of the Bar for passing their leisure and preparing their cases during the Court hours?

(b) Has the Government seen the proceedings of the case known as the Rustomji (a Barrister) assault case, and is it a fact that the Court held that Mr. Rustomji was assaulted, but that it was impossible to say who assaulted him?

(c) Will the Government be pleased to make rules for governing the discipline in Bar Rooms in such a way that adequate protection is afforded to all the occupiers?

The Hon'ble Sir John Maynard.—(a) The answer to this question is in the affirmative.

(b) Yes. A copy of the Court's order in the case is laid on the table.

(c) Government sees no necessity for the issue of any rules at present and prefer to leave the question of good and orderly conduct in Bar Rooms to the good sense of the Bar.

ORDER OF THE COURT DATED

7TH FEBRUARY 1920,
in re K. J. RUSTOMJI

versus

SEWA RAM SINGH AND OTHERS.
CHARGE UNDER SECTION 355,
INDIAN PENAL CODE.

Complainant has not been able to produce any evidence to show which of

the persons named in his complaint actually threw the pieces of coal at him. He did not himself see any one of the accused persons throwing the coal nor did any of his witnesses see coal being thrown at complainant. Mr. Jagan Nath, witness, has said that he noticed one or two pieces of coal lying near where complainant was seated, while Mr. Ralli tells us that he did not notice any pieces of coal lying about the room. I am convinced that pieces of coal were thrown at complainant, but it is impossible on the evidence adduced by complainant in support of his complaint to say which of the accused persons threw them.

I therefore dismiss the complaint under Section 203, Criminal Procedure Code.

METHOD OF ANSWERING QUESTIONS.

Mr. President.—The Council will observe that under the system followed to day in answering questions sixty have been got through in a little over half an hour. It is the practice in the House of Commons for only those questions to be answered orally which are specially marked by members to be so answered. If it should be the wish of the Council that that practice be followed here I shall be very glad to help in that respect. I will always be glad to receive from members any suggestion as to the means of expediting business.

THE PUNJAB VILLAGE PANCHAYAT BILL.

Mr. President.—The Council will now proceed with the Punjab Village Panchayat Bill.

7-48 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, as I was submitting yesterday the point before the Council is an exceedingly simple one. The point is whether it is necessary that this Bill be circulated for an expression of public opinion or whether it can without any damage being done to the Bill or to those who are affected by the Bill be referred to

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

the Select Committee with the express understanding that the Select Committee will take into due consideration all the opinions on the Bill that may be expressed till the time they meet. And, as I said before, Sir, the subject matter of this Bill has been under the consideration of five Legislative Councils in India. And it is an admitted fact that the ground for panchayats being established and developed is undoubtedly better in the Punjab than in any other Province. Under the circumstances it seems to me that no useful purpose will be served by the Bill being held up and not referred to the Select Committee straight away. The only reasonable objection the mover of the amendment can have in view in urging that the Bill be not referred to the Select Committee at once is that the Select Committee may have the advantage of having before it the opinions of the public and the Press. As I said before that object will not be defeated if the Bill be referred to Select Committee at once, as I have no intention that the Select Committee should consider the provisions of the Bill at once, but the intention is that the Select Committee will not meet till after the expiry of the month of September, so that the report of the Committee will be ready during the course of the next session of the Council which will in all probability be towards the end of October or the beginning of November. I think I am right, Sir, when I say that it is not the wish of this house that the Bill be not proceeded with, and I feel that the Council, on the other hand, wants that steps be taken which will more or less obviate any delay in the passing of the Bill by the Council. I just want to point out one thing before I sit down. It is this that this Council will have the fullest opportunity of dealing with the provisions of this Bill when the report of the Select Committee is presented and which will in all probability be in the month of November. In the meantime members who want to consult their constituencies will have no less than three or four months at their disposal during which they can make up their minds as to how

they want the provisions of this Bill amended. Under these circumstances, I really fail to see, Sir, how the hon'ble member who has moved this amendment gains anything whatsoever by his amendment. If I could only find out the advantage that will accrue to the Bill by delay I would be only too glad to meet the wishes of the mover. Inasmuch as I am neither able to fathom the idea underlying the amendment nor am I convinced by the arguments brought forward, I regret I cannot accept the amendment, and I wish, Sir, that amendment be thrown out and the original motion considered.

Mr. President.—The question before the Council is—

‘ That the Bill be referred to a Select Committee.’

To this motion an amendment has been moved—

‘ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st of November 1921.’

The question is that the amendment be made.

The Council then divided : Ayes 15,
Noes 36.

AYES 15.

Khan Sahib Amir Khan.	Mr. Moti Lal Kaistha
Sardar Bakhtawar Singh.	Mian Muhammad Shah Nawaz.
Sardar Balwant Singh.	Maulvi Muharram Ali Chisti.
Chaudhri Bans Gopal.	Diwan Bahadur Raja Narendra Nath.
Mian Beli Ram.	Sardar Bahadur Sardar Mehtab Singh.
Mr. Manohar Lal	Sardar Sangat Singh.
Bawa Hardit Singh, Bedi.	Rai Bahadur Lala Sewak Ram.
	Rai Sahib Lala Thakur Das.

NOES 36.

The Hon'ble Sir John Maynard.	Malik Karim Ullah Khan.
The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.	Pandit Daulat Ram, Kalia
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Chaudhri Daya Ram.
The Hon'ble Lala Har- kishan Lal.	Sardar Sahib Risakdar D. Singh.
Mr. G. F. deMont- merancy.	Khan Bahadur Rai Wali Muhammad Khan.
Mr. V. Connolly.	Khan Bahadur Chaudhri- Fazl Ali.
Mr. E. Joseph.	Sardar Sahib Gopal Singh, Labana.
Mr. B. T. Gibson.	Sardar Allan Khan.
Rai Bahadur Lala Jal Lal.	Misar Mela Ram.
Mr. P. J. Fagan.	Nawabzada Muhammad Ishaq Ali Khan.
Mr. C. M. King.	Khan Bahadur Raja Muhammad Akbar Khan.
Colonel R. C. MacWatt.	Chaudhri Muhammad Hayat Khan.
Mr. H. W. M. Ives.	Sayad Muhammad Husain.
Mr. D. J. Boyd.	Khan Muhammad Saif Ullah Khan.
Mr. M. G. Anderson.	Lieutenant Sardar Ragh- bir Singh.
Mr. E. A. Scott.	Chaudhri Shafi Ali Khan.
Malik Firoz Khan, Nun.	
Chaudhri Muhammad Amin.	
Sardar Randhir Singh.	
Chaudhri Ali Akbar.	

The amendment was lost.

The Hon'ble the President.—The ques- tion now before the Council is—

That the Bill be referred to a Select Com- mittee.

Sayad Muhammad Husain (Urdu).—Sir,—In spite of the decision of the Council regarding committing the Bill to a Select Committee at once, I request the Hon'ble Minister for Education to give sufficient time to public opinion to express itself. I hope that the Minister will stick to the decision arrived at yesterday, *vis.*

that the Select Committee should not meet to consider this Bill before No- vember 7th, 1921. The Bill is likely to prove beneficial to the rural population, and if men like Raja Narendra Nath and Mian Muhammad Shah Nawaz are included in the Select Committee their presence will remove many difficulties.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, As the Hon'ble the Minister for Education has not accepted a trifling amendment, I refuse to serve on the Select Committee which is to consider the Bill.

Mr. President.—There is no question yet as to the constitution of the Select Committee. The motion before the Coun- cil is that the Bill be referred to a Select Committee. If it is referred to a Select Committee, I shall then take up the question of its constitution.

8-12 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I should like to say a few words about the speeches which were delivered yesterday on the motion which is now before the Council. As the Bill has given rise to certain ap- prehensions, I feel it is my duty to remove them. In the first place, the Bill, which has already been published in the Government Gazette, will be publish- ed in other papers also, so as to make the public acquainted with its contents. The public will thus have at least two months at its disposal to discuss the various sections of the Bill, and these opinions, both of individuals and of the Press, will be made available to the Select Commit- tee. Secondly, some members are labour- ing under the delusion that, as soon as this Bill is passed, panchayats will be established in each and every village whether the people want them or not. But this is wrong. If the inhabitants of a village do not like a panchayat they need not have one. Thirdly, as regards the constitution of the panchayats, the panchayats would, in my opinion, be elect- ed and not nominated; and discussions in the Select Committee and in the public

[Mr. President.]

Press will enable us to frame rules in order to get at the best way of forming our panchayats.

Fourthly, some people are under the impression that the panches will prove themselves more cruel and oppressive than the canal patwaris in the matter of the distribution of canal water. If the public wishes that people other than their own neighbours should distribute the canal water I am perfectly willing to concede that point too. I would like, in the end, to assure all who are interested in the Bill, that everything will be duly considered by the Select Committee, and that no decision will be arrived at unless each and every section of the Bill has been adequately discussed.

The motion was carried.

Mr. President.—The question now before the Council is—

That the Select Committee consist of—

- (1) the Hon'ble Sir John Maynard,
- (2) Sayad Muhammad Husain Shah,
- (3) Mian Beli Ram,
- (4) Chaudhri Muhammad Amin,
- (5) Sardar Dasanudha Singh,
- (6) the Legal Remembrancer to Government Punjab, and
- (7) the mover.

The motion was carried.

FINANCE RESOLUTION.

Mr. Gibson.—Sir, I beg leave to withdraw the resolution moved by me on the 25th. As there is some misapprehension in the minds of hon'ble members, I do not wish to press the resolution at this stage. It can be moved later, if necessary.

Mr. President.—The question before the Council is—

'That leave be given to the Financial Secretary to withdraw the resolution moved by him the day before yesterday.'

The motion was carried.

The resolution was by leave withdrawn.

THE PUNJAB SMALL TOWNS BILL.

8-20 A. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the Punjab Small Towns Bill was published in the *Punjab Gazette* on the 15th of July 1921. It has been circulated amongst the members as well. It is not necessary for me at this stage to say any more. With these words I beg leave to introduce the Bill.

Mr. President.—The motion before the Council is—

'That leave be granted to introduce the Punjab Small Towns Bill.'

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I introduce the Bill.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to move—

'That the Punjab Small Towns Bill be referred to a Select Committee consisting of the following:—

- (1) Mr. D. J. Boyd,
- (2) Khan Bahadur Sayad Mehdi Shah,
- (3) Sardar Kartar Singh,
- (4) Fir Akbar Ali,
- (5) Bai Bahadur Lala Sewak Ram,
- (6) The Legal Remembrancer to Government, Punjab, and
- (7) The mover.'

It is necessary for me, Sir, to explain that the term local self-government in a Province applies to the entire population of the Province. So far as the village communities are concerned, I have already introduced the Punjab Village Panchayat Bill yesterday. So far as the towns are concerned we have already got the Municipal Act, an amending Bill for which is under preparation, but these two provisions do not exhaust the entire population of the province inasmuch as the Municipal Act making provision for the municipalities, whether of the first class or of the second class, covers at present

nearly 100 towns. In the Municipal Act no doubt there is a provision for notified areas, but notified areas, I believe I am right in saying, have not been a success. Moreover, even municipalities, notified areas and the proposed panchayats will not cover the entire population of the province. Therefore it is necessary to make provision for the local self-government of those places which are neither big enough for municipalities nor small and compact enough for village panchayats, and this is what the Punjab Small Towns Bill attempts to do. It is intended to apply to those places where the population is below 10,000, so that it will not take the place of municipalities. Before I proceed with the principles underlying the provisions of this Bill it is necessary that I should give the genesis of this legislation. As early as 1912 it was felt that the sanitary conditions prevailing in the villages were not receiving the attention which they ought to do and the matter was being considered by the Punjab Government when they found that our enterprising sister province—the United Provinces—had undertaken legislation on the subject. In this case, as in many others, the United Provinces Town Areas Act and kindred legislation supplied the model after which our Bill was drafted as early as 1916. But before this step was resolved upon opinions from districts and responsible officials were invited and considered. That draft underwent a large number of changes in consultation with the Government of India and if I am not mistaken was ready last year practically in the shape in which it has been introduced now.

That the Bill supplies a real need is apparent. In order to extend the benefits of local self-government to every part of the Province, it is necessary that there be a Bill to make provision for those people who do not fall within either municipal areas or panchayat areas. Having shown the necessity for the Bill, I now proceed, Sir, to very briefly state, firstly, the constitution of the Bill, secondly, its finances

and power of taxation and thirdly, kindred powers and safeguards.

As to the constitution of the Small Town Committee, section 4 is fairly elastic and its provisions are in conformity with the corresponding provision of the Municipal Act. It will be noticed that a Town Committee under this Bill can be entirely elected, or partly elected and partly nominated, or entirely nominated. Whether it should be one or the other will depend upon this Council which represents the Province, for the matter will be in the hands of the Minister who is in turn controlled by the Council. Possibly the matter of minimum official representation will require further consideration in the Select Committee. As to the terms of office, removal of members, filling of casual vacancies, sections 6, 7 and 8 make the necessary provision for them. It will be noticed that the President and the Vice-President are both elected by the Committee. Sections 11 to 14 provide for the staff in the way in which they are to be engaged and maintained.

So far as the finances go, the general way they will be made up, their custody and their use are provided for while Chapter III deals with taxation and provisions have been carefully made for its imposition, assessment and collection. Lastly, Small Town Committees when entrusted with important functions, when entrusted with finances and power of taxation, should necessarily have considerable powers to discharge these functions, and subject to certain checks these powers have been provided for. Inasmuch as this is a great experiment, it is probably necessary that the exercise of these powers be subject to certain checks, so that the liberty of the individual may not suffer at the hands of the newly constituted committees which have yet to learn by experience that neither the interests of the community for the sake of the individual nor the rights of the individual for the sake of the community should be violated unless it be in consonance

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with the accepted principles of constitutional progress. Necessary provision has also been made for excluding the jurisdiction of District Boards. Too much stress cannot be laid on the necessity of preventing these committees coming to grief, but the supervision to be exercised over them will have to be sympathetic and interference will have to be as little as possible and only when it is inevitable.

I trust, Sir, that this Bill which is, as I have said before, made after the pattern of the United Provinces Act, and which was duly considered and discussed by the Council of that province, about which opinions have been already collected and which has been published in the Gazette of the 15th of this month, will now be referred to a Select Committee wherein all its provisions will be fully examined, discussed and where necessary, amended. Here again, I have tried to arrange a Select Committee for the Bill which is likely to know a great deal of the requirements of the people for whom this Bill is intended.

8-30 A.M.

Diwan Bahadur Raja Narendra Nath.—Under Standing Order 40 to which I referred yesterday, I move—

That the Bill be circulated for the purpose of eliciting opinion thereon by the 8th October 1921.

My reasons are the same as I gave yesterday, and I need not repeat them. On the merits of the Bill I will make a few observations. The Statement of Objects and Reasons is not convincing. The present law is embodied in section 244 of the Municipal Act. Under that Act towns having pucca bazars, paved streets and a population of less than ten thousand inhabitants can be declared notified areas and all the sections of the Municipal Act can be applied to that notified area. The conditions prevailing in the United Provinces are not fully known. The Act of the United Provinces, called the United Provinces Towns Area Act of 1914, is not in the hands of the members of this Council. Although

the maximum limit for a town is given, the Bill does not define, nor in any part of the speech which we have heard has any attempt been made to explain where a village ends and a town begins, what areas will be considered fit for the application of the Panchayat Bill and what areas will be covered by this Bill. Another matter to which I will make a reference is that clause 3 gives the initiative for applying the Act to the Deputy Commissioner. My experience as district officer is that people are very much averse to have municipal life in their towns or villages. Whenever I approached people with a proposal to apply certain sections of the Municipal or District Board Act to create bodies interested in village administration I was opposed. I do not think the circumstances have changed. Therefore, I think that one important change which ought to be made in the Bill is that the initiative should be from the village itself. These are important matters on which public opinion should be ascertained. And whether this motion is accepted or not I am sure the Hon'ble Minister will, when the Bill comes before the Select Committee, give due weight to the considerations I have advanced.

Mian Beli Ram (Urdu).—Sir, I thank the Hon'ble Mover for having removed the misunderstandings about the Panchayat Bill, and I hope that his explanations will affect this Bill also. I hope that objectionable passages will be removed or amended in this Bill. In my humble opinion this Bill will injure the rights of the landowners in villages as the non-agriculturist class will try to have the Bill enforced in areas under their influence. I propose that two more members be added to the Select Committee, and I hope that this proposal will receive the consideration it deserves.

8-45 A.M.

Mr. Ganpat Rai.—I cannot congratulate the Hon'ble Minister in charge of the Bill. In my humble opinion by the introduction of this Bill he is taking the Province back instead of advancing it. People living in towns with less than

10,000 have certain rights under the present Municipal Law; some towns of this size have already got municipalities, and I think the Bill is a direct attack on their liberties, unless I can be assured to the contrary: because under the Bill those towns will lose their municipalities with the consequent result that they cannot enjoy the advantages of municipal government. I therefore, think, Sir, that this is not a measure which should have been introduced at this time just after the introduction of the Reforms Scheme by which it was intended to considerably extend the principle of self-government. Whereas, however, we are expecting the elective system to be extended, we find that in the Bill this matter is very much reserved. In small towns as a matter of fact the element of nomination will be introduced, though in the bigger towns, like Lahore and Amritsar, the elective system will be applied.

"Then again the removal of a member of a local committee is still left to the sweet will of the Executive, and, I may say without any disparagement and with great deference to the gentlemen whom I have known, that people have got tired of that executive interference in the matter of local self-government, whether it be by the Deputy Commissioner or the Commissioner. I would not object if there was some other institution set up by Government, if they must interfere, such as a Board of self-government or any similar institution which the Government may think fit to create.

"I can now only allude to the principles of the Bill, and will not go into details. I would like to say one thing, however. I do not agree with my Hon'ble friend, Raja Narendra Nath, in that he says when he was a Deputy Commissioner he approached the people but discovered that they did not want municipalities or notified areas. What was the reason for that? It was because the creation of municipalities and notified areas meant the rule of the Tahsildar, or at best the Deputy Commissioner. If such a reference were made now I am sure that

the people in the smaller towns would welcome any measure of local self-government which is based on broad policy and not on narrow-mindedness, as this Bill is. It might perhaps be said that I am not an authority on this matter because I live in the capital of the Province. I do so of course for the sake of my business, but that is no reason why I should not be acquainted with the conditions and feelings in villages and smaller towns. In fact I do know them intimately much more so than those who do not possess any property in villages and smaller towns.

Sayad Muhammad Hussain.—Sir, I do not think there is any necessity for further discussion at this stage of the Bill. I perfectly agree with my friend, Raja Narendra Nath, that the Bill is a very important one and requires that it should be circulated for eliciting public opinion. The time requested by him is very reasonable, and I do not think there is any reason why the Hon'ble Minister for Education should not give that time, and I trust he will postpone the meeting of the Committee till the 8th of October. By that time I think there will be sufficient public opinion elicited.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I am, Sir, perfectly willing to meet the wishes of the hon'ble member.

Sayad Muhammad Hussain.—May I add that I think it would be in the interest of sound and thorough examination of the details of the Bill if another two members are co-opted to serve on the Select Committee.

Mr. President.—Do I understand that if the Committee is appointed it will not sit before the 8th of October?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It will not begin to sit before the 8th of October.

Mr. President.—The Hon'ble Minister offers to circulate the Bill and not to have a meeting of the Committee before

[Mr. President.]

the 8th of October. Does that meet your wishes, Raja Sahib.

Diwan Bahadur Raja Narendra Nath.—I stick to my amendment that the Bill be circulated for opinion. I do not agree to the Select Committee being appointed now.

8-55 A.M.

Maulvi Muharram Ali Chishti (Urdu).—Sir, I do not wish at present to say anything about the merits and demerits of this Bill, but I do wish to say something on the amendment moved by my friend, Raja Narendra Nath. The matter which is now before the Council is a mere war of words. It matters little whether the Bill is referred now to the Select Committee or a month or two later. I want also to draw the attention of the official members to one thing, and it is this. Whenever the interests of Government or the public are in jeopardy officials receive instructions from Government to vote for a particular party or side. But in matters such as this Bill, the official Bench should leave the decision to the non-official and elected members. There is no immediate hurry to get the Small Towns Bill through, and I hope that the Minister incharge will see his way to accepting the amendment so ably moved by Raja Narendra Nath.

9-0 A.M.

The Hon'ble Sir John Maynard.—Sir, I beg to give an explanation with regard to the remarks made by the last speaker. Government has given no instructions in this particular matter, and official members can give their votes as they like. I repeat there are no instructions that they should vote for this side or the other.

9-7 A.M.

Rai Bahadur Lala Sewak Ram.—Sir, the way in which the previous amendment has met its fate, I think no one could have taken the courage to propose a similar amendment again, but since the Raja Sahib has proposed it we thank him

for doing so, because this is a Bill which certainly wants circulation for eliciting public opinion. The Hon'ble Minister might have been in a hurry to get the Panchayat Bill through, but I do not think there appears to be any hurry in the case of the Small Towns Bill. I would like to submit, Sir, much in the same words which I used yesterday, that it is another retrograde measure which has been put before the house—a measure which I think, Sir, will not be at all welcomed by small towns. And if it is circulated for eliciting public opinion, I am sure that it will never come before the Select Committee and the time of the Select Committee will not be wasted, and, further, the time of the House will not be wasted. The way people receive such measures is very well known to me. I am a very old member of a notified area, and I know that the people of these notified areas do not like the notified areas—a fact which is admitted by the hon'ble mover in his speech. I cannot understand how people who do not like the notified areas would like to go a step backward and accept this Bill. The hon'ble mover wants to bring small towns up to the population of 10,000 under this Act. I have been to various small towns in my constituency, and I have come to know that whichever notified area I went to, they all wanted that notified area to be converted into a municipal committee. Now I cannot understand how they will accept a Bill like this which is known as the Punjab Small Towns Bill. I beg to submit, Sir, that municipal committees may be converted into a first class like Lahore, a second class like Lyallpur and a third class, and you may go on up to a fourth or a fifth class, but I do not understand why in view of the fact that the notified areas are unpopular a Small Towns Bill is put before this Council which cannot but help things to get into a still more hopeless condition. After hearing the speech of the hon'ble mover, I am not at all impressed, nor I am at all tempted with any new idea which the hon'ble member would have given or any temptation which he would have offered in the way of small towns

that they should accept this Bill. While on the one hand questions after questions are being asked that every Notified Area should be converted into a Municipal Committee this Small Towns Bill is going to be thrust upon them.

Well, Sir, I have the good luck or bad luck to be on the Select Committee and will have an occasion to discuss it fully, if the occasion does arise, but I hope it will not arise for I am sure before the Select Committee meets, this Bill will have been condemned by public opinion. I hope the hon'ble mover will not deprive the people who live in small towns chance of giving their opinion and he will have no objection in accepting this very very ordinary amendment which according to Maulvi Sahib is a *lafsi bahas* (discussion of words), and nothing more. And instead of sending it to a Select Committee to-day it might be sent to the Select Committee on the 8th October, and I request the hon'ble member in charge to accept the amendment.

9-12 A.M.

Malik Firoz Khan, Nun.—Sir, I am sorry that I cannot agree, with my friends on the opposite benches who think that the measure is a retrograde measure. Every one who is aware, Sir, knows that the members of the Notified Area are at present nominated by Government and not elected by the people, while the measure before the Council to-day is a measure in which it is intended to introduce a certain element of election. I do not intend to argue on the merits of the Bill, but just at present on its being postponed till after the 8th of October. I was glad to hear, Sir, the words that the Hon'ble Minister's attitude to-day is conciliatory and I do hope that towards the end of this discussion I shall be able to say the same of the opposite benches. The hon'ble member in charge has agreed that the Select Committee should not sit till the 8th of October and this is exactly what the mover of the amendment, Raja Narendra Nath, requires. The sole question is as to whether the Select Committee should be

appointed at this stage or not. I cannot see any object in putting any stones in the way of appointing the Select Committee at this stage. I appeal to the common sense of this House, Sir, that they will not postpone the appointment of Select Committee till after the 8th of October. There is apparently no harm if the Select Committee be appointed just now as its sittings will not commence till after the 8th of October. If there is any objection against the personnel of the Committee it can be altered to day.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I want to say a word about Raja Sahib's amendment. Raja Sahib proposes that even the selection of the Committee should not be considered as yet; but we should first elicit public opinion.....

Dewan Bahadur Raja Narendra Nath.—That is the usual rule

9-22 A. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Far be it from me to say that we should do anything against rule. The hon'ble member for Montgomery said that public opinion can be elicited by the 8th October. If, therefore, the matter is postponed to that date all parties should be satisfied. The hon'ble member for Lahore then added that between him and the mover there is no essential difference; but that our aim is the same. I say that there is one essential difference between us. I want the Committee to be formed now while they want the very formation of the Committee to be considered after the 8th of October. I am afraid there has arisen here a question of dignity. The hon'ble members think that in yielding to the hon'ble member the representative for Lahore, I would think myself defeated and hence am insisting on my proposal. Raja Sahib, on the other hand, thinks that letting me have it my own way he would be considered defeated. Were it only a question of dignity I would certainly yield. I am much younger in age than Raja Sahib and

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would not feel it in the least. But here there is no question of dignity. If the Committee is formed now it can report about the matter on the 8th, 12th or 15th of October. The matter can be put before the Council at the earliest convenience on any later date. If, however, we postpone the very consideration of the forming of the Committee up to the 8th, that would mean that the matter will not come before the Council in a complete form before, I think, February of next year. In the proposed amendment, therefore, I see nothing but an attempt to delay the matter. Raja Sahib's purpose of eliciting public opinion can be obtained even if my proposal is passed; and I trust that the Council will agree with me.

28 A. M.

Sardar Bahadur Sardar Mehtab Singh.—Mr. President, I do not think the Hon'ble Minister for Education has properly understood the attitude of my learned friend, the member for Lahore. I think a bigger principle is involved than the Hon'ble Minister has taken it to be. The question is that if the Bill is circulated for eliciting public opinion and the members of this Council are called upon to appoint the Select Committee after they have known what the public opinion is they will be in a position to elect the right sort of men on the Select Committee. I do not mean to say anything about the personality of any of the members who are being suggested by the Hon'ble Minister to serve on the Select Committee, but this Council will be in a better position to determine its choice after they know public opinion.

This makes a very important difference between the point of view of the Hon'ble Minister and the point of view of the gentlemen who are asking that the Bill be circulated for public opinion. I therefore beg that it should be understood that it is not simply for the age of Raja Sahib or out of respect for any member but it is on a matter of principle that there is this

difference and the Council will consider this very important principle before they decide the question.

Mr. C. M. King.—I move the closure, Sir.

Mr. President.—In view of the state of business I will put the closure to the Council, and the Council will decide whether there should be any further discussion or not. The motion before the Council is—

'That the question be now put.'

The motion was carried.

Mr. President.—The motion before the Council is—

'That the Punjab Small Towns Bill be referred to a Select Committee.'

To this motion an amendment has been moved—

'That the Bill be circulated for the purpose of eliciting opinion thereon by the 8th of October 1921.'

The amendment was lost.

Mr. President.—The motion before the Council is—

'That the Bill be referred to a Select Committee.'

The motion was carried.

Mr. President.—The motion now before the Council is—

'That the Select Committee consist of—

Mr. D. J. Boyd,

Khan Bahadur Sayad Mehdi Shah,

Sardar Kartar Singh,

Pir Akbar Ali,

Rai Bahadur Lala Sewak Ram,

The Legal Remembrancer, and

The mover.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I am quite agreeable to the inclusion of two additional members on the Select Committee.

Mian Beli Ram.—I wish to move that Mian Muhammad Shah Nawaz and Sardar Dasaundha Singh be added to the Committee.

Mian Muhammad Shah Nawaz, speaking in Urdu, regretted that he could not sit on the Select Committee owing to pressure of other work.

Mr. President—It is strictly out of order to propose the name of any member, unless that member has given his consent. No member is entitled to put forward the name of another member without that member's consent.

Mian Beli Ram.—I propose the names of Sardar Dasaundha Singh and Chaudhri Bans Gopal, who have both consented to serve on the Committee.

Mr. President.—The motion before the Council is—

'That the Select Committee consist of the members already designated.'

To this an amendment has been moved—

'That the name of Sardar Dasaundha Singh be added.'

The amendment was carried.

Mr. President.—A further amendment is proposed—

'That the name of Chaudhri Bans Gopal be added.'

The amendment was carried.

Mr. President.—The motion now before the Council is—

'That the Bill be referred to a Select Committee consisting of—

Mr. D. J. Boyd,

Khan Bahadur Sayed Mehdi Shah,

Sardar Kartar Singh,

Pir Akbar Ali,

Rai Bahadur Lala Sewak Ram,

The Legal Remembrancer,

The mover,

Sardar Dasaundha Singh, and

Chaudhri Bans Gopal.

The motion was carried.

THE PUNJAB TOWNS IMPROVEMENT BILL.

(At this stage Mr President left the Chair which was taken by the Deputy President).

9-35 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg leave to introduce the Punjab Towns Improvement Bill. This Bill has been published in the *Punjab Gazette* of the 16th of this month and has been in the hands of members for some time. It is not necessary for me to say anything more at this stage. I beg leave therefore to introduce the Punjab Towns Improvement Bill.

The Deputy President.—The motion before the Council is—

'That leave be given to introduce the Punjab Towns Improvement Bill.'

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I introduce, Sir, the Punjab Towns Improvement Bill. Before I put my second motion I should like a ruling from the Chair as to whether I can, instead of the motion on the list of business, substitute "that the Bill be circulated for opinion" and not at present referred to the Select Committee. I wish to do so in deference to the wishes of some members who have spoken to me. If I be granted permission I will move my motion accordingly.

The Deputy President.—The Hon'ble Minister has permission.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I move—

'That the Bill be circulated for the purpose of eliciting opinion thereon.'

Sir, this Bill was published in the *Punjab Government Gazette* of the 15th instant, and I have no doubt has been carefully studied by the members of this Council. The genesis of this legislation is to be found in a Government of India letter issued in 1917 expressing the hope that "in view of the demand among large classes for improved dwellings amid more

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sanitary surroundings and the necessity of anticipating and controlling developments by the application of well-considered schemes" Provincial Governments should consider the question of legislation for this purpose. Towards the end of 1919 Colonel Forster, I.M.S., Sanitary Commissioner, prepared a note advocating the creation of an Improvement, Trust or Trusts with the following functions :—

- (1) improving existing insanitary areas ;
- (2) preparing street schemes ;
- (3) providing house accommodation for the poorer classes and those dispossessed under an improvement scheme; and
- (4) town planning.

It should be remembered that it was in the year 1919 that our enterprising sister the United Provinces undertook legislation on the subject and passed their Act—The United Provinces Town Improvements Act, 1919. I must acknowledge that our Bill which was drafted last year by Mr. Hallifax with the assistance of Mr. Ellis, the Legal Remembrancer, and subsequently remained in charge of Mr. Hallifax is on the lines of the United Provinces Act. I may further acknowledge that the Bill as introduced is practically as it was handed over to me.

In view of the fact that the Bill is designed to meet the need for urgent sanitary reform and for town expansion in our big cities through the agency of specially constituted Trusts, it undoubtedly supplies a keenly felt need. It is hoped that the Bill will prove a potent instrument for elevating the conditions of life in the great cities of Lahore and Amritsar and for insuring the health and happiness of their citizens. As we all know the Municipal Committees of Lahore and Amritsar are overworked and their functions of a Trust are rather of a different nature and cannot be carried out by the Municipal Committees sitting in a large body, and it is for this purpose that Trusts have been created in other

provinces and are proposed to be created in this Province to carry out sanitary improvements in big towns expeditiously and without delay.

The Statement of Objects and Reasons and the detailed note of clauses of this Bill that have been printed and appended to this Bill are so exhaustive that it is not necessary for me to dwell on this subject at any length. The underlying principle of the Bill is one on which to my knowledge there has never been a difference of opinion. We all know, Sir, that there are dark, insanitary, dingy quarters in our great cities which are a slur on the good name of the Province. We all know that development schemes and expansion schemes are needed and therefore there is nothing to be gained by my repeating what is contained in the statements I have referred to. If there are any suggestions to be made to improve the provisions of the Bill they will no doubt be considered in due course.

(At this stage Mr. President resumed the chair.)

9.45 A. M.

Diwan Bahadur Raja Narendra Nath.—Sir, I would like to make a few observations on the principle of the Bill. The Hon'ble Minister has stated that the Bill has been drafted on the lines on which the United Provinces Bill was drawn up. That matter will certainly be looked into, but reading the Bill as it is, certain points attract our attention which I should like to place before the House. I hope my remarks will elicit some public criticism and such criticism as is received may help the Hon'ble Minister in re-modelling the Bill, if necessary.

Sir, the policy of local self-government was introduced in India so early as 1881. It has since been gradually developed and the culminating point has been reached in the Reforms Scheme which makes proposals in the shape of certain formulae. The very first formula is in these words : "There should be as far as possible complete popular control in the Local Bodies and the largest possible independence from

outside control." I am not quite satisfied on the perusal of the Bill that the principle embodied in this Report has been fully borne in mind. The constitution of the Trust is given in clause 4 which gives three members to Municipal Committees. The majority of the Board of Trust will consist of members nominated by Government. Then the Board has been given vast and extensive powers. I have some experience of what has been going on here in Lahore in the way of improvement in the town. As early as 1876 or 1877 certain houses and shops were acquired with a view to widening the streets, but so great was the popular discontent created by this act of the Municipal Committee that the Deputy Commissioner did not go beyond widening the Delhi Gate street. I do not know if the widening of any other street has been attempted, although it is a notorious fact that in the Lahore City there are many lanes and streets which are very narrow. I welcome any measure that provides for the improvement of towns, but it seems to me that the principle of local self-government should be borne in mind in the years of Grace 1921 or 1922 and 1923 when the Act will come into operation.

The schemes under the Act are dealt with in Chapter IV. The initiative does not lie with the Local Bodies, but with the Board of Trust, and I do not know how in the present state of advancement it is possible to ask for support to a measure which stultifies Municipal Committees. I would ask the Hon'ble Minister to tell me whether so far as the interests of local self-government are concerned this measure is to be called a forward step or a backward step. If Town Improvement Acts have been passed in other Presidencies on the same lines, then I think they are defective. They must have been passed in early years when the principle of local self-government was not much in the forefront as it is now. If this Bill is passed it will be possible for an officer of Government who goes in the Lahore City and sees dirty and narrow lanes and roads and writes to the Board to widen those lanes, to have the improvement affected

against popular wishes. The Board will devise proposals for widening the lanes. A scheme will be framed by the Board of Trust and everything will be done. Two members of the Municipal Committee and the President of the Municipal Committee may be members of the Board. But the Municipal Committee will not have an effected view. I think that this sort of improvement will create discontent. It will not be in conformity with the formula which is embodied in the Report on Indian Reforms and which I have just read out to you.

The Bill is a long one and I do not think that at this stage I will go into details clause by clause, nor have I had the time to bestow the attention which it requires. But there is one other matter to which I would draw attention of the House. It is a matter for consideration whether the modifications in the Land Acquisition Act protect individual rights. Sir, I would not worry you with a long speech, but these are questions which deserve consideration. I hope the time given for eliciting public opinion will elicit some criticism and the Hon'ble Minister will profit by it.

9-50 A.M.

Maulvi Muharram Ali, Chishti (Urdn).—Sir, I think it my duty to thank the Hon'ble Minister for Education that in so far as my own constituency is concerned he has framed very wholesome rules. I consider it his kindness that he intends first of all to circulate the Bill. I thank him for it; for had he not done so, there would have been much trouble. In Lahore and Amritsar, I think, it is very difficult to ignore public opinion. It used to be said of Delhi of olden times:—

درو ہاتھوں سے تھامے دستار
اور بستی نہیں دیکھ دلی ہے

'Hold your turban with both hands, as it is Delhi and no other city.'

I think I can say the same of Lahore.

I will discuss a few points of principle only as I do not want to go into details, which, though necessary, are not always

[M. Muharram Ali.]

pleasant. I will act as the mouthpiece of my constituency and so, I hope, does every other Hon'ble Member. I will give my opinion whether it is accepted or not.

The first point is of obtaining lands. In 1876 the Lahore Municipality obtained land for the widening of streets as Raja Narendra Nath Sahib has pointed out, though the Raja does not seem to know that such lands were also taken in later years, as I know they were. Now in obtaining these lands one fact requires much consideration. We should first find out whether people are willing to give lands or not. I do not want to commit myself, but I want to forestall complaints. I fear that this appropriation of landed property shall be unpleasant. One point should not be forgotten. It is that under no circumstances should 'wakf' property be infringed upon. This is what Islam teaches—'that wakf lands belong to God'—and this is what other religions also enjoin. At this point I would thank the Hon'ble Minister for Education again, for his very generous and just disposal of the case of a land attached to the tomb of Data Ganj Baksh. That land was going to be appropriated by the Government when, taking action on a memorial from the Moslems, Sikhs and Christians combined, the Hon'ble Minister forbade, by a telegram, the intended encroachment.

In brief there are always such cases cropping up in such actions and these should be avoided and religion should be respected. The second point—and I am only talking on principles—is this. There is already a Municipal Committee in Lahore. Now we are forming a Trust Committee with very much the same authority in the appropriation of land. According to the well-known Persian saying—

دو پادشاه در آئینه نه گنجند

'Two kings cannot bear to rule in the same kingdom.'

There is bound to be friction. In this new Trust Committee there is to be no election

but nomination. In this there is a danger of infringement of personal rights. I do not want to make my speech long or to commit myself. In my constituency I shall hold meetings, the decisions whereof I trust will be listened to by the Hon'ble Minister for Education.

10-12 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, my hon'ble friends have spoken on the Bill. I am sure their speeches will not be without benefit to those who will be required to give their opinions later on. I have, Sir, had opportunities to study similar Bills passed by other provinces. I find that the underlying principle is that it is our bounden duty to ameliorate the condition of those poor people in whose power it is not given to live a decent life unaided. This evidently entails expenditure. If the Municipal Committees can bear these expenses, to me nothing would be more welcome. Again, as to the constitution of the committee, I think that men who subscribe lakhs of rupees for the purpose, should have a say in the matter. They must be brought on that committee somehow or other. That is why nomination has been preferred. As yet the Bill has not been brought forward for discussion. Only the Council and the public have felt the need for it. We have felt that in districts like Amritsar and Lahore things should not remain as they are. For this whatever means can most conveniently be adopted would be gladly welcomed by me. I only desire that the public criticizing the Bill should not only find faults but suggest constructive improvements so that the object may be gained in the best and the quickest way.

Mr. President.—The motion before the Council is:—

'That the Punjab Towns Improvement Bill be circulated for the purpose of eliciting public opinion thereon.'

The motion was carried.

The Council then adjourned till 7 A.M. on Thursday, the 28th July 1921.

PUNJAB LEGISLATIVE COUNCIL.

Thursday, 28th July, 1921.

The Council met at the Council Chamber at seven of the clock.
Mr. President in the chair.

QUESTIONS AND ANSWERS.

ADMISSION TO THE QUEEN MARY'S COLLEGE, LAHORE.

611. Mr. Daulat Ram, Kalia.—(a) Will the Government be pleased to state if the children of people other than Chiefs and noblemen are admitted to the Queen Mary's College at Lahore? If so, will the Government state the number of such admissions according to religion, caste and sub-caste?

(b) Is it a fact that enquiries about the social status of the parents are generally made from the District Officers before children are admitted to the above College or is it only the case with Police Officers' children seeking admission?

(c) Is it a fact that a Police Officer with 20 years' approved service applied in 1920 for the admission of his daughter to the above College and its Boarding House, and that the same was refused? If so, will the Government give the grounds of such refusal?

(d) Is it also a fact that the same Police Officer again applied through a high Government official and title-holder for the admission of his daughter as a day scholar to the above College, and that in spite of a favourable report from the District Officers regarding the applicant, his application was refused? If so, will the Government be pleased to state the reason for such refusal?

The Hon'ble Khan Bahadur Milan Fazl-i-Rusain.—(a) The answer to the first part of (a) is in the affirmative. The number

of such admissions per religion is Muhammadans 18, Hindus and Sikhs 12 and are spread over various castes and sub-castes.

(b) In the case of children who are in charge of the Court of Wards information is supplied by the District Officers, and in other cases, reference is occasionally made to District Officers. Police Officers are not treated as a special class.

(c) and (d). This case has not been identified as the facts given are not sufficiently definite.

OIL-PAINTING.

612. Mr. Daulat Ram, Kalia.—Are there any arrangements in the Arts School, Lahore, for teaching oil-painting? If so, what inducements are being held out to apprentices? If not, will the Government be pleased to look into the matter?

The Hon'ble Lala Harkishan Lal.—The answer is in the negative. The Principal of the School, Mr. Lionel Health, is a portrait painter himself, and if any individual is desirous of learning this branch of oil-painting, Government is prepared to consider the question if application is made to the Director of Industries.

COLOUR-CARVING.

613. Mr. Daulat Ram, Kalia.—Is it a fact that Mistri Siraj Din of Ferozepore is about the only man in India who knows the art of colour-carving and has been the recipient of certificates at various exhibitions? If so, will the Government

be pleased to take steps to engage his services for teaching his art to others so that it may not die with him ?

The Hon'ble Lala Harkishan Lal.—Mistri Siraj Din of Ferozepore was engaged as a teacher in the Mayo School of Arts on 11th June 1921.

PLAGUE IN MULTAN.

614. Mr. Daulat Ram, Kalla.—Is it a fact that the city of Multan had paid a heavy toll to the ravages of bubonic plague and is every year attacked by this disease ? If so, will the Government be pleased to appoint a committee of experts to investigate the conditions which are favourable for plague at this city and to suggest measures to meet them ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The figures of mortality from plague in Multan City for the last five years are given in annual Form No. VI-B appended to the reports on the sanitary administration of the Punjab and are as follows :—

1916, nil.

1917, 4 deaths or 0.05 per mille.

1918, 2,034 or 23.72 per mille.

1919, 266 or 3.10 per mille.

1920, 916 or 9.89 per mille.

A special report on the prevalence of plague in Multan City received by Government in April showed that the measures taken to meet its recrudescence were scientifically satisfactory, but that until a Medical Officer of Health is appointed by the Municipal Committee and popular opposition to the measures adopted is overcome, no amount of medical anti-plague work is likely to secure any better results. In view of these circumstances and of the fact that the incidence of the present epidemic is only $\frac{1}{4}$ of that of 1917-18, which arose in the same way, Government does not propose to appoint the special committee suggested. Proposals for improving the sanitation of the city are, it is understood, already under the consideration of the Municipality.

PREVENTION OF CRUELTY TO ANIMALS.

615. Mr. Daulat Ram, Kalla.—Will the Government be pleased to extend the provisions of the Act for Prevention of Cruelty to Animals to the whole of the Punjab ?

The Hon'ble Sir John Maynard.—The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), is at present in force in all the municipalities and cantonments in the Province, and has been in force since 1891. It would be difficult to work the Act in rural areas if it was extended to such areas as there would be danger of its being used as a vehicle for extortion, and at present it is not proposed so to extend it.

SHORTAGE OF COAL IN GLASS FACTORIES.

616. Mr. Daulat Ram, Kalla.—Is it a fact that the two glass factories at Ferozepore City have suffered heavily for want of supply of coal ? If so, will Government be pleased to make special arrangements that these factories do not stop working for want of coal ?

The Hon'ble Lala Harkishan Lal.—The Director of Industries, Punjab, had recommended a monthly supply of 5 and 6 wagons, respectively, which was sufficient to meet their requirements, to the two glass factories at Ferozepore. X class certificates were regularly issued, but the managers have selected collieries in Jharra coal-fields where all available wagons are utilised for locomotive coal. If the glass works indent on collieries in the Rani Gunj or Assansol area, they will find less difficulty in obtaining wagons for the transport of their supplies. The firms were informed of this as soon as the matter was brought to the notice of Director of Industries.

HORSE ALLOWANCE TO SUB-INSPECTORS OF POLICE.

617. Mr. Daulat Ram, Kalla.—(a) Is it a fact that horse allowance allowed to Sub-Inspectors of Police is solely for maintaining their horses ?

(b) If so, will the Government be pleased to give halting allowance to these officers when investigating cases in their respective ilaqa?

The Hon'ble Sir John Maynard.—The answer to part (d) is in the affirmative.

(b) Under existing rules no travelling allowance is admissible to Sub-Inspectors for journeys within jurisdiction (i.e., within the limits of their police station); as Government pays for the upkeep of a horse to enable officers to move about within their jurisdictions. To grant travelling allowance in these circumstances would cost roughly about 4 lakhs per annum, and this outlay would obviously be unjustified. For journeys by road outside jurisdiction extending beyond 15 miles from the police station travelling allowance is admissible to Sub-Inspectors. It is also admissible to them for all journeys by rail.

TREATMENT OF NON-CO-OPERATORS.

618. **Mr. Daulat Ram, Kalia.**—Is it a fact that subordinate officers who have to come into daily contact with the public are insulted, teased, defamed and annoyed in a variety of ways by non-co-operators where they have organised themselves into societies? If so, will Government take adequate measures to protect these servants of the Crown?

The Hon'ble Sir John Maynard.—No specific complaint to this effect has reached Government from its subordinate officers. If any such complaint reaches Government, Government will enquire into the matter and take steps to protect their subordinate officers, if necessary.

SWEET-VENDORS IN GOVERNMENT SCHOOLS.

619. **Mr. Daulat Ram, Kalia.**—(a) Is it a fact that sweet-vendors in the Government educational institutions pay some royalty to the Government?

(b) If so, will Government be pleased to remit this money?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) No, but in some cases a rent is charged by Government for the use of the school premises.

(b) The matter will be considered by Government.

GOVERNMENT SERVANTS AND HOUSE RENTS IN LAHORE AND SIMLA.

620. **Mr. Daulat Ram, Kalia.**—Is it a fact that the Government clerks and other non-gazetted officers have to pay very high house rents in Lahore? If so, will the Government be pleased to take steps to keep these rents within reasonable limits and not to permit their increase according to the will of the house-owners?

The Hon'ble Lala Harkishan Lal.—Government is aware that the rents of houses are rising, causing inconvenience to all concerned. This is true of Lahore, Simla and other growing towns. Government is making enquiries and considering if any regulative measures are needed, and if Government decides upon an action being taken, a Bill will be introduced in this Council in due course.

LIQUOR SHOP IN JANDIALA VILLAGE.

621. **Mr. Daulat Ram, Kalia.**—Is it a fact that in the village of Jandiala in the Jullundur district no one has come forward to bid for the liquor shop and that illicit distillation is on the increase.

The Hon'ble Lala Harkishan Lal.—The reply to both portions of the question is in the affirmative.

TEMPERANCE PROPAGANDA.

622. **Mr. Daulat Ram, Kalia.**—Has the present temperance propaganda affected in any way the sale of foreign intoxicating drinks?

The Hon'ble Lala Harkishan Lal.—There is reason to think that recently there has been some decrease in the sale of foreign liquor, but accurate figures are not yet available.

COUNTERFEIT NICKEL COINS.

623. Mr. Daulat Ram, Kalia.—(a) Is it a fact that, since the introduction of nickel coins in the Punjab, a considerable number of false anna, two-anna and four-anna pieces made of this metal are in circulation?

(b) If so, will the Government state if any, and, if so, what action is being taken to trace the source of such coins?

The Hon'ble Sir John Maynard.—(a) The answer is in the affirmative.

(b) The Controller of Currency is giving his attention to the matter. He has asked Accountants-General to furnish him as soon as possible with information regarding the extent to which nickel coins of each of the four denominations are counterfeited in their circles, after enquiry, if considered necessary, from Treasury Officers, select banks and Railway authorities.

HOT SPRINGS IN THE PUNJAB.

624. Mr. Daulat Ram, Kalia.—Will the Government be pleased to take steps to test and analyse the water of the hot springs in the Punjab and build baths there for the treatment of such diseases as can be cured by the water of such springs?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government is prepared to have these waters analysed and to take advice as to their probable therapeutic properties with a view to utilise them for curative purposes.

INSTRUCTION IN DENTISTRY.

625. Mr. Daulat Ram, Kalia.—Are there any arrangements in the Punjab for teaching dentistry? If so, what? If

not, will the Government make some arrangements?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—No arrangements for teaching dentistry exist in the Punjab. The Government will be prepared to consider the question of making arrangements if satisfied that a sufficient demand exists.

LIQUOR SOLD IN FEROZEPORE.

626. Mr. Daulat Ram, Kalia.—Will the Hon'ble Minister for Agriculture be pleased to state the quantity of liquor sold by the Ferozepore City and Cantonment shops in May 1920 and 1921, respectively.

The Hon'ble Lala Harkishan Lal.—The quantity of country liquor sold in Ferozepore City in May 1920 was 252 gallons and in May 1921, 79 gallons, while in Ferozepore Cantonment 452 gallons were sold in May 1920 and 362 gallons in May 1921.

HORSE ALLOWANCE TO HEAD CLERKS OF SUPERINTENDENTS OF POLICE.

627. Mr. Daulat Ram, Kalia.—(a) Is it a fact that horse allowance is given to Court Inspectors and subordinate police officers in the Finger Print Bureau, Phillaur?

(b) If so, will the Government be pleased to give the same to the Head Clerks of the Superintendents of Police in Punjab who are also Sub-Inspectors?

The Hon'ble Sir John Maynard.—Conveyance, not horse, allowance at Rs. 15 per mensem is given to the officers mentioned in part (a) of the question to enable them to pay for short journeys within five miles of their head-quarters or in case of subordinate police officers at Phillaur for short journeys from railway stations when they tour on inspection duty and for which no travelling allowance is admissible. Head Clerks of offices of Superintendents of Police are never

required to make such journeys and so do not require a conveyance allowance.

EMPLOYMENT OF DEMOBILIZED SOLDIERS.

628. Mr. Daulat Ram, Kalla.—Will the Government be pleased to order that preference be given to demobilized soldiers for employment in the various departments of the Government and especially in the Police Force?

The Hon'ble Sir John Maynard.—Such orders were issued in Punjab Government letter No. 24588, dated 13th November 1919, a copy of which is laid on the table.* By virtue of their army training demobilized soldiers are generally well suited for service in the Police Force, and this in itself is a qualification which in addition to other claims to preferential treatment is being borne in mind by the Police Department. In the additional Police Force for which one lakh of rupees was sanctioned by the Legislative Council after the passing of the budget for the current year, all the men with very few exceptions are demobilized soldiers.

ARCHAEOLOGICAL EXCAVATIONS IN THE PUNJAB.

629. Mr. Daulat Ram, Kalla.—(a) Will the Government be pleased to state if any archaeological excavations are in progress in the Punjab, and if any new historical facts have been disclosed by such excavations?

(b) Will the Government be pleased to order the preparation of a list of such ruins in the Punjab the excavation of which is likely to lead to historical discoveries?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The Archaeological Department of the Government of India has in hand at present the excavation of Taxila, one of the ancient capital cities of India, and of Harappa, a site in the Montgomery dis-

trict which has yielded seals inscribed in unknown characters. The results of the Taxila excavations have been published in Sir John Marshall's official reports and in his "Guide to Taxila." The results of the work at Harappa are under publication in his annual report by Rai Bahadur Daya Ram, Sahni, Archaeological Superintendent, Northern Circle.

(b) The Archaeological Department of the Government of India is already engaged in drawing up a list of Protected Monuments in the Punjab, and this list will include any sites and mounds containing ancient remains which are judged to be worthy of protection under the Ancient Monuments Preservation Act.

WAR HISTORY OF THE PUNJAB.

630. Mr. Daulat Ram, Kalla.—Does the Government intend to publish a War History of the Punjab at a moderate price?

The Hon'ble Sir John Maynard.—Yes. The work has been entrusted to Mr. M. S. Leigh, O. B. E., I.C.S. The price per copy has not so far been determined, but Government will endeavour to issue it at a moderate price. A number of districts have already published their own war histories or are at present compiling them for publication.

TECHNICAL SCHOOLS IN THE PUNJAB.

631. Mr. Daulat Ram, Kalla.—Will the Government be pleased to state the number of technical schools in the Punjab, together with the subjects taught in them?

The Hon'ble Lala Harkishan Lal.—Apart from such institutions as the Agricultural and Veterinary Colleges, the technical schools in the Punjab with the subjects taught therein are as follows:—

School of Engineering, Rasul	...	Engineering, drawing, surveying and estimating
Mayo School of Arts, Lahore	...	Architectural draftsmanship, drawing and water-colour painting, photography, lithography and allied arts, carpentry, joinery and cabinet-making, blacksmithy, copper-work, foundry-work, clay-moulding, silver and goldsmith's work, cotton printing.
Railway Technical School, Lahore		Drawing, carpentry and joinery; iron and copper-smith's work, foundry work, machine work, fitter's work and educational manual training and basket making for the blind.
Victoria Diamond Jubilee Hindu Technical School, Lahore.		Same as above, except basket making.
10 District Board Industrial and Technical Schools.	}	Drawing and general educational manual training, e.g., carpentry, smith's work in iron, copper, tin and in one or two schools weaving and pottery.
9 Municipal Industrial and Technical Schools.		
5 Weaving Schools at—		
Amritsar		
Multan		
Sialkot	}	The theory and practice of weaving on improved handlooms.
Jalalpur Jattan		
Sham Churasi		

REVISION OF THE PAY OF TAHSILDARS.

632. **Majik Karimullah Khan.**—Will the Government be pleased to state (a) whether in the revision of salaries of Government officers an increase has been made in the salaries of Tahsildars, and if so, what? (b) Whether the said increase bears any proportion to the rise in prices of the necessaries of life that has taken place since the war, and if not, why not? (c) Whether the said increase bears any proportion to the increase given to Munsifs, District Inspectors of Schools and Assistant Surgeons? (d) If the answer to (c) is in the negative, whether Government ranks Tahsildars as of less importance than Munsifs, District Inspectors of Schools and Assistant Surgeons? (e) Whether during the war Tahsildars as a class proved most useful in filling up the ranks of His Majesty's armies and in collecting war funds?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh Majithia.**—Previously the Tahsildars were in three grades:—

- 1st on Rs 250;
- 2nd „ „ 200, and
- 3rd „ „ 175.

These grades have now entirely disappeared and the present pay of Tahsildars starts from Rs. 180 and rises by annual increment of Rs. 7-8-0 to Rs. 285. After this there is a selection grade of Rs. 300 a month to which officers to the extent of 5 per cent. of the whole cadre would be promoted.

(b) The increase has not been proportioned to the rise that has occurred in prices because, except in the case of those on the lowest rates of pay, Government is not prepared to accept the principle that increase of pay must be proportionate to the rise of prices. It is also to be remembered that the prices of many necessary

articles are falling, and that when good seasons return the prices of food-grains also are likely to fall. It would therefore be not right to fix salaries on the rise or fall of the prices of necessities of life.

(c) A comparison with the increase of pay granted to Munsifs and District Inspectors of Schools would be misleading because the conditions of their service have been altered. The increase granted to Assistant Surgeons is considerably greater than that granted to Tahsildars because they have to undergo a long and expensive education for a highly skilled profession, and their previous rates of pay were quite inadequate for the work they are called on to do.

(d) A comparison between the importance of Tahsildars and the other officers mentioned would be profitless and invidious.

(e) During the war, Tahsildars proved exceedingly useful in recruiting and in helping to raise war funds and Government appreciated their loyal services.

633. Malik Karimullah Khan.—
(a) Will the Government please say how many years of service on the average a Naib-Tahsildar has to put in before he can rise to the grade of a Tahsildar?

(b) Is it a fact that Naib-Tahsildars who have recently reached the grade of Tahsildar find that, with prices as they now are, they are no better off than they used to be when they first joined as Naib-Tahsildars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The interval between appointments as substantive Naib-Tahsildar and officiating Tahsildar is about 13 years.

The interval between appointments as substantive Naib-Tahsildar and Tahsildar sub. *pro tem.* is about 14½ years.

The interval between appointments as Naib-Tahsildar sub. *pro tem.* and Tahsildar sub. *pro tem.* is about 16 years.

(b) Government is not in a position to say what the personal experience of individuals may be, but, in view of the fact that a man appointed as Naib-Tahsildar 16 years ago drew Rs. 60 per mensem at that time, and, if since appointed Tahsildar, will in future draw Rs. 180 at least under the new time-scale, and that there is no reason for supposing that prices have permanently risen by as much as 200 per cent. in the past 16 years, the answer would seem to be in the negative. A general rise of 50 or 60 per cent. (apart from temporary factors) is probably nearer the mark.

634. Malik Karimullah Khan.—(a) Is it a fact that there is general dissatisfaction among Tahsildars about their revised salaries?

(b) If so, will the Government be pleased to take any action in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—No definite complaints have reached Government or the Financial Commissioners with regard to the revised scale of salaries for Tahsildars. It is not proposed to take any action in the matter.

MURDERS OF FOREST GUARDS IN JHELM DISTRICT.

635. Malik Karimullah Khan.—(a) Is it a fact that a number of murders of Forest Guards by villagers in the Jhelum district in the year 1916 or 1917 drew the attention of the Government to the system of management of the Rakhs in that district?

(b) Will the Government be pleased to state what scheme was devised to remove the danger of the recurrence of friction between the villagers and the Forest subordinates, and when that scheme is to be introduced in all the rakhs of the district?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer to (a) is in the affirmative.

(b) As the scarcity of areas open for the browsing of goats and sheep was the primary cause of the murders, the Forest

Department was asked to provide increased facilities for browsing. Portions of the reserved forests were set aside to be divided into blocks, the blocks being opened to browsing in rotation. The blocks open to browsing are managed by a panchayat of villagers associated with the Forest officials. As an experimental measure the scheme was tried in three rakhis in the Jhelum district. A report as to the success of the experiment is awaited from Conservator of Forests.

RELATIONS BETWEEN VILLAGERS AND FOREST DEPARTMENT IN THE JHELM DISTRICT.

636. **Malik Karimullah Khan.**—(a) Is it a fact that the relations with the Forest Department of the two villages of Dhok Kanial and Dhok Luna in the Jhelum Tahsil of the Jhelum district have for some years been far from satisfactory?

(b) Is it a fact that the villagers of these two estates, and specially Dhok Kanial, are being mulcted in fines and compensation to sums far larger in amount than the land revenue payable by them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is not yet available, and will be given in due course.

GRAZING IN THE HILL RAKHS OF THE JHELM DISTRICT.

637. **Malik Karimullah Khan.**—(a) Is it a fact that the scheme of management for grazing in the hill rakhis of the Jhelum district, framed by the late Settlement Officer and approved by Government, is not being followed in practice?

(b) If so, will the Government be pleased to take steps to have the said scheme acted upon?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is not yet available, and will be given in due course.

RULES RE ACTING PROMOTIONS.

638. **Chaudhri Bans Gopal.**—(a) Will the Government be pleased to state to

what services the new rules regarding acting promotion and the calculation of acting allowances, published in the Government of India, Finance Department, resolution No. 2997-C. S. R., dated 27th November 1920, have so far been made applicable; and to what service does the non-gazetted establishment of the district belong?

(b) Has that service been organised on a time-scale basis?

(c) If the answer to (b) is in the affirmative, then has the local Government declared the said service as fulfilling the conditions entitling it to the benefit conferred by the above resolution and rules?

(d) If the answer to (c) is in the negative, then is it a fact that members of the non-gazetted establishment of the districts, when officiating in posts drawing larger salaries, are put to pecuniary loss on account of the non-application of the said rules to the service embracing this establishment?

(e) Will the Government be pleased to make the said rules applicable to the said service?

The Hon'ble Sir John Maynard.—Government has not yet completed the examination of the services to which the new rules regarding acting promotion, published in the Government of India, Finance Department, resolution No. 2997-C. S. R., dated the 27th November 1920, should be made applicable. A list of the services to which the rules have so far been made applicable is laid on the table.* The non-gazetted establishment of a district comprises a number of services. In so far as they are clerical, the rules have been made applicable to them. The case of other services is still under consideration and the answer to the other points raised in the question depends on what decision is reached regarding them. It is hoped that a decision will shortly be arrived at on all the remaining services.

**INTRODUCTION OF ELECTIVE SYSTEM IN
SIMLA MUNICIPALITY.**

639. Rai Sahib Lala Panna Lal.—With reference to the reply given to my question No. 426, will Government be good enough to state if it has arrived at any decision with regard to the introduction of the elective system into the Simla Municipality, and if so, what the decision is? If not, will the Government please state when it expects to make a definite pronouncement on the subject?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—A decision has not been reached. The matter is under consideration, and Government hopes to issue orders at an early date.

**ENHANCEMENT OF INCOME-TAX IN
AMBALA CANTONMENT.**

640. Rai Sahib Lala Panna Lal.—With reference to the answer given to my question No. 388,* is it possible for the Government to give now the required information regarding the total enhancement of income-tax in Ambala Cantonment comparing last year's figures of assessment with those of this year as well as the conditions of trade prevailing this as well as last year?

The Hon'ble Sir John Maynard.—

Ra. A. P.

The assessment for 1919-20 was ... 55,627 8 9

The assessment for 1920-21 was ... 47,477 15 2

Decrease of ... 8,149 9 7

Trade conditions showed some losses in cotton and grain.

**APPEALS AGAINST INCOME-TAX ASSES-
MENTS IN THE AMBALA DISTRICT.**

641. Rai Sahib Lala Panna Lal.—Will the Government be pleased to inform this Council as to (a) how many appeals were preferred against the assessment of income-tax this year (1920-21) and last year

(1919-20) in the Ambala district, and specially in the Ambala cantonment and city? (b) How many persons are there who have been newly assessed to income-tax and what special increase in income they have made this year for which they have been assessed to the new tax, and the reason for such increase in their income? (c) How many complaints were presented individually or by deputation regarding the income-tax assessment staff in the Ambala and Simla circle and with what result?

The Hon'ble Sir John Maynard.—

(a) Year	Total appeals of Ambala district.	Ambala city.	Ambala cantt.
1919-20	162	28	29
1920-21	141	58	56

(b) 109 persons were newly assessed in the whole district of whom 10 belonged to Ambala city and 26 to Ambala Cantonment. Information is not available to show if the income of these persons is higher this year than it was last year.

(c) No record of individual verbal complaints has been maintained. A deputation of citizens of Kalka and Ambala Cantonment Sadar Bazar waited upon the Commissioner who made inquiries through the Deputy Commissioner and the Special Income-tax Officer. Reductions in assessment were granted in suitable cases by Collector and Commissioner.

SUPPLY OF COAL WAGONS.

642. Rai Sahib Lala Panna Lal.—Will the Government state (a) what actual improvement has been made in the supply of coal wagons since my question No. 315† was answered? (b) What is the extent of the injury sustained by the industries of the Province for want of timely coal supply during the last six months? (c) What is the new system for the supply of coal recommended by the Coal Committee, Calcutta?

The Hon'ble Lala Harkishan Lal.—Regarding (a) this Government has not been informed if any improvement in the supply of coal wagons has been lately made but it is understood that during the rainy season when the output of the collieries is small the available wagons will be more than sufficient as the collieries have now no stocks of coal at pit head ready for transport during the rainy season.

Regarding (b) it is difficult to say to what extent industries in the Punjab have suffered injury due to short supply of coal but several factories, it is understood, had to close down temporarily from lack of coal and few have received all the coal they have asked for. It must, however, be realised that there is a distinct shortage of coal apart from lack of adequate transport.

Regarding (c) the revised rules under which the supply of wagons will be regulated have not been finally decided upon yet and it is understood that there will be no change from the present system until after August.

WATER-SUPPLY IN AMBALA, KASALI AND SIMLA.

643. Rai Sahib Lala Panna Lal.—(a) Is it a fact that the water-supply has been either cut off altogether or greatly reduced in Ambala cantonment and city, Kasauli and Simla?

(b) If so, will Government arrange for the water rates and taxes levied to be refunded?

The Hon'ble Khan Bahadur Mian Fazl-i Husain.—The question so far as Ambala is concerned will be dealt with in the reply about to be given to question No. 645. As regards Kasauli and Simla, Government has heard no complaints regarding Kasauli, but it is likely enough that in a year of exceptional drought water is scarce there as it is at Simla. Government can see no grounds for suggesting to the committees concerned that they should for that reason refund either water rates or taxes.

CONDUCT OF CANTONMENT MAGISTRATE, KASALI.

644. Rai Sahib Lala Panna Lal.—(a) Is there dissatisfaction amongst the shopkeepers at Kasauli with the conduct of the Cantonment Magistrate? If so, what does the Government intend to do in the matter?

(b) Will the Government be pleased to say if the Cantonment Magistrate was complained about at Jullundur and if during his régime there Lala Narain Das, Pleader, and other gentlemen were removed and excluded from the cantonment under section 216 of the Cantonment Code?

Mr. G. F. deMontmorency.—(a) On the 2nd of June 1921, Government received copies of two resolutions passed at public meetings at Kasauli on the 1st of June 1921. The first of these expressed dissatisfaction with certain acts of the Cantonment Magistrate, Kasauli, and was signed by Hindus. The second expressed gratification for the removal of old standing grievances of the public by the said Magistrate and was signed by the Secretary, Anjuman Islamia, Kasauli. The representations were brought to the notice of the Commissioner, Ambala. Government do not propose to take further action in the matter. The Cantonment Magistrate concerned was transferred some time ago from Kasauli.

(b) Government have no information on the subject.

SCARCITY OF WATER IN AMBALA.

645. Rai Sahib Lala Panna Lal.—(a) Is it a fact that great scarcity of water prevails both in the town and cantonment of Ambala?

(b) Has the Government received any request from the Municipal Committee of Ambala city for the deputation of an expert to examine the present system of water-works and to suggest improvements? If so, has the Government done anything as yet in the matter, or does it intend doing anything shortly?

(c) Is the Government prepared to cancel the water-tax levied in the Ambala cantonment in view of the defective water-supply?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes.

(b) The hon'ble member's attention is invited to the reply given him to his previous question* on 16th March 1921, in which he was informed that in reply to a letter from the President of the Municipal Committee asking for the deputation of an expert to study the present distribution system and to make out an estimate for the removal of the defects in the existing water-works at Ambala city, the Sanitary Engineer had promised to depute his Assistant, Mr. Howell, for that purpose and that Mr. Howell would visit Ambala on the 10th March. Mr. Howell's report, which will be laid before the Sanitary Board, has lately been received in print. It contains a severe indictment on the administration of the Ambala Municipal Committee, but Government does not desire, until the report has been laid before the Sanitary Board and orders have been passed on it, to place it on the table. In addition to this the Sanitary Engineer himself received a deputation of members of the Ambala Municipality on the 12th May. He explained to them that owing to constructional difficulties the horizontal strainer at Sarangpur could not be laid more than 6 feet below the spring level of 1919, and that owing to the drought that level had fallen by about 3 feet. He also explained to the deputation that he was about to ask the Sanitary Board for a grant of Rs. 48,000 roughly for a further experimental well at Sarangpur and on the basis of a preliminary estimate he proposed to supply water from the experimental installation to the reservoir at Handesra at the rate of six annas per 1,000 gallons as measured by meter at Sarangpur. The municipality would only pay for the water actually measured. They would intimate their requirements and pay for them one month in advance and water would not be pumped in excess of that

quantity. He did not guarantee that their requirements would be fully met but any shortage would be adjusted in the accounts. The experimental installation at Sarangpur would be entirely under the control of the Sanitary Engineer who would meet all the expenses of its upkeep. The objects of this arrangement were—

(i) to serve as a valuable scientific experiment on the hydraulics of wells, and

(ii) to furnish an increase in the supply of water to Ambala without involving the municipality in expenditure on an installation which was experimental and might prove a failure in course of time, while at the same time charging the municipality only the cost of the water supplied, the cost being understood to include interest charges on capital and depreciation as well as actual running expenses and departmental charges. It is understood that this proposal of the Sanitary Engineer will come before the Sanitary Board.

(c) Government sees no occasion for the cancellation of the water-tax in the Ambala cantonment.

RAM LILA PROCESSION IN AMBALA CANTONMENT.

646. Rai Sahib Lala Panna Lal.—

(a) Will the Government kindly state whether the *Ram Lila* procession, organised by the Kabari Bazar party, Ambala cantonment, was prevented from passing through the bazars of the Ambala cantonment only at the eleventh hour?

(b) If so, has the organising party been compensated for its losses and been given a definite reason for the revocation of the permission?

(c) Will the Government allow the procession next year?

The Hon'ble Sir John Maynard.—(a) For many years the *Ram Lila* celebrations at

Ambala cantonment have been organised by a committee of orthodox Hindus presided over by Rai Sahib Benarsi Das. Last year a party known as the Kabari Bazar party wished to manage these celebrations themselves and subsequently started an organisation for separate celebrations. They wished to erect a *pandal* opposite the Hindu Orphanage started by Rai Sahib Benarsi Das, but this was disallowed and their processions were not permitted to be held in the streets and bazars where they would clash with those of the other party. Experience has shown that rival processions in the same streets lead to breaches of the peace.

(b) The Kabari Bazar party and their pleader were informed of the above decision by the Commissioner in person and the reasons were explained to them.

(c) The arrangements approved by the local authorities for the coming year are the same as for last year.

ADVANCE OF MONEY TO A BUTCHER
BY SIMLA MUNICIPALITY.

647. Rai Sahib Lala Panna Lal.—

(a) Will the Government please state if it is a fact that the Simla Municipal Committee has advanced Rs. 6,000 to a butcher?

(b) If so, is the advance justified by the bye-laws of the committee?

(c) If the advance is irregular, what action is the Government prepared to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Government understands that the advance has been made.

(b) and (c). The proposal was referred to Government for sanction under section 52 (2) (i) of the Municipal Act. Government held that, as it was a question of loan or investment rather than of expenditure, sanction was not needed under that section and advised the committee to take the opinion of their legal adviser before proceeding further.

Government understands that this was done and sees no reason to question the committee's action.

SIMLA HOUSE ACCOMMODATION ACT.

648. Rai Sahib Lala Panna Lal.—Will the Government please state whether the Simla Accommodation Act is still in force?

The Hon'ble Lala Harkishan Lal.—The answer is in the affirmative and the matter is under my consideration.

GOVERNMENT SERVANTS AND HOUSE
RENTS.

649. Rai Sahib Lala Panna Lal.—

(a) Is it a fact that in all important places in the Punjab, including Simla, the rent of houses is going up and is causing great harassment and inconvenience to the poorer people?

(b) If so, has Government taken any action or does it intend to do so in the near future?

The Hon'ble Lala Harkishan Lal.—Government is aware that the rents of houses are rising, causing inconvenience to all concerned. This is true of Lahore, Simla and other growing towns. Government is making enquiries and considering if any regulative measures are needed and if Government decides upon an action being taken a Bill will be introduced in this Council in due course.

EXPORT OF CATTLE FROM THE PUNJAB.

650. Rai Sahib Lala Panna Lal.—Will the Government be pleased to state its policy with regard to the export from the Punjab of milch cows and buffaloes and serviceable agricultural calves and buffaloes?

The Hon'ble Lala Harkishan Lal.—The question raised by the Hon'ble Member has been considered by the Government on several occasions. The Board of

Agriculture in India in its 11th meeting on the 1st December 1919 reconsidered the recommendation made by the Board in 1916 to the effect that Government should not restrict the export of cattle that are in demand abroad. The conclusions reached by the Board were as follows :—

“The evidence before the committee does not prove that deterioration is taking place to any marked degree or that any such possible deterioration is due to the export of cattle. In any case the export abroad at present forms a negligible fraction of the total export trade from breeding areas. The committee do not consider, therefore, that any control such as is indicated in the terms of reference is called for immediately. To provide for eventualities, the nature of the export trade, especially so far as the class of animal is concerned, needs more careful observation. For the purpose of gauging the extent of any deterioration or improvement that may take place, it is suggested that endeavours be made to fix a standard of quality for the respective breeds on a quantitative basis. The changing economic conditions have doubtless created an increased demand to meet which there has been an adequate expansion of supply in response. To deal with this position it is incumbent on Government to encourage and foster the cattle-breeding industry with vigour. It is suggested that this can best be done by establishing farms in breeding areas, by distributing selected breeding stocks and by propaganda. The inherent instinct for gain and consequent incentive to breed good animals, will be developed by encouraging trade.”

The Government of India concurred in the Board's views, but while agreeing that no necessity at present existed for controlling the export of cattle they impressed on Local Governments the desirability of keeping a careful watch on the nature of the export trade, particularly with a view to observing the class of animal exported. They observed that it had been suggested that, as the purchases were effected from time to time by middle men who sell to

the agents of the countries of import, the breeders did not obtain adequate value for their cattle and that direct contact between the foreign buyer and the breeders might be secured by organising further cattle fairs in the main breeding tracts, which it would pay both the buyers and the breeders to attend.

These remarks of the Government of India were examined by the Director of Agriculture and the Punjab Government. The Director supplied two tables of which copies are now laid on the table showing the exports by rail to Bombay and Calcutta from the Punjab between the years 1914-15 to 1918-19 and the sales to foreign countries from the Hissar Farm between the years 1909-10 to 1918-19. There were no exports to Karachi.

As regards the sales from Hissar, the Superintendent of the Cattle Farm, whose opinion is entitled to great respect, considered that the traffic had been entirely beneficial inasmuch as the foreigners who purchased not only from the Farm but in the districts paid high prices at which cattle-rearing became really profitable. The trade, he observed, had been entirely in breeding stock and chiefly in non-milking-strain cows and heifers for which there was little profitable trade in India. He considered that the continuance and encouragement of the trade would enable the local breeder to keep and sell at a profit animals which would otherwise often starve or be sold for slaughter. He further pointed out that the high standard of British cattle was mainly due to Great Britain's valuable export trade.

As regards the statement showing exports by rail to Bombay and Calcutta it will be noticed that the annual number is neither very great nor has it substantially increased in the last four years for which returns are available. The Director of Agriculture was unable to say what proportion of the cattle sent to Bombay and Calcutta left the shores of India and what proportion were kept in those cities for milking purposes. He opined, however, that more than half remained in Bombay and Calcutta. He understood that these animals were generally killed as soon as

they went off milk as it was found cheaper to replace them by fresh purchases. It is to be hoped that the rising price of cattle which the export trade tends to encourage might gradually prevent this wasteful process. The conclusions reached by the Local Government were that there was no immediate necessity for taking any action. The exports are being carefully watched by the Director of Agriculture and Government is still of opinion that no prohibition of the trade is at present necessary.

So far as exports by road are concerned there are no accurate figures, nor would it be easy if it was desired to do so either to compile those figures or to regulate the

trade in a Province which is surrounded by other Provinces of India or by Indian States. The main directions in which export by road takes place are towards Peshawar and towards United Provinces. As regards the former it is understood that the great bulk of the cattle exported are only animals which are no longer serviceable either for milking or for draught purposes; the export to United Provinces by road is primarily of young plough cattle. These two classes, therefore, do not in the main come within the description of milch cows and buffaloes and serviceable agricultural calves and buffaloes which form the subject of the Hon'ble Member's question.

Statement showing the number and class of Animals supplied to Foreign Governments during the years from 1909-10 to 1918-19 from Hissar Cattle Farm.

Year.	To whom supplied.	CLASS OF ANIMALS SUPPLIED.					
		Donkeys.	Cows.	Female produce.	Male produce.	Supp. bulls.	Herd bulls.
1909-10	Java	...	64	55	61	3	...
1910-11	Brazil	...	2	15	81	...	...
1913-14	Do.	...	...	...	16	...	1
Ditto	Perak	...	...	...	...	1	...
1915-16	Mauritius	...	...	6	6	2	...
1917-18	Java	...	...	110	...	11	...
1918-19	Brazil	...	196	176 (a)	42 (a)	...	2
	Total	4	202	364	206	17	3

*2 Donkeys colts, 1 donkey mare, 1 donkey filly.

(a) Includes 150 female produce and 30 male produce sold to Senterro Guimattase of Brazil and not taken over or paid for during the year. They are still standing at the Farm.

Statement showing the export from Punjab of Horned Cattle (without distinction) to Bombay and Calcutta during the years 1914-15 to 1918-19.

Year.	Place.	EXPORT FROM THE PUNJAB				
		From the rest of the Cis-Sutlej territory.	From territory between Sutlej and Jhelum.	From the territory between Jhelum and Indus.	From territory trans-Indus.	Total.
1914-15	Bombay Port ..	1,753	7	...	...	1,760
	Calcutta ...	3,028	861	...	...	4,504
1915-16	Bombay Port ...	3,142	...	...	...	3,142
	Calcutta ...	8,815	611	8	...	9,434
1916-17	Bombay Port ...	6,178	...	...	...	6,178
	Calcutta ...	5,890	799	11	...	6,206
1917-18	Bombay Port ...	7,075	...	...	...	7,075
	Calcutta ...	6,734	507	...	...	7,241
1918-19	Bombay Port ...	7,157	...	...	...	7,157
	Calcutta ...	6,499	360	...	...	6,859

LAND ALIENATION ACT AND SALE OF LAND.

651. **Rai Sahib Lala Panna Lal.**—Will the Government be pleased to state (a) what area of agricultural land in the Punjab was sold (i) to the agricultural and (ii) to the non-agricultural classes during the 20 years preceding the introduction of the Land Alienation Act in the Punjab, and (b) what area of similar land has been sold since the introduction of the above Act?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—(a) Government has no information.

(b) A statement showing sales to agricultural tribes and to others, of rights of superior ownership, rights of ownership and rights of occupancy since 1902-03 is placed on the table.

Statement showing sales to agricultural tribes and to others, of rights of superior ownership, rights of ownership and rights of occupancy since 1902-03 :—

Year.	Sales to agricultural tribes.	Sales to others.
1902-03	138,290	58,705
1903-04	141,722	66,087
1904-05	152,061	55,142
1905-06	163,699	58,661
1906-07	156,445	68,819
1907-08	168,562	63,215
1908-09	187,280	69,071
1909-10	198,927	67,859
1910-11	181,005	60,047
1911-12	214,433	53,440
1912-13	253,553	53,142
1913-14	207,097	43,144
1914-15	181,793	60,988
1915-16	226,223	42,755
1916-17	208,451	37,997
1917-18	154,853	33,846
1918-19	191,637	37,432
1919-20	191,903	50,652

ABIANA IN THE SHEIKHUPURA CANAL COLONY.

652. **Khan Muhammad Salfallah Khan.**—

(a) Is it a fact that when two different crops are cultivated in the same field in the Sheikhupura Canal Colony abiana is charged at the rate for the crop of higher value?

(b) If so, will Government be pleased to instruct patwaris either to take no notice of crops cultivated in less than $\frac{1}{4}$ of a field or to charge only the average of the rates leviable on the two crops?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh, Majithia.**—(a) Mixed crops which have no specific name in the schedule of occupiers' rates are assessed at the highest rate leviable on any one of them.—*vide* Rule 23 of the Rules under the Canal Act VIII of 1873.

(b) The chief object of the above Rule 23 was to take power out of the hands of the subordinates and to simplify the rules as much as possible.

Thus Government is not prepared to take action on the suggestion made by the Member.

POLICE SERVICE AND BRAHMANS.

653. **Mr. Daulat Ram, Kalla.**—Will Government be pleased to state if there is any hinderance in the way of Brahmans being taken in the Police Service?

The Hon'ble **Sir John Maynard.**—The answer to the question is in the negative. There are a number of Brahmans in the Police Service.

PUNJAB LAND ACT AND BRAHMANS.

654. **Mr. Daulat Ram, Kalla.**—Will the Government consider the desirability of Brahmans being declared agriculturists for the purpose of the Punjab Land Act in the districts in which they own land or are cultivators of the same?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh, Majithia.**—Brahmans generally, or particular sections of Brahmans,

are already notified as members of agricultural tribe in many tahsils and districts of the Punjab and notably so in the South-East of the Province. Government is always ready to consider the claims of any tribe in any locality to notification where a good case has been made out.

RESTRICTIONS ON BATHING IN THE CANAL NEAR LAHORE.

655. **Captain Sadrar Gopal Singh.**—Will Government please state why and by whom bathing in the canal between Shalamar and a certain bridge was recently prohibited, and whether it is prepared to cancel the said order?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh, Majithia.**—Notices prohibiting bathing from the right bank entirely, and from the left bank between the hours of 5 and 8 P. M., on the short length of the Lahore Branch between Shalamar and Jail Roads, were put up last year by the Canal Department to stop the public nuisance that was springing up. On the right side there is a driving road which is specially maintained, including the upkeep of flowering shrubs on the canal berm, and it is necessary to keep this side free from bathers. Also the reach should be altogether free from bathers during the evening hours when the road and canal are frequented by people who come out for drives, rides and walks.

2. In view of the facts—

(i) that the notice applies to a short reach of the canal which is maintained in a specially good condition to add to the amenities of the capital town of the province; and (ii) for only 3 hours of the afternoon, no great hardship is involved to the people; and Government is, therefore, not prepared to remove the restrictions imposed by the notice.

**UNLAWFUL DETENTION OF MEN BY
POLICE.**

653. Captain Sardar Gopal Singh.—

(a) Is it a fact that people are sent for by the police and kept in the police station for periods extending to two days and are then let off without any report being made or the fact being entered in the police registers?

(b) If so, what remedy does the Government propose to apply?

The Hon'ble Sir John Maynard.—(a) Any such action would be directly contrary to rules and if proved in the case of any police officer that officer would be suitably dealt with.

(b) A copy of this question and answer will be forwarded to the Inspector-General of Police for such action as he may deem necessary. He will order the investigation of any specific cases of breach of the rule to which attention may be drawn.

work other than revenue work, it is impossible for a Revenue Assistant or other Revenue Officer to find out the mistakes of patwaris and that the public suffers in consequence?

(b) If so, will Government be pleased to take away from Revenue Assistants all judicial and criminal powers?

(c) Failing this, will the Government establish a separate audit office, or detail one of the existing audit offices for the purpose of checking the mistakes of the patwaris?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer to the first part of the question is in the negative. Regarding the second part reference is invited to the answer given to question No. 479.*

The answer to the third part is in the negative.

**REGISTRATION OF COMPLAINTS AT POLICE
STATIONS AND CORRUPTION.**

657. Captain Sardar Gopal Singh.—(a) Is it a fact that complaints are not generally registered by the police staff in a police station unless some "nazrana" is paid?

(b) If so, what steps will Government be pleased to take in the matter?

The Hon'ble Sir John Maynard.—(a) and (b). Government is not aware that complaints are not generally registered by the police staff in the police station unless some "nazrana" is paid. "Nazrana" may be taken irregularly in some cases, but any officer demanding "nazrana" for recording an offence would be guilty of serious misconduct and would be severely punished if such conduct were proved against him.

**REVENUE OFFICERS AND MISTAKES OF
PATWARIS.**

658. Captain Sardar Gopal Singh.—(a) Is it a fact that owing to pressure of

POPULATION OF ABOHAR MANDI.

659. Mr. Ganpat Raj.—Will Government be pleased to state what, according to the last Census of 1921, is (a) the population of Abohar Mandi in the Ferozepore District and (b) of the other hamlets and *abadis* within the radius of one mile of the Abohar Mandi.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The population of Abohar Mandi on 18th March 1921 was recorded as 8,916 (5,495 males and 3,431 females); the following are the figures recorded for villages having *abadis* within one mile:—

	Population	Males.	Females.
Abohar	5,856	3,178	2,655
Azingarh	2,690	1,444	1,246

ELECTIVE SYSTEM IN THE ABOHAR NOTIFIED AREA COMMITTEE.

660. Mr. Ganpat Rai—(a) Has the attention of Government been drawn to a memorial submitted by the residents of Abohar Mandi to the Hon'ble the Minister for Education on the subject of introducing the elective system for the appointment of the members of the notified area of Abohar?

(b) Will Government be pleased to introduce the elective system for the appointment of the members of the Abohar Notified Area and to make it a municipality? If not, will Government be pleased to give its reasons?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Answer to part (a) of the question is in the affirmative.

(b) Government has already consulted the Commissioner on the question raised in the memorial alluded to and will deal with the question on receipt of his reply.

SICK UNDER-TRIAL PRISONERS IN THE GURDWARA CASES.

661. Mr. Ganpat Rai.—Is it a fact, as stated in column 1 of page 5 of the *Bande Matram* of the 8th June 1921, that sick under-trial prisoners in the Gurdwara cases were not admitted to Jail hospitals because they were Akalis?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer is in the negative. The facts are described in the Press *Communiqué* issued by Government on the 4th July 1921, of which a copy is laid on the table.

PRESS COMMUNIQUE.

The attention of Government has been drawn to certain allegations made in the Press as to the treatment of Sikh prisoners in jail. Owing to the fact that the trial of the Nankana Sahib case is

proceeding in the Central Jail it has been necessary to confine the Akali prisoners in the Borstal Institution. The latter is purely a cellular building, where it is only possible to confine prisoners in separate cells, but these cells are opened in the morning when the Akalis have their bath and food, which they are allowed to procure and cook themselves at their own cost. For about 4 hours in the morning these prisoners are allowed to sit under shade of trees and verandahs until the time to go to court arrives. From 4 P.M. to 7-30 P.M. the prisoners are again allowed into the open, and Government is assured that they are treated with all reasonable consideration.

There is no general sickness in the Institution. During the Ramzan when Muhammadan prisoners were fasting and the heat was excessive a large number of prisoners was admitted to the hospital, but since then the number of patients has greatly declined. It is true that when the hospital population, for the reasons mentioned, was excessive, sick Akalis had to be treated for a few days in their cells, but this arrangement was merely temporary. On the 24th of May five Akali patients were removed to the segregation wards, where prisoners suspected of illness are kept under observation. The Akalis were not put in wards which have been occupied by tubercular patients as has been alleged. On the next morning these Akali patients were removed to a separate room in the hospital. Complaints made as to the arrangements for cleaning and disinfecting the hospital are baseless. In conclusion the Government wish to emphasize the fact that no discrimination whatever has been made against the Akali prisoners. The present Medical Officer of the Borstal Institution has reported that his Akali patients occupy the best part of the hospital buildings and receive every attention from him and from his whole staff.

It may be noted that the Superintendent of the Institution is also a Sikh gentleman who has done his best for these men.

**DECLARATION OF RAM NAUMI
A PUBLIC HOLIDAY.**

662. Mr. Ganpat Rai.—(a) Is it a fact that Ram Naumi is observed as a great Hindu religious festival throughout India?

(b) If so, will Government be pleased to declare this day as a public holiday?

Mr. G. F. deMontmorency.—(a) Government are aware that Ram Naumi is observed as a Hindu religious festival in some parts of India.

(b) Government do not propose at present to declare Ram Naumi as a public holiday under the Negotiable Instruments Act, because they are not satisfied that a great majority of the inhabitants of this province desire this festival to be observed as a public holiday.

**CLERKS' QUARTERS AT LAHORE AND
SIMLA.**

663. Mr. Ganpat Rai.—(a) Will Government please state whether there are any Clerks' Quarters at Lahore and Simla? If so, whether these quarters are meant for all classes of clerks or for any particular community?

(b) Will Government furnish a list of the occupants of these quarters during the last five years?

The Hon'ble Lala Harkishan Lal.—The reply to (a) is in the affirmative. In Lahore cottages have been built for European clerks and proposals are under consideration to build quarters for Indian clerks also. In Simla quarters have been built for junior Indian clerks only, apart from the quarters built for the clerical establishment of the Simla Provincial Division.

Cottages for European clerks attached to the Secretariat at Simla are under consideration. There is also a proposal under investigation for the construction

of quarters for Indian clerks at Simla, and it is hoped that if funds are forthcoming the proposal can be proceeded with.

(b) It is regretted that time will not permit of the preparation of the list asked for, but it is hoped that the information supplied will suffice in view of the fact that quarters have been provided at Simla and Lahore and further proposals are under consideration.

INDIAN CLERKS' QUARTERS AT SIMLA.

664. Mr. Ganpat Rai.—(a) Is Government going to build additional residential quarters for married clerks at Simla?

(a) If so, will Government be pleased to bear in mind the claims of purely Indian clerks in allotting these quarters?

The Hon'ble Lala Harkishan Lal.—(a) In this connection the member is referred to the answer made to his question No. 663 (a).

(b) As already stated the quarters for Indian clerks forms a separate scheme from those for European clerks attached to the Punjab Secretariat.

**STAFF IN THE EDUCATION DEPARTMENT
IN THE LYALLPUR DISTRICT.**

665. Khan Muhammad Abjullah Khan.—Will the Government kindly lay on the table a statement to show for the Lyallpur District (a) the number of Muslim and non-Muslim Assistant District Inspectors of Schools working in the district, (b) the number of Muslim and non-Muslim teachers employed in the Government High School, Lyallpur, (c) the number of Muslim and non-Muslim Headmasters of District Board Anglo Vernacular Middle Schools, (d) the number of Muslim and non-Muslim Headmasters of District Board Vernacular Middle Schools, (e) the number of Muslim

and non-Muslim Junior Anglo-Vernacular teachers employed in the District Board Schools, (f) the number of Muslim and non-Muslim Senior Vernacular teachers employed in the District Board Schools, (g) the number of Muslim and non-Muslim teachers employed in the

District Board Primary Schools, (h) the number of Middle Schools in the Muhammadan Ilāqa as compared with those in the non-Muslim ilāqa?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information required is placed on the table.

Statement showing number of Muslim and non-Muslim Assistant District Inspectors of Schools, Headmasters and Teachers working in the Government and District Board Schools in the Lyallpur District, etc.

Particulars.	No. of Muslims.	No. of non-Muslims.	REMARKS.
(a) Assistant District Inspectors of Schools, Lyallpur.	1	3	
(b) Government High School, Lyallpur, Teachers.	9	11	
(c) Headmasters of District Board Anglo-Vernacular Middle Schools.	6	12	
(d) Headmasters of District Board Vernacular Middle Schools.	23	16	
(e) Junior Anglo-Vernacular Teachers ...	4	16	More Muslim Junior Anglo-Vernacular teachers not available in spite of all efforts made to secure them.
(f) Senior Vernacular Teachers	26	52	
(g) Teachers in Primary Schools ...	168	171	

(h) The number of Middle Schools in the Muhammadan ilāqa as compared with those in the non-Muslim ilāqa.

Out of 57 District Board Middle Schools there are 28 in purely Muhammadan villages against 17 in purely non-Muslim Chaks and 12 in towns having mixed population.

666. Khan Muhammad Abdullah Khan.—(a) Is it a fact that most of the less well-paid teachers are posted at a great distance from their homes?

(b) If so, does the Government see any benefit in the practice. If not, will it take any action to stop it?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government does all that it can to post teachers near their own homes, and is not aware that "less well-paid teachers" are treated differently, though it is possible that on account of their being more numerous, it is not as easy to post them near their homes as it is in the case of men in higher grades.

STAFF OF THE GOVERNMENT HIGH SCHOOL, GUJRAT.

667. Khan Muhammad Abdullah Khan.—Will the Government kindly lay on the table a statement to show the number of Muslim and non-Muslim teachers employed in the Government High school, Gujrat, and the percentages of the Muslim and non-Muslim population of the district?

The Hon'ble Khan Bahadur Mian Fazl-i-Yusain.—In the Government High School, Gujrat, there are four Muslim teachers out of a total of eight on the classical and vernacular side; and five Muslim teachers out of a total of eleven on the Anglo-Vernacular side.

From the last Census Report it will be seen that the Muslim population formed 87 per cent. of the total population of the District.

REVISION OF PAY OF DEPUTY COMMISSIONERS' OFFICES.

668. Khan Muhammad Abdullah Khan.—(a) Is it a fact that prior to the introduction of the revised scheme, posts carrying a pay of Rs. 50, Rs. 60 and Rs. 80 in the offices of Deputy Commissioners and all other departments were considered of equal importance but that under the revised scheme officials drawing Rs. 50 in the offices of Deputy Commissioners have not been put in the Rs. 75—5—125 grade, whilst officials on Rs. 50 in the Jail Department, Civil Surgeons, District and Sessions Judges' and Commissioners' offices have been so included?

(b) If so, will the Government be pleased to consider the advisability of including men on Rs. 50 in the offices of Deputy Commissioners in the Rs. 75—5—125 grade?

The Hon'ble Sir John Maynard.—(a) It is not correct to say that prior to the introduction of the revised scheme of pay of non-gazetted establishments, posts carrying a pay of Rs. 50, Rs. 60 and Rs. 80 in the offices of Deputy Commis-

sioners and all other departments were considered of equal importance. The pay of posts in the various offices has been revised at different times and the importance of posts previously carrying the same pay also varies with the status of the office. It is a fact that under the revised scheme clerks drawing Rs. 50 in the offices of Deputy Commissioners have not been put in the Rs. 75—5—125 grade, but officials previously drawing Rs. 50 in the Jail Department have not been brought on to the Rs. 75—5—125 grade as stated in the question. In Civil Surgeons' offices they have been brought on to this scale, because they are Head Clerks. In District and Sessions Judges' offices they have been placed in the higher grade, while in Commissioners' offices some have been placed in the higher and some in the lower grade.

(b) The action explained in the answer to part (a) of the question was taken after a full consideration of each case and Government does not consider that sufficient grounds for any general modification exist, but special cases are being and will be considered when brought to notice by the Head of the Department concerned.

669. Khan Muhammad Abdullah Khan.—(a) Is it a fact that on account of men on Rs. 50 being placed in the Rs. 40-2-90 grade instead of in the Rs. 75-5-125 grade, certain officials on Rs. 50 who before the revision of pay were considered senior to have now become junior to those getting Rs. 40 previously?

(b) If so, will Government be pleased to say whether it is prepared to reconsider their case?

The Hon'ble Sir John Maynard.—It is understood that the question refers only to junior clerks, i.e., men in the Rs. 40-2-80—2-90 grade and that the anomaly is that some men with long Government service draw more than others with less Government service, although the latter were previously getting more pay than the former.

[Mr. President.]

This is admitted. It is a natural result of the introduction of a time-scale in which it takes some time to reach the maximum. It does not mean, however, that the men on the higher rate of pay will necessarily stand first for promotion to a senior grade. Such promotions will be made on merit. It is also pointed out that no one has lost in total emoluments by the revision, and Government does not propose to alter a system whereby the increase in pay given to clerks with long service may in certain cases be greater than that given to clerks with short service.

EXCISE STAFF.

670. Khan Muhammad Abdullah Khan.

—(a) Is the Government satisfied that the number of cases detected by the extra establishment referred to in the reply to my question No. 424* is sufficiently large to justify the expenditure involved?

(b) If not, is Government prepared to abolish this establishment?

The Hon'ble Lala Harkishan Lal.—(a) Yes. The worth and the work of the staff lie not so much in the direction of detection (though work even in that direction is considerable) as in prevention. One reason of the increase in the figures relating to consumption is that consumption of excisable articles illicitly manufactured or obtained is being steadily replaced by consumption of articles licitly obtained and this is directly due to the preventive work done by the excise staff as a whole.

(b) The question does not therefore arise.

RESOLUTIONS.

Mr. President.—The Council will now proceed with the consideration of the resolutions on the continuous list. The first resolution is in the name of Khan Bahadur Raja Muhammad Akbar Khan, but he being absent, I am afraid there is no alternative but to put the resolution at the bottom of the list. It will come at the end. The second resolution is in

the name of Khan Bahadur Chaudhri Fazl Ali. As this gentleman is also absent, this resolution will be similarly treated. The third resolution is in the name of Chaudhri Atta Ullah Khan. This gentleman being also absent, a similar course will be adopted in this case also. I now call upon Maulvi Muharram Ali Chishti to move his resolution.

RESOLUTION *re* RAISING THE NUMBER OF INDIAN CIVIL SERVICE POSTS LISTED AS OPEN TO MEMBERS OF THE PROVINCIAL CIVIL SERVICE.

7.25 A. M.

Maulvi Muharram Ali Chishti.—Sir, I have the honour to move the resolution standing in my name which runs as follows.—

That this Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the Superior Civil Service posts in this Province.

First of all, I have to submit that the Hon'ble Members on the opposite bench, should consider the resolution in the same spirit in which I am offering it. I assure them that I mean nothing to detract from the merits of the Civil Service or to give Provincial Civil Service any undue importance in comparison. Besides, it would grieve me very much if my resolution is understood to introduce a racial question. I do not deny the merits of Civil Service Officers recruited in England. It would be ungrateful on our part to undervalue the work of the members of the Civil Service during the last seventy-five years in this Province. These officers have acted as the pioneers of Punjab administration and a considerable number of them have won the hearts of the persons entrusted to their charge. It is the result of their training to the members of the Provincial Civil Service that we feel ourselves justified in supporting the cause of the latter. My own career in life bears testimony to the fact that I am strongly averse to raising racial questions; rather I have devoted

my life in trying to remove all racial distinctions. But at the same time I cannot forget that His Majesty the King Emperor wishes that the rights of 'the sons of the soil' should always be kept in view. I do not happen to be so generous as to forego, for the sake of others, what I consider to be the just and equitable rights of my countrymen.

After these preliminary remarks, I come to my point. I take my stand on the following official documents :—

- (1) Statute of 1833.
- (2) Royal Proclamation of 1858.
- (3) Government of India Act, 1858.
- (4) Indian Civil Service Act, 1861.
- (5) Statute of 1870.
- (6) Rules framed in 1879.
- (7) Recommendations of the Commission of 1886-87.
- (8) Recommendations of the Commission of 1912.

I treat the Royal "Firmans" as the Magna Carta of India. In all these documents all invidious distinctions of race, colour and creed are strictly prohibited, and it is clearly held in some of them that full justice be done to the claims of Indians to higher and more extensive employment of Indians in the Public Service and that the recruitment of officers in England should be substantially reduced and the higher appointments so set free be transferred to a service to be locally recruited in India. I trust, Sir, that the members of the Indian Civil Service respect these orders as much as I do and that they shall leave no stone unturned to carry these into effect. This is in brief the material upon which I have based my resolution. The Government should respect its own words. It has been recognised that the Provincial Service is the backbone of all Civil administration. The last Royal Commission of 1912 which was appointed to consider this question, and in which, Sir, your personality was a pro-

minent factor and which has made your name immortal by compiling the Report of that Commission, came to the same conclusion.

It is the deep sense of duty which has prompted me to take up this question. As the non-official members know fully well, I have never been in the Provincial Service nor have I got any relatives in that service. I am only speaking on behalf of a neglected service which deserves the keen attention of all Indian administrators. The services rendered in the late War by the members of the Provincial Service are remarkable. For me to enumerate what they did, in recruitment and assisting the War funds, etc., would be like showing a torch to the sun; as there are those present here who supervised their work and themselves rendered no small service in that connection. Sir, I may be allowed to submit it is not a good policy to create discontent in every walk of life in the country. Nor is this a sound policy that we should pay regard to agitation when it reaches its highest pitch. That would be against all wisdom, and against all statesmanship. The members of the Provincial Service are dissatisfied. If they have not made the kind of agitation which promptly invites the attention of the Government it is due to their responsible frame of mind and peculiar rules and regulations of their employment. They are quiet and have been working patiently for the last sixty years. But there is a limit to one's patience. They have, at last, now resorted to a decent form of agitation, namely, of sending the petitions and memorials stating the wrongs they have suffered. For this reason too that their representations are before the Government I need not dilate at length on their grievances.

I may say, Sir, that the matter now before this Council was fully discussed in the Legislative Assembly in February last. The assembly consists of the representatives of all classes of India. Despite what the non-co-operators may allege, it does not lie in our mouth or of the

[M. Muhsaram Ali Chishti.]

Government at least to deny that they are the representatives of the country. We should, therefore, respect what they decide. Our Gracious Sovereign in his recent instructions to the Governor-General of India (paragraphs 7 and 8) has commanded that special weight may be given to the opinions of the majority of the Legislative Councils of the different Provinces and also that the policy of the Indian Government should be conducted in harmony with the wishes as expressed by their representatives in the Indian Legislative Assembly. Now in the Legislative Assembly a resolution, identical with that of mine, was passed by an overwhelming majority. Still we have our apprehensions which are not unfounded. Efforts in this direction have been made ever since the advent of British rule which were responded to by pleasant promises. But beyond honeyed words nothing else was the outcome of it all. Like an oilman's bullock, the Provincial Service is whence it started.

In 1886 a commission was appointed to consider this question which was presided over by Sir Charles Aitchison, the famous Lieutenant-Governor of our Province, whose memory is cherished with the greatest feelings of respect by the Indians on account of his sincere love and affection towards them. The Commission recommended that one-fourth of the listed superior posts be given to Indians, other than the members of the Punjab Civil Service.

The Government of India admitted that these recommendations remained a dead letter and we find that the Indians in the service are still grinders of the old mills. Let us see the matter from another standpoint. Assuming, for the sake of argument, that since 1886, the total number of the superior posts in the Punjab has been only 78, the Government could have given at least one-sixth of this total (i.e., 13 posts) to the Indians, and supposing, again for the sake of the argument, that from 1886 downwards 10 posts have been actually given to the Indians; it will be mani-

fest that three posts have been kept back from 1887 to 1920 in each year. Thus it is clear that in the past 33 years 99 Indians have been deprived of the superior posts which could be given to them. Another commission was appointed in 1912. After the report of this commission the Government decided to reserve 33 per cent. of the superior appointments for Indians. But somehow reservations are made in all such decisions which, when the time comes for practical steps, make it possible to avoid the decision altogether. According to the latest decision of the Government, at least 13 members of the Provincial Service should have been in the Superior Service. I may amplify myself. The position is this: that the proportion of the Indians recruited from all sources has been fixed at the figure of 33 per cent. rising in ten years to 48 per cent. Now, under the rules $\frac{1}{4}$ th of the total number of superior posts was allotted jointly to the members of the Provincial Civil Service and the members of the Bar. Out of this $\frac{1}{4}$ th $\frac{3}{4}$ th was to go to Provincial Civil Service and $\frac{1}{4}$ th to the members of the Bar. That was simply robbing Peter to pay Paul, and the unfortunate part of it was that Paul was not also paid because none of the listed posts was given to the members of the Bar. The non-officials are seriously handicapped in getting exact figures, but if my information is correct, the total number of all the superior posts in this province in July 1920 was about 90 and I have no reason to believe that the number was decreased. Now $\frac{1}{4}$ th of that number, i.e., about 15 posts, ought to have gone to the members of the Provincial Civil Service and the members of the Bar jointly (i.e., 11 posts to the members of the Provincial Civil Service and 4 to the members of the Bar). But what we find here instead? Only 10 posts are allotted to the Provincial Civil Service and none to the members of the Bar. When the former demand an increase in their number they are told that they must not try to usurp the share of the members of the Bar. On the other hand the latter are deprived of any share, to say nothing of the *whole* of their share.

Under these circumstances, I must at once say that I have every sympathy with the amendment which is going to be proposed by my Hon'ble friend Mian Muhammad Shah Nawaz. I once more, Sir, draw your attention to consider what the number of Provincial Service members would have been on the Civil Service if the decision of 1886 would have been acted upon, and what since 1870? It is not right to make promises not to fulfil them. We ought to make our promises weighty. Human nature is the same all over the world. No one can be pleased with mere promises. How can then the members of the Provincial Service be thus pleased?

I think no one will deny that the Provincial Civil Service men are the persons upon whom the Government mostly relies in the hour of need. As stated in debate of the Legislative Assembly, critical periods are ahead of the country: not to grant their request would be to disappoint them and thus to weaken our own hands. The Government wishes its officers to counteract the prevailing discontent; and still it does nothing to remove discontent from their own ranks. In short, the resolution, if passed by the Council, should be submitted to the Viceroy and His Excellency should be requested to accept and give effect to it. In his statement published on the 20th August 1917, the Secretary of State for India made an announcement that the policy of His Majesty's Government was that of increasing the association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India, as an integral part of the British Empire. His Excellency the Viceroy in his speech, delivered on 5th of September 1917, after emphasizing the statement of the Secretary of State for India, and holding it out as the goal of British Rule in India, proceeded to enumerate the three roads to that goal. The first road was, according to His Excellency, the domain of local self-gov-

ernment, village, rural, town or municipal. The second road was in the domain of more responsible employment of Indians, and the third lay in the domain of Legislative Councils. In order to allay the suspicions of the Indians, His Excellency stated in the clearest terms that all this work was to be carried on "*simultaneously*." The first and the third of these have been given to us. We are waiting for the second which ought to have been given "*simultaneously*." Are we to wait for another twelve years and then the appointment of a Commission and then posts? The Commission then may make a report that the experiment requires further development. All this time the poor members of the Provincial Service must not be forced to remain the subjects of experiments.

At this time the men chosen for the Provincial Service are the best of our men. They are the best products of our University, those who have passed in competitive examination or those who belong to noble families and have been brought up in the Chiefs' College, or those men of blue blood who have been selected by nomination, or men of approved service. These men are very popular generally, and to encourage them will go a long way to win the hearts of all Indians and, I hope, will give the greatest pleasure to their Civil Service colleagues. In the name of justice, equity and fair play I appeal that a hearty and general support be given to this resolution which I have submitted to the Council for the favour of approval.

Mr. President.—Sardar Kartar Singh, I have to warn you that your resolution No. 17, which is in the same terms as this one, will not be able to be debated separately. If you wish to speak you must speak on this resolution.

7-55 A. M.

Diwan Bahadur Raja Narendra Nath.—Sir, I entered the service at a time when the system of listed posts was not in vogue, but I held a listed post. I have therefore every sympathy with the resolution to which I give my cordial support.

[D. B. Raja Narendra Nath.]

The policy of admitting Indians in India into the higher ranks of the service is of long standing, but throughout it has had two essential features: first, the door of competition in England has always been kept open; along with it some provision has always been made for the admission of Indians, of men who have not had entry through competition in England. In 1870 an Act was passed by Parliament to which reference has been made by the hon'ble mover of the Resolution. Under that Act rules were framed in 1879 according to which members of aristocratic families who were qualified by their education and character to perform the duties required were given posts in the Civil Service by direct appointment. This policy continued up to the time that the Public Services Commission of 1887 came out. That Commission, as has been pointed out by my friend who has preceded me, was presided over by a Lieutenant-Governor whose name will always be remembered by the Punjab with feelings of gratitude and esteem. That Commission recommended the system of listed posts, but the Statutory Civilians who had been appointed according to the rules framed in 1879 continued for a long time to be a bar to the entrance of members of the Provincial Service to listed posts. By the promotion of Statutory Civilians and by their gradual retirement, some posts became vacant about 1909 or 1910, when the new Public Services Commission came. As far as I am aware, the system of listed posts did not receive recognition at the hands of the last Commission. I have not had access to the Report of that Commission recently, but I am told that a member of that Commission recorded his dissent from that policy. The members of the Provincial Civil Service have rendered valuable service and without them certainly the incumbents of higher posts would not be able to discharge their duties properly. It is a pity that the system of listed posts did not receive encouragement at the hands of the last Public Services Commission. If the system had been allowed to con-

tinue it would have improved the tone of the Provincial Civil Service, as it has done so far, it would have attracted really able men who looking forward to a brilliant and prosperous career would have striven to qualify themselves for higher posts.

The selections made from the Provincial so far have been wise and proper. Men selected have given satisfaction in every post to which they have been appointed. They have been Junior Secretaries to the Financial Commissioners, Settlement Officers, Deputy Commissioners, Sessions Judges and recently also one of them has risen to the post of a Commissioner. I see that Government have continued to give appointments to the members of the Provincial Civil Service, as the proportion of 33 per cent., which the last Commission recommended, has not yet been reached in recruitment. It will be some years before men recruited now will rise to higher posts which come under the category of listed posts. But in course of time, perhaps after a few years, this system of listed posts will have to be abolished. I will appeal to this Council that the abolishing of the system must be resisted.

Whenever people are divided into superior and inferior classes, men in the inferior class never find an admission into the superior class unless a certain percentage is fixed. I see that members of the Provincial Civil Service do not find an admission into the High Court, none has been promoted to Judgeship of the High Court. The reason for it is not that men of sufficient ability are not to be found in the Service but because High Court Judgeship is not a listed post. In the earlier days in Madras, a gentleman was appointed to the High Court from the Services and he proved to be a Judge of the most brilliant distinguished ability. Unless you remove the bar to promotion by fixing a percentage sufficient stimulus is not given. In accordance with the recommendations of the Public Services Commission of 1887 that percentage was one-sixth. The

resolution which has been moved by my friend asks only for the raising of that percentage from one-sixth to one-fourth. This is not too much. Those who advocate the promotion of the Provincial Civil Service to the listed posts, amongst whom I count myself, must be prepared to face reduction in recruitment. I also identify myself with the remarks which have been made by the Hon'ble mover that the policy of Government towards this Service has not been all that could be desired. Political considerations come in and have their influence in determining promotion to higher posts. Well, Sir, that is putting a premium on agitation as my friend has said and I endorse this view which has found an utterance from the lips of the members of the Bar. I am not against the enlistment of the members of the Bar, but I think if any preference is given it must be strictly on merit and not on political considerations. With these words I support the resolution which has been moved by the Hon'ble Member from Lahore.

8-10 A.M.

Sayad Muhammad Hussain (Urdu).—I strongly support the resolution moved by Maulvi Muharram Ali, Chishti. It cannot be denied that the British Government has promised to give complete self-government to India, and Indians are now being trained for the task. But it is disappointing to find that Government cannot see their way to give 33 per cent. of the services to Indians. Government has not given us any opportunity to prove our fitness and in whichever department an opportunity has been given Indians have proved their fitness. I can safely say that Indians are fit to manage all departments of the administration and they do not fall short in any way of Englishmen. I cannot, therefore, see how the Government can defer the matter. I earnestly hope that the resolution will receive careful consideration at the hands of the Government, and that the posts listed as open to members of the Provincial Civil Service will at once be raised

to one-fourth of the superior Civil Service posts in the Province.

8-20 A.M.

Chaudhri Muhammad Amin.—Sir, I think the best friend of a person in this world is he who awakens him to the dangers which are before him, and he who conceals dangers and tells him that there are no dangers, and that he can proceed without any fear, he is sorry for such a friend when he comes across a danger and finds that the information he had received was untrue. There are, I am afraid to say, some gentlemen in the high Imperial Service whose ears are rather accustomed to this sort of information, that there is no dissatisfaction, and that all the affairs of this Empire are proceeding very smoothly. But I think there are some dangers and there is dissatisfaction in certain regions, and if one does not take it upon himself to inform the Government that there are such dangers one fails in his duty. It will not be true to say that the members of the Provincial Service in this province are quite satisfied with their position, and that they have no grievances. I am sure, on the other hand, that they feel rather aggrieved. Their position is such, their education is such, their family connections are such and their relations with Government are such as do not allow them to take to such methods of agitation. It is their peculiar state that prevents them from agitating or going on strike. I think they have not taken to such a course because they think that it does not befit their position, otherwise it is quite true to say that members of the Provincial Service in the Punjab are utterly dissatisfied with the treatment they have received hitherto. The members of the Provincial Civil Service in the Province are a uniting link between the Government and the people and this link has always proved very useful, and if the Government wishes to take advantage and enjoy the benefit of the existence of this link, it ought to do something for getting them on. Their demand, which has been put forward in

[M. Muhammad Shah Nawaz.]

the resolution moved by Maulvi Muhamarram Ali, Chishti, is coming from a true heart and the Government should meet it with open heart. With these few words I support the resolution.

8-26 A.M.

Mian Muhammad Shah Nawaz.—Sir, I beg leave to move an amendment to the resolution. My amendment is as follows :—

That the following words be added :—

“and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of the legal profession.”

Sir, I cordially sympathise with the aspirations of the members of the Provincial Civil Service and I think that they deserve well of this Council. I believe they have a strong case on merits and I am very glad to see that they have begun to assert their rights. At present they are getting only one-sixth of the superior Civil Service posts and their demand that the number should be increased to one-fourth is only reasonable and just. Generally speaking, the members of the Provincial Civil Service are able, industrious and conscientious judges. They are thoroughly devoted to their duty and as a whole the Provincial Civil Service has done splendid work in this province and in India generally. At the same time it should be remembered that the legal profession is an independent and honourable profession. In every country of the civilized world the lawyers are taking a leading part in all spheres of life. In England the Judiciary is recruited from the Bar. In India the lawyers are leading the fortunes of their countrymen. The Public Services Commission, after due consideration, has recommended that a certain number of appointments in the superior Civil Service should be allotted to members of the Bar within a certain time. I believe the number in the Punjab is six it is really very small. The recommendations of the Commission have been

accepted by the Government of India and the Secretary of State. They cannot now be altered without the sanction of the Secretary of State. They have already been acted upon. I am glad to see that the Hon'ble Mover of this resolution has virtually accepted my amendment. With these remarks, Sir, I move my amendment.

Sardar Dasaundha Singh.—Sir, so far as the main resolution is concerned much has been said upon it and the mover and those who came after him have very much justified the position that was taken up by the mover. So far as the amendment is concerned I think it is quite just and fair to the members of the legal profession that their share should be quite separate from the share which will be allotted to the members of the Provincial Civil Service. We are indeed very much behind other provinces in this matter, because in some of the other provinces most of the Judiciary is recruited from the legal profession and it will be quite just and in the fitness of things if in our province, too, the same example is followed. So far as the resolution is concerned it is quite a modest demand, namely, that the proportion should be raised from one-sixth to one-fourth, and I think that that proportion can very safely be allotted to the members of the Provincial Civil Service, keeping apart the share of the legal profession.

Khan Bahadur Chaudhri Fazl All (Urdu).—Sir, as my friend has said about the resolution I may say of the amendment that it requires no explanation. The lawyers want a separate share and they deserve it. Even if the resolution were passed without the amendment, the lawyers should have been given their due share. But as it now stands, I strongly support the amendment.

Rai Sahib Lala Thakar Das (Urdu).—Sir, the ability with which the mover has moved the resolution leaves nothing more to be said.

Mr. President.—We are considering only the amendment now.

Rai Sahib Lala Thakar Das (Urdu).—Then, Sir, I will wait to speak.

Mian Baki Ram (Urdu).— Sir, it is an admitted fact that the English Government is based on law. There is no despotism in it. Every one is bound by law the encroachment on which brings punishment on high and low alike. Those persons therefore who know law, should be the men to rule where knowledge of law is most essential. Even at the present moment the lawyers take a large share in management. By their studies and their education they bring the cases of the illiterate ignorant masses before the courts in proper form. The mischief of some pleaders has no doubt a contrary effect, but the help which the lawyers give to the Government cannot be ignored. Now when we help the government so much in daily matters why should we not be given a share in the government. In all other countries lawyers are given precedence over others. History supports this argument of mine. Wherever selection has been made from pleaders, based on genuine ability and real worth and not by unlawful means, the lawyers have proved themselves most fit to rule. You know, Sir, who was the Prime Minister of England before Mr. Lloyd George. I forget his name, now, but he was a noted lawyer. Moreover, in my opinion the very existence of these Councils is due to the continuous efforts of the pleaders of courts. It is not right, when the time comes, to ignore them altogether. I repeat that the lawyers have proved themselves capable gentlemen whenever they have been made to work. Many among them rose to be Deputy Commissioners. In short, I wish Sir, that lawyers be given their due share.

Mr. President.—The motion before the Council is—

‘That this Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the superior civil service posts in the province.’

An amendment has been proposed that the following words be added :—

‘and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of the legal profession.’

The question is that the amendment be made.

The amendment was carried.

Mr. President.—The discussion will now proceed on the motion as amended which runs as follows :—

‘That this Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the superior Civil Service posts in the Province, and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of the legal profession.’

8-49 A.M.

The Hon'ble Sir John Maynard.—Sir, my friend Maulvi Muharram Ali, Chishti, began his remarks with a very handsome compliment to the Service of which I have the honour to be a member. I acknowledge the graceful remarks which were made and I assure him and I assure this Council that the Service to which I belong would not regard the present motion as in any way a reflection upon itself and will in no way desire for personal reasons to oppose the motion. But there are some rather serious misconceptions which have affected the speakers who have addressed this house to-day. In the first place, I should like to make it quite clear not only that there is no intention—as the Hon'ble mover made it so plain,—no intention of raising any racial question but also that in the peculiar circumstances of the case there is absolutely no possibility of raising any such racial question. The question is not, as my friend Syed Muhammad Hussain has supposed, merely one of increasing the Indian element in the superior posts. It is not that question at all. The question of the Indian element in the superior

[Sir John Maynard.]

posts has already been decided by the orders of the Government of India, passed in connection with the proposals of the Public Services Commission which was recently held. The proportion, I should say, of Indian recruitment from all sources has been fixed and has been fixed at a very high figure. It has been fixed at a figure of 33 per cent. rising in ten years to 48 per cent. That is the figure which has now been fixed. I think it is a complicated subject and I can perfectly well understand the difficulty of those who are not constant readers of Government publications. I think it is practically certain that of those who have addressed this house and have urged the acceptance of this resolution, not one would have argued as he has had they been aware of the orders passed in 1920 which determine the methods by which the Services are Indianised and fix the proportion at the figures which I have already stated. Sir, the total proportion of Indians being determined at this high figure as I have stated, the sole question now is in what manner is that to be distributed between the different channels through which Indian recruitment is to take place. A totally new channel of recruitment has now been established for Indians in India. I refer to the competitive examination which is in future to take place in this country and through which a proportion of the total which the Government of India had fixed at 67 per cent. is likely to be recruited. Sir, it is no longer a question between the old Indian Civil Service to which I belong and the Provincial Civil Service. The old Indian Civil Service to which I belong is now to be radically altered and reformed. It is to contain a very large element which will be added through different channels in this country. When the Hon'ble mover and those who have followed him in their speeches have asked this house to decide that a certain proportion of the total number of superior posts should henceforth go to the Provincial Civil Service they have not actually done what they believed they were doing. They believed

that they were asking this house to recommend an addition to the Indian element of the Service. In actual fact they have simply asked that certain other classes of Indians recruited through other channels should be reduced in the same degree in which they have proposed that the Provincial Civil Service should be aggrandised. This fact, I feel sure, was not known to them and I should like to have this opportunity of making this as plain as I can possibly make it to this house. Let them know that when they make this recommendation all that they are doing is to deprive certain other highly educated Indians, recruited by other methods, of a portion of that which was intended for them.

Sir, I now refer to the tributes paid to the Provincial Civil Service. No one realises better than I how much this province owes to the work of the Provincial Civil Service. I myself have worked in close contact with its members and have for some years past been associated with Secretaries drawn from its ranks. But the Provincial Civil Service has been substantially benefited by recent orders. It has raised a substantial increase in pay. It has also benefited by a change which has been brought about in the status of those of its members who are promoted to listed posts. That is to say, a Provincial Civil Servant on being appointed to a listed post no longer merely has his claim to that listed post, but he will by virtue of his promotion to that post henceforth become entitled to be treated as eligible for all the other superior appointments which the members of the Indian Civil Service may hold. That important change has been entirely overlooked in the speeches of to-day, but I am sure that the members of the Provincial Civil Service are aware of the importance of it.

I have said, Sir, that I entirely sympathise with the aspirations of the Punjab Civil Service. So much so that I have recently received a deputation from the members of that Service, have listened to their grievances and have

assured them that their wishes will receive the attention of Government. Government now has those claims under consideration. But I could not tell the deputation that I would do that which the Hon'ble mover would have this house recommend to-day. I could not tell them that I would do this because in doing it I should be depriving the other Indians to whom the orders of the Government of India apply of their fair share in the superior appointments.

I have already said that I realise the value of the services of the Provincial Civil Service. There are amongst us to-day some, or at least one distinguished gentleman who held a listed post, and filled it with distinction. I myself have for years passed had the assistance of members of the Provincial Civil Service in the capacity of my Secretary. I think, therefore, that I may be said to have had a very close and intimate acquaintance with the nature of the work which these admirable officers are able to perform. But I should not be doing my duty to this house, I should not be doing my duty to Government if I were to conceal the fact that admirable though the work of the Provincial Civil Service is, there is a difference between the members of that Service, recruited as it is with the primary object of filling the subordinate posts and the members of the Service which is recruited primarily for the purpose of filling the superior posts. The difference, and I am sure you will understand me perfectly, the difference is that with some exceptions the standard of education and capacity is not quite so high in the Provincial Civil Service as it is in the Indian Civil Service. I speak of the members not only of the Indian Civil Service as it is at the present moment, but as it will be when it is very largely filled by Indians recruited by the competitive examination in this country. There is, Sir, a difference in the standard of education and with certain distinguished exceptions there is a difference in the standard of capacity. Now, Sir, what should we say of a decision which, purporting to aim at the

Indianising of the Services in reality, only deprives one class of Indians in order to benefit another, and at the cost of a reduction in the capacity and the education of the Services which are entrusted with the higher tasks in the administration of this country?

9-0 A.M.

Sardar Kartar Singh.—Sir, I wanted to move this resolution but as it has been moved by my learned friend Maulvi Muharram Ali, Chishti, who has done full justice to the resolution I strongly support the resolution. In supporting this resolution I need not make a lengthy speech as a resolution to this effect has already been passed by an overwhelming majority in the Legislative Assembly. This Council will be glad to learn that our Punjab representatives in the Assembly did unanimously vote for the resolution. The members of the Provincial Civil Service have been on the wheel with the members of the Indian Civil Service and have contributed to the success of the Indian Civil Service in India in no small degree. Provincial Civil Service forms the backbone of the civil administration. It counts among its members the best products of the Punjab University and educated sons of the families of the Punjab Chiefs. The Hon'ble Sir John Maynard has to-day paid a high tribute to their efficiency and has appreciated their work. The Government records bear an eloquent testimony to the parts played by the Provincial Service in the War days. They are the best products of the University and have efficiently discharged their duties. If they be given a chance they will prove as successful as the Indian Civil Service gentlemen. It is most essential that they should be given the chance of showing their ability. An opening should be made for them to higher appointments. The demand is modest and legitimate and the Council should unanimously vote for the resolution. The resolution in no way interferes with the rights of legal profession as by the regulations made under the Statute of 1870, the Local Govern-

[Mr. Daulat Ram, Kalia.]

ment have been given powers to appoint members of the Bar to the extent of one-fourth of these posts. Sir John Maynard has remarked that the Public Services Commission fixed the number of Indians at 33 per cent. rising to 48 per cent. in 10 years. But it would take 13 years for the new Indian Civil Service men to get to superior posts. This means that for 13 years to come the listed appointments would not be available to Indians. The object of the present resolution is to secure the listed posts to Indians immediately and not to let them wait for 13 years. With these remarks I strongly support the resolution.

9-15 A.M.

Mr. Daulat Ram, Kalia.—I heartily support the resolution so ably moved by Maulvi Muharram Ali, Chishti, and amended by Mian Muhammad Shah Nawaz. Whatever has been said with regard to the work that has been done by the Provincial Civil Service needs no addition from me, and I can only say that this service in the Punjab can be depended upon to do anything at any time however difficult it may be. In time of peace this service has furnished the best administrators, and during the War the best recruiters and the best controllers of food and the most successful of those gentlemen who raised money for War purposes. Now, my learned friend, Maulvi Muharram Ali, Chishti, has referred to some of the grievances under which the members of this Service have been suffering, and I think that now especially is the time when this Service should be compensated for the valuable work which it has done in the recent past; and when more is being required of them it is only their due that they should receive every consideration. Sir John Maynard has just now said that the Government have also to consider other sources from which the members of this Service have to be recruited. But I submit that that need not affect the question at issue, because in the present resolution Maulvi Muharram Ali, Chishti, has only suggested that this service

should have some superior posts given to them, and that does not prevent other sources being tapped for outsiders, but these men should have a fair proportion. Some of my friends have said that this Service is the backbone of the administration. There is no doubt about that. Sir Valentine Chirol has also said that this Service is the backbone of the administration, and when the backbone of the administration wants something, to strengthen its position and prospects, I do not think, Sir, that it should be refused.

With regard to the amendment I beg to say that the relations of the Bar with the Executive Service have always been cordial, and the one has always respected the rights and privileges of the other.

I do not think the Government is going to favour one at the expense of the other.

9-25 A.M.

Maulvi Muharram Ali, Chishti (Urdu).—Sir, since I have joined this Council I have always been fortunate in my resolutions. When I came here this morning I thought that like my previous resolutions this resolution will also be carried unanimously. But I have met with a different experience to-day. Although only one dissentient voice has been raised against my resolution, yet I know how strong that voice is and how many other official voices will accompany that one voice. With due deference to Sir John Maynard, I may venture to submit that if we deduct from his speech the eloquence, the charm and the forensic powers gifted to him with his strong personality behind them, I do not find anything really convincing in his arguments. I am grateful to Sir John for giving his support to one-half of my resolution, viz., his sympathy for and his appreciation of the services of the Provincial Civil Service men, but I am grieved to say that all his sympathy seems only to be lip sympathy.

As regards the argument of Sir John Maynard that we were labouring under a misapprehension and that my resolution will naturally finish the number of posts allotted to the Bar and other classes of Indians, I may submit that we fully

appreciate the position and are under no misapprehension in the matter. Our aim is the Indianisation of the Civil Service "simultaneously" with the other Reforms and to reserve one-quarter of the posts for the Provincial Civil Service "which constitutes the backbone of the Civil administration" and which "is drawn for the most part from the same classes of Indian as is y from which the bulk of the Indian members of the Indian Civil Service are drawn." I maintain that if according to this resolution one-quarter of the superior posts goes to the members of the Provincial Civil Service, still, having in view the fact that 33 per cent. (i.e. about one-third of the total number of superior posts) is reserved for Indians and this number is admittedly to be raised to 48 per cent. within 10 years, there will be sufficient margin left for the members of the Bar and members recruited through other sources. If the present arrangement is allowed to continue the result will be that only about three-fourths of one sixth (i.e., one-eighth) of the superior posts will go to the Provincial Civil Service men and the Civilian will have, as heretofore, a considerably long lease (for at least 12 or 13 years) over the remaining part of the one-third of the superior posts nominally reserved for Indians, and also on the posts which are intended to be given to the Indians during the next decade to make up the percentage of 48. Besides that, so far there has been no protest against the proposal and if the Provincial Civil Service are given 1-4th of the superior Civil Service posts presumably other Services will not grudge the concession. It is sometimes ten or thirteen years before members of the Provincial Civil Service obtain the promotion to which they are entitled. I will therefore ask the Government not to delay the work of promotions but to commence it at once and in right earnest.

I thank Sir John Maynard again for his sympathy for and appreciation of the services of the Provincial Civil Service and hope that he will treat this neglected service with the same generosity for which his name is renowned in this Province.

گل پھینکے تھے ازروں کی طرف بلکہ تر ہی
اے خانہ پر انداز چمن کچھ تر ادھر ہی

Translation: You are throwing flowers towards others, nay fruits also; Oh generous distributor of the products of the garden-I something to this side also.

9-35 A.M.

The Hon'ble Sir John Maynard.—Sir, when I first spoke, I mentioned that non-official members of the Council did not have the opportunity of reading Government papers but I should have been delighted in the earlier stages to give facts and figures to the Hon'ble mover if he had asked for them. He is under the impression that the Provincial Civil Service of the Punjab has not received that to which it was entitled under the past orders, and in order to justify that opinion he says that there are something like 90 superior posts and he contends that the share which would be due to the Provincial Civil Service had not been given to them. As a matter of fact there are at the present moment as nearly as possible 78 superior posts. That number of course has not always been so high. It started at the time of the Public Services Commission at being less than that, but at the present time it amounts to something approaching to 78 posts. According to the term of the Public Services Commission Report and the Government orders one-sixth of those posts were to be given to certain Indianised branches of the service. My friend would have this house believe that only the Provincial Civil Service were entitled to benefit by this one-sixth. As a matter of fact he has forgotten, at this moment at all events, the claims of the profession to which he himself belongs. This one-sixth was not entirely for the Civil Service, it was intended also for the members of the Bar. Well, Sir, one-sixth of 78 is 13. Out of 13 according to the prescribed proportion (one-fourth) there should have been three posts assigned to the members of the Bar. That would have left ten posts for members of the Punjab Civil Service.

[Sir John Maynard.]

Now, Sir, anyone may discover when he sees the Civil List and looks at the top of the posts in the Provincial Civil Service that as a matter of fact the number of listed posts which have actually been enjoyed by the provincial Civil Service is 11, whereas strictly speaking they are only entitled to 10, that is to say they have actually enjoyed one more post than they would have been entitled to. That is the answer to the suggestion that they have actually had less than they were entitled to. But, having enjoyed something more than they were entitled to, they have the desire to assert a right and to say, as they said to me when the deputation came to me, that no appointment should be taken from them and given to the Bar, notwithstanding the fact that the Bar was entitled to that concession. That, Sir, is a very natural tendency in human nature to try and get more than it is entitled to, and to try to keep out those who have been by some accident or other deprived of the opportunity of sharing with one the good things of life. So much, Sir, for the suggestion that the Provincial Civil Service has not had all that it was entitled to. It has actually had more. It now asks for still more, and that claim as I have suggested ought not to be conceded and in practice cannot be conceded without depriving somebody else of their just share.

I now turn, Sir, to the suggestion that the real object of this resolution is not to give permanently and unduly large share to the Provincial Civil Service, but to give it temporarily so that the total number of Indians in superior posts may be raised to a higher figure at an earlier date. Well, Sir, I have already referred to the efforts of the Provincial Civil Service to establish a right to something to which under the strict interpretation of orders they were not entitled to, that is to say, that share of the posts which was intended for the Bar. Is it not obvious that if the Provincial Civil Service should now receive, instead of the portion which it is at present entitled to, a still further portion of the superior posts, is it not obvious

that when the time came for taking those posts back again and giving them to those persons who would have been deprived of them by the adopting of this somewhat inequitable suggestion, the Provincial Civil Service would resist the restoration on grounds of prescription?

It is imagined that it would be possible at once to raise the Indian element in the superior posts by altering the figure of one-sixth to one-fourth. That, Sir, shows a misapprehension of the actual manner in which a responsible Government must necessarily deal with such questions. It would not be possible merely because the figure one-sixth had been altered to one-fourth to give superior posts to members of the Provincial Civil Service except in cases where their qualifications show them to be capable of filling those posts to satisfaction.

There is one more point to which I will refer in concluding. It was said that a deputation had visited the Member for Finance on behalf of the Provincial Civil Service, and it was argued that because no counter-deputation had presented itself to put the other side of the case, there was no ground for assuming that any other persons have any objection to what is proposed? Sir, the answer to this is that this new branch of the service, recruited by competition in India, is only now at the point of coming into existence, and that if we were to wait until those who have not yet been appointed come forward with their grievances, the injury to their claims would have been completed before they had the opportunity of protesting against it.

Mr. President.—The motion before the Council is that—

This Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the superior Civil Service posts in the Province, and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of legal profession.

The motion was carried.

Mr. President.—For the benefit of those members who had resolutions standing in their names, and who were not present this morning when they were called upon to move them, I may say, that although, strictly speaking under the standing orders, it is not quite in order but in accordance with the general feeling I have ruled that they may come on at the end of all the other resolutions, if there is time.

**RESOLUTION RE PROVISION OF
RS. 30,00,000 AS A SPECIAL GRANT TO
DISTRICT BOARDS FOR PRIMARY
EDUCATION.**

Mr. Ganpat Rai (Urdu).—Sir, I move the resolution standing in any name which runs as follows:—

‘That this Council recommends to the Government to provide the sum of Rs. 30,00,000 in addition to that already provided in the budget as a special grant to the District Boards of the Province for the purpose of inculcating free primary education in the area within their jurisdiction for the year 1921-22.’

I do not want to make a long speech, but I do want to say a few words in support of the resolution which I have just moved. There is a Persian proverb:—

کہ بے علم نیکو خدا را شناخت

‘That an ignorant man can never know God.’

Every religion, the Hindu, the Sikh, the Muhammadan and the Christian has taught the necessity of knowledge. Every Pandit and every Maulvi in the street will tell you that without education you cannot know your God. But it is very disappointing to find after seventy-five years of British rule in the Punjab? the people are still ignorant. I cannot obtain the statistics for the ancient times, but it is well known that the mosque-system of imparting instruction was quite common in small towns and villages as well as in big cities. It is a pity that the British Government has

not done its duty towards the dumb rural masses. The rural areas are the places needing primary education, as these are the areas where primary education up till now has been introduced least. In my opinion too much money is spent upon education in cities and higher education generally and far too little upon primary education in rural areas. I cannot for the life of me see the necessity of augmenting the already very large number of educational institutions and buildings in Lahore. The bulk of the revenue is derived from the rural area, but those areas obtain the least benefit from it so far as education is concerned. The money is obtained from zamindars, but their children do not get education. I do not ask that big schools should be started for the rural population, but what I want is that at least primary schools should be opened for them. All the communities in the province except the Parsis are very backward in education, and it is the duty of Government to see that people get more education as rapidly as possible. I, therefore, hope that the Education Minister will not decline to accept the resolution, and I am confident that the Council will heartily support it.

Sayad Muhammad Husain (Urdu).—Sir, I support whole-heartedly the resolution which has been so ably moved by my learned friend Mr. Ganpat Rai. As the Government has been pleased to increase the number of rural seats it will be in the fitness of things if better arrangements are made for the education of the rural masses. It is well-known that zamindars are very backward in education as the greater part of the land revenue comes from agriculturists. It behoves the Government to spend more money for the education of zamindar boys. I hope that the Education Minister will try his level best to provide the sum asked for and earn the best thanks of the people of the province.

Chau hri Ali Akbar (Urdu).—Sir, I rise to support the motion which has been so ably moved by Mr. Ganpat Rai. The Muhammadans are very backward in

[Mr. Ahmad Yar Khan.]

education, and as they live mostly in villages and small towns they have not benefited by the grants which Government has from time to time made to District Boards to be spent on the education of rural masses. If the Government wishes to do justice it ought to grant the amount asked for.

Mian Ahmad Yar Khan, Daultana.—Sir, I beg to support the resolution. Napoleon has said that public instruction must be the first object of Government. It has been said outside and inside the Council that the want for primary education is general and urgent, and we should not try to minimise its importance by making it a subject of discussion. Education is a capital for the poor and an interest to the rich man. What we spend on education will be an excellent investment because by spending some more money on education we shall not need spending money as we are spending on jails, administration of justice and other such expenses. The question which we should consider is the question of funds, and I hope that the Finance Department will not grudge to advance all the balance of the Province to substantiate this resolution, and I am sure that they will give the money which will be utilised in an excellent manner by our Education Minister, and what the Hon'ble mover has suggested to the Hon'ble Minister has been nothing more than the repetition, in a vague manner, of what he said in his speeches in the last budget session. With these remarks I support the resolution most heartily.

10-25 A.M.

Mian Muhammad Shah Nawaz (Urdu).—Sir, the resolution moved by Mr. Ganpat Rai is a very important one, and I do not think there is any one in this Council who will oppose it. But I would like to suggest to the Education Minister to move an amendment to the resolution to the effect that a commission should be appointed to enquire into the whole question of primary education in the province

which should find out means to meet the expenditure necessary for primary education. But even if that commission is not appointed the sum of Rs. 30,00,000 must somehow be provided by the Education Minister. There is, of course, the Reserve Fund which amounts to something like Rs. 9,40,00,000, and which I hope the Government of India would be quite willing to give us for the advancement of primary education in the Province. But it should also be remembered that the greater part of this fund has to be spent on the Sutlej Valley Project. This means that the existing resources are insufficient, and that we will have to tap fresh sources of revenue, which may take the form of an educational cess. I have always been in favour of primary education, and I will devote the best part of my life for the cause. When the late Mr. Gokhale introduced his Primary Education Bill in the Imperial Legislative Council, I heartily supported the idea of that great man in spite of opposition from some of my nearest and dearest relatives. Compulsory primary education is as much a necessity as the organization of a regiment. It is not only necessary for the people, but is necessary for Government also. The Government has been and is under the impression that if the people are educated they will make every effort to drive the English out of India. But it is a mistake; had the people been educated they would never have fallen so easy a prey to the preachings of the non-co-operation as they have done now. The Government may impose an educational cess, or it may increase the water-rate or it may borrow, but we must get money for the education of the masses. I have always fought for education, and will never have rest till I see the whole Province educated.

Rai Sahib Lala Thakar Das (Urdu).—Sir, I cannot support the resolution of Mr. Ganpat Rai in its present form. There is no doubt about the fact that our province is very backward in the matter of education, but the Government is not wholly to blame for it. The District

Boards do not do their duty. Whenever Government sends out financial grants to District Boards my experience is that District Boards are most unwilling to contribute their own quota to the Government grant in order to promote the cause of primary education, and in many cases it is but unwillingly and not always profitably that they spend the Government grant. I heartily associate myself with the ideas expressed by Mian Shah Nawaz, and I hope to see a Commission appointed on this very important matter.

10-42 A.M.

Malik Firoz Khan.—Sir, I should not have thought that there would have been much discussion on this resolution, because, I think, it is on a subject on which not only all the members of this house but also the whole population of this province is united. The amount of interest that the rural population has in the compulsory primary education is only shown by the most interesting speech made by the Hon'ble Rural Member from Gurdaspur. I think it was his maiden speech for which we should congratulate him. No doubt, Sir, the question of finance is a very difficult one. Nobody can deny the advantages. We all very well realize that if such things are referred to Councils they take long to materialise. I suggest that a beginning should be made as has been suggested by Mr. Ganpat Rai. The mover only asks for 30 lakhs. It is well known to members that out of an income of 12 crores in this province nearly 8 crores come from land revenue and canals alone. So it is not too much to ask for 30 lakhs for the education of the population which mainly supports the revenues of the Province. You will remember, Sir, that at one of the meetings held in the last session there was a proposal for the acquisition of the Lahore Fort, and for this purpose an expenditure of about 11 lakhs was to be incurred, and the Fort was to be made over to the Lahore Municipality. That expenditure was entirely for the benefit of the urban people. So, Sir, when we are demanding a sum of Rs. 30 lakhs for the benefit of rural classes I hope that the

urban members here will give us their hearty support. We all know, Sir, that in questions of education it is desired to educate the classes which are ignorant and for them to demand compulsory education is something which is not compatible with reason. Not long ago an Act was passed introducing compulsory primary education in this province, but, Sir, it is nothing more than a dead letter. It is there now, and there is no compulsory education. The reason for this is that the provisions of that Act require that if any District Board wishes to introduce compulsory primary education, it should provide funds, and in order to provide funds the local bodies must put additional taxation on the people. The people are ignorant; they cannot come forward to ask for education. They will never ask for it, and it is what the mover of the resolution has suggested. I hope, Sir, before a commission is appointed, before we take up the wider step of introducing Compulsory education in the whole of this province and in every village this Council will grant this paltry sum for the purpose of educating the classes of people who are the main supporters of the provincial revenues.

Sardar Randhir Singh (Urdn).—Sir, I congratulate Mr. Ganpat Rai on the motion which he has so ably moved to-day. Primary education is to be found in every civilized country, but it is a pity that we are deprived of this boon. I am sure that the soul of Mr. Gokhale will be pleased to see that the members of this Council have at least raised their voice for the education of the masses. The inhabitants of big towns are already sufficiently enlightened, and now Government should take steps to give education to the ignorant masses of the rural areas. There are many able men in the villages but owing to want of education they are unknown and of no use to the country. I, therefore, hope that the Education Minister will provide the money prayed for.

Mian Bell Ram (Urdn).—There is no difference of opinion among the members

[Mr. President.]

on this question. I, therefore, move the closure.

Mr. President.—The question before the Council is—

“That the question be now put.”

The motion was carried.

Mr. Ganpat Rai (Urdu).—Sir, I am always afraid of the official bench.

Mr. President.—The Hon'ble Member should confine himself to replying to arguments urged in the debate against his resolution.

Mr. Ganpat Rai (continued in Urdu).—All that I wish to say in reply is this. It is my earnest wish that the resolution should receive the practical sympathy of the Education Minister, and that he should try his best to find the money asked for in my resolution. I hope that my resolution will not be treated as a paper resolution.

10-53 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, it has afforded me the greatest possible pleasure to listen to the interesting and instructive discussion that has taken place on Mr. Ganpat Rai's resolution. It appears to me that so far as the attainment of the object in view, that is to say, the introduction of primary education in rural areas, is concerned, there is no difference of opinion whatsoever. All the members who have spoken to the motion have said that the rural areas are the places needing primary education, as those are the areas where primary education up till now has been introduced least. Some of them no doubt have held Government responsible for not introducing primary education in rural areas; while I believe I heard one or two voices state that it was not really the Government that was at fault in not introducing primary education in rural areas, but that it was the colossal ignorance prevailing in those areas which stood in the way of Government doing its duty. It was also pointed out by the Hon'ble Member from Jhelum that as a matter of fact whenever Government sends out financial

grants to District Boards his experience is that District Boards are most unwilling to contribute their own quota to the Government grant in order to promote the cause of primary education; and in many cases it is but unwillingly and not always profitably that they spend the Government grant. If the truth must be told, and if an astute auditor were to go round the District Boards and check their books, it may possibly be discovered that the educational grant which was given by Government for years back has not yet been utilized for the purpose for which it was given. However, that does not mean that I am in any way finding fault with the resolution which has been so ably moved by my friend and which has been so ably supported by those who sympathize with me in my efforts to do my duty, in making primary education a reality and not leave it what it is at present. But, Sir, it is not only in view of the debate which has taken place on the resolution to-day that I want to make a more or less lengthy statement on the subject, but it is also in view of what has fallen from the lips of the Hon'ble Member representing Lahore Muslim Rural. He said “we do not know what our educational requirements are; we do not know what money will be needed in order to meet those requirements, so it is necessary to appoint a Commission which may go into the educational requirements and financial resources to be taxed in order to meet those requirements.” As a matter of fact, Sir, a good deal of spade work of both kinds has already been done, and I am prepared to place the results before the Council, not the exact figures, but a rough idea of what our requirements are: what their cost will be: whether they can in practice be met or not: how long it is likely to take, in case funds are forthcoming, in order to carry out the programme outlined. We are ourselves familiar with the word lip loyalty. I believe this Council will soon become familiar with the word ‘lip sympathy.’ There are members who give a great deal of lip sympathy to the cause of primary education, but when it comes to reality,

that is to say, paying in order to have primary education made free and general—much less to say compulsory—then in most cases I have found these lip sympathisers suggesting curtailing either the existing department or doing away with some department which I cannot do away with, as I have no power whatsoever of doing away with it. But they seldom suggest that such and such a source of revenue may be tapped, and that they are willing that it should be tapped. I think, Sir, we have to congratulate the Hon'ble Member from Lahore Rural who boldly stated that the existing resources are insufficient, and that we will have to tap fresh sources of revenue, may be in the shape of an educational cess in order to do our duty by the dumb masses in the rural areas of this province who so well deserve a good turn at the hands of their representatives in the Council. I will consider, Sir, that when a resolution based on this noble impulse is really put before the Council and carried that day will be a red letter day in the annals of the Council—a red letter day in the annals of this province—inasmuch as that will be the day when real local self-government will be introduced in the Province, and the people at large will be able to benefit thereby.

Mr. President.—It is now 11 o'clock and the debate must stand adjourned.

Sayad Muhammad Raza Shah.—May I know, Sir, whether it is in order for any member to call "Order, Order" to another member.

Mr. President.—I think the hon'ble member has misunderstood what occurred. It is a perfectly common thing in the House of Commons, when any member commits a breach of order—for instance, if any member went into the House of Commons or left it without bowing to the Chair—for another member to call out "Order Order." That does not mean that the member who so calls out calls the offending member to order, but merely in a brief and convenient way attracts the attention of the Chair to the fact that a breach of order is being committed. It is then for the Chair to deal with the breach of order, if it thinks fit. In the case which happened just now Mr. Ganpat Rai was in possession of the house, and another Hon'ble Member—no doubt without observing that Mr. Ganpat Rai was speaking—rose also and began to speak and so committed a breach of order. Another member called "Order, Order" in order to attract the attention of the Chair. There is no question of one member calling another to order.

The Council then adjourned till 7 A.M. on Friday, the 29th July 1921.

REPORT OF THE

COMMISSIONER OF THE

LAND OFFICE

FOR THE YEAR

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PUNJAB LEGISLATIVE COUNCIL

Friday, 29th July 1921.

The Council met at the Council Chamber at seven of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

HEAD VERNACULAR CLERKS.

671. Khan Muhammad Abdullah Khan.—(a) Is it a fact that the Clerical Establishments Committee reported that Head Vernacular Clerks should work in the *poshi* and registration branches only, and that the rest of their work should be entrusted to the Superintendent of the District Office?

(b) Is it a fact that Head Vernacular Clerks are still doing practically the same work as before?

(c) If so, will the Government be pleased to direct Deputy Commissioners to follow the policy laid down by the Clerical Establishments Committee and to state the object of the policy underlying the change?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia.—The answer to the first part of the question will be found in paragraphs 37 and 38 of the Clerical Establishments Committee's report, of which a copy is laid on the table.*

(b) As to the second part, practice varies in different districts.

(c) The underlying idea of these proposals was the necessity for reducing duplication of work. But as the supervision of the Superintendent, Vernacular Office, is of considerable value, his reduction to the position of head of a branch has been found impracticable. His designation has been changed to

Head Vernacular Clerk, and he is now subordinate to the Superintendent of the office.

It is intended to place an officer on special duty during the coming winter to insure that the recommendations of the Clerical Establishments Committee, so far as they have been approved by Government, are properly carried out.

MUZAFFARGARH DATE FARM.

672. Khan Muhammad Abdullah Khan.—Will the Government state the annual income and expenditure (including pay and travelling allowance of inspecting officers of the Agricultural Department from Lyallpur) of the Muzaaffargarh Date Farm?

The Hon'ble Lala Harkishan Lal.—The information is being collected and will be supplied in due course to the hon'ble member.

MEMORIAL OF KANUNGOS OF MUZAFFARGARH.

673. Khan Muhammad Abdullah Khan.—Will the Government please state what action has been taken on the memorial of the Kanungos of the Muzaaffargarh District, submitted through the Deputy Commissioner, Muzaaffargarh, in March last?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia.—The memorials are under the consideration of Government.

GRANT OF LAND TO SHAIKH MUHAMMAD HASAN OF SITPUR.

674. Khan Muhammad Abdullah Khan.—(a) Is it a fact that Shaikh Muhammad Hasan, Rais and Honorary Magistrate of Sitpur, in the Muzaffargarh District, was granted 8 squares of land, but that possession of only 5 squares was given to him?

(b) If so, why was a reduction made?

(c) Is the Government now ready to hand over the remaining three squares to the grantee under reference?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) and (b). The original proposal to grant 8 rectangles as a landed gentry grant to Khan Sahib Shaikh Muhammad Hasan was held in abeyance pending the display of greater activity in connection with the great war. In view of the relative merits of many claimants for the small area of land available, it was finally decided to give him a grant of five rectangles only.

(c) Government is not prepared to reconsider the decision.

SETTLEMENT OFFICERS AS DEPUTY COMMISSIONERS.

675. Khan Muhammad Abdullah Khan.—(a) Is it a fact that at the end of a settlement a Settlement Officer is necessarily posted as Deputy Commissioner of the same district?

(b) If so, what is the reason?

Mr. E. Joseph.—(a) No.

(b) The question does not arise.

HONORARY MAGISTRATES.

676. Khan Muhammad Abdullah Khan.—(a) Will the Government please state whether magisterial powers conferred on Honorary Magistrates or on a Bench are hereditary or whether they are bestowed in recognition of field and other personal services?

(b) If the answer is that personal and field services are taken into account what is the practice in the Multan Division in this connection?

The Hon'ble Sir John Maynard.—(a) Honorary Magistrates are not hereditary. In making appointments regard is had to the status, influence and popularity of the person appointed in the locality in which the powers are to be exercised.

(b) The practice is the same for the province as a whole.

LAND FOR WATER-COURSES IN MUZAFFARGARH.

677. Khan Muhammad Abdullah Khan.—Will the Government now be pleased to answer my question No. 423,* dated the 16th April 1921, which runs as follows:—

(a) Is it a fact that land for water-courses in the Muzaffargarh District was taken by the Government without any compensation to the owners, and that now that the water-courses have been closed by the running of the Talari Canal, the land has been returned to the owners?

(b) If so, what compensation has the Government given to the owners for the lease of their land for such a long time?

(c) If none, what are the reasons and why the Government has appropriated the trees on such water-courses and put them to auction?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—A copy of the reply given to question No. 423 is attached.

COPY OF THE REPLY GIVEN TO QUESTION No. 423.

(a) Yes, Government took over possession and control of land occupied by water-courses or water channels without paying any compensation to the owners, and continued to use it for the same

purpose. In some cases, as the result of improvements effected in the alignment or channels, part of the land was no longer required for that purpose and has been surrendered to the owners or the heirs free of charge.

(b) No compensation has been given, as no stipulation to that effect was made when the land was taken over, while the use it was put to was the same as that at the time of taking possession and for a long time prior thereto.

(c) The trees were appropriated, because they were the property of Government as lessee, in accordance with the principles of section 108 of the Transfer of Property Act, since they grew spontaneously or were planted by the canal department after the land came into their possession, the zamindars having removed all that was of value on giving up possession of the land. In rare cases, where the zamindars did not remove everything of value, a record of their rights exists in the revenue papers, and all such rights are respected.

SCARCITY OF WATER IN TALIRI AND GANESHWALA CANALS.

678. **Khan Muhammad Abdullah Khan.**—Will the Government please state what action has been taken on the application of the zamindars of the Muzaffargarh District to the Executive Engineer about the scarcity of water in the Taliri and Ganeshwah Canals?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—As is well known to all concerned, the reason of the scarcity of water in the Taliri and Ganeshwah Canals is due to the unusually small supply in the river Chenab, and under the circumstances it is not within the power of the local officers to do anything to improve the situation, but contrary to custom the Executive Engineer, Muzaffargarh Canals Division, has opened the subsidiary head (or old head) of the Taliri Canal in addition to the main head with the object of obtaining a slight temporary improvement in the supply.

SCARCITY OF CANAL WATER IN MUZAFFARGARH.

679. **Khan Muhammad Abdullah Khan.**—(a) Is it a fact that during the last four years there has been no rain in the Muzaffargarh District, that the supply of canal water has been irregular and that harvests have been very poor and unsatisfactory?

(b) Is it a fact that this year there has been no water in the canals in the Muzaffargarh District, that famine has prevailed, and that disease has appeared in the cattle?

(c) If the reply is in the affirmative will the Government be pleased (i) to postpone the settlement operations, (ii) to remit the land revenue for a year or two, (iii) to prohibit the export of wheat and *ghusa*, etc., from the district, and (iv) to ask the Executive Engineer, Muzaffargarh, to open the remaining mouths of the Taliri, Ganeshwah and other canals?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) It is not a fact that during the past four years there has been no rain in the Muzaffargarh District. On the contrary, in 1919-20, the rainfall was in excess of the average, and in 1918-19 it was only 16 per cent. in defect. The supply of water in inundation canals is necessarily irregular, but in the two years mentioned, these canals irrigated 53 and 55 per cent. of the total crops. The areas sown were 99 and 80 per cent. of the normal sown area, respectively, and only 7 and 8 per cent., respectively, failed. These harvests cannot therefore be described as very poor and unsatisfactory.

(b) It is not a fact that there has been no water in the canals of the District this year: on the contrary Government understands that the Indus series have been working well, four canals being well above average. Of the Chenab series, two are above and one below average.

It is not the case that famine has appeared in the district, though there is no doubt a shortage of fodder, and there has been some cattle disease.

(c) This part of the question, therefore, does not arise, but it may be remarked—

(f) that it would be most uneconomical to postpone settlement operations already begun ;

(g) that the revenue is more than half fluctuating, and to that extent is automatically adjusted to the harvest ; so far as it is fixed, the need for suspensions is being very carefully considered.

(h) that Government regards with disfavour any proposal to control the movement of food-stuffs for men and animals within the Province, except to the extent of minimising transport charges as much as possible ;

(i) that this suggestion is being conveyed to the Executive Engineer, Muzaffargarh Intundation Canals, for consideration.

INCREASE IN TRAVELLING ALLOWANCE.

680. Khan Muhammad Abdullah Khan.—Is it a fact that since the increase of travelling allowance under new rules touring officers always live on tour ?

The Hon'ble Sir John Maynard.—The answer is in the negative.

MOTOR ACCIDENTS IN LAHORE.

681. Mr. K. L. Ralla Ram.—(a) Is it a fact that motor accidents have become very common in Lahore and elsewhere and that most of them are due to the carelessness of Military chauffeurs ?

(b) If so, what action does the Government propose to take in the matter ?

The Hon'ble Sir John Maynard.—(a) The Inspector-General, Police, will be requested to obtain statistics of motor accidents and to include them in future in the Annual Police Administration Report. Government has no reason to believe that

they have become very numerous, and it is certainly not true that most of them are due to the carelessness of Military chauffeurs.

(b) The Police have instructions to enforce strictly the speed limit rules by prosecution wherever necessary.

PUNJAB UNIVERSITY.

682. Mr. K. L. Ralla Ram.—(a) Is it a fact that the stools and writing desks of the Punjab University used for examination purposes have become shaky, old and dilapidated ?

(b) If so, will Government be pleased to ask the University to replenish their stock and, in doing so to make them of the approved and up-to-date design ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The University reports that its examination equipment has recently been repaired, and new furniture ordered.

(b) Government does not desire to interfere with the internal arrangements of the University.

DISTRICT INSPECTORS OF SCHOOLS.

683. Mr. K. L. Ralla Ram.—(a) Will Government be pleased to state if any feelings of resentment by the teachers and headmasters have been brought to the notice of Government with regard to the partial control of the District Inspectors over High Schools ?

(b) If so, what action does the Government propose to take in the matter ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes.

(b) The question was discussed at the recent Inspectors' Conference ; and is now under consideration.

CHAPRASIS AND BAKSHISH.

684. Mr. K. L. Ralla Ram.—(a) Is it a fact that the chaprasis and orderlies of officers exact *bakshish* from visitors ?

(b) Is it further a fact that some respectable people refrain from paying visits to officers on that account?

(c) If so, will Government be pleased to raise the salary of chaprasis and orderlies, if necessary, and to pass orders forbidding them from taking *bakshish*?

The Hon'ble Sir John Maynard.—(a) On several occasions the attention of Government has been directed to this objectionable practice and Government has issued orders to its officers to put a stop to it.

(b) Government have no information on the subject.

(c) The pay of orderlies and chaprasis was raised in April, of this year. The attention of officers will be directed to the subject of eradicating this practice.

DISTRICT BOARD OF AMBALA AND PROFESSIONAL TAX.

635. **Mr. K. L. Ralla Ram.**—(a) Is it a fact that the District Board of Ambala is contemplating levying a professional tax on all men belonging to the professional class?

(b) If so, will Government be pleased to state the reasons which have led the District Board of Ambala to embark on this policy?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) A professional tax is contemplated at the following rates, as notified in Punjab Government Notification No. 27238, dated 1st December 1920:—

1. On all money-lenders, grain dealers cloth merchants, contractors and goldsmiths—

R. A. P.	
(a) whose place of business is situated in more than one village.	8 0 0 each.
(b) whose place of business is situated in one village.	4 0 0 "
2. On all other shopkeepers.	3 0 0 "
3. On all carpenters and blacksmiths.	2 0 0 "

(b) The need of further funds and the advisability of taxing those classes who though benefiting from the activities of the Board contribute little or nothing to its resources suggested this form of tax to the Committee. It should be observed that the financial position of the classes affected by this tax and especially of the artisans has improved very rapidly of late years and probably in a greater degree than that of the rate-paying class. The rates paid by the agriculturists of the district amount to 1½ lakhs of rupees while the sum estimated from the professional tax is only 20 thousand rupees. The contribution which the non-ratepayers are being asked to make to the finances of the districts is studiously moderate. It is well understood that a large body of ratepayers are not represented on the District Board inasmuch as the franchise is high, but any representation for extending the franchise to non-proprietors will be duly considered.

SANITARY CONDITION OF PUNJAB TOWNS.

636. **Mr. K. L. Ralla Ram.**—(a) Is it a fact that the sanitary condition of most of the towns in the Punjab is palpably bad in spite of the fact that a good deal of money is being spent on the Health Department of each town, and that most of the towns have got Health Officers?

(b) If so, will Government be pleased to consider the advisability of educating the people as to the need of observing laws of health and sanitation, and also to remove the present defects in the system of working?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) It is true that the sanitation of most towns in the Punjab is bad, in spite of the money spent on Public Health, but it is not a fact that most of the towns have got Health Officers. Only four or five municipalities entertain their own Medical Officers of Health.

(b) The problem of educating the public in elementary hygiene has already been considered by Government on the

initiative of the Sanitary Commissioner. It was decided in December last to inaugurate an Education Bureau for the conduct of propaganda in hygienic questions. As a first step Government entertained a photographer to prepare lantern slides. These are now being collected and large scale diagrams are being prepared, and lectures will be started as soon as possible. The appointment of Medical Officers of Health, which is being urged upon local bodies, is another, and one of the best, steps that can be taken in the direction of hygienic education of the public.

ADULTERATED MILK.

687. Mr. K. E. Ballia Ram.—(a) Is it a fact that nearly all the milk sold in cities and towns is adulterated with water in spite of the fact that in some places there are sanitary inspectors?

(b) If so, will Government be pleased to say what action it intends to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Government is not aware if adulteration occurs to the extent stated by the hon'ble member. It is certainly widespread.

(b) The matter is primarily one for the local body concerned to deal with, for which purpose it has ample powers under the Municipal Act. Government intends to make the local bodies more representative than they have been hitherto, and trusts that they will discharge their obligations in this matter with such zeal and enthusiasm as to check the evil complained of.

LICENSES FOR ARMS.

688. Lala Atma Ram.—(a) Is it a fact that during the last year many applications for licenses for arms have been rejected in the Hissar, Karnal, Gurgaon and Rohtak Districts in spite of the applicants possessing the requisite qualifications as provided in paragraph 5 of the press *communiqué*, dated 2nd December 1919

(b) If so, will Government be pleased to direct the District Magistrate of the abovenamed districts to grant such licenses in future without any further inquiry?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Only one application for an arms license from a person possessing the qualifications contained in paragraph 5 of the press *communiqué*, dated 2nd December 1919, was refused during the last year in the four districts mentioned by the questioner. The license has, however, been issued to him this year.

(b) There appears therefore no necessity for Government to repeat the instructions already issued in the press *communiqué*.

689. Lala Atma Ram.—Will Government be pleased to state (a) the total number of applications submitted for licenses under the Indian Arms Act during the last year in the Hissar, Karnal, Gurgaon and Rohtak Districts; (b) the number of applications granted; (c) the number of applications refused; (d) how many applications were referred to the Superintendents of Police and under what authority?

How many applications in all have been refused on the mere suspicion that the applicant was a non-co-operator?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The information with regard to parts (a), (b) and (c), is as follows:—

District.	Total number of applications received for fire-arms during 1920.	Total number of applications granted during 1920.	Total number of applications refused during 1920.
1	2	3	4
1. Hissar	471	360	111
2. Karnal	505	423	82
3. Gurgaon	546	430	116
4. Rohtak	368	292	76

The information asked for in (d) of the question is being collected.

No applications have been refused in any of the above districts on the mere suspicion that the applicant was a non-co-operator.

SIRSA AS HEADQUARTERS OF A NEW DISTRICT.

890. Lala Atma Ram.—(a) Will Government be pleased to state if there is any proposal to make Sirsa the headquarters of a new district?

(b) If the answer is in the affirmative, then how long will it take to give the proposal a practical shape?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—No such proposal is at present under discussion, and no indication can be given as to the possible date of its coming under discussion, still less of its taking practical shape.

CASE AGAINST A MAGISTRATE

891. Lala Atma Ram.—(a) Has the attention of the Government been drawn to an article headed "Case against a Magistrate" published in the "Tribune" of 10th June 1921, on page 3?

(b) Will Government be pleased to issue orders to all executive and judicial officers to be polite and courteous, and to behave more like "public servants" than public officers?

Mr. G. F. deMontmorency.—(a) The answer to the question is in the affirmative. The question whether the Magistrate did or did not abuse the litigant is under enquiry by the High Court.

(b) Orders regarding courtesy will be found in consolidated circular No. 1 which is being amended and reprinted.

TOURING OFFICERS.

892. Lala Atma Ram.—(a) Is it a fact that some officers tour with the sole object of making travelling allowances?

(b) If so, will Government be pleased to take early steps to put a stop to this practice?

Mr. G. F. deMontmorency.—(a) Government is not aware of the fact.

(b) If Government receive any definite information in regard to the practice, Government will be pleased to take action to stop it.

PUNJAB MUNSIFS.

893. Lala Atma Ram.—Will Government be pleased to state how far the scheme for provincialising the service of Punjab Munsifs and increasing their salaries has progressed, and by what time it will be completed?

Mr. G. F. deMontmorency.—The scheme is complete and has been submitted to the Government of India.

UNDER-SECRETARY TO PUNJAB GOVERNMENT.

894. Lala Atma Ram.—(a) Is it a fact that one post of Under-Secretary to the Punjab Government is reserved for the members of Punjab Civil Service?

(b) If so, has any member of the said service been appointed as Under-Secretary? If not, why not?

Mr. G. F. deMontmorency.—(a) One post of Under-Secretary is included among the listed posts to which a member of the Punjab Civil Service may be appointed, but none of these posts is reserved for members of the Punjab Civil Service.

(b) Within the last 8 years a member of the Punjab Civil Service has on two occasions been appointed for a period as Under-Secretary.

PRASAR FAIR.

695. Lala Atma Ram.—(a) Has the attention of Government been drawn to a note 'Prasar Fair' reported in the "Tribune" of the 18th June 1921, on page 5?

(b) If so, will Government be pleased to state the progress of the enquiry made so far?

(c) Is it a fact that the enquiry has been entrusted to the Tahsildar, Karnal?

(d) Is it a fact that the people do not want the enquiry to be made by the said official?

(e) Will Government be pleased now to depute some outside Magistrate, not below the rank of an Extra Assistant Commissioner, to hold this enquiry?

(f) Will Government be pleased, whilst the enquiry lasts, to suspend the police officials and subordinates who are alleged to have been implicated in the loot?

The Hon'ble Sir John Maynard.—The questioner is referred to the reply given to question No. 551.*

MEDICAL FACULTY, PUNJAB UNIVERSITY.

696. Lala Atma Ram.—(a) Is it a fact that there is at present no non-official member on the Medical Faculty of the Punjab University?

(b) if so, will Government kindly see its way to appoint an adequate number of non-officials thereon?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The answer is in the negative. Of the eight Fellows assigned to the Faculty four are nominated officials,

one is an elected non-official, one is a representative of a Native State and two are Fellows *ex-officio*.

(b) Fellows of the University are not appointed by Government, but are either nominated by the Chancellor or elected by the graduates of a particular standing or by the faculties.

TRAVELLING ALLOWANCE TO EXCISE AND POLICE INSPECTORS.

697. Lala Atma Ram.—(a) Is it a fact that Inspectors and Sub-Inspectors of Police are granted fixed horse allowance as well as travelling allowance?

(b) Is it a fact that Excise Inspectors and Sub-Inspectors are allowed only fixed allowance and no travelling allowance at all?

(c) If the answer to (a) and (b) are in the affirmative, why is this differentiation made in the treatment of these two services, and will Government be pleased to sanction travelling allowance for Excise Inspectors and Sub-Inspectors?

The Hon'ble Lala Harkishan Lal.—(a) and (b) I propose for purposes of convenient comparison to answer these two parts of the question together. Firstly, certain Police Inspectors do draw a fixed allowance of Rs. 25 a month. These are Court Inspectors, Reserve Inspectors, Criminal Investigation Department Inspectors, Cantonment Inspectors, and so forth. They do not ordinarily draw travelling allowance in addition to this fixed horse allowance, but do so for all journeys by rail or steamer or special conveyance if ordered and for certain journeys outside their jurisdictions. Other Police Inspectors, including the Circle Inspectors who move about in the district, draw travelling and daily allowance under the ordinary rules, but do not draw a fixed horse allowance. Excise Inspectors draw a fixed horse allowance of Rs. 80 a month and in addition to this draw travelling allowance for journeys performed by rail on public account. They do not draw the ordinary daily or travelling allowance.

Secondly, Sub-Inspectors of Police draw a fixed horse allowance of Rs. 25. They too ordinarily draw no travelling allowance except for journeys beyond their jurisdictions or by rail or steamer or special conveyance. Excise Sub-Inspectors draw a fixed allowance of Rs. 25 at district headquarters, municipalities or notified areas, and of Rs. 22-8-0 in rural areas. Their travelling allowance is limited as in the case of Excise Inspectors to allowance for journeys performed by rail.

(c) It does not appear to Government that there is any such marked distinction in the rules that apply to these two classes as to justify any alteration.

REVISION OF ELECTORAL ROLLS.

698. **Raj Bahadur Lala Sewak Ram.**—Will Government be pleased to revise the electoral rolls annually with the greatest possible publicity and in particular (a) to fix a date for Deputy Commissioners to advertise the existing roll and (b) to fix another date for the publication of the final roll, after disposing of applications from voters for registering their names, claims and objections?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majitha.—Government is in sympathy with the suggestion contained in the question, but cannot give any definite undertaking until it has been ascertained by enquiries, which are being made, whether the practical difficulties in the way of an annual revision of Electoral Rolls are serious or not.

Raj Bahadur Lala Sewak Ram.—Is Government aware that the Bombay Government has done this already?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majitha.—I promise to make an inquiry.

DISTRICT BOARD MULTAN.

699. **Raj Bahadur Lala Sewak Ram.**—Will Government be pleased to consider the desirability of extending the right of election to the district Board of Multan?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member's attention is invited to the answer given him on the 25th July 1931 in answer to question 443* which applies equally to all the Boards of the province.

DISTRICT BOARDS AND METALLED ROADS.

700. **Raj Bahadur Lala Sewak Ram.**—(a) Is it a fact that District Boards can not maintain their metalled roads in a proper state?

(b) If so, will Government be pleased to consider the desirability of transferring the metalled roads of the province to the Buildings and Roads Branch of the Public Works Department charging a certain percentage to the District Boards concerned?

The Hon'ble Lala Harkishan Lal.—(a) The condition of most of the metalled roads in the Province in charge of District Boards leaves much to be desired.

(b) The policy recommended to the Local Government in the matter of allocation of works between the Public Works Department and local bodies will be found in the report of the Public Works Department Reorganization Committee. So far the Provincial Communications Board has not discussed the general question of taking over District Board roads by the Public Works Department, but the point raised by the hon'ble member will be brought to the notice of the Board. The general policy of road construction, maintenance and its finance throughout the province is under my consideration.

701. **Raj Bahadur Lala Sewak Ram.**—Will Government be pleased to consider the desirability of giving grants-in-aid to District Boards for increasing the mileage of metalled roads, especially feeder roads to the Railway Stations?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has under consideration the matter of grants-in-aid for the purpose of increasing the mileage of metalled roads, and is this year arranging

to distribute a total of 9 lakhs of rupees, through the agency of the Provincial Communications Board, to District Board for this purpose.

PASTURE LANDS IN MONTGOMERY.

702. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that areas reserved as pasture land (Chiragah) in the Montgomery and Lyallpur colony villages are being gradually reduced or converted to other uses?

(b) If so, will Government be pleased to reserve sufficient pasture land for each village and to give free waterings for its irrigation?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) No.

(b) The contingency contemplated does not happen.

FORESTS IN THE VICINITY OF CHICHAWATNI.

703. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that a big forest has been planted in the close vicinity of Chichawatni in the Montgomery Division, and that there is a general complaint that it gives protection to thieves and robbers and causes malaria?

(b) If so, will Government be pleased to order the removal of this plantation to a reasonable distance from the town?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—There is an irrigated plantation in close proximity to Chichawatni. Government has received no complaints that it affords protection to thieves and robbers or causes malaria. Forest and Canal officials who have lived in the plantation for a considerable period have never complained of malaria or of the presence of bad characters. The plantation is likely to be very profitable and Government does not propose to remove it.

Rai Bahadur Lala Sewak Ram.—May I know what kind of complaints does Government want? I am here making a complaint and I am told that Government has received no complaints?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—We have received no complaints, Sir.

BOAT BRIDGES ON CHICHAWATNI-KAMALIA ROAD.

704. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to construct boat bridges on the Chichawatni-Kamalia and the Sayadwala-Okara roads?

The Hon'ble Lala Harkishan Lal.—The roads referred to by the member are unmetalled District Board Roads, and as such it is the duty of the District Board to provide the boat bridges or ferries to facilitate crossing the river. Government will be pleased to bring the matter to the notice of the Commissioner, Multan Division.

DRAINAGE SYSTEM IN MANDI TOWNS IN LOWER BARI DOAB COLONY.

705. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that no drainage systems or water works exist in the newly established mandi towns in the Lower Bari Doab Colony?

(b) If so, will Government be pleased to issue orders for the early preparation and execution of schemes for these towns?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer to each part of the question is "Yes."

SYSTEM OF ELECTION IN DERA GHAZI KHAN MUNICIPALITY.

706. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that the residents of Dera Ghazi Khan passed a resolution at a mass meeting held on 28th May 1921 request

ing the Government to introduce the system of election into the Dera Ghazi Khan Municipal Committee?

(b) If so, will Government be pleased to consider the desirability of introducing this system in the said municipality at an early date?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The matter is already engaging attention and the Deputy Commissioner has been asked to consider the question further in the light of the new census figures.

COUNCIL MEETINGS ON FIXED DAYS.

707. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to consider the desirability of holding Council meetings on fixed dates every two months?

The Hon'ble Sir John Maynard.—His Excellency the Governor fixes the date of Council meetings having regard to the amount of business to be transacted. It would neither be economical nor convenient to members to appoint a fixed date for Council every two months.

MEMORIAL FROM OFFICIALS OF DEPUTY COMMISSIONER'S OFFICE, AMBALA.

708. Rai Sahib Lala Panna Lal.—Has the Government received a memorial from the officials of the Deputy Commissioner's office, Ambala, through him? If so, what action has the Government decided to take upon the memorial?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—Government has received an advance copy of a memorial from certain clerks of the office of the Deputy Commissioner, Ambala, but action has been deferred till the memorial reaches Government through the ordinary channel.

IMPROVEMENTS IN PUBLIC WORKS DEPARTMENT, INDUSTRIES, ETC.

709. Rai Sahib Lala Panna Lal.—Will the Hon'ble the Minister of Industry and Agriculture kindly intimate the extent to which he has been to improve the Public Works Department and Industries and the Technical Education of the Province since his appointment? If not much, will he kindly give reasons and point out the difficulties in his way?

The Hon'ble Lala Harkishan Lal.—I will attempt to reply to the portion of the hon'ble member's question so far as it relates to the Public Works Department if he will kindly inform me of the directions in which he sees defects and desires improvement.

As regards industries and technical education the department's separate existence dates only from 1910. Among its activities are the encouragement of weaving, the development of scientific tanning, provision of Industrial Boards, the publication of an Industrial Bulletin and the building of a college for mechanical engineers. Other schemes under consideration are a carpentry school at Jullundur and a model boot factory in Lahore and improvement of the Mayo School of Arts and reorganisation of the Central Museum at Lahore. Valuable work has been done in popularising Punjab industries by making exhibits at the Exhibition held early this year in London, and active steps are being taken to bring Punjab arts and crafts to the notice of the dealers in England through the medium of the British Industrial Fair, London. An arts and crafts exhibition has been opened in Lahore and a model dyeing school and factory are also under consideration.

As regards the last part of the question it is for the hon'ble member to say whether the hypothesis he contemplates has arisen.

POWERS OF EXECUTIVE ENGINEERS.

710. Rai Sahib Lala Panna Lal.—Will the Government kindly state (a) what were the powers of the Superintend-

ing and Executive Engineers in the Public Works Department before 1919 with regard to giving contracts, and what was the maximum amount for which they were authorised to sanction contracts ?

(b) What are their powers now ?

(c) Has there been any increase in their powers and in the maximum amount of contract they are allowed to sanction ?

(d) If so, what is the reason ?

The Hon'ble Lala Harkishan Lal.—(a) Prior to 1919 the powers of accepting tenders for contracts were :—

Superintending Engineers—Rs. 25,000	
for sanctioned works	Rs. 10,000
for collection of materials	or the limits of
powers to grant technical sanction.	

Executive Engineers—Rs. 5,000

(b) Under Addenda and Corrigenda to paragraph 450, Public Works Department Code, 10th edition, the Local Government may delegate to a Chief Engineer powers to authorise an Executive Engineer to accept tenders for contracts up to Rs. 1,00,000 and may similarly delegate to a Superintending Engineer powers to authorise a Sub-Divisional Officer to accept tenders for contracts up to Rs. 25,000.

(c) The reply is given in (b) above.

(d) Increased powers have been delegated in accordance with the policy of decentralization, as recommended by the Public Works Department Reorganization Committee.

CONTRACTS FOR BRIDGES IN THE AMBALA DIVISION.

711. Rai Sahib Lala Panna Lal.—(a) Are the Executive and Superintending Engineers of the Public Works Department authorised to give contracts for Major Works to any individual without inviting tenders ?

(b) Were the contracts for the buildings of bridges of the Tangri and Umla streams in the Ambala Division given to a certain individual by the Superintending Engineer after inviting tenders or at his own discretion ?

(c) Were the revised estimates, if any in the above case sanctioned by higher authority, and then paid, or were they paid without any sanction of higher authority on the order of the Superintending Engineer ?

The Hon'ble Lala Harkishan Lal.—(a) The rules governing the calling for tenders for contracts will be found in the Public Works Department Code, Chapter II, paragraphs 240-244.

(b) The contract for the construction of the Tangri and Umla bridges was given out under the full authority of the Local Government.

(c) The revised estimate for the work was sanctioned by the Local Government in June 1920 and the contractor was finally paid in November 1920.

SARDAR UTTAM SINGH OF NANKANA SAHIB.

712. Captain Sardar Gopal Singh.—Will Government be pleased to state whether Sardar Uttam Singh of Nankana Sahib was released because he was proved to be innocent or through the mercy of Government ?

The Hon'ble Sir John Maynard.—He was discharged by the investigating Magistrate because the allegations against him were not established by evidence.

ADULTERATED FOOD-STUFFS.

713. Captain Sardar Gopal Singh.—Will Government be pleased to take steps to punish such people as sell adulterated food-stuffs, and to take some special steps to put a stop to this practice ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Considerable powers exist under the law for the punishment of persons selling adulterated food-stuffs and also for the control generally of articles of food and drink. For example, sections 272 and 273 of Indian Penal Code make punishable the adulteration of food or drink for sale rendered noxious by such

adulteration. In municipalities or notified areas, where the Punjab Municipal Act is in force, section 150 renders punishable the sale, to the prejudice of any purchaser of any article of food or drink, which is not of the nature, substance or quality of the article demanded by such purchaser. Similarly other sections render punishable the sale or contact of articles of food or drink by persons suffering from certain diseases (section 146) and the feeding of dairy cattle on deleterious substances (section 148). These sections, provided the public are prepared to make use of them, go a considerable way towards meeting the purposes which the hon'ble member has in view. In addition to this, sections 167 and 188 of the Municipal Act enable committees to control slaughter houses, bakeries, aerated water factories, ice factories, flour mills and markets. Section 197 enables them to make bye laws prohibiting the manufacture, preparation or sale of any specified articles of food or drink in unlicensed premises and to prohibit the sale or import into the municipality of milk and butter by unlicensed persons. Section 206 gives the committee wide powers of entry and inspection of food or drink and where it appears that any such food or drink is intended for human consumption and to be unfit therefor, it may seize, remove or destroy it or so dispose of it as to prevent its being sold or used for human consumption.

While the above recital shows that considerably more might be done by persons interested than is at present done in preventing the adulteration of food and drink it is recognised that the provisions of the above laws do not go far enough. In order to facilitate the purposes mentioned by the hon'ble member, the Punjab Adulteration of Food Act was passed in 1919. This Act enables the punishment of any person who sells to the prejudice of any purchaser any food which is not of the nature, substance or quality of the food demanded by such purchaser, or sells or offers for sale or exposes or keeps for sale or manufactures for sale any food which is not of the nature, substance or

quality which it purports to be or which is found on analysis by a public analyst to be below the standard of purity prescribed for such food by the Act or by notification under the Act.

In order, therefore, to make this Act operative it is necessary to appoint public analysts and to provide them with laboratories in which they can work. Government has recently been considering this matter carefully. It has reached the conclusion that such laboratories should be provided by municipalities as they are primarily concerned with questions of food adulteration although the public analysts working in the laboratories could be appointed and could conduct analyses for areas wider than the municipality in which any laboratory was situated. It will be observed that considerable expense will be involved. Several of the leading municipalities of the Province have been addressed in order to ascertain whether they are willing to assist in bringing the Act into operation. Their replies are still awaited.

DACOITY AT NANGAL.

714. Captain Sardar Gopal Singh.—(a) Is it a fact that a dacoity took place at village Nangal in the Gurdaspur District a few days ago and that a local Hindu *Sahukar* was looted?

(b) If so, (i) what was the loss of the *Sahukar*; (ii) at what time was the dacoity committed; (iii) what steps are Government taking to trace the culprits; and (iv) what are the other details of the affair as reported by the police?

(c) Will Government be pleased to detail a special C. I. D., or other police officers to trace the culprits?

The Hon'ble Mr John Maynard.—(a) It is a fact that a report of a dacoity was made in Police Station Dera Nanak in reference to an attack by thieves 7 or 8 in number on the house of Gopal Dass, *Sahukar* of Nangal, on the night of June 8th, 1921.

(b) (i) The loss of the complainant is not known but ornaments, cash and notes are said to have been stolen.

(ii) About 11 P. M.

(iii) The Circle Inspector is enquiring into the case.

(iv) No further details beyond those above are known at present.

(c) The local police are able to deal with the case and no C. I. D. officer is available. The total number of Inspectors and Sub-Inspectors in the C. I. D. is only 49 of whom 22 are permanently employed in the Finger Print Bureau at Phillaur.

ACREAGE IN LOWER BARI DOAB CANAL COLONY.

715. Sayad Muhammad Husain.—(a) Is it a fact that in the Lower Bari Doab Canal Colony eight annas per acre per annum is levied on canal irrigated land under the heading "acreage" and that this amount is collected on account of the construction of water-courses by the Government?

(b) If the answer is in the affirmative is the imposition of an acreage rate in addition to occupiers and owners' rates, legal under sections 31, 36 and 38 of the Northern India Canal and Drainage Act of 1873?

(c) How long will the aforesaid tax remain in force?

(d) Will the Government be prepared to refund the aforesaid tax in the case of land-holders who have constructed their water-courses at their own expenses?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The member is referred to the answer already given to a similar question (Question No. 534)* put by Diwan Bahadur Raja Narendra Nath.

WATER RATES IN LOWER BARI DOAB CANAL COLONY.

716. Sayad Muhammad Husain.—(a) Is it a fact that in the Lower Bari Doab Canal Colony the water rates are higher than those on other canals with a much better water supply?

(b) If the answer is in the affirmative will the Government be kind enough to reduce the extra water rate?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The schedules of rates for all the 3 canals, the Upper Chenab, the Upper Jhelum and the Lower Bari Doab Canals, are identical. They were worked out by Sir James Donie in a note which, as the then Financial Commissioner, he prepared on canal charges and land revenue assessments in the area commanded by the Upper Chenab Canal, after careful consideration of the working of the schedules of rates on the Lower Chenab and Lower Jhelum Canals; and the modifications made were as follows:—

(i) Cane was a crop to be encouraged and a rate of Rs. 9 was fixed intermediate between Rs. 8 on the Lower Chenab Canal and Rs. 10 on the Lower Jhelum Canal.

(ii) Rice.—The rate Rs. 7-8-0 was made higher than those on the Lower Chenab Canal (Rs. 6-12-0) and of the Lower Jhelum Canal (Rs. 6-4-0) as the tendency would be to raise as much rice as possible on the kharif distributaries to the detriment of millets and Government's financial interests, unless a suitably high rate was imposed.

(iii) Wheat being a profitable crop would afford to pay Rs. 5 instead of Rs. 4-4-0 on the Lower Chenab Canal and Rs. 3-12-0 on the Lower Jhelum Canal.

(iv) Maize is not a profitable crop in that part of the Punjab and was rated at Rs. 3 instead of Rs. 4-4-0 and Rs. 3-12-0 on the Lower Chenab and Lower Jhelum Canals, respectively.

(v) *Senji* and *Maina* were encouraged as nitrogenous and fodder-crops by being

rated at Rs. 2-4-0 instead of Rs. 4-4-0 and Rs. 3-12-0 on the Lower Chenab and Lower Jhelum Canals, respectively:

(vi) Encouragement was given to early ploughings and to weathering and to the ploughing in of green manure as a means of adding nitrogen to the soil by charging a nominal rate of Re. 0-8-0 an acre.

(b) In view of these facts Government sees no necessity for reducing the rates.

LANDHOLDERS OF TAHSIL DIPALPUR.

717. Sayad Muhammad Husain.—

(a) Is it a fact that during the last three years on account of the complete failure of rain and consequently of the Upper Sutlej Inundation Canals, the dismantling of the Sutlej Valley Railway and the migration of tenants to the colony the taxable capacity of landholders of the Tahsils of Dipalpur and Pakpattan has considerably decreased and that famine conditions prevail in both the tahsils?

(b) If so, will the Government kindly defer any enhancement of the land revenue until the opening of the Sutlej Valley Canal Project?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majlitha.—From a report recently received from the Commissioner of Multan regarding the agricultural conditions prevalent in his division it does not appear that famine conditions prevail in the two tahsils mentioned in the question.

The assessment reports of these tahsils have not yet been submitted by the Settlement Officer so that Government is not in a position at present to form a matured opinion as to their taxable capacity, but it has no reason to believe that that capacity has undergone a substantial and permanent decrease. Nor as at present advised does it foresee any necessity for deferring the reassessment of the tahsils as suggested in the last part of the question.

ILLITERATE HONORARY MAGISTRATES.

718. Sayad Muhammad Husain.—Will the Government lay on the table a list of illiterate Honorary Magistrates and the reasons for their appointment in each case?

The Hon'ble Sir John Maynard.—There are some illiterate Honorary Magistrates in Benches. Government have no statistics or record regarding them. They were appointed on account of their status, influence and popularity in the locality in which they reside.

KHAN MUHAMMAD SHAHBAZ KHAN OF VAINDLA.

719. Sayad Muhammad Husain.—(a) Is it a fact that the late Khan Muhammad Shahbaz Khan, resident of Vaindla, Tahsil Dipalpur, District Montgomery, was an Honorary Magistrate and a Provincial Darbari and that he always rendered useful and willing services to the Government in his lifetime?

(b) If so, will the Government be kind enough to assign to one of his sons a seat in Provincial Darbar?

Mr. G. F. deMontmorency.—(a) The answer is in the affirmative.

(b) Government has noted the desire of the questioner.

SCARCITY ALLOWANCE.

720. Khan Bahadur Raja Muhammad Akbar Khan.—(a) Is it a fact that the scarcity increment allowed to clerks of all departments has been withheld in the case of individuals in the Rs. 50 grade of Deputy Commissioners' offices?

(b) If so, what is the principle underlying this distinction, and is Government prepared to bring clerks in the offices of Deputy Commissioners on the same level as clerks in all other departments?

The Hon'ble Sir John Maynard.—The question betrays a misunderstanding, as there is nothing in the arrangements for the pay of clerks which answers to the description of a scarcity increment.

TEACHERS FROM BALUCHISTAN AND
PUNJAB EDUCATION DEPARTMENT.

721. Mr. K. L. Ralla Ram.—(a) Will Government be pleased to state whether the previous service in Baluchistan of teachers transferred from Baluchistan to the Punjab Education Department was counted towards increment in the last recasting of grades of the Subordinate Educational Service, Punjab?

(b) If not, what was the reason?

(c) Is it a fact that the Baluchistan service of Maulvi Najam-ud-din, Inspector of Schools, Baluchistan, was counted towards increment in the Punjab and that he was given all the rights and privileges of a Punjab employé?

(d) Is it a fact that Chaudhri Sardar Khan, III Master, Normal School, Lyallpur, was given Rs. 84 per mensem, while others of the same grade, who had been in the Punjab, got Rs. 100 per mensem notwithstanding the fact that the aforesaid teacher had been serving under the Baluchistan and Punjab Governments without break of service since 1912?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) No.

(b) In accordance with the conditions of the revision, in the case of Punjab teachers only service in the Punjab is taken into consideration for increments.

(c) Maulvi Najam-ud-din is in the service of the Baluchistan Administration; and his name is merely placed on the Punjab cadre for Administrative convenience.

(d) Chaudhri Sardar Khan served under the Baluchistan Administration for some years, and in March 1920, accepted a post on Rs. 55-3-70 in this Province. Subsequently, this grade was revised to Rs. 80-4-100. As his service on the date of the revision was only one year in the Punjab, he received Rs. 84. The reason for this calculation is given in (b) above. The matter is under consideration.

WELLS IN SHEIKHUPURA.

722. Mr. K. L. Ralla Ram.—Will Government be pleased to state (a) whether there is any record to show what the depth of the surface water was in the wells in the Sheikhupura District on either banks of the Chenab prior to the introduction of the canals; (b) whether it is a fact that quite a number of good wells have gone out of use owing to land on both sides of the Upper Chenab Canal in the Sheikhupura District becoming water-logged; (c) whether it is a fact that permanent land revenue is still being realized on land attached to wells which have gone out of use through water-logging on both banks of the Upper Chenab Canal in the Sheikhupura District; (d) whether any action has been taken to compensate villagers for their houses, wells and lands which have become water-logged on the banks of the Upper Chenab Canal in the Sheikhupura District; (e) whether any action has been taken by the Canal Department to drain the water-logged areas on the banks of the Upper Chenab Canal in the Sheikhupura District?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—Information is being collected.

GIRDAWARI BY CANAL AND REVENUE
OFFICERS

723. Mr. K. L. Ralla Ram.—Will Government be pleased to state whether it is contemplating the abolition of separate Girdawaris by both Canal and Revenue Officers and the introduction of some system of Girdawari by one agency only?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—The answer is in the negative. In the Lyallpur and Shahpur Districts the system of crop inspection by one agency only, namely, the Canal Patwari, was given a lengthy trial but proved a failure.

CANAL PATROL ROADS.

724. Mr. K. L. Ralla Ram.—Will Government be pleased to state whether it is a fact that Canal Patrol Roads are closed to village wheel traffic in the Sheikhpura District?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The answer to this question is to be found in No. III of the Minutes of the 2nd Meeting of the Communications Board held on 12th March 1920, a copy of which is attached.*

CHARGE FOR DIGGING KHALS IN THE SHEIKHPURA DISTRICT.

725 Mr K. L. Ralla Ram.—Will Government be pleased to state whether it is a fact that a charge of annas eight per acre per harvest is realized by the Canal Department from the zamindars in the Sheikhpura District for digging *kha's* while the *kha's* are being dug by the Canal Department?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member as soon as it is ready.

ARMS ACT.

726. Mr K L Ralla Ram.—Will Government be pleased to state if it is a fact that new title-holders are not exempt from the Arms Act? If so, what is the reason?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Title-holders who received their titles after the 1st January 1920 enjoy, as such, no exemption from the provisions of the Arms Act. The policy of Government of India is to restrict the number of exempted persons within the narrowest possible limits; and as local authorities have been instructed to issue licenses ordinarily to title-holders on application by them, without previous enquiry, no real hardship has been inflicted by the withdrawal of the exemption.

PUNJAB MUNSIFPS.

727. Mr. Ganpat Rai.—With reference to question No. 32 put by me on 24th February 1921, will Government make an announcement as to the pay and emoluments of the Punjab Munsiffs?

Mr. G. F. deMontmorency.—An announcement will be made as soon as the scheme is received back from the Government of India.

Mr. Ganpat Rai.—Can the hon'ble member give an approximate time, date or year when the scheme is expected back from the Government of India?

Mr. G. F. deMontmorency.—The scheme is expected back every day from the Government of India.

COMPLAINT OF MAGHI RAM AGAINST A POLICE SUB-INSPECTOR.

728 Mr. Ganpat Rai.—(a) Will Government be pleased to make a further statement as to the action taken against the Sub-Inspector referred to in my question No. 35 of the 24th February 1921?

(b) If the Sub-Inspector has not been prosecuted, will the Government be pleased to give the reasons?

(c) Is it a fact that instead of the Sub-Inspector being prosecuted, Maghi Ram, appeal *navis*, who brought the charges against the Sub-Inspector, has been prosecuted at the instigation of the Sub-Inspector and his friends, the local Tahsildar, and that his application for the transfer of the complaints made against him have been rejected by the Deputy Commissioner.

(d) Is it a fact that discontent is spreading amongst the people of the police station in which the Sub-Inspector has been working owing to his not being prosecuted?

The Hon'ble Sir John Maynard.—(a) (b), (d) Sub-Inspector Khair Ali Shah was prosecuted by one Ganda under sections 323, 166, 327, 384, 347, 338, 109, Indian Penal Code, but complainant

withdrew his case as he said that he had no proof and that he had been imposed on by one Maghi Ram, petition-writer.

(c) Maghi Ram has also instituted a case against Sub-Inspector Khair Ali Shah and has appealed to the High Court for a transfer of the case. The result of the appeal is not known. So far as Government is aware no case has been instituted against Maghi Ram.

BARRISTERS ACCEPTED AS CANDIDATES FOR POST OF EXTRA ASSISTANT COMMISSIONER.

729. Mr. Daulat Ram, Kalia.—Will the Government be pleased to exempt practising Barristers, accepted as candidates for the post of Extra Assistant Commissioner, from the departmental examination in land laws?

Mr. G. F. deMontmorency.—Practising Barristers are in certain circumstances exempted from passing the examination prescribed for Extra Assistant Commissioners in Civil and Criminal Law. Government do not propose to exempt them from passing in land laws.

MEMORIAL FROM CLERKS OF DEPUTY COMMISSIONER'S OFFICE, AMBALA.

730. Mr. Daulat Ram, Kalia.—Has the Government received a memorial from the clerks of the office of the Deputy Commissioner, Ambala, and will it be pleased to consider it favourably?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Reference is invited to the reply given to question No. 709.*

WELCOME TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

The Hon'ble Sir John Maynard.—I crave an opportunity at some future date of this session to move this house to express

its loyal welcome to His Royal Highness the Prince of Wales on his approaching visit to India.

Mr. President.—I feel sure the Council will wish the opportunity to be given. (The Council signified its assent).

Rai Bahadur Lala Sewak Ram.—Sir, the members wish to know if an address is to be presented to His Royal Highness the Prince of Wales on behalf of this Council.

Mr. President.—Has the Hon'ble Sir John Maynard framed his motion?

The Hon'ble Sir John Maynard.—I have not written it out, Sir, but I can do so now.

Mr. President.—Perhaps it will be best to take this motion on Tuesday, the 2nd August, so that members may have the opportunity to know exactly what the motion will be. I suggest that the motion be taken up just after questions have been answered, and that questions be stopped at latest at a quarter to eight, so that the motion may be taken up without encroaching upon the time for non-official resolutions. There are about 120 questions to be answered on Tuesday and it is not at all likely that we shall dispose of them within one hour. If my proposal meets with favour we shall take up as many questions as can be answered up to a quarter to eight and the answers to the remaining questions will be laid on the table. We shall then proceed with the motion to be moved by the Hon'ble Sir John Maynard which will be circulated to all members at latest on Monday, the 1st of August. Has this plan the approval of the Council?

All the members.—Yes, Sir.

RESOLUTIONS.

RESOLUTION RE. THE PROVISION OF Rs. 30,00,000 AS A SPECIAL GRANT TO DISTRICT BOARDS FOR PRIMARY EDUCATION.

Mr. President.—The Council will now proceed with the further consideration of

Mr. Ganpat Rai's resolution. The resolution before the Council is :—

* That this Council recommends to the Government to provide the sum of Rs. 80,00,000 in addition to that already provided in the budget as a special grant to the District Boards of the Province for the purpose of inculcating free primary education in the areas within their jurisdiction for the year 1921-22.

The Hon'ble Minister for Education will continue his remarks. He has already had seven minutes.

7-27 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the resolution which has just been read concerns primary education in rural areas and does not contemplate compulsory education. The resolution is a bit vague. It does not specify whether the grant proposed is to be a sort of windfall for this year only or is it going to be a recurring grant? If it is going to be a windfall only for this year then, Sir, it is worse than useless. There seems to be no sense in having 80 lakhs this year to start primary schools unless a similar grant is voted every year for maintenance, etc. I expected the hon'ble mover to say whether he intended this grant to be a recurring one. Then he has not made it clear, Sir, whether this grant is to be spent on the improvement of the existing schools or on starting additional schools. I, for one, think that our existing schools stand in need of improvement as much as the province stands in need of additional schools being started. When we talk of expansion of primary education it seems to me necessary to inform the Council what it means? Does it only mean that we are going to open some more primary schools and that that is all that the resolution involves? Certainly not. As a matter of fact it means that we should have—if we are going to open say 500 new primary schools a year—no less than 1,000 primary school teachers for them; and those primary school teachers should possess at least in most cases, qualifications up to the Vernacular Middle

standard. Now, in order to have a fairly large number of Vernacular Middle School passed young men we must really have additional schools. But the trouble does not end there. Not only should we have an additional number of Vernacular Middle School passed men, but we should also train them. Therefore the extension of primary education involves the creation of additional Vernacular Middle Schools and also the creation of additional Normal Schools for preparatory training. So the expenditure required for extending primary education is threefold. First, on primary schools themselves; secondly, on Vernacular Middle Schools; and thirdly, on Normal Schools. The present position is this, Sir, that there are lower and full Middle Schools to the number of 375. There are 5,200 primary schools. In order to enable the Province to have schools within manageable distances it is necessary to have at least 10,000 primary schools. In other words, this Council has to arrange for the opening of 5,000 additional primary schools, and it has to improve the 5,200 existing primary schools. Besides this we require no less than 500 Lower Middle Schools and 500 full Middle Schools. Now, Sir, I will try to give a rough idea of the expenditure involved. A primary school with a single teacher costs no less than Rs. 500 per annum—it has to be remembered that the pay of the teacher is roughly speaking Rs. 20 a month and that this money is absolutely insufficient to secure the services of efficient young men: the department tries to supplement that income by getting them allowances for doing postal work and so on, with the result, as pointed out by a member in Council yesterday, that the man pays more attention to the Rs. 3 a month job as Postmaster than he does to his actual work. Therefore, Sir, it is necessary to improve their emoluments and the result is that we cannot have a decent primary school with one teacher on less than Rs. 500 a year. Remember this includes the pay of the teacher and the small amounts spent for a sweeper and bhisti and a few additional things. After all it

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

only comes to Rs. 40 a month. Therefore it will be realized that the estimate does not err on the side of extravagance. So far as a two-class primary school is concerned, the expenditure is nearer Rs. 800 than Rs. 700 a year. If you want only 3,000 primary schools with one teacher and 7,000 primary schools with two teachers, the result will be that you will require for the two combined no less a sum than 70 lakhs of rupees, that is just for primary schools. Then you require 500 Lower Middle Schools and 500 full Middle Schools. The estimated expenditure on a Lower Middle School is Rs. 1,200 a year and on a full Middle School Rs. 3,000 a year; with the result that this involves another 21 lakhs of rupees. The total cost of these two classes of schools—Primary and Middle—is therefore 91 lakhs. To this has to be added the cost of the Normal Schools that will be required in order to train these Vernacular Middle School men, and it cannot be below 15 lakhs a year. I beg to point out, Sir, that I have omitted another very important item of expenditure, and that is the inevitable increase in the District Inspecting staff. These Primary School Teachers—always remembering that they are men employed on Rs. 20 or 25 a month—are not the sort of men who are so devoted to their duty that from morning till noon they will devote themselves to their work. They are liable to use their little pupils in running errands and doing other jobs for them, and if not supervised they devote but little time to their work. Therein comes the inevitable increase in the District Inspecting staff. While there is a certain minimum staff to supervise the existing 5,000 schools, when another 5,000 schools are opened, it will be necessary to duplicate that staff or at least to appoint additional staff to an almost equal extent. That is bound to work out to a few lakhs of rupees. The result is, Sir, that I find we cannot have really effective primary education in the province with less than a crore and a quarter to spend on it at the very lowest estimate, and

the expenditure will probably run to a crore and-a-half of rupees, that is when all the schools are working at full strength.

Is that excessive? I say no. I have placed before the Council the full programme. Now let us try to work out the cost at the rate roughly speaking of Rs. 600 or Rs. 650 per primary school, with the addition of another Rs. 350, that is to say, Rs. 1,000 per school. If we want to open 500 schools we must realize that we are in for 1,000 times Rs. 500; if we want to open only 200 schools, we can work out the figure in the same manner. Therefore, Sir, when this Council is pleased to direct me to open a definite number of schools I must ask that the Council in its wisdom be also pleased to take steps to provide me with the money necessary for a project on which there appears to be an enviable unanimity in the Council. Some people are in the habit of accusing persons at present entrusted with the administration of education of being responsible for the extravagance that might or might not have been practised in the past. The hon'ble mover of this resolution harped on the palatial building of the Government College Hostel. I am sure he will not be able to point out a single case wherein a primary school has been sanctioned since he became a member of this Council which involves any sort of extravagance. As a matter of fact, over and over again I have been informed by members of various District Boards that the revised circulars issued by our Director of Public Instruction, together with the plans that he has sent out, indicate that the expenditure, in spite of the rise in the cost of building materials, has gone down considerably.

Perhaps, Sir, the Council would like to know how the primary school building programme stands in regard to the 5,200 primary schools in existence. Let me remind the Council that no more than 2,500 possess buildings of their own, and that out of this 2,500 no more than one half can claim to have decent build-

ings. The other 1,250 buildings are such that even the hon'ble mover of this resolution would find it difficult to pass. We have therefore before us, Sir, so far as the building programme is concerned, 1,500 bad buildings to be put right whenever we can afford to do so and to arrange for 2,500 buildings for the other schools which already exist. When weather permits we shall no doubt avail ourselves of the Banian tree, or else of borrowed or hired houses. But in course of time this province must realize its duty towards primary school buildings is well.

Now, Sir, the hon'ble mover of this resolution proceeded to say that we want free primary education. Probably this Council will be very pleased to hear from me that the Bill for realizing this wish is not yet a heavy one. If this Council to-day votes Rs. 65,000 a year, primary education can be called entirely free in this province. In the 5,200 schools existing at present the sons of agriculturists are exempted from payment of any fees, and of the remaining students no less than 25 per cent. are liable to exemption from payment of any fee; with the result that the income from fees is no more than Rs. 5,000 a month from the whole province. Therefore, if this Council wants to proclaim to the world that primary education in the Punjab is entirely free, they have only to pass a bill for Rs. 5,000 a month and the thing is done.

Then, Sir, some people say that there is not much use talking about lack of funds, for even if the funds were available would it be possible to utilize them? Some one suggested that there is no use in voting money for this work, when more often than not the District Boards are unwilling to carry out the programme. Now, Sir, the hon'ble member coming from Jhelum—no doubt it is a benighted district in the matter of education as in many other things—if that hon'ble member, Sir, is still doubtful, I should like to point out to him that there was,

a few years ago, a still more benighted district in this Province, and that was Attock. It was well known, Sir, that when Attock was busy helping the Empire to win the war it was possible for it at the same time to give such an impetus to primary education that from a benighted district it rose to occupy the foremost place in the province so far as primary education is concerned. If therefore it is possible for Attock to rise from ignorance to that splendour of educational advancement, I fail to see why it is not possible for Jhelum to do so too. Perhaps we may be told that the officer who was responsible for doing such splendid work in Attock should be transferred now to Jhelum. Well, Sir, that cannot be done, unless this Council is prepared to deprive itself of its President. Now, Sir, I proceed to state that at present the Education Department is exceedingly fortunate inasmuch as the primary education work is entrusted to an Inspector of Vernacular Education who is exceedingly economical in his taste and in his tendencies, and his work is under the supervision of the Director of Public Instruction who, if I may say so, has to a considerable extent realised the wishes of the members of this Council and whose economy is not at the expense of the efficiency of educational institution. He is as keen on economy as the hon'ble mover of this resolution, but he is not keen on giving the teachers a starvation pay to work efficiently.

Sir, I venture to submit that before this Council decides to make the primary education compulsory, it should make sure first that primary education has become real. There is at present a demand for making primary education compulsory, but, Sir, if we make it compulsory before we have made our primary schools efficient it will be a great mistake, inasmuch as the movement will receive a set-back.

Now, Sir, I wish I could avail myself of the money which the hon'ble mover has so very generously proposed that I should have. I may say straight away, Sir, that at least three or four lakhs I

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

very badly need in order to meet the existing needs of the existing schools. I could spend another three or four lakhs in improving the existing schools by giving those schools good teachers. I could, if the money were forthcoming, open a number of additional schools as well, but, Sir, wherefrom is the money to come? The hon'ble mover of this resolution was very keen on giving me this money this year. The hon'ble member from Montgomery was as keen as the hon'ble member from Lahore, but it should be provided for in the next year's budget. Another suggested borrowing for this year's expenditure. Sir, the rural Muslim member from Lahore ignored the existence of certain rules when he advised borrowing 80 lakhs for this year. One thing is clear that this resolution and the debate that has taken place will be of very great use to me and to my department, when the matter is placed before the Accounts Board of which the rural Muslim member from Lahore is such a useful member. When the Board are face to face with the question of ways and means, then he will realise that the existing revenues do not permit of this general resolution being put into practice. As I have said, this resolution will help my department to secure what is indispensable for our need this year. It will also be of very great use to me for the next year's budget. I trust, Sir, that it will be fully realised as the hon'ble member from Lahore rural Muslim has realised bravely that if this Council wants to do its duty by primary education, it has to impose fresh education cess. There is no escape. . . .

Mian Muhammad Shah Nawaz.—I said something out of the land assessment and the *abiana*. I did not say education tax.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I beg your pardon. Not on education cess, but the enhanced land assessment or something of the sort will have to be levied for expenditure. I want money. It does not matter from which

source it comes as long as it is made available. The expenditure on primary education is a sort of investment.

Moreover, Sir, I believe if there were a Providence which could hand over a purse of 1½ crores of rupees to me and say now you proceed with your work and expand primary education, I feel doubtful whether that would be the best way of achieving my object, if that is to be achieved at all. As a matter of fact, the introduction of primary and compulsory education means interesting the people for whom it is meant. Unless the people feel its need and show willingness to bear sacrifices for it, compulsory enforcement is an altogether unpleasant job.

Therefore, Sir, I welcome the unanimity of opinion on the subject that free and compulsory primary education is necessary and that this Council is at all events prepared to make necessary sacrifices and contribute towards the cost of primary education. I am sure that this Council will rise to the occasion and do the needful, otherwise I will really be very much disappointed inasmuch as a Lahore Vernacular Daily of the non-co-operation creed has, in a jubilant and insulting tone, said that this Council is not much use in subscribing towards education and the Education Minister will realise that empty hands and compulsory education do not go together.

Mr. President.—The motion before the Council is—

'That this Council recommends to the Government to provide the sum of Rs. 80,00,000 in addition to that already provided in the budget as a special grant to the District Boards of the Province for the purpose of inculcating free primary education in the area within their jurisdiction for the year 1921-22.'

The resolution was carried. **f**

RESOLUTION re LAND REVENUE
ASSESSMENT.

8-5 A.M.

Sayad Muhammad Hussain.—Sir, I beg to move—

That this Council recommends to the Government, first, to appoint a committee, consisting of officials and non-officials, to enquire into and report on the views of land-holders regarding (a) the amount and method of their assessments; (b) the period of their settlements, and (c) the conduct of the settlement establishment during the period a settlement is in progress; and, secondly, to start no new settlement until the report of the committee is published and has been discussed in this Council.

Sir, the grievances against settlements are manifold. They are the outcome of the periodical revisions of assessment during which the resources of zamindars are taxed to an intolerable extent, and which, to the bitter disappointment of all and sundry, invariably end in enhancement of revenue. In fact so obnoxious has become the assessment, and hence so genuine is the clamour that the whole system of assessment in the province requires complete overhauling before the Council should sanction the starting of new settlements. The illiterate zamindars up till now had been quite inarticulate. They felt the burden but yet remained silent, they had no voice of their own; they bore it most calmly and coolly. Happily a new era has shone forth for them, who, though the backbone of the country, were used up till now as hewers of wood and drawers of water. For their good luck war broke out and they did their humble best to assist the Government. The result was their representation in this Reformed Council, where at least they will say what they feel. I do not take exception to the policy of the Government only but strongly protest against the cruelty of underling to whose exactions the zamindars are subjected during the progress of the Settlement operations; and what do they get after all this harassing and spoliation? An excessive enhancement of revenue.

Mr. C. A. H. Townsend.—Sir, the mover is speaking so fast that he is quite unintelligible to many of us.

Sayad Muhammad Hussain.—I cannot finish my speech in time unless I speak very fast.

Mr. President.—The hon'ble mover must choose between finishing and being understood.

Sayad Muhammad Hussain (continued).—The grievances may be classed as follows:—

- (1) As regards the rental or the Government share fixed by the Government arbitrarily.
- (2) The defective methods of determining of the half-net-assets which instead of leaving the margin for the land-owners, only add to the Government share.
- (3) Oppressive and corrupt conduct of the settlement establishment which robs an ordinary zamindar of all he may have earned in the past, and usually leaves him in debt.
- (4) The charges which the Government imposes on the land-owners for the enhancement of their own revenue.
- (5) Short terms of settlements which materially obstruct the prosperity of zamindars.

I will treat each head separately.

The Government justifies the half-net-assets standard which it has fixed for itself by a reference to the amount taken by the Sikhs, but it has to be borne in mind that the Sikh methods were admittedly rough, and a civilised Government should think twice before adopting, or justify its own exactions, by reference to that. Besides, however tedious it may look, the system of getting rental in produce by the Sikhs did not ruin the zamindars in drought. The above shows that the half-net-assets adopted by the Punjab Government was in no way just. The Government share should not exceed one-fourth in any way.

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Coming to the second part of my arguments I can say, Sir, with confidence that the ways and methods adopted by the Government in ascertaining their half-net-assets are so irregular, so untrustworthy, and so ridiculous that much more than the half-net-assets goes into the pocket of the Government. That the assessment is unreliable is evident from the following quotation from the Settlement Manual: "In the case of land further difficulties arise when the owners themselves till most of their lands and let the remainder to tenants at rents which are customary rather than competitive. When a Collector finds it impossible to assess a shop-keeper by an examination of books and a minute calculation of profits and loss he resorts to a more rough and ready process. He finds out what the man has paid in former years, and enquires whether there has been any apparent change in his circumstances since the last assessment or whether there is anything to indicate that his income has been hitherto underestimated. Has he spent lavishly on the wedding of his son or built for himself a finer house? What is the opinion of respectable neighbours and of the officials who are personally acquainted with the circumstances as to the amount of taxation which he may be fairly called upon to pay? A similar process may be followed in assessing the land revenue of an estate though the enquiry in this case is much more complicated. An assessment then may be based either on attempted calculation of net assets or on what are called general considerations or both processes may be followed and the result of the one used to check the result of the other. The Government employs both these methods to calculate the net-assets. If unfortunately in these days one or two zamindars in a tahsil buy a motor car, though it be primarily meant for the touring facilities of the officials of the district and rarely comes in use for the poor owner himself, and even if he might have bought it by getting loan at 12 per cent. or even more, this gives an indication to

an overzealous Settlement Officer to assess heavily. These officers don't take the pains to go into the details of the rotten and poor conditions of the society; they don't know that in these superficial days people conceal their debts from officers, and in order to keep their position and dignity in society they spend lavishly at the weddings of their sons and otherwise. If ever it comes to the notice of Settlement Officer that a certain class of people are heavily involved in debt it is attributed to causes other than the comparatively less income from the land.

Another drawback in the settlements is this that young Civilians, ordinarily Assistant Commissioners with very little experience either with the soil, its yield, or with the general condition of the district, are entrusted with the destinies of the whole district. They get training for their future career while the whole population suffers for about ten or twenty years on account of their inexperience. They never mix with the people; if anyone goes to see them they do not treat him properly, they don't control their underlings. The zaildars and lambardars dare not say a word in favour of the public or against the all powerful Settlement Officer or his underlings, and if they were to raise a voice of dissent they are at once suspended and put to other troubles. The case of even a few Indian Settlement Officers with greater experience is even worse from public point of view. They are recruited from that class of the Provincial Service whose tendency from the very beginning have been pro-Government. Those few who show some inclination on the side of the public are either permanently barred from holding high posts or transferred to the Judicial. In some cases these officers aspire to become Commissioners: however remote their chances may be they are overzealous in assessing highly. Lastly, to do justice to these Settlement Officers they cannot go an inch beyond the forecasts prepared by the Financial Commissioners for them; and their only power lies in the proper distribution of these enhanced forecasts.

Another great difficulty in the assessment is the entire neglect of the quality of the soil. Nowadays lands are only classified *nahri*, *chahi-nahri*, *chahi*, *barani* and are assessed accordingly. I quote from the Settlement Manual the following passage to corroborate my assertions:—"Soils differ naturally from one another in respect of their mineralogical and chemical compositions (what is often more important in a country of scanty and capricious rainfall) in respect of the mechanical arrangement of their component parts. Thus we have the broad classification of clay, loam and sand. They are also distinguishable by adventitious differences as irrigated and unirrigated, manured and unmanured, *dofasali* and *ekfasi*." Soils in the province differ considerably in their productive capacities. Even in a single district, tahsil or village the prices of the land vary according to the quality of the soil. In the colony of Montgomery with equal distribution of water the prices of land varied between 100 and 1,000 rupees an acre in the same village and locality in different plots according to the quality of the land. The broad classification of *chahi*, *chahi-nahri*, *nahri* and *barani* greatly facilitates the work of a Settlement Officer and adds to the Government share, but considerably tells upon the fortunes of the zamindars; a few fortunate gain while the bulk of the population suffers.

Describing these general outlines and principles of assessment I now come to the defects in the assessment of the half-net-areas. According to the Land Revenue Act, XVII of 1887, and by the rules framed under the present Act the patwari is required to inspect each field, twice a year, once *ra'i* in March and then *khari* in October. While on the spot he has orders to note in his *Khasra Girdawari* the area under cultivation and the crop growing in each field. His work is closely watched by a Qanungo, and carefully checked by the Tahsildar, Revenue Assistant and the Collector. When the crop inspection is over the patwari prepares from his *Khasra Girdawari* an abstract called *Nag-*

sha Jinsar showing the total area under each crop. This abstract with other papers giving information to the current village market prices, the total area mortgaged or sold together with the amount of consideration and the rates of rent, etc., is submitted to the Office Qanungo. Field Qanungo is also required to provide the office the result of his experiment about the yield of each crop of average type in every assessment circle. All this information is noted by the Office Qanungo in a register called the *Lal Kitab*. Thus a reliable data for assessment purpose is collected at each harvest (*vide* Punjab Land Revenue Act by Mohan Lal, page 26). As a rule, very few zamindars go along with the patwari at the time of the *girdawari*; if they do accompany they don't understand the fact that this black and white will tell upon the destinies of their sons and grandsons. No reasonable *kharaba* is ever shown in the *Khasra Girdawari* and the inspection of Qanungo reduces it. The inspections by the Tahsildar and the Revenue Assistant are only nominal. Paragraph 320 of Settlement Manual will bear testimony to my allegations that the *kharaba*, as a rule, is not shown in their *Khasra Girdawari*. It runs thus:—"Another point of importance in the degree of correctness is with which the patwaris record the area on which the crop has failed to come to maturity. To underestimate this is certainly their tendency when they are left to themselves. To do so saves them trouble, and they have a notion that it is well to make the entry which may be supposed to be most favourable to the interests of the Government." Much of the cultivated area, especially in the drought, is consumed by the zamindars after the *girdawari*, and it is always assumed as *pukhta* in each harvest, thereby adding towards the Government share of the produce. The result of the experiment of Field Qanungo about the yield of each crop of average type in every assessment circle, is as a rule, altogether unreliable and misleading. No proper consideration is shown towards the losses which the zamindar has to incur in taking out this yield from his harvest. Even in the

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so-called tyrannous Sikh days the *laddar* at the time of *kankut* would take into consideration even the smallest items which tend to reduce the yield. Sufficient deduction was usually given to the zamindars in the assessment for the following things :—(1) *Lai*; (2) grain that is trampled under the feet of the bullocks and eaten by them while thrashing; (3) grain that is taken away by insects and birds; (4) losses to crop by dust-storm, rain and excessive winds, etc.; (5) beggars and dependents lawful and unlawful, on the zamindars; and many other things were also taken into consideration by the able *kutdars* before claiming the Crown share of the produce. I don't remember if ever a Field Qanungo or a Tahsildar may have ever cared for so many petty details in working out his experiment of average yield. If he were to do so he would be dismissed the very next day as unable to hold such a responsible post. In experiments conducted during settlement for determining the yield the utmost anxiety of the subordinate staff is to show yields which in their opinion would be high enough to please the Settlement Officers. Good crops are selected as average crops. The utmost care is taken to prevent loss even by insects, the encroachment ordinarily made on the produce by all persons connected with the operations such as the beggars, Mirasis etc., are overlooked, and in assessing yields the share deducted as the *laddars'* due is ridiculously low. It is only natural that a fictitious calculation at this stage should abnormally swell the results. The list of the current prices supplied by the Field Qanungo is also unreliable. It is usually the market price of the big market or towns near by. No mention is ever made in those price lists that zamindars usually sell their produce to the *basis* much below the normal price, and it is for the *basis* to decide the price and not for the zamindar. The produce is not always of the first quality, and I can say with confidence, there is always very great difference between the prices of a first class wheat or

cotton and the ordinary wheat or cotton sown by a zamindar. Rightly Sir James Donie observed in his Settlement Manual, on page 167, that a Settlement Officer must be on his guard against that common weakness of the human mind which leads us to attribute to existing conditions a greater degree of stability than they actually possess. When high prices or low prices had ruled for several years we are apt to assure a permanent rise or a permanent fall, and it is quite possible to mistake the effects of short harvests for those of extended markets. The present rise in the price of wheat and cotton due to the war must fall under the head exclusion of famine prices according to page 168, paragraph 369, of Settlement Manual. The prices of the year of famine or severe scarcity should be excluded from calculation.

No doubt the prices did rise considerably during the time war was in progress and the zamindars gained thereby, but, Sir, if they gained they fought for the Government too. They spent thousands of rupees to secure recruits and assisted the Government in every possible way. The condition of the world being unstable the prices are also not stationary. Now, Sir, during the past three years the prices of the American cotton varied from Rs. 20 to Rs. 25 per maund; all of a sudden it came down to Rs. 10; now if any of the districts of the province were to be assessed according to the above mentioned rates and all of a sudden the prices were to assume a normal shape what guarantee and safeguard there is provided in the present system for reducing the assessment therewith. I believe, Sir, that the prices will remain unstable for another two or three years to come, and it is inadvisable to assess during these years any district of the province. The recent rise in the price of the produce, which in my humble opinion is quite temporary and will become stable as soon as normal conditions prevail in Europe, has so much jaundiced the eyes of the revenue officials that they totally ignore the ever-increasing abnormal rise in the expenditure of a zamindar.

The agricultural labour is becoming very rare, and the extreme rise in the price of bullocks coupled with the scarcity of fodder and insufficient veterinary arrangements to cope with the epidemic has made the agricultural question so complicated that unless the Government takes some effective steps to solve this difficult problem at the outset, agriculturalists will suffer a good deal.

Their methods of assessments are based upon the net assets of a big zamindar. Whatever increase they get in a fresh assessment they apportion it to their tenants while they maintain their pre-assessed income. It is really the petty landholder who tills with his own hand and the tenants who suffer. In the last public accounts of sub-committee held in Simla Mr. Fagan, the Senior Financial Commissioner of the Province, in the course of a discussion put in a pertinent question—why is it then that the tenants don't leave? The answer is quite clear because no other landholder under the enhanced rent would give them land on lesser rates; and they could not and would not adopt any other profession, firstly, because they are unskilled in any other profession and, secondly, their natural inclination to their homes and the rigid caste system prevents them from resorting to any other calling but agriculture. Even in the case of big landlords the assessment is heavy and much more than half-net-assets. The data collected for the assessment does not include the following items which tend to decrease his income:—

- (1) The lack of supervision on the part of a big zamindar.
- (2) The exorbitant pay he gives to his Manager.
- (3) Misappropriation of the owner's share by the tenants.
- (4) The remission given in the debts of his tenants.
- (5) Money spent in building houses for the tenants.
- (6) Advances of money without interest, and so forth.

In many cases big landlords who rent

out their lands on cash for a certain period are compelled to make big remissions or cancel their agreement when the crop fails. The case of the Court of Wards of Sher Shah, district Multan, will bear testimony to my writings. According to the instructions given in paragraph 338, page 159, Settlement Manual, Settlement Officers are advised not to make any allowance for the landlord with the exception of artisans and menials who give help in tillage, or who supply or repair agricultural implements. But when they are the reward of personal services rendered to the landlord or of a purely charitable character they should be let out of account. There may have been some truth in the above statement at a time when the Settlement Manual was written, but things have so considerably changed that without the engagement of reapers it has become absolutely difficult to cut the crops, and no landlord can withhold his sanction to employ reapers who without exaggeration take away a sixteenth part of the gross produce. Similarly, sweepers whose services are utilized in different parts of the Province take away about one-tenth of the produce for supplying leather things, *chappars*, and assisting the zamindars periodically in giving *begars* to the Government and in clearing and winnowing the wheat. The greater the growing demand the higher the wages of the menial staff; so much so that the artisans and sweepers have become richer than the petty proprietors and peasants. Lastly, no consideration is permissible under the rules for the heavy expenses which a big landlord has to undergo in employing an agency for purely zamindari works, while other items, which tend to increase his income, are counted in the assessment. No proprietor of land would ever like his land to go on low rent, and it is only after weighing all the considerations beneficial to him in the long run that he determines his rent. According to the instructions given in paragraph 309, page 158, Settlement Manual, the Settlement Officer has option to regard them as especially favourable terms and accordingly not full fair rent.

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Further, on page 311 of the same book the Settlement Officers are instructed that all rents which are obviously of a favourable character, such as those paid by occupancy tenants or rents whose very form suggests that they are purely customary, as when a tenant-at-will pays the land revenue with the addition of a small proprietary fee, must be excluded from the calculation. It means that if the circumstances do not allow a landlord to charge excessive rents from his tenants or if he shows leniency towards them, his rental must in no case be determined from what he actually charges. Punjab is a land of petty proprietors tilling their own lands. The return of cultivating occupancy for the quinquennial period ending in 1912 shows 46 per cent of the cultivated area of the province as tilled by proprietors themselves and 8 per cent as in the possession of occupancy tenants; and in 5 districts the land cultivated by owners is between 60 and 70 per cent. (Settlement Manual, page 159). In the course of these ten years the percentage must have risen on account of the distribution of the colony land in Montgomery to Abadkars and the division among the big landlords. Primogeniture system being practically extinct from the province Punjab will become in another 20 years or so a country of peasant owners who will till their own land with their own hands.

In a province like this the rental should not be determined from the net proceeds of a big owner increasing his rents from his tenants according to his caprices, but from the net income of the peasant proprietor after deducting all the expenses which he incurs in tilling his own land. The expenses which a peasant proprietor incurs in the tillage of his land are too innumerable to detail. And, as a matter of fact, much of them are never brought to the notice of the Government. Leaving aside the price of the bullocks which is rising by leaps and bounds every year other expenditure has also considerably increased. The charges of carpenters, blacksmiths, potters and

divers have risen beyond any limit. Besides getting grain, which is doubled and in some tracts trebled, the zamindar has to pay them unhusked wheat just after it is reaped, which exceeds the actual wheat he takes. So dear the wood, iron and labour have become that an ordinary peasant proprietor is unable to put in his own Persian-wheel or *burr*, or to replace it on his well when the old one is out of order. They are all the property of carpenters who charge something like 12 maunds per Persian-wheel and another 12 maunds for the *burr*. In this way the artisans make hundreds of maunds of wheat in addition to their ordinary charges for customary service free of income-tax. All their cattle are fed at the expense of a zamindar.

It has been urged in a pamphlet by Mr. Fagan that calculation of half-net-assets are made on the assumption that all the land in a tract is held by tenants at the prevailing rate of rent, and therefore an under-calculation of the expenses of agriculture in no way vitiates the results. But two circumstances must be considered in this connection. First, the proportion of the area actually held by tenants in this province is very small, and calculations based thereon should not be taken as true guides. Secondly, tenants from the very necessity of their situation as people liable to eviction at the will of the landlord and subject to other disabilities must and do squeeze themselves to an extent neither possible nor expected of a proprietor tilling his own land. All the other classes are enjoying at the expense of a zamindar. It is by the cesses imposed on him that the roads are laid, schools built, and hospitals opened; and yet he derives least benefit out of them. He is always saddled with taxations. The wages of an ordinary coolie nowadays are one rupee for working 8 hours a day. A peasant proprietor has to work day and night, his wife and children co-operate with him, and by an arithmetical calculation the wages of the whole family would not amount to two annas per head per day.

Those enumerated above are a few of the fair expenses which a poor Punjab zamindar undergoes; but over and above these are other expenses which, Sir, may be called unfair, but yet he has to pay them as well. He has to feed wholly or partially all the Government servants, from patwari upward, in some shape or another. All the ill-paid underlings are regular dependents on a zamindar. I think the Government is well aware of the fact that patwaris, qanungoes, zilladars, Sub-Inspectors, Tahsildars, etc., all take something either in the shape of grain or fodder, or cash from the zamindar. Otherwise how can you imagine a patwari could decently and comfortably live with his family on 20 rupees a month, or a Sub-Inspector or Naib Tahsildar could manage to keep his horse and cows, and keep his dignified position on something like Rs. 100 a month. The upkeep of horse alone costs Rs. 50 a month. Even the high officials when on tour were a source of a misery and trouble to the poor zamindar. With their tour followed a train of followers, officials and non-officials, and as soon as the programme of their tour was published, the zamindar with the assistance of a chhaprasi would go about to collect *godam*. All that the officer paid was either taken up by his servants or went into the pocket of the zamindar. Happily the Government has arranged with the contractors to supply the *rasad* to the officers, and this calamity may be averted if the scheme works well.

Wells play a very great part in the agriculture of the Punjab. They are the chief and sure source of irrigation upon which a zamindar can depend. Even in drought when all the energies of agriculturists are paralysed, those living in tracts of land where wells exist merge out of the difficulty safe, though starved and reduced. Their existence is very necessary in parts of the country irrigated by inundation canals like Multan, Montgomery, Gujranwala, etc. They overcome the difficulty of the scarcity of the water in the canals. If the inundation canals fail or run short of water

they can be supplemented by irrigation from well-water, and thus both the Government and zamindars gain by the existence of wells. The former for not giving remissions or suspensions in the rental or the *abiana*, and the latter by saving their crops from destruction. The Government of India in their Indian Land Revenue Policy, on page 87, has expressly stated that the land revenue on a new well is not imposed for a period of 20 years in Punjab. In view of the very increasing cost incurred in sinking wells this limit ought to have been extended to give fresh impetus to the zamindars to sink new wells. Instead of this quite a reverse policy is being followed in the garb of 20 years' remission by Settlement Officers which is not understood by the zamindars. How far the Settlement Officers stick to this policy will be evident from a few examples which I will quote just now. In the Hafizabad Tahsil it is very difficult and costly to sink a well. People have invested thousands of rupees in sinking wells without reaching the stratum of water with sufficient quantity of water, and even tubes sunk in wells have failed. The last assessment of the tahsil was in the shape of a fluctuating revenue, if any one did sow any tract of land he was charged for that special tract, but lands lying waste were not charged at all. If a tract of land was lying waste for 20 years no rental was paid for that. Now if a zamindar were to sink a well in a *banjar* land, according to the hard and fast rules laid by the Government of India he should not be charged anything for a period of 20 years; but the Settlement Officers gave orders that for new wells half the *chahi paria* was to be charged for 20 years. This means that instead of increasing the period the Government reduced it to 10 years. I could see no reasons for doing so. A similar but a more complicated process was devised in Multan and is going to be introduced in Montgomery with the sanction of the Financial Commissioner. In these two districts the lands assessed or about to be assessed are

[S. Muhammad Husain.]

irrigated by inundation canals. As weirs are built across the rivers the water supply of the inundation canals has considerably decreased. Water never comes at the time of the sowing, and is dried up before the crops are ripe. Under circumstances zamindars have sunk wells at considerable costs to enable them to sow their fields in time and irrigate them with wells when water fails. If there had been no canals and the wells would have been the only source of irrigation, the Government would have been entitled to charge the fixed or fluctuating rental as circumstances required. On the other hand, when they are only meant to make up the deficiency or supply the failure of canal water, the sympathetic Settlement Officer of Multan charged both *naars* and *chahi parts* on the same cultivation. And the same sort of thing is going to take place in Montgomery which will prejudice the zamindars much more than Multan unless the definite orders of the Financial Commissioner are issued to follow the policy laid down by the Government of India. I am only quoting examples of the settlements which I know personally, and I hope much light might be thrown by my honourable colleagues in the course of discussion which will follow.

Coming to the third aspect of my Resolution I need not say much, the ordeal through which zamindars have to pass, the troubles they get, humiliations they undergo, and the money they spend during the period the settlement is in progress is too well-known to be mentioned here. A settlement from a purely zamindar point of view means overstraining the already over-taxed resources of the zamindars. Rightly do some of the illiterate zamindars say what is the use of all this trouble; Government could as well increase the rental according to the forecasts without putting them to so much trouble. All the measurement charges which it is the duty of the Government to pay are imposed upon the poor zamindar. Pay of all the *jarid-kas* is levied upon the villages which are

being measured. I would not like to open the sad page in the history of settlements; it is enough to say that some measures must be devised and adopted to put an end to all these corruptions during the period the settlement is in progress.

Last, though not least, I come to the term of settlement. Short terms of settlement really deteriorate the society. The question was discussed on more than one occasion before in the previous Council, and if I exactly remember once it was lost by the vote of one member only. In provinces other than the Punjab 30 years is generally the limit, 20 years is the maximum limit in the Punjab and it is often reduced to 10 under the lame excuse of unsettled district. The real thing is this that Government contemplates much more increase in irrigated tracts, and under the garb of unsettled tracts reduces the limit to 10 to enhance the rental twice. When there are so many safeguards inserted in the Settlement Manual to assess a waste land as soon as it becomes irrigated I see no other reason than a policy to enhance twice. In my opinion nothing short of 50 years' term would satisfy the general public. Under these circumstances, Sir, through you I would ask the Council to pass this resolution to appoint a committee with the majority of non-official members to suggest measures for the future revenue policy of the Government and devise plans whereby the interests of zamindar class may be safeguarded. We all, Sir, with the exception of a few are zamindars, and are in some way or other interested in the settlements. I hope my brethren members will unravel most of the things which may have escaped my notice. My speech is already becoming lengthy. I will just finish it with one remark that in all the new assessments the rental of an estate must in no case exceed by more than 25 per cent. of the original rent.

Mr. President.—I point out to the Council that the practice which is growing up of members leaving the Council while their speeches are being

interpreted is irregular. Speeches are interpreted so that the remarks made by speakers may reach those who cannot understand them in the language in which they are given. Obviously if any mistake is made the speaker is the best person to point it out. I therefore ask members always to stay in their places whilst their speeches are being interpreted.

8-47 A.M.

Diwan Bahadur Raja Narendra Nath.—

Sir, I move my amendment which runs as follows:—

"Strike out the words after the word 'to' up to the word 'progress' and substitute the words 'examine its present assessment and land revenue policy and to report what changes should be made in it.'"

My object is to widen the field of enquiry. I do not want that the committee to be appointed may confine its scope of enquiry to the period of settlements, or the conduct of the settlement establishment, but I want that it may go into all questions concerned with the land revenue of the province.

Mr. President.—The motion before the Council is —

"That this Council recommends to the Government, first, to appoint a committee, consisting of officials and non-officials, to enquire into and report on the views of landholders regarding —

- (a) the amount and method of their assessments;
- (b) the period of their settlements, and
- (c) the conduct of the settlement establishment during the period a settlement is in progress;

and, secondly, to start no new settlement until the report of the committee is published and has been discussed in this Council."

To this an amendment has been moved —

"To omit the words 'enquire into and report on the is in progress,' and in their place to substitute the words 'examine its present assessment and land revenue policy and to report what changes should be made in it.'"

The amendment was carried.

Mr. President.—The motion now before the Council runs as follows:—

"That this Council recommends to the Government, first, to appoint a committee, consisting of officials and non-officials, to examine its present assessment and land revenue policy and to report what changes should be made in it; and, secondly, to start no new settlement until the report of the committee is published and has been discussed in this Council."

The debate will now proceed on the Resolution as amended.

9-5 A.M.

Milan Muhammad Shah Nawaz.—Sir, the subject of Land Revenue Administration of India including the Punjab has been before the public and the Government for more than a century, and is of the highest national importance as three-fourths of the population of India depend directly and ordinarily on the produce of the soil. It therefore follows that if the soil was lightly taxed, the people might be prosperous, but if the soil was heavily assessed, the people must perish in years of bad harvests. Before I discuss the merits and defects of the present system and the law relating to land assessment, it will be necessary to give the history of Land Revenue Administration in India during the British rule. The servants of the East India Company were unsympathetic towards the agricultural classes and realized by way of rent from the cultivators as much as they could, and the agriculturists were grievously oppressed. When Lord Cornwallis succeeded Warren Hastings as Governor-General of India, he wrote, "I may safely assert that one-third of the Company's territory in Hindustan is now a jungle and inhabited only by wild beasts." Lord Cornwallis in the interests of the Government and the people of Bengal made a ten years' settlement with the landlords of that province, and within a few years he made that settlement permanent, 1793. In Madras Sir Thomas Munro contemplated a permanent settlement with the cultivators. His desire was that the cultivators in Madras should

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have their holdings "as a permanent hereditary property of which the assessment must be fixed." Sir Thomas Munro succeeded in obtaining the orders of the Court Directors of the East India Company for the introduction of ryotwari system in Madras—a permanent settlement directly with the Ryot or cultivators.

Down towards 1862 the Madras Government believed and declared that "the fundamental principle of the ryotwari system is that the Government demand on land is fixed for ever." But power and greed tempted the subsequent Governors of Madras to recede from their original position. Except the place where the ryotwari system prevailed, the Government demand is not fixed for ever but is enhanced as in other provinces at each recurring settlement. The questions of land assessment and permanent settlement are now in the forefront of the deliberations of the Madras Legislative Council. The Marquis of Wellesley was so convinced of the benefits of the permanent settlement that he pledged the word of the British Government in 1803 and 1805 by Legislative Acts and proclamations to extend it to Northern India. His successor Lord Minto recorded his opinion in 1813 that "to ameliorate generally the conditions of the Indians, it is our firm conviction that no arrangements or measure will tend so speedily and effectually to the accomplishment of these important subjects as the establishment of a permanent settlement." Lord Minto's successor, Marquis of Hastings, once more pledged in 1820, and said that "it is our unanimous opinion that the system of a permanent settlement of the land revenue, either on the principles of a fixed *jama* or of an assessment determinable by a fixed and invariable rate ought to be extended to the ceded and the conquered provinces." The Directors of the East India Company rejected the proposals of the three successive Governor-Generals and broke the pledges given by them because a trading Company was unwilling to sacrifice their own prospective profits

and dividends for the happiness and contentment of the teeming and voiceless millions of Indians who were foolish enough to keep quiet and not to agitate.

The Company's rule came to an end in 1857, and in 1862 Lord Canning once more urged the extension of a permanent settlement to all provinces of India. Lord Canning's proposals came for consideration before two Secretaries of State, Sir Charles Wood (afterwards Lord Halifax) and Sir Stafford Northcote who was by the way a Conservative. Both of them agreed in the cardinal principles that India should be governed for the good of Indians. Sir Charles Wood described the system of a permanent settlement "as a measure dictated by sound policy and calculated to accelerate the development of the resources of India and to ensure in the highest degree the welfare and contentment of all classes of Her Majesty's subjects in that country." Had Lord Canning lived a few years after his retirement I have no doubt that the people of India would have got a permanent settlement.

Mr. P. J. Fagan—May I ask how this is relevant to the present subject.

Mr. President.—I presume it is leading to something.

Mian Muhammad Shah Nawaz continuing :—

Sir John Lawrence (afterwards Lord Lawrence) wrote in the same year "I recommend a perpetual settlement because I am persuaded that however much the country has of late years improved, its resources will be still more rapidly developed by the limitation of the Government demand." He was also of opinion that a permanent settlement would give the agricultural people of India some means of saving in good years against drought and failures of harvests in bad years. Sir Stafford Northcote, then the Secretary of State for India, once more approved of the proposal in 1867 "in consideration of the great importance of connecting the interests of the proprietors of land with the stability of British Government." Such were the opinions

of these distinguished administrators and statesmen of India. But when the Empire became stable and firm the succeeding generations of Anglo-Indian bureaucrats thought it quite safe to continuously add to the land revenue without having much regard for the happiness of zamindars and the cultivators. The proposal of extending the permanent settlement into all parts of India was finally rejected after lapse of 20 years by the India Office in 1883.

Since then the Indian Government have persuaded people to believe that a permanent settlement is a useless and unfair institution. English land proprietors who themselves enjoy the benefit of a permanent settlement in England under Pitt's Act, 1798, learn to repeat, when they arrive in India, that what is good for England is not good for India, and we are asked to believe that zamindars will thrive best under a recurring settlement with a continuous increase of the *jama* from the soil. Lord Curzon's Government, although against the permanent settlement, had to some extent ameliorated the condition of the land proprietors and cultivators. But the broad principle of land assessment laid down in the Resolution of the Government of India, issued on the 16th January 1902, has never been acted upon. Sir, permit me to read out a passage in the said Resolution: "If prevention of the inevitable consequences of drought is to be an ideal incapable of attainment, mitigation is manifestly an object worthy of the closest attention of the Government. It cannot but be their desire that assessments should be equitable in character and moderate in incidence, and there should be left to the proprietor or the cultivator of the soil—as the case may be—that margin of profit that will enable him to save in ordinary seasons, and to meet the strain of exceptional misfortune."

I now ask you, Sir, to see heart to heart the exact condition of land-holders and the cultivators in the Punjab. In coming to a just decision on this point

we must bear in mind that a vast majority of land-proprietors in the Punjab possesses small holdings from 3 to 10 acres. If it is true, and it is true, that these wretched proprietors are living from hand to mouth; if it is true, and it is true, that they are buried in debts up to their eyes; if it is true, and it is true, that they are generally ill-fed, ill-clothed and without any education, then I say with all diffidence to the official point of view that the Land Revenue Administration in India generally, and in the Punjab particularly, has not succeeded.

The condition of the agriculturist labourers and the cultivators is even worse; and the agrarian movement in the neighbouring province is not without causes. Sir, the origin of such movement as communism, nihilism and agrarian movement lies in the stomach. We must protect the cultivators and tenants at will from the *مردان* of the big proprietors and the proprietors should in turn be protected from the *مردان* of the Sircar.

Mr. M. C. Darling, late Registrar of the Co-operative Societies of the Punjab, in an article in a recent issue of the *Indian Journal of Economists* has established by facts and figures the increasing indebtedness of the Punjab land-holders. He confines his remarks to the comparatively small class of owners and proprietors, and excludes the agriculturist labourers who form the bulk of the population of the Punjab and whose condition must be worse. These owners of land and share-holders number in all about 8½ millions, and it is estimated that their mortgaged debt has during the 15 years, from 1903 to 1917, increased by 11 crores of rupees. During the five years, from 1903 to 1907, the increase in mortgage debt amounted to rupees 1 crore and 61 lakhs. During the next five years, from 1908 to 1912, the increase was two crores and 31 lakhs and during the last period of 1913 to 1917 it rose to five crores and 41 lakhs. This last increase is startling, says Mr. Darling, for this is actually more than the amount for three

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years immediately preceding the introduction of the Land Alienation Act when the increase was about 8 crores. Mr. Darling also points out that for every one rupee of the mortgaged debt of the land-holder there is another rupee of unsecured debt, and this would mean that during the five years, from 1913 to 1917, the total indebtedness of land-owners increased by rupees 11 crores, and for 10 years the figure would be over Rs. 15 crores. Mr. Darling draws attention to another startling fact in the economic condition of the Punjab agriculturists. He points out that in some of the most fertile districts, with better rainfall and greater output of agricultural produce, the indebtedness of the land-owner is much greater than in some arid and comparatively barren districts. The worst cases in this respect are those of the nine districts of Ferozepur, Amritsar, Sialkot, Lahore, Gurdaspur, Lyallpur, Hoshiarpur, Ludhiana and Jullundur, representing nearly one-third of the Punjab.

There may be several causes of this indebtedness, but the main cause is the over-assessment of land revenue and the levying of heavy water rates from time to time.

One of the greatest faults of the present system of assessment is the arbitrary fixing of the land tax without consulting the wishes and views of the proprietors and cultivators. A Settlement Officer with the previous sanction of the Financial Commissioner and the Government prepares a forecast of assessment of a certain district. The same officer hears the objections of the rate-payer and an appeal lies under section 58 of the Land Revenue Act to the Financial Commissioner. This is most unfair and unjust. In the case of any difference between the proprietors and Settlement Officers in the matter of assessment an appeal should be allowed to an independent tribunal not concerned with the fixing and levying of revenue. Further, the periods of settlement are fixed arbitrary at 20 or 30 years, while there may be some valid objections against a permanent

settlement. I think the time has come that settlement should be made not oftener than once in 60 years in most of the districts of the Punjab. However, this is a question for enquiry before the proposed committee.

The report of the Joint Select Committee of the House of Lords and the House of Commons summarises the defects of the present system of assessment in these words :—

"The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without, in some cases, any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular, without expressing any judgment on the question whether the land revenue is a rent or tax they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by statute as soon as possible. At present statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment is entirely at the discretion of the executive Government. The people who are most affected have no voice in the shaping of the system, and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue-payers. The subject is one which probably would not be transferred to ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords; and the system should be established on a clear statutory basis before this change takes place.

It is therefore obvious that the present system and law relating to assessment of land should be overhauled by an Act of Legislation.

اکھنا اپنی حقیقت سے ہر اسے دھقان ذرا

دانہ تو کہیتی ہے تو بازار بھی تو حاصل ہوئی تو

وای نادانی کہ تو معراج ساقی ہو گیا

تو ہوئی تو میٹھا بھی ہو ساقی بھی تو معقول بھی تو

بے خبر تو جوہر آئینہ اہام ہے

تو زمانے میں خدا کا آخری پیغام ہے

Translation.—

Knowest thou, O cultivator of the soil!
What thou art and what is hidden in thee?

Know that thou art the grain, the farm, the rain drop and produce—all.

Woe befall thy ignorance that has made thee depend on others for the wine cup.

Knowest not thou that thou art the wine, the cup, the wine-giver and the tavern—all.

Ignorant! The mirror of time borrows its reflecting light from thee.

Thou art the last message of God to the world.

Mr. C. M. King.—Sir, I find.

Diwan Bahadur Raja Narendra Nath.—Sir, I want to say something. Would Mr. King allow me to make a short speech. The debate will be narrowed if he does.

Mr. President.—The hon'ble member is not in order. Mr. King is in possession of the house.

9-20 A.M.

Mr. C. M. King.—Sir, I find it is a little difficult to speak on this amended resolution as it stands, because I understand that you intend to put it in two parts, and that the first part of it is to

be accepted by Government. That is to say, Government is quite prepared to accept the Resolution that a committee consisting of officials and non-officials shall be appointed to examine its present assessment and land revenue policy and to report what changes should be made in it. That part of the Resolution down as far as I have read is to be accepted, I understand, by Government. The hon'ble gentleman, Mr. Shah Nawaz, who spoke in support of that motion did not say anything in his speech about the second part, so I suppose that the second part is to be separately debated, as I understand from you that you are going to put the two parts separately. That being so my task is still more difficult for this reason. Very violent attacks were made by the mover of the Resolution as it originally stood, but as he has accepted the amendment of Raja Narendra Nath which cut out the sentence of his Resolution on which his worst attacks were based, I assume that he has seen the impropriety of making these attacks, and he is willing that they should be withdrawn. It is difficult therefore for me to answer those attacks without introducing matter irrelevant to the amended Resolution. At the same time, Sir, I hope you will permit me to point out that he not only made an attack on members of the Service to which I belong, which attack I shall leave unanswered—it does not require an answer—but he made an attack on Indian colleagues of mine, I mean those who have worked with me when I was a Settlement Officer and who, many of them now are Settlement Officers themselves. As far as I remember, in his speech he stated that these Indian Settlement Officers were worse than Civilian Settlement Officers; that their objects were meaner, and that they would stop at no course which would lead to their aggrandizement or to their promotion. Sir, I think, I am right in saying that only yesterday when the hon'ble mover of this motion spoke on the subject of these very Indian officers he spoke in far different terms. As far as I remember he spoke in high praise of them, praise which

[Mr. C. M. King.]

I here endorse most fully. Those same officers he has now turned against, and there is almost nothing which is too bad to say of them. Now, Sir, it is impossible to believe that the Settlement Department or the revenue administration generally is of such an extraordinarily pernicious character that the mere association with it of an official makes him the vilest of men. Yet, Sir, that is very much what the hon'ble mover of this Resolution would have us believe. I believe, and I say now, that the Indian officials who conduct settlements, who have been specially chosen to conduct settlements are in every way worthy of the confidence of Government, and the attacks made on them by the hon'ble mover are quite unjustified. Sir, there is one argument in the speeches of the mover and of the gentleman who spoke in support of the motion which I have been quite unable to follow. Both have painted for us in vivid language the awful state of the unfortunate holder of land in this country. I am not talking now of the tenant because we were told that the tenant is in a still more unfortunate condition. He cannot leave his native village, and not only is he subject to a tyrannical Government official, but he is subject to—shall I say an equally tyrannical, if not more tyrannical,—landlord who forces up his rent and allows him hardly enough to live upon. I am not talking of the tenant; I am talking of the land-holder himself—the land-owner of whom it has been said that if you take his average earnings and the earnings of his family, they will not amount to as much as two annas a day per head. The point that I have not been able to see and which I have not been able to reason out is this, why—if this is the hard lot of the land-owner, why does he keep on owning land? Why does he keep on approaching officials to get him more land? One of the things, we are told, that oppress the land-owner is this awful burden of land revenue which enables him to earn only the merest pittance from the land. If that

be so, he should abandon it altogether, or if for sentimental reasons he is so attached to it that he will not abandon it, at any rate he should not be so foolish as to demand that more land should be given to him, yet that demand is pressed upon us daily—almost hourly. The hon'ble member who spoke to this motion has traced the history of the land revenue administration with some particular care for the last 100 or 120 years. I do not propose to do that, but I only bring one fact to your notice. That fact is this that in former times under the former rulers there was not this extreme demand for land. The land was not then a marketable asset. When the British Government came to the Punjab it very often had the greatest difficulty in finding owners for land. If my friend has read old gazetteers and old land revenue reports, as I have had to do, he will see that the old rulers had made such exactions on the land that it was quite impossible for the owners of the land to pay their demands in full. The owner of the land was in fact actually in that position in which we are asked to believe that he now is. But whereas he then showed the economic effect of the pressure that had been brought to bear upon him and refused to hold the land, which is the natural course that an individual would adopt, now so far from refusing to hold the land he tries to get as much of it as he possibly can. Now, Sir, I cannot believe that that proves that our present land revenue policy is oppressive or that our present land revenue administration is such as to be an undue burden upon the shoulders of the land owner. There was one statement of the mover's speech which I did not understand. I am not at all certain that I rightly understood any part of his speech because owing to his somewhat rapid method of utterance it was very difficult for most of us to understand it. Such scraps of it, as I have understood, were derived from the somewhat slower translation made by the official interpreter. In one part of the speech I understood him to say that he wanted a maximum of one-fourth share fixed;

I do not quite know whether he was referring to one-fourth of the net assets or one-fourth of the total gross produce.

Sayad Muhammad Hussain.—I said, one-fourth of net assets.

Mr. C. M. King (continued).—Thank you. I understand that he wishes to fix definitely one-fourth of the net assets as the share which Government should take as the land revenue. It is true, Sir, that the rules under which we work prescribe that land revenue should be one-half of net assets. Therefore it seems that the mover of the resolution would like Government to lay down a rule to take exactly one-half of what it is taking at present. As a matter of fact, and every one who has been a Settlement Officer will share my view, the rule one-half net assets has never been worked up to. The rule of one-half net assets ordinarily brings out results which make it impossible to work up to it as a standard. And as a Settlement Officer I can say that when I made my settlement my assessments came much nearer to one-fourth net assets than to half-net. There is one other point, Sir, the hon'ble member who has just sat down spoke of the difference of the law between England and India and he spoke of the fixed assessment in England. I do not know what exactly he means by, 'fixed assessment' but there the land is held on totally different tenures from those on which it is held here.

Mian Muhammad Shah Nawaz.—I was speaking of Pitt's Act of 1780.

Mr. C. M. King (continued).—The only answer to that is that whereas here this Council is asked to frame a fixed assessment, in England the tendency of modern legislation is to obtain the State ownership and to raise the assessment of land taxes to a pitch which will be commensurate with the general taxation of the country. There is one more point, Sir. It was stated as a strong objection to the present system that the same officer who drew up the forecast report was the officer who worked up the settlement. That statement is based on complete misapprehension and is not correct.

Mian Muhammad Shah Nawaz.—I did not say that, Sir. I said that in the case of any difference between the proprietors and Settlement Officers an appeal lay to the Financial Commissioner who had already approved of the forecast report. This was unfair.

Mr. C. M. King.—If that is the objection I am content to leave it at that.

Mr. President.—I draw the attention of the Council to the fact that there are numerous resolutions before it. If it goes on discussing resolutions about what it is agreed upon, as it has been doing the last two days, it will never reach the resolutions about which there might be more dispute. It is entirely a matter for the Council to settle. The debate will go on till 11 o'clock. The Government have said that they will accept the first part of the resolution, and if the Council still wishes to debate this point it is open to it to do so, but it must not complain later if it has not time to reach the other resolutions.

9-47 A.M.

Dewan Bahadur Raja Narendra Nath.—Sir, I believe, I represent the views and the mind of the hon'ble mover when I say that both he and I are grateful to the Hon'ble Revenue Member for having accepted the first part of the Resolution. The land revenue policy of the Punjab is what it has been since the time of annexation. Many economic changes have taken place, and it behoves Government and ourselves to examine the land revenue policy again. I should like to put a few points by way of example to which the enquiries of the committee to be appointed may be directed, and I hope that the Hon'ble Revenue Member will agree that they are reasonable points for enquiry.

First of all, it should be considered whether in districts in which there is no possibility of any canal irrigation, which have been subjected to more than two settlements, and which have small holdings, and in which the pressure on the soil is

[Mr. C. M. King.]

very great, there should be any enhancement of revenue. The Hon'ble the Financial Commissioner just referred to the fact that, although the condition of land owners is painted in gloomy colours, yet no one has yet parted with his land because it did not pay: on the contrary, the desire for acquiring more and more land is increasing. In this connection I should like to draw his attention to emigration which takes place on a large scale from certain districts. Hoshiarpur and Jullundur are districts from which emigration has taken place on a large scale in recent years. I believe I can add to these two the name of Gurdaspur also. There are also districts which fulfil the conditions to which I have referred, that is to say, there is no canal irrigation in them—at least not in the greater part of them—and the pressure on the soil is very great, and holdings are very small. Where holdings are small nothing is gained by the rise of prices, because there is no surplus income in the case of most of the land-owners. Therefore the enhancement of revenue simply on the score of the rise in prices is not justified. One point therefore to which enquiry may be directed by the committee is whether there are districts—and I have mentioned three, I think Kangra may be added to them—to which the boon of a permanent settlement should be conceded. The next point is that in districts in which canal irrigation has existed for a long time, but in which there is no prospect of any extension of canal irrigation and the holdings are not small, whether in those districts the term of settlement should be extended. The matter was put before the recent Decentralisation Commission. Sir James Donie, who was a revenue expert and who knew the revenue conditions of the province gave it as his opinion that the time had come when in certain districts the period of settlement should be increased from 20 to 30 years. I am not aware that that recommendation has been carried into effect.

Another point is the system of fluctuating assessment. The committee should

examine the case of each tract where fluctuating assessment is in force and should see whether fluctuating assessment is in every case justified. This system of assessment is a source of great trouble to the zamindars. They are at the mercy of petty officials, patwaris or zilladars, and the nature of the demand is not fixed. It also goes without saying that fluctuating rates are a bit higher than fixed rates. Therefore, as far as my experience goes, the fluctuating system of assessment is not popular with zamindars, and it should be introduced in tracts only where it is absolutely necessary. It ought to be seen whether there is really any good necessity for continuing the fluctuating assessment in all the areas in which it is in force. Another point is one on which I am told some discussion took place at Simla at the meeting of the Accounts Committee. Should there be an enhancement of *abiana* or occupier's rate during the currency of a settlement? That is also a point on which the views of the zamindars generally differ from the views of Government. The zamindars think that all taxes and demands on the produce of land should be determined and announced at one and the same time, and that it detracts from the benefits of the fixity of demand if those arrangements are disturbed within the period of settlement.

Then with regard to prices: abnormally high prices have prevailed in recent years, and some reference has been made to them by the hon'ble mover. It is a matter for consideration whether the conditions that have prevailed since the war can reasonably be supposed to be a permanent feature of the economic condition of the country. It seems to me that as soon as settled conditions are introduced in Russia the price of wheat will go down considerably. The price of cotton has already witnessed many fluctuations. In the winter of 1919-20 the prices varied from Rs. 18 to Rs. 23a maund. In the winter of 1920-21 they fell to from Rs. 6 to Rs. 8, and I do not know how the market will stand next winter. I think it would be reasonable to enquire whether prices

should be considered only as they were before the war and those prevailing since should be ignored altogether.

The sixth point which I would urge for the committee's consideration is what principles should guide Revenue Officers or Canal Officers in fixing *abiana* rates: whether the principles should be the same as those upon which land revenue is determined, whether *abiana* should vary according to prices, or whether occupier's rate is only a return for the investment of public money in the construction of canals.

Another very important point, the 7th on my list, is whether there are good reasons for reviving the old rule of redemption of land revenue by payment of 30 years' land revenue. I know that the land revenue now is so high that very few persons will avail themselves of this rule. Even in former times very few took advantage of it. But still it has to be considered whether that rule should be revived or not.

I put a question a few days ago about the Haq Rules. I do not wish to introduce that subject in detail, but there is clear evidence to show that the Haq Rules have gradually deteriorated so far as the interests of the zamindars are concerned. It is a matter for consideration whether conditions should be reviewed and Haq Rules revised in such a way as to meet more nearly the wishes of the zamindars.

Another point is with regard to protective leases. Is the period of protective leases allowed sufficient? Should any protective lease be granted in the case of the use of improved implements of husbandry such as the steam ploughs and ford tractors? Whether in the case of tube wells the period of protection should be nearly double of what it is in the case of ordinary wells? These, Sir, are a few points to which the committee which this house proposes to appoint can with advantage direct its attention, and I hope that the Revenue Member will have no objection in allowing these questions to be fully investigated.

10-7-A. M.

Rai Sahib Chaudhri Raja Singh—Sir, may I now speak on the Resolution in the list of resolutions standing in my name and which runs as follows:—

This Council recommends to the Government not to enhance the revenue on lands irrigated by wells, and that such lands as have already been assessed should be exempted from the payment of revenue at the time of the new assessment.

Mr. President.—Yes, that is your proper course. You will not be able to move your Resolution, as the same subject cannot be discussed twice.

Rai Sahib Chaudhri Raja Singh (Urdu).—According to the budget for 1921-22, that has been passed by this Council, Government derives income under the heads 'Land Revenue', 'Excise', 'Stamps', 'Forests', 'Registration', 'Irrigation', etc., etc. In addition to the land revenue, a local rate is realized by the District Board. Besides this, i.e., a short time after a well has been sunk on a well-irrigated land, a tax is realized as part of the land revenue. This tax is not really a part of the land revenue. Indeed it is a kind of 'income-tax' on the produce of well-irrigated lands. It is roughly calculated on each well for an area of 50 bighas, although out of 50 bighas only 20 are irrigated, on the average. The extra tax, or whatever you may call it, is realized from the zamindars on account of well-irrigated lands and is paid by them with the greatest difficulty. A well which irrigates 20 bighas yields a total income of Rs. 1,000, at the rate of Rs. 50 per bigha. Against this should be set off the expense incurred on sinking the well, making the Persian-wheel, purchasing bullocks, interests paid on the capital laid out on the well, etc., and also the expenses incurred in the upkeep of the well. The income and expenditure in connection with well-irrigated lands are equivalent and there is little margin of profit. On the other hand, a loss is suffered when a bullock dies. It is to be noted that Government levies income-tax on persons who have an income of more than Rs. 1,200 per annum,

[Malik Feroz Khan Nun.]

but when a tax is realized on account of *chahi* (well-irrigated) lands no regard is paid to the actual profit earned by the zamindar. The tax is in fact levied on the labour and expense incurred by the zamindar on these well-irrigated lands. It is, Sir, unjust and improper to realize a tax on well-irrigated lands as if it were a part of the land revenue. While in the case of *barani* lands a proprietor is entitled to $\frac{1}{2}$ share in the produce in the shape of *batai*, in the case of well-irrigated lands he is entitled to $\frac{1}{3}$ rd share. Moreover, the amount assessed will continue to be realized till the next settlement, notwithstanding the fact that, since the assessment was made, several wells have ceased to supply water. Being haunted by the fear that they would have to pay *chahi*, the zamindars in time of famine and draught are prevented from providing subsistence for themselves and their cattle by using wells as has happened this year. My submission, Sir, is that this *chahi* assessment is not based on any principle, inasmuch as the wells are sunk by the zamindars themselves and Government has no right to realize *chahi* revenue on lands irrigated by these wells. Well-irrigated lands are to be differentiated from canal-irrigated areas. Government is justified in realizing a water-rate on lands irrigated by canals, because in their case it has to incur a large expense in order to provide water. I would, therefore, submit that well irrigated lands should be exempt from *chahi* assessment. Each assessment should be remitted on the occasion of the next settlement in respect of lands that have been already assessed.

10-18 A.M.

Malik Feroz Khan, Nun.—Sir, just a few minutes. The subject of this resolution can be conveniently divided into two portions firstly, the land revenue administration as it is in vogue, and; secondly, the land revenue policy. As far as the second portion of this Resolution is con-

cerned, I do not wish to take this Council's time because there seems to be no disagreement, but as far as the first portion of the Resolution goes, that is, the land revenue administration portion—certain aspersions have been cast by the hon'ble mover on the officials of the Land Revenue Department which, I think, Sir, it would be criminal on our part if they were not defended. The hon'ble mover has not spared either the members of the Indian Civil Service or the members of his own province, I mean, the Provincial Civil Services. The land revenue administrators and particularly the Settlement Officers at present have before them certain advantages which the land administrators of the previous kingdoms had not got. First of all they have before them the records and the experience of the previous kingdoms. Moreover, they have a complete record of the land revenue policy of the British Government ever since it came in this province. I know when the first settlement in my own district was carried out in the year 1857—so that is nearly 60 years ago. I think, Sir, that at the present moment the Settlement Department have got before them the experience of nearly 60 years of land revenue administration in this province. Now with regard to the personnel of the Land Revenue Department, on the one hand we have in the Department persons who are the pick of the British Universities. I am certainly not exaggerating when I say that the British Universities are the best educational institutions in the world as far as I know from my own experience and those are the places where character is built, character to which very little attention is paid in many other countries. Those are the persons who administer this Department. On the other hand, we come to the Indian personnel, I know and the hon'ble mover of the Resolution himself knows, that at least in his own district—pardon me, if I am not quite modest in saying this, but I am forced to say it—the officer in the Settlement Department can claim as much social standing and education and strength of character as the hon'ble mover himself.

Sayad Muhammad Husain.—I have a very high opinion of that gentleman myself, and I have never directed my attack towards him.

Mr. President.—I think it is unfortunate that the Council should get to personalities, but the hon'ble mover of the Resolution himself invited this by his remarks in the early stages.

Malik Firoz Khan, Nun (continued).—I think the house will agree with me in considering that the remarks made by the hon'ble mover as regards the selfish motives at the bottom of the Land Revenue Department officers in administering that department are not justified. There is only one way in which the honesty or the motives of the Land Revenue Department can be tested, and that is this. We should look up at the list of commutation of prices. It is alleged that the settlement officers put up very high prices when computing the prices of crops at the time of settlement. I can say this much as an ordinary person that I am prepared to buy the crops of the hon'ble mover at the prices computed by the Settlement Officers. (Cheers.) This is my offer. It is for the hon'ble mover of the Resolution to accept it if he likes. With these words I would just end that if these are the people who are administering the Land Revenue Department, no matter what their policy may be—as far as the personnel of the Department is concerned—I think I would rather entrust my destinies in the hands of those persons than in the hands of a Hyde Park orator.

10-25 A.M.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Sir, in dealing with the Resolution of my friend I would confine myself first to the remarks that have been offered by the speakers in this debate, and then finally I would deal with the acceptance of the Resolution so far as its first part is concerned. As regards the second part of the Resolution I shall give my reasons for not being able to accept it. In the beginning of his speech, my friend, the mover, said that

the Council should sanction the starting of re-settlement. I refer my friend to section 49 of the Land Revenue Act and say that this assertion of his is contrary to the provisions of that section. That section lays down that assessments shall be started only with the sanction of the Local Government. Up to the present moment the starting of assessments is not within the purview of the Legislative Council itself. What, however, the Legislative Council can do is, not to sanction the grant for the purpose. This right too is subject to the provision that the Governor, if he thinks fit, can restore that grant of his own accord. I will, therefore, point out that so far as that contention of my friend goes, he is not right in saying that this Council has the constitutional right for the sanctioning of settlement operations. In dealing with the subject further he set forth the grievances of the zamindars and the troubles which they experience on the occasion of the settlement operations, and he drew rather an exaggerated picture of these grievances. I might point out in reply that, before any settlement operation is commenced, first of all a forecast report has to be submitted. All that Government requires in this report is to be satisfied that the financial prospects are such as to justify the undertaking of a general re-assessment, failing that, that there are other reasons which make a re-settlement desirable. This forecast report has to come up before the Local Government with the recommendations and remarks of the Financial Commissioner. The points with all their bearings have to be considered and duly weighed before sanction is given for purpose of starting settlement in a certain area. My friend while dealing with the grievances of zamindars referred to the assessment of income-tax, and said that as in the case of income-tax people are required to show their accounts, similar action is not taken in the matter of land revenue assessments.

I am afraid there is a very great difficulty experienced by income-tax assessors in

[S. B. Sardar Sundar Singh.]

finding out the true income of an assessee. An endeavour is always made on the latter's part to hide facts and not to give true statements of their accounts. I presume, and I think it is only natural, that a zamindar also would be very chary in giving true accounts of his income and expenditure. I do not mean to say that accounts are kept by zamindars. I know zamindars do not keep accounts; but all the same one has to depend upon some sort of assessment or valuation of all those factors in coming to a conclusion on the subject. Further on in the course of his speech he said that the assessment periods are generally or invariably 20 years in this province, and that in many cases they are 10 years, and that his recommendation is that they should be increased to 50 years. Being a zamindar myself I have got some sort of sympathy with this recommendation, but, on the other hand, I must point out to my friend that the period of settlement depends upon the conditions of the area to be assessed. Government has to take into consideration the new area which has been brought under cultivation since the last settlement of the district was effected. They have also to keep in consideration the prices ruling in the district or in the province generally; and I may say that, though previously in some portions of the province 10 and 20 years has been the rule, the tendency of Government has been to increase this period, and at the present moment 30 years is the general rule. I have no doubt this matter will be fully considered and dealt with by the committee which is to be appointed, and when the recommendations of that committee are placed before Government they will receive due consideration.

He also mentioned as an example the Multan settlements. I think my friend knows that nearly three-fourths of the assessments in Multan are fluctuating. From that term I hope our friends will understand that assessments of revenue are only to be taken on the lands which are actually under cultivation and on which crops have matured. For the

rest of the area, particularly those parts which are irrigated by wells, only a sort of assessment is made on parts actually irrigated and brought under cultivation from wells and not the whole area of a zamindars holding.

I will not go into detail of the attacks which my friend has thought fit to make on Settlement Officers, as those have been dealt with fully by Mr. King and some other speakers on my right, but I associate myself with Mr. King and my other friends in defending the Department which is under my control at the present moment, and I will not be doing my duty if I do not strongly put forward the claims for kinder consideration which these officers should receive at the hands of the honourable members of this Council. It would be as well, if before making such remarks they were to put themselves in the position of these officers and try to realize the difficulties which they have to contend with in ascertaining the true income of a zamindar in order to assess the land revenue on his holdings.

I remember one passage particularly in the speech of my friend Mr. Shah Nawaz in which he said that more land was lying waste in olden times on account of the policy of the officials of the East India Company. I would ask my friend to picture to himself the condition of the country some years back before colonization operations of various areas was started in Lyallpur, Montgomery Bars. Perhaps my friend will remember that it was impossible to obtain in those bar tracts either water or any other commodities. Beyond a little milk, it was impossible to obtain anything else, and least of all water. And what have those tracts now become by the bringing of water from the rivers of the Punjab, which before the colonization went unharnessed and to waste. I do not ask him to look at it from a scientific standpoint, because of course there is no waste in nature; whatever water is drawn up by the sun is brought back by the clouds in the form of rain. Independently of nature's aid, I would ask him to consider what the result has been of irrigation.

He mentioned also something about permanent settlements. I would simply point out to him the condition of the tenantry in the permanently settled areas of Bengal. I do not think it is enviable. The tenants in those parts are always complaining about the exactions of the landlords, who take advantage of their position under the permanent settlement. I think the present tendency in England is also against a permanent fixity of land rents. Mr. Lloyd George is not very much in favour of permanent land laws, and he is perhaps going to benefit from a study of the conditions prevalent in this country, and will introduce land laws there not on permanent basis, but probably on fluctuating terms.

My friend mentioned also the indebtedness of the zamindars. I admit there may be something in that: but there is also another side of the picture. As regards the zamindar in the colony areas we all know something about the great absorption of gold sovereigns that is going on in that part of the country; and my friend also knows the amount of gold ornaments worn by the women folk in the colony areas. I do not grudge this to them, and I shall be very pleased to see tenants in other parts of the country enjoying the same benefits and blessings as their fellows enjoy in the first-named tracts. But this does not mean that all the zamindars are very poor.....

Mian Muhammad Shah Nawaz.—I was not talking about big zamindars. I refer generally to the 8½ millions of small land-owners.

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—I also am not talking of the big zamindars but of those who have settled in the colony areas. I presume they are not big zamindars like my friend, but they are zamindars all the same who have emigrated from their homes and taken up land in that tract, and the benefits they have earned cannot be ignored.

Coming again to his mentioning about lands having become waste I am reminded of the Thal lands to be irrigated by the Thal Canal Project. My friend has been acquiring a good deal of land in those parts of the future colony. He is acquiring land at very cheap rates. I may be wrong, but I think it is at one rupee an acre that he is purchasing or has purchased. If his idea is to forestall all of us he is quite right. He has been pressing very hard for the repeal of 1902 enactment which gives power to Government to acquire large areas. I do not know with what purpose: I do not doubt his motives; but perhaps it is with the idea of expediting the taking in hand of the Thal Canal Project. I may assure him that I am doing my best to get that project sanctioned, and as soon as sanction of the Government of India is received the work on the canal will be taken in hand, and Government will derive the benefit that that piece of legislation gives it. But I may incidentally infer from this that in those areas which are not served by the canals at the present moment the conditions are not so prosperous as they are in the other parts which are so served, under the care of my friend Mr. Ives, the Chief Engineer of the Irrigation Department.

I am thankful to Raja Narendra Nath for the points he has mentioned for enquiry, and I can assure him that all these points will be duly considered by the committee which is to be appointed. But as regards prices, he said that it was for consideration whether those now prevailing would become a permanent feature of the economic conditions in future or would go down to pre-war levels. I am reminded in this connection of the wages of labour previous to the earthquake of 1905, when coolies employed on construction work were paid no more than 4 annas to 6 annas, or at most 8 annas a day; but after that catastrophe their wages went up to 12 annas and instead of coming down have now risen to one rupee. Similarly the wages of artisans have gone up a great deal; and

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 though there is a possibility of the prices of food grains falling to some extent I believe that they won't fall to the pre-war level. If they do, I should be happier because it will alleviate the sufferings of the middle class people who are feeling the pinch of the high prices very much. Now coming to the resolution I have given an undertaking that Government is prepared to accept the first portion of the Resolution of my friend in its amended form. I am glad an opportunity has been given to Government to accept this part of the Resolution. As regards the report of the Joint Committee the matter has been under the consideration of Government. I may inform the Council that small committees composed of the Legislative Council Members have been formed in connection with the different subjects, whether transferred or reserved, and that they have received the consideration of His Excellency the Governor. It is to be hoped that Government will be in a position to announce the formation of these committees shortly, and that some of these committees will help to lighten the work which falls to my lot, and that I shall receive the help and advice of the hon'ble members of the Legislative Council from the people's point of view on subjects such as land revenue, etc., and that their advice about settlement operations will be of great help to me.

As regards the first part, Sir, I do not wish to detain the Council any longer as I have accepted the resolution on behalf of Government. But as regards the second part of my friend's proposition which has not been accepted by me, I would like to say a few words. As I stated in the opening remarks of my speech, the transferring of the power of starting of new settlements from the Local Government in the hands of the council. That I believe is against the constitutional rights which this council enjoys. We cannot do that unless we amend section 49 of the Land Revenue Act, and that we cannot do. First of all that Act is one which has been passed by the Government of India, and, secondly, we can only

amend that Act by first obtaining the sanction of the Governor-General, and until that is done and the Act amended the duty of starting new assessments must rest with the local Government and not with the Legislative Council, at any rate for the present. So if I were to agree to what my friend proposes, I would be doing an unconstitutional thing, and I do not think that the members of this Council would like me to do that. I therefore trust that that portion of the Resolution will not be pressed because if it is pressed as a member of Government it will be my duty to resist it. I think, Sir, I have said enough on the subject, and I hope that my friend will see the advisability of not pressing the last portion of his resolution in view of the fact that Government has already accepted its first portion.

Mr. President.—Is the hon'ble member prepared to withdraw the second part of his Resolution?

Syed Muhammad Husain Shah.—No, Sir. My Resolution is only in the form of a recommendation. I want it put to the Council in its entirety.

Sardar Bahadur Sardar Mehtab Singh.—Sir, I move the closure.

The Hon'ble Sir John Maynard.—Sir, I protest.

Mr. President.—Will those members who wish to speak stand in their places.

(About ten members rose in their places.)

Then I cannot accept the closure motion. It is now 11 o'clock and the debate must stand adjourned. Before, however, the Council adjourns, I have to give notice that the resolution to be moved by the Hon'ble Finance Member on Tuesday will be in the following terms:—

That this Council offers a warm and hearty welcome to His Royal Highness the Prince of Wales on his approaching visit to India, and trusts that his tour in the Punjab will afford to him the opportunity of gaining a closer knowledge of the people of the Province and assure to them his sympathy.

The Council then adjourned till 7 A.M. on Monday, the 1st August, 1921.

PUNJAB LEGISLATIVE COUNCIL.

Monday, 1st August 1921.

The Council met at the Council Chamber at seven of the clock!
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PEROZEPORE MUNICIPALITY AND LALA LAJPAT RAI.

731. Mr. Daulat Ram, Kalia.—Is it a fact that the municipal carts and employes of the Perozepore Municipality were used for making arrangements for the lecture of Lala Lajpat Rai on the 25th June 1921? If so, was such use authorised by the Punjab Municipal Act and has it the sanction of the Committee on the above occasion?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The lecture was delivered in the courtyard of Gobar Mandi, the sanitation of which is under the control of the Municipal Committee. The rubbish, etc., was removed by means of municipal conservancy carts meant for this purpose. This is authorised by the Punjab Municipal Act and special sanction of the Committee was not necessary.

Mr. Daulat Ram, Kalia.—Was this Gobar Mandi unusually unclean at this time of the year and was it ordered by the Municipal Committee to be cleaned?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I must have notice of that question.

LALA LAJPAT RAI'S SPEECH AT PEROZEPORE.

732. Mr. Daulat Ram, Kalia.—Is it a fact that Lala Lajpat Rai in his recent speech at Perozepore city approved of young men of 16 and 18 years going to jail on political grounds? If so, is it possible for young men to go to jail without being convicted? If it is not

possible, did not the Lala invite young men to commit crime?

The Hon'ble Sir John Maynard.—From the report of the speech in question seen by Government it appears that Lala Lajpat Rai stated that the fact that young men are gladly going to jail congratulated by their parents is another evidence of India getting Swaraj by October. This statement cannot, in the opinion of Government, be regarded as a direct incitement to young men to commit crime and so go to jail.

PUNJAB UNIVERSITY AND ORIENTAL LANGUAGES.

733. Mr. Daulat Ram, Kalia.—(a) Is it a fact that persons passing with Honours in Sanskrit, Arabic and Persian can obtain the B.A. degree of the Punjab University later on by passing the Examination in English alone and that those passing with Honours in Urdu and Gurmukhi are not entitled to the same privilege?

(b) If so, will the Government be pleased to state the reasons for not putting the two spoken languages of the Punjab on the same footing as the foregoing foreign and dead languages?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes. A candidate who has passed the Honours Examination of the Oriental Faculty in Arabic, Sanskrit or Persian and who has passed in the subject of English only the Matriculation, Intermediate and B.A. Examinations, is deemed to have passed the Bachelor of Arts Examination and is admitted to the Degree of Bachelor of Arts with all its privileges.

Put a person, who has passed any of the examinations in Vernacular Languages (Urdu, Hindi, Panjabi, Pashto) and later on if he passes in the English papers of the Matriculation, Intermediate and B. A. Examinations of the Arts Faculty, is entitled to receive from the University a certificate testifying, to his having passed in English in the Examination concerned (Calendar page 149, Regulation 7-A).

The case of a candidate passing with Honours in Classics (Sanskrit, Arabic, Persian) is not a parallel one with the candidate who passes the Honours Examination in Vernaculars. Sanskrit, Arabic and Persian are already subjects for the B. A. Degree whereas the Vernaculars are not. Moreover, the Honours Examination in Classical Languages include such subjects as Philosophy, Law and Rhetoric. The Vernaculars in the present stage of development could hardly be expected to offer any scientific instruction.

(b) Government does not desire to interfere with the internal management of the University.

CLASSIFICATION OF GURMUKHI TEACHERS AS ORIENTAL TEACHERS.

734. Mr. Daulat Ram, Kalia.—Will Government be pleased to class the Gurmukhi teachers of Government schools as Oriental teachers?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government adheres to the existing classification and sees no reason to alter it.

RAILWAY LINE BETWEEN ABOHAR AND FAZILKA.

735. Mr. Daulat Ram, Kalia.—Will the Government take steps to move the Government of India for laying a Railway line between Abohar and Fazilka, a survey of which was made a few years ago? If this is not possible will the Government move the District Board, Ferozepore, to construct an electric tramway between these two towns?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—A survey for a narrow gauge Railway between Abohar and Fazilka was carried out last year and a project which seems unlikely to be remunerative has been submitted to the Railway Board.

Mr. Daulat Ram, Kalia.—Will the Government be pleased to give an answer to the second part of my question?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I have said in answer to the first part that the railway is not likely to be remunerative. We have not yet considered the feasibility of an electric tramway.

DISTRICT BOARDS AND TRAMWAYS.

736. Mr. Daulat Ram, Kalia.—Is it a fact that some time back the Government was pleased to ask District Boards to make tramways and light railways within their jurisdictions? Have any tramways or railways been so made? If not, will the Government be pleased once more to invite the attention of these Boards to this matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Towards the end of 1918 Government asked for the views of the District Boards on the proposed legislation empowering them to levy a special land cess for the development of light local railways and tramways. A Bill to amend accordingly the Punjab District Boards Act was introduced in the Provincial Legislative Council, but the non-official members of the Select Committee appointed to consider and discuss the Bill were unanimously opposed to it, and the Bill was accordingly withdrawn.

No tramways or railways have yet been made by any District Board.

The attention of the District Boards will be invited to the suggestion of the hon'ble member.

SUPPLY OF PROVISIONS TO TOURING OFFICERS.

737. Mr. Daulat Ram, Kalla.—Will the Government be pleased to appoint a Committee to consider the contract system recently introduced for the supply of provisions to touring officers with a view to modify it in such a way that nothing but articles available in the villages be taken from the villages and all other articles be carried by the officers themselves?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Government does not consider it advisable to appoint a Committee to consider modifications of the contract system until some experience of its working has been gained. As the burden of providing supplies falls on the contractor and not on the villagers the reason for the question is not understood.

JUMAATUL WIDA AS HOLIDAY.

738. Pir Akbar Ali.—(a) Is it a fact that *Jumaatul Wida*, viz, the last Friday of the month of the Muslim fast, is not authorised as a holiday for observance in public offices under the Punjab Government and that a large number of Musalmans in Government service are thereby prevented from joining the special Juma prayers held on that day?

(b) If so, will Government be pleased to consider the necessity of gazetting *Jumaatul Wida* as a holiday for public offices?

The Hon'ble Sir John Maynard.—(a) This festival is not a holiday under the Negotiable Instruments Act; but it is a holiday in Civil Courts; and it is at the discretion of the head of an office to allow it as a holiday in Government offices.

(b) The provision referred to above appears to meet the case.

RAM NAUMI AS GAZETTED HOLIDAY.

739. Rai Sahib Lala Panna Lal.—Will the Government be pleased to state (a) if Ram Naumi is a gazetted holiday in the Punjab; (b) if Ram Naumi is a gazetted holiday in other Provinces of India; (c) if it is a gazetted holiday in some other Provinces of India and not so in the Punjab? Does the Government intend to order Ram Naumi to be a gazetted holiday in the Punjab also?

Mr. E. Joseph.—(a) Ram Naumi is not a prescribed or a declared public holiday under the Negotiable Instruments Act in the Punjab.

(b) Government have not full information on the subject.

(c) Government do not propose at present to declare Ram Naumi as a public holiday under the Negotiable Instruments Act, because they are not satisfied that a great majority of the inhabitants of this Province desire this festival to be observed as a public holiday.

MUHAMMADANS AND GOVERNMENT COLLEGE, LAHORE.

740. Sayad Muhammad Raza Shah.—Will the Government be pleased to place on the table a statement showing—

- (a) the total number of applications for admission to the first year class of the Government College, Lahore, in the 1921 session;
- (b) the total number of applications made by Muhammadan students;
- (c) the total number of students admitted to the first year class;
- (d) the number of Muhammadan students admitted to the same class.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information is being collected and will be communicated to the hon'ble member in due course.

741. Sayad Muhammad Raza Shah.—

(a) Is it a fact that there has been a paucity of Muhammadan students in the Government College for some years past?

(b) If so, what steps is Government prepared to take with a view to increasing their numbers? Is Government prepared to allot half the number of vacancies to Muhammadans?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The necessary information is being collected and the question will then be considered.

PUBLIC PROSECUTORS.

742. Sayad Muhammad Raza Shah.—Will the Government be pleased to state—

(a) the principle on which the appointments of Public Prosecutors and Government Pleaders are made in the province;

(b) the number of Muhammadan and Christian Public Prosecutors in the province?

The Hon'ble Sir John Maynard.—(a) The hon'ble member is referred to the answer given to question* No. 181 asked in the last session of the Legislative Council.

(b) There are 9 permanent Muhammadan and 1 permanent Indian Christian Public Prosecutors at present in the province. Two other Indian Christians at present hold officiating appointments.

REMITTANCE OF LAND REVENUE.

743. Sayad Muhammad Raza Shah.—Will the Government be prepared to consider the question of remitting land revenue in suitable cases and of according other facilities where desirable in the Multan District on account of the recent drought?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—With regard to the remission of land revenue reference is invited to the reply given to question No. 661.† If the member will kindly specify what other facilities he has in mind it will be possible to give a reply.

HEALTH OFFICER IN THE MULTAN MUNICIPALITY.

744. Sayad Muhammad Raza Shah.—

(a) Is it a fact that the Multan Municipality has been without a Health Officer for the last three years or more, and that the Sanitary Commissioner has been vetoing the appointments made by the Municipality?

(b) If so, will the Government be pleased to consider the desirability of allowing a freer hand to municipalities in such matters?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The Multan Municipality has never had a Health Officer, and no duly qualified officer has been proposed.

(b) Government were prepared to consider the temporary appointment of an unqualified practitioner, and asked the municipality early in 1920 to submit proposals regarding his pay. Those proposals have not been received.

CATTLE-TAX IN KANGRA.

745. Mr. Moti Lal, Kalstha.—Will the Government be pleased (a) to state the principles on which a cattle-tax has been imposed in the Kangra District on zamindari cattle, and (b) to remit this tax on account of the present scarcity of fodder?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The object of the cattle-tax was to reduce the incidence of grazing, as excessive grazing had been found to be real cause of the deterioration of forests. Government has no

desire to make money out of it, and sanction has recently been given to the assignment of the whole of the proceeds of the tax to the District Board of Kangra.

(b) The remission of the tax would tend to accentuate fodder scarcity as it would remove one reason for limiting the number of cattle kept in the district. The local officers will be consulted with regard to the suggestion that the tax should be remitted for the current year. This remission will affect the income of the District Board, not of Government.

NUMBER OF COWS, BUFFALOES, ETC., IN KANGRA.

743. Mr. Moti Lal, Kaistha.—Will the Government be pleased to lay on the table a statement to show for the last five years the number of cows, buffaloes, oxen, bulls, calves and heifers in the Kangra District?

The Hon'ble Lala Harkishan Lal.—The figures for the last two enumerations held in 1914 and 1920 are laid on the table:—

Bulls and bullocks.	Cows.	Male buffaloes.	Cow buffaloes.	Young stock.	Total.
1914 ... 287,322	239,466	16,051	103,956	211,071	857,866
1920 { Bulls ... 410 Bullocks ... 253,100 }	189,824	11,455	88,408	{ Cow calves ... 194,020 Buffalo calves 59,052 }	796,369
Total ... 253,510				Total ... 253,072	

AREA OF GRAZING GROUND IN KANGRA.

747. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state the total area of grazing ground in the Kangra district?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The information asked for is not available and cannot be ascertained without an amount of labour that does not appear to be justified in the circumstances.

DEATHS FROM CHOLERA IN KANGRA.

748. Mr. Moti Lal, Kaistha.—Will the Government be pleased to say how many people died from cholera in the Kangra and Palampur Tahsils from March 1921 to date; and what steps, if any, it took to prevent the spread of this disease and to render assistance in the rural area?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has no separate

figures for the Kangra and Palampur Tahsils, but in the present epidemic up to the 9th July (which is the last date for which reports have been received at the time of preparing this reply) 790 deaths have occurred in the Kangra District, of which 6 occurred in Dharamsala and 784 in the rural circles. A *communiqué* was published on the 15th June which stated that immediate steps were taken to combat the disease and particularly to prevent contamination of water, the entire district vaccination staff being pressed into service, with the result that the disease was reported to be abating. This expression of opinion has been further justified by subsequent events. In the week ending 25th June there were 112 fresh cases with 90 deaths, while in the week ending 2nd July these had diminished to 24 cases and 18 deaths, and in the week ending 9th July to 7 cases with 8 deaths.

WATERLESS VILLAGES IN KANGRA.

749. Mr. Moti Lal, Kaistha.—Will the Government be pleased—

(a) to state the number of villages in the Kangra district in which there are no sources of water, and the people have to fetch water from a distance from *khads, kuhls*, etc., and

(b) to take steps to alleviate the distress caused to the people of the Kangra District on account of scarcity of water?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member is probably aware of such villages in the Kangra District, and if he can suggest any means of helping them—and help can also be given to villages similarly situated in the matter of water scarcity in other parts of the province—Government will be prepared, if finances permit, to take such action as may be necessary.

FAILURE OF RAIN IN KANGRA DISTRICT.

750. Mr. Moti Lal, Kaistha.—(a) Is it a fact that rain failed throughout the Kangra district during the last three harvests and that damage was thereby done to crops both on irrigated and non-irrigated lands?

(b) If so, will the Government be pleased to consider the advisability of remitting revenue in the Nurpur, Dohra, Hamirpur, Kangra, Palampur and Kulu Tahsils?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

SENIOR SUB-JUDGE AND REVENUE OFFICER, KANGRA.

751. Mr. Moti Lal Kaistha.—(a) Is it a fact that the Senior Sub-Judge and Revenue Officer were recently transferred from the Kangra District to the Hoshiarpur and Lahore Districts, respectively?

(b) If so, for how long were their places left unfilled?

(c) During the periods for which their places were left unfilled how many litigants and witnesses attended the two courts, and in how many cases did the parties have to pay the expenses of witnesses without their statements being recorded?

(d) Will the Government be pleased to compensate the parties for the pecuniary loss involved, and to explain why arrangements were not made to intimate to the parties concerned that their cases would not be taken up?

Mr. E. Joseph.—(a) Yes. The Revenue Officer was transferred. The Senior Sub-Judge was not transferred.

(d) The Revenue Assistant's place was unfilled for 6 weeks, the Deputy Commissioner having made temporary arrangements for his work.

(a) & (d) Government have no information on the point. The Deputy Commissioner is being asked to report if any loss or hardship was caused.

PARTITION CASES IN REVENUE OFFICER'S COURT, KANGRA.

752. Mr. Moti Lal, Kaistha.—What is the number of partition cases pending in the Revenue Officer's court in the Kangra District, and is Government satisfied that there is no undue delay in settling these cases?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is not yet available. It will be given to the hon'ble member in due course.

RAM NAUMI AS PUBLIC HOLIDAY.

753. Mr. Moti Lal, Kaistha.—Will the Government be pleased to notify *Ram Naumi* as a public holiday?

Mr. E. Joseph.—Government do not propose at present to declare *Ram Naumi* as a public holiday under the Negotiable Instruments Act, because they are not

satisfied that a great majority of the inhabitants of this Province desire this festival to be observed as a public holiday.

EDUCATION GRANT TO KANGRA DISTRICT BOARD.

754. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state what grant has been made to the Kangra District Board for the extension of education?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain. — Rs. 77,348.

PAY OF CHOWKIDARS.

755. Mr. Moti Lal, Kaistha.—(a) Is it a fact that the pay of chowkidars has been increased to Rs. 8 per mensem?

(b) Do not the chowkidars do the work of Government and not of the zamindars?

(c) If so, on what principles has the chowkidara tax been imposed on the zamindars of the Kangra District?

The Hon'ble Sir John Maynard.—(a) It is a fact that the maximum to which Deputy Commissioners may enhance the remuneration of any village chowkidar has been raised to Rs. 8 per mensem.

(b) The village watchman is the servant of the village community, and as such is bound (subject to the orders of the Deputy Commissioner) to obey the village headman. He keeps watch and ward in his village but is also bound to assist the police in all matters connected with the prevention and detection of crime and the apprehension of offenders.

(c) The remuneration payable to a village chowkidar is realised in all Punjab districts from the village concerned by a chowkidara rate which is imposed under section 89-A of the Punjab Laws Act.

PRIVATE AVERAGE INCOME PER HEAD OF PUNJABEES.

756. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state that what is the private average income of every person living in the Punjab and what is the average taxation in the Punjab per head and what are average administration expenses per head?

The Hon'ble Sir John Maynard.—Government has no information available for a reply to the first part of the question. To collect the necessary information would occupy the time of an expert committee for some years. Government will endeavour to answer the second part of the question if the hon'ble member will define more clearly what he means by "taxation." Taxation is of two kinds, direct, such as income-tax, and indirect, such as stamps, excise duties, etc. The people of the Province also pay taxation to three different authorities—the Central Government, the local Government and local bodies. It is not known which of these three kinds of taxation the hon'ble member wishes to include. It is also difficult to understand what is meant by the expenses of administration, and whether the hon'ble member intends to include the expenses of the Central administration, and if so what portion of these expenses should be regarded as equitably debitable to this Province.

MURDER CASES IN THE PUNJAB.

757. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state (a) in how many cases was murder committed in the Punjab during the last six years; (b) how many cases in each year ended in conviction, discharge and acquittal respectively; and (c) whether it is prepared to abolish the capital sentence?

The Hon'ble Sir John Maynard.—(a) & (b). A statement embodying the information asked for is laid on the table.

(c) The answer is in the negative.

STATEMENT.

Year.	Number of murder cases committed.	Number of cases resulting in conviction.	Number of cases resulting in discharge and acquittal, etc.	Pending at the close of the year.
1915	439	210	148	66
1916	465	276	114	75
1917	476	281	152	98
1918	470	270	168	92
1919	461	256	117	88
1920	587	228	181	138

ACT II OF 1914.

758. Mr. Moti Lal, Kaistha.—(a) Since the extension of Act II of 1914 to small streams and *khads* in the Kangra District how many persons have been convicted, and what sentences of imprisonment and fine have been imposed, and what amount of fish has been involved?

(b) What was the total income and expenditure of the Fisheries Department in the Kangra District in 1919, 1920, 1921?

(c) Will the Government be pleased to exempt the minor *nadis* and *khads* from the operation of the rules of the Fisheries Act?

The Hon'ble Lala Harkishan Lal.—The answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

COOLIES FOR DRAGGING RICKSHAWS
IN SIMLA.

759. Mr. Moti Lal, Kaistha.—(a) How many coolies are employed every year in dragging rickshaws in Simla and what is the mortality rate among these coolies?

(b) Will the Government be pleased to prohibit the dragging of rickshaws by human beings and to introduce a better type of vehicle?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The number of licensed coolies at rickshaw stands at present is 2,040. To these must be added the number of coolies employed by private persons for their rickshaw. It is not possible to give an answer to this: but some three hundred private rickshaws are licensed. A large number of people employ 4 Japans per rickshaw, a few employ 5 and a considerable number keep a rickshaw without coolies trusting to obtain them when wanted in the bazar. Altogether the number may be estimated at about 3,000. No figures for the mortality rate amongst this class exist.

(b) The possibility of inventing a more suitable and convenient form of vehicle has, from time to time, occupied many minds, and Government will be very grateful of the hon'ble member can make any practical contribution to the solution of this difficulty. An experiment is being made by the municipality and by His Excellency the Governor, which, it is hoped, may throw some light on the question of the possibility of utilising electrically driven conveyances. In the meantime there seems to be no reason to prohibit the dragging by human labour of rickshaws which provides employment to a considerable body of persons who come voluntarily to Simla for the purpose every season, and are believed to return home with very considerable savings.

PROSECUTIONS IN PUNJAB UNDER INDIAN
DEFENCE ACT, ETC.

760. Mr. Moti Lal, Kaistha.—Will the Government be pleased to furnish a statement showing for each month since January 1921 (a) the number of prosecutions in all districts in the Punjab under the Indian Defence Act, the Seditious Meetings Act, sections 124-A and 153 (A),

I. P. C., and sections 103, 107, 141 and 108 C. P. C.; (b) the number of persons challoaned; (c) the number out of them who were convicted, discharged or acquitted; and (d) the number of cases still pending under the abovementioned Acts and sections?

The Hon'ble Sir John Maynard.—The required information is not readily available. It is being collected and will be furnished later.

MEMBERS OF CRIMINAL TRIBES EMPLOYED
IN GOPALPUR TEA ESTATE,
KANGRA.

761. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state (a) the number of persons who are members of criminal tribes employed in the Gopalpur Tea Estate, Kangra; (b) what pay is given to adult males and women and children; and whether that pay is sufficient?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

INCOME FROM BAMBOOS IN KANGRA.

762. Mr. Moti Lal, Kaistha.—(a) Is it a fact that the income derived from sown bamboos is the right of the zamindars of the villages in the Kangra District and that it is taken by the Forest Department and is not given to zamindars?

(b) If so, will the Government be pleased to order its refund to the zamindars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Bamboos sown by zamindars in villages or in protected forests, either demarcated or undemarcated, belong to them. The Forest Department takes no income whatsoever from such bamboos.

OPIMUM CULTIVATION IN KULU SUB-DIVISION.

763. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state how much land in the Kulu Sub-Division is under opium cultivation; what is the total production of opium in that sub-division, and how much revenue is received by the Government?

The Hon'ble Lala Harkishan Lal.—The area in 1920-21 was 96½ acres, the production was 71½ maunds, and the revenue derived Rs. 35,070.

764. Mr. Moti Lal, Kaistha.—(a) Is it a fact that traders in opium in the Kulu Sub-Division purchased opium after paying duty at Rs. 18 per seer in accordance with rules passed by the Financial Commissioner and notified in January 1920; and that this notification was to have remained in force up to 31st March 1921; and that on the 27th January 1921 the traders after paying the said duty applied for passes in the Tahsil, and that the Excise Sub-Inspector refused to give passes on the ground that the duty had been raised from Rs. 18 to Rs. 26?

(b) If so, was not this increase of duty from Rs. 18 to Rs. 26 illegal?

(c) Were representations made by the Kulu opium traders on this point to the Financial Commissioner and the Deputy Commissioner, Kangra District, and what was the result?

(d) Will the Government be pleased not to charge extra duty on the purchases so made?

The Hon'ble Lala Harkishan Lal.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

TRAVELLING ALLOWANCE TO DEPUTY COMMISSIONERS.

765. Mr. Moti Lal, Kaistha.—Will the Government be pleased to lay on the table a statement showing the amount of travelling allowance and daily allow-

ance earned by all Deputy Commissioners and Revenue Officers during the last three months in the Punjab.

The Hon'ble Sir John Maynard.—It has been ascertained that the cost of collecting the information asked for by the hon'ble member will be Rs. 50 or Rs. 100, according as the particulars of travelling allowance and daily allowance are lumped together or given separately. The Government does not think that the expenditure of this money would be justified, but will consider the question further if the hon'ble member will state the objects which he has in view in asking for the information.

CLIVE MOTOR COMPANY.

766. Mr. Moti Lal, Kaistha.—(a) Is it a fact that the Clive Motor Company cannot meet the demands of the general public for a motor service from Pathankot to Palampur?

(b) Has any agreement been executed by the said Motor Company in favour of the Government? If so, what is the provision as to passengers, and who are the shareholders of the said Company? Is it an English or an Indian one?

(c) How many persons applied for licenses for a motor service from Pathankot to Palampur and what was the fate of their applications? Will Government grant licenses for such service freely?

The Hon'ble Sir John Maynard.—(a) Complaints have been received.

(b) An agreement is under execution; the Company will carry passengers on the terms laid down by Government. Government is not in possession of a list of the shareholders, but they are believed to be both Indian and English. The Company is registered in India.

(c) Several other applications were received by the Deputy Commissioner. In one case permission was granted and another has been recommended to Government. In view of serious accidents on the road it is not considered advisable to

grant licenses to speculators, but local officers will exercise their discretion in recommending reliable firms or owners according to the demand for passenger traffic.

BEHAVIOUR OF A MILITARY OFFICER.

767. Dewan Bahadur Raja Narendra Nath.—(a) Has the attention of Government been drawn to a note published on page 3 of the *Bande Mataram* of 19th May 1921, based on information given by a correspondent regarding the behaviour of a military officer?

(b) Is it a fact that the officer in question was of some standing and experience in the Army, and that he forcibly ejected from a second class compartment 4 Indian passengers, amongst them a lady, a high official of a Punjab State, and Pandit Pearay Mohan B.A., LL.B., assistant editor of the *Tribune*?

(c) Is it a fact that the matter was duly reported to the guard of the train as well as to the Station Master on duty at Wazirabad and to the European sergeant of police at that station, and that none of them took any action to help the Indian passengers?

(d) Will Government be pleased to state what action has been taken in the matter.

The Hon'ble Sir John Maynard.—As regards parts (a) and (d) of the question the member is referred to the answer already given to question No. 543.*

With reference to (b), the officer in question is in rank a Major and so of experience in the Army. From the Magistrate's judgment in the case it appears that on the night of the 15th May the train from Jammu to Sialkot, which is advertised to contain a through carriage to Lahore with one first and one second class compartment, had a through carriage with two first and no second class compartments. Before leaving Jammu, the Assistant Station Master converted

one first class compartment into second class, labelling it as second class with a white label. It was occupied from Jammu by four Indians, one of whom was a lady and another was Pandit Pearey Mohan. Three of the four had reserved accommodation for themselves. On arrival at Sialkot the officer, Major Young, and his wife wished to enter the train. Major Young insisted on the four second class passengers vacating the converted compartment and, when the guard came up, disputed the right of the Railway to convert a first class compartment into a second class one and removed the white label from the compartment. Before the Magistrate Major Young stated that he did not know of the conversion of the carriage until the occupants had left it and the Guard came up. The Magistrate considered that Major Young did not use insulting expressions to the occupants of the carriage, but that he must have intimidated them.

(c) As regards part (c) of the question, the Guard of the train appears to have done what he could to help the Indian passengers. The Assistant Station Master at Wazirabad, when complaint was made to him, referred them to Sergeant Green of the Railway Police who made the brief inquiries which the short stoppage of the train at Wazirabad allowed, took down the names and addresses of the accused and complainants and duly reported the matter and on his report an enquiry was instituted and a prosecution lodged.

Dewan Bahadur Raja Narendra Nath.—Has any action been taken against the Railway and the Police officials?

The Hon'ble Sir John Maynard.—As far as I am aware no action has been taken against the Railway administration.

GAZETTED AND NON-GAZETTED STAFF OF
VARIOUS DEPARTMENTS IN DISTRICTS
OF MULTAN DIVISION.

768. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that on the gazetted and

non-gazetted staffs of the various departments in the districts of the Multan Division there is a marked preponderance of one community?

(b) If so, will Government be pleased to adopt a policy of making such appointments from all communities proportionately?

Mr. E. Joseph.—(a) This question was received too late to admit of verification regarding non-gazetted staffs. It is not therefore possible to answer this portion of the question; but Government will ask the Commissioner to examine the matter.

(b) This system is already borne in mind by Government and its officers in making appointments.

HONORARY MAGISTRATES IN DERA GHAZI
KHAN.

769. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that in the Dera Ghazi Khan District there are Honorary Magistrates and Honorary Civil Judges invested with first class Criminal and Civil powers, who are illiterate?

(b) If so, will Government be pleased to appoint educated persons both in this district and also in other districts?

The Hon'ble Sir John Maynard.—

(a) Government has no precise information on the subject. Enquiries will be made.

(b) Government ordinarily takes care to secure a degree of literacy among persons appointed as Honorary Magistrates.

CIVIL CASES IN DERA GHAZI KHAN.

770. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that many civil cases in the Dera Ghazi Khan District are sent to Jirgahs under the Frontier Crimes Regulation?

(b) If so, will Government be pleased to draw the attention of the authorities concerned to article 8 of that regulation

and to give orders that only those civil cases be sent to Jirgahs in which there is a danger of a blood feud or in which both parties belong to a frontier tribe?

The Hon'ble Sir John Maynard.—

(a) The answer is in the affirmative. The cases referred are chiefly cases of disputes about the possession of women and of rights in hill torrents. Both types of cases have a tendency to result in bloodshed.

(b) From information in the possession of Government it appears that the officers responsible for working the regulation understand and observe the provisions of section 8 of the Regulation, but a copy of this question and answer will be communicated to them.

GRANT OF RIGHT OF ELECTION TO
MUNICIPAL COMMITTEE,
RAJANPUR.

771. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that various petitions have been submitted to Government by the people of Rajanpur in the Dera Ghazi Khan District praying that the right of election to the Municipal Committee of that town be granted?

(b) If so, will Government be pleased to extend the right of election to these people?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) A petition was received in 1919 from certain persons and another in 1920 asking that the elective system might be extended to Rajanpur. Two reminders to these petitions have been received this year.

(b) The question had been examined by Government in 1916 which the local officers reported that no change was desired by the people or was in itself desirable. Government accepted this view. Government is however now prepared to reconsider the question when going into the matter after the amendment of the Municipal Law.

QUARTERS FOR ZILLADARS AND
PATWARIS.

772. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that very few quarters are provided for zilladars and patwaris by the Irrigation Department, and that these officials and the zamindars are put to great inconvenience in consequence?

(b) If so, will Government be pleased to order the construction of quarters, where required, for these officials at an early date, or to make some other suitable arrangements?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The number of quarters already built for zilladars and canal patwaris are not as many as Government would like, but the question of funds is involved.

Zilladars have on occasion found difficulty in obtaining quarters in convenient villages.

As a rule it is better, from an irrigation point of view, for the zamindars to have their zilladar in a convenient village.

(b) The matter is already being considered by Government.

KHARIF SUPPLY ON THE LOWER BARI
DOAB CANAL.

773. Rai Bahadur Lala Sewak Ram.—

(a) Is it a fact that even the kharif supply on the Lower Bari Doab Canal has been precarious this year?

(b) If so, will Government be pleased to assign the cause?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The total discharge utilised to end of June 1921 for *Fasl Kharif*, 1921, was 332,719 cusecs as against 4,70,753, 4,65,145 and 3,20,414 cusecs to end of the corresponding month of the years 1920, 1919 and 1918, respectively.

(b) Does not therefore arise.

PAY AND ALLOWANCE OF ZILLADARS.

774. **Rai Bahadur Lala Sewak Ram.**—

(a) Is it a fact that the starting pay and the daily allowance of the zilladars of the Irrigation Department is below that of Naib-Tahsildars?

(b) If so, will Government be pleased to raise the status of zilladars to that of Naib-Tahsildars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply is in the affirmative.

(b) The revised scale of pay for zilladars has only recently been sanctioned after very careful consideration, and Government is of opinion that it is adequate for the class of work performed.

As regards the rates of daily allowance it is pointed out that the Naib-Tahsildar is not required to maintain camp equipage and when he occasionally travels on duty he engages transport specially for the journey and for this purpose gets Rs. 8 a day. The zilladar, on the other hand, is required to maintain camp equipage and a horse and he spends most of his time in camp. He draws Rs. 2-4-0 a day while on tour and Rs. 0-12-0 a day conveyance allowance while at headquarters.

As the conditions under which both classes' work are quite different, there seems no point in making a comparison.

The rates of daily allowances fixed in the case of both classes of establishment are considered to be adequate.

"RAIS" CLASS.

775. **Mr. K. L. Rallia Ram.**—Will Government be pleased to state what it means by the expression 'Rais class' used in its Gazette notification No. L-15488, dated the 20th May 1921, and also to lay on the table a list of such persons that come under the purview of the said notification in Lahore?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It has the same meaning which the expression in notification No. 808,

dated 12th December 1913, and No. 2838, dated 6th February 1918, had. Although the term 'Rais class' does not admit of any more precise definition than such terms as landed gentry, aristocracy, depressed classes, intelligentsia or politically-minded section, its general connotation like that of the other terms cited appears to be sufficiently clear. Government does not think that any purpose would be served by attempting to form an exhaustive list of the existing residents of Lahore who may be considered to belong to the class of 'raises.'

JHATKA AND POLICE TRAINING SCHOOL, PHILLAUR.

776. **Raj Sahib Chaudhri Raja Singh.**—

(a) Will Government be pleased to state if it is a fact that Sikh employes of the Police Department, who join the Police Training School at Phillaur, are prohibited from cooking *jhatka* within the bounds of the fort and the buildings adjoining it?

(b) If so, on what grounds is the prohibition based?

The Hon'ble Sir John Maynard.—I am afraid, Sir, the answer to this question is not ready.

POLICE DEPARTMENT AND SIKHS.

777. **Raj Sahib Chaudhri Raja Singh.**—

(a) Will Government be pleased to lay on the table a statement showing the total number of Indian Sub-Inspectors, Inspectors, Deputy Superintendents and Assistant Superintendents in the Punjab Police Department, and also the total number of Sikhs occupying these posts?

(b) What action has been taken to give effect to the Punjab Government resolution regarding increased employment of zamindars in this department?

The Hon'ble Sir John Maynard.—A statement showing the particulars required has been laid on the table. Out of 847 appointments held by Indians 159 are held by Sikhs.

(b) Special consideration is given to the orders of Government when selection for direct appointments to the Police are made.

Statement showing the number of Indian Sub-Inspectors, Inspectors, Deputy Superintendents and Assistant Superintendents in the Punjab Police and the total number of Sikhs occupying these posts.

No.	Rank.	Appointments held by Indians.	Appointments held by Sikhs.
1	Assistant Superintendents of Police.	4	1
2	Deputy Superintendents of Police.	31	3
3	Inspectors of Police ...	135	27
4	Sub-Inspectors ...	847	159

SIKH PRISONERS IN MONTGOMERY JAIL.

778. **Rai Sahib Chaudhri Raja Singh** :—
(a) Has the attention of the Government been drawn to an article published in the *Kesri* of the 3rd June 1921, alleging that Sikh prisoners in the Montgomery Jail are compelled to salute the Jail authorities with their turbans off their heads, and that refusal to obey this order has led the jail authorities to put in irons two prisoners named Santa Singh and Sangara Singh?

(b) If the allegation is true, does the Jail Act confer such powers on the jail authorities, and if not, is Government prepared to take action against them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The attention of Government has been drawn to the article mentioned in the question. The two allegations contained in it are entirely devoid of foundation.

INCOME-TAX INSPECTORS.

779. **Rai Sahib Chaudhri Raja Singh.**—Will Government be pleased to state the total number of Income-tax Inspectors in the Income tax Department, and whether the principle of communal representation will be observed in making such appointments?

The Hon'ble Sir John Maynard.—Fifty-six including two for the Delhi Province. In making selections care is taken that there is not a great preponderance of members of any one of the three great religious communities of the Province. To this extent the principle of communal representation is observed.

MR. CARDEN NOAD, GOVERNMENT ADVOCATE.

780. **Mr. Ganpat Rai.**—Will the Government be pleased to state—

(a) when Mr. C. H. Carden Noad, Barrister-at-Law, commenced his practice in Lahore, and for how long he had practised in England previously, and what was the nature of his practice there;

(b) on whose recommendation he was appointed Additional Government Advocate and when; in particular was the opinion of the Hon'ble the Chief Justice invited about his capacity;

(c) whether there was no other advocate, Indian or European, available in the Province, of equal capacity and greater experience in criminal work; and if so, why was not the appointment offered to such advocate;

(d) if the appointment is justified as being of a temporary character, whether the work of a Government Advocate differs according to the period for which it is performed, and

- (c) whether the appointment of Government Advocate is reserved for Europeans, or are Indians also eligible for it?

The Hon'ble Sir John Maynard.—(a) Mr. Noad was enrolled in Lahore in November 1919. He was called to the English Bar in November 1954, and practised in England until he went on military duty during the Great War. It is understood that he practised mainly at the Chancery Bar.

(b) The Governor in Council is responsible for the appointment of Mr. Noad, and it is contrary to constitutional principle to make public the advice on which the Governor in Council has acted.

(c) It is probable that there are advocates available in the Province of equal capacity and of greater experience in criminal work, but the work of the Government Advocate is not confined to criminal cases, and at the time of his appointment an Advocate was required with experience fitting him to deal with the new election petition work.

(d) The appointment is of a temporary character, and as noted above, there were special reasons why an officer having the qualifications of Mr. Noad was at the time specially qualified for it.

(e) There are no racial qualifications for the appointment of Government Advocate.

DISTRIBUTARY AT GUJRANWALA.

781.—**Mr. Ganpat Rai.**—(a) It is a fact that the Canal Authorities are going to construct a small distributary with the object of supplying water to the bungalows and their gardens situated in the Civil Station of Gujranwala town; that the distributary will pass through some of the populated portions of the town within municipal limits, and that hardship will be caused thereby to the people through whose land it is intended to take it?

(b) If so, will Government be pleased either to issue orders to the Executive Engineer to stop the construction of the distributary until the complaints of the people concerned have been gone into and full compensation has been paid to them, or to drop the construction of the distributary and irrigate the bungalows and gardens through the present distributary, or to order a new alignment which will avoid the populated portion of the town?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) It is not a fact that a small distributary is going to be constructed with the object of supplying water to the bungalows and their gardens in the Civil Station of Gujranwala.

The existing distributary is being realigned as the original alignment, which made a wide detour, clear of the town and suburbs of Gujranwala, crossed and re-crossed a line of natural drainage flow. The object of the new alignment is to bring the distributary on to a watershed and to avoid aggravating conditions detrimental to agriculture and human health.

The misconception that this work is being undertaken to irrigate bungalow gardens has probably arisen from a representation, made by the Deputy Commissioner to the Canal Authorities, asking for perennial irrigation for Gujranwala town and suburbs; this representation was as follows:—

“Gujranwala is a growing town, but a very dirty one. There are 5 station gardens; there is a large jail garden; there are many bungalows with gardens; there is a Government High School with a great bare and arid plain around it.

“For all these *sabi* irrigation is more important than *kharif* irrigation, and without it, it is almost impossible to keep the gardens up; for the expense of keeping bullocks to work a well in

winter for garden lands, which get canal water in summer, is almost prohibitive.

"I prefer to urge that for the general good and beauty of Gujranwala a canal distributary should run all the year round.

"Besides the gardens, there are several large tanks in Gujranwala which badly need periodical filling from the canal. At present they are stinking. So, even if aesthetic reasons are judged insufficient, I would plead for perennial irrigation for reasons of health."

This question of the advisability of granting perennial irrigation, has not yet been decided and does not affect the necessity for the new alignment.

(b) Accordingly the answer to (b) does not arise, except that of course full compensation will be paid, as is always done, for any land acquired for the realignment.

SHAHPUR BRANCH OF LOWER JHELUM CANAL.

782. Mr. Ganpat Rai.—Will Government be pleased to state (a) what was the idea underlying the construction of the Shahpur Branch of the Lower Jhelum Canal; when was it sanctioned; when was it started; what was its estimated cost, and the area proposed to be irrigated by it; and how much of the estimated cost has so far been spent?

(b) If it is a fact that the said canal has not been completed, was its construction abandoned in the public interest or because of the opposition of a certain class of persons?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The idea underlying the construction of the Shahpur Branch was to link the Government and private Inundation Canals of the Shahpur District on to the Lower Jhelum Canal. It was sanctioned and started in 1905. The estimated cost was about

24 lakhs and the area proposed to be irrigated was 127,418 acres in *Kharif* only, most of which was already irrigated from Inundation Canals. Out of the estimated cost Rs. 8,78,107 have been spent.

(b) The construction was abandoned in the public interest, as its completion would have resulted in financial loss unless the owners of private canals agreed to irrigate from the Branch, and these owners stated their unwillingness to irrigate from it.

PRIVATE INUNDATION CANALS IN SHAHPUR.

783. Mr. Ganpat Rai.—Will Government be pleased to state (a) how many private Inundation Canals there are in the Shahpur District; (b) whether it is optional for a land owner to irrigate his land either by the Government or a private Inundation Canal in cases in which both can irrigate a particular area; (c) whether it is under any legal obligation not to give water from a Government canal to such lands as can also be irrigated by a private canal, and, (d) if so, what are those obligations?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) 12.

(b) No.

(c) and (d) Each canal has its own commanded and irrigated area and the mixture of irrigation is not allowed.

784. Mr. Ganpat Rai.—(a) Is it a fact that the lands under the command of the Inundation Canals in the Shahpur District have in this and the last year suffered much owing to the deficiency of supply, and that there is great discontent on account of this deficiency amongst the persons affected by it?

(b) Is it a fact that this deficiency would have been avoided if the Shahpur canal had been constructed?

(c) If so, will Government now be pleased to complete the Shahpur Canal and to make it a permanent and perennial one?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The Government has received no complaints so far.

(b) The reply is in the affirmative.

(c) The scheme of the completion of the Shahpur Branch was abandoned as the private canal owners did not accept terms of compensation which would allow of the scheme fulfilling the necessary financial conditions, but the scheme will be reconsidered if they accept the terms. The Sanitary Board is also anxious for its completion on hygienic and sanitary grounds.

CATTLE-LIFTING IN DERA GHAZI KHAN AND MUZAFFARGARH.

785. Sardar Jamal Khan.—(a) Is it a fact that wholesale cattle-lifting takes place every summer on the Indus river, particularly in the districts of Dera Ghazi Khan and Muzaffargarh?

(b) If so, does Government propose to take any special measures to deal with the matter? In particular will it provide river police without throwing any burden upon the bordering village communities?

The Hon'ble Sir John Maynard.—(a) Cattle-lifting is rife every summer on the Indus river, particularly in the districts of Dera Ghazi Khan and Muzaffargarh.

(b) Special measures are taken to deal with the matter, including *Nakabandi* (police traps) and boat patrols. Village communities have at present to pay for the cost of the boat patrols but the question of relieving them of this charge will shortly come up for consideration of Government in connection with the Review of the Annual Police Report for the last year.

BORDER MILITARY POLICE IN PARTS OF DERA GHAZI KHAN.

786. Sardar Jamal Khan.—(a) Is it a fact that in some parts of the Dera Ghazi Khan District there is Border Military Police instead of the ordinary police?

(b) Is the rank of Jamadar in the Border Military Police equivalent to that of Inspector of the ordinary police?

(c) Are there any Jamadars in the Border Military Police who are also Magistrates in their jurisdiction as Jamadars?

(d) If so, will the Government be pleased to state their names and to take action to stop this system?

Mr. E. Joseph.—(a) There is a Border Military Police force in addition to the district police in the Dera Ghazi Khan District.

(b), (c) and (d) Government have no information on the subject but are making enquiries.

TUMANDARS AND REVENUE MUTATIONS.

787. Sardar Jamal Khan.—(a) Are any Tumandars empowered to attest revenue mutations in their Tuman jurisdiction?

(b) If so, will the Government be pleased to give their names and to state the number of mutations sanctioned in their own names or in those of their relatives from the date they were invested with such powers?

(c) Were any such mutations ever sent to any other Revenue Officer for sanction, and in how many cases?

(d) Are there any mutations still pending with such Tumandars merely because a judicial decision thereon will prejudice their own interests personally or that of their own relatives?

(e) Is it a fact that the zamindar public of such Tumans has applied to the district authorities for the early disposal of such cases, and if so, what action, if any, was taken by them?

(f) Will the Government be pleased to withdraw these powers?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is not yet available and will be given in due course.

RAILWAY SERVICE IN DERA GHAZI KHAN.

788. Sardar Jamal Khan.—(a) Is it a fact that the Dera Ghazi Khan District is over 250 miles in length, that there is no railway service throughout the district, and that the District Board is very poor?

(b) If so, will the Government be pleased to grant a reasonable sum of money to get metalled thirty miles of trunk road from Dera Ghazi Khan to Jampur?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) There are no railways in the Dera Ghazi Khan District, which is approximately 210 miles long. The District Board is poor.

(b) Any application for a grant that may be received from the Board will receive full consideration.

EDUCATIONAL BACKWARDNESS OF DERA GHAZI KHAN.

789. Sardar Jamal Khan.—(a) Is it a fact that the Dera Ghazi Khan District is the most backward in education in this Province?

(b) Will the Government be pleased to state the number of English Middle, Vernacular Middle and Primary schools in the district showing the distance in mileage between each such school?

(c) Will the Government be pleased to grant a definite sum of money to bring the education of the district to the level of others?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) No.—Vide reply to the question No. 517 (a).*

(b) The number of the various kinds of schools which form the subject of the question is as under—

Anglo-vernacular	Upper	
Middle	...	1
Vernacular Upper Middle	...	8
Vernacular Lower Middle	...	14
Primary and elementary schools	...	150

Vernacular Middle Schools are situated at an average distance of 30 miles from each other, Lower Middle 10 miles from a Vernacular school of the middle grade. (The number of miles has been only roughly calculated.)

Primary schools in fairly densely populated areas are about three miles apart, but no definite information is available about the intervening distances in thinly populated tract.

(c) The system under which grants are at present given is explained in Government C. M. No. 261-S., dated 23rd August 1918, copy of which is placed on the table. The question of special grants is under the consideration of Government, but no definite promise can be held out for Dera Ghazi Khan without considering the relative claims of other districts.

HOSPITALS IN DERA GHAZI KHAN.

790. Sardar Jamal Khan.—(a) Will the Government be pleased to state the number of hospitals in the Dera Ghazi Khan District showing the distance in mileage between each hospital?

(b) How many hospitals are in the charge of Assistant Surgeons and what is the distance between each such hospital?

(c) How many hospitals are kept up out of Provincial and how many out of District Board and Municipal Revenues?

(d) Is Government satisfied that the district is suffering from a lack of dispensaries?

(e) Will the Government be pleased to grant a special sum of money for opening new dispensaries in suitable places in the Dera Ghazi Khan District?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information for which the hon'ble member has asked in parts (a), (b) and (c) of his question can be obtained from the notes on the

Annual Statements of the Dispensaries and Charitable Institutions of the Punjab published annually and obtainable from all Agents of the Punjab Government publications and from the District Gazetteer. A statement is, however, laid on the table which collects, as far as possible, the information for which the hon'ble member has asked.

As regards (d) Government has no reason to suppose that the Dera Ghazi Khan District is suffering more than any other from a lack of dispensaries. The hon'ble member is aware that the increase of medical facilities throughout the Province is one of the objects which Govern-

ment has in view, but unless funds are made available either by District Boards or by Government from Provincial Revenues, the number of dispensaries cannot be increased.

Part (e) Under these circumstances Government sees no immediate reason for granting a special sum of money to Dera Ghazi Khan District, which in fact receives larger subsidies for medical purposes than most of the districts, but will ask the Inspector-General of Civil Hospitals to consider the needs of the district when he next tours there and will also be ready to consider any definite proposals that may be put before it in this connection.

	Name of dispensary or hospital.	Incharge of	Funds.
1	Itinerating dispensary ...	Sub-Assistant Surgeon ...	Government.
2	Dera Ghazi Khan (a), Civil Hospitals (b).	Assistant Surgeon ...	} Government and Local Funds, Municipal.
3	Jail and Police Hospital...	Sub-Assistant Surgeon ...	
4	Rajanpur ...	Assistant Surgeon ...	} Local Fund and Municipal.
5	Canal ...	Sub-Assistant Surgeon ...	
6	Jampur ...	Sub-Assistant Surgeon ...	Municipal.
7	Rojhan ...	Assistant Surgeon ...	Local Fund.
8	Tanna ...	Ditto ...	Do.
9	Lalgarh ...	Sub-Assistant Surgeon ...	Do.
10	Dajal ...	Ditto ...	Municipal.
11	Mithankot ...	Ditto ...	Local Fund and Municipal.
12	Sakhi Sarwar ...	Mission ...	Government and Miscellaneous.

Note.—Total Government contribution ...				Rs.
Local Fund ...				3,605
Municipal ...				14,298
Subscriptions ...				15,854
Securities, etc. ...				72
				1,183
				<u>34,512</u>

Dera Ghazi Khan	Dera Ghazi Khan.	Jampur.	Rajanpur.	Rojhan.	Mithankote.	Tanna.	Dajal.	Sakhi Sarwar.
Jampur	32	40	41	36	128	91	41	
Rajanpur	72	81	11	36	128	91	41	
Rojhan	113	81	11	36	128	91	41	
Mithankote	83	61	11	36	128	91	41	
Tanna	45	77	117	158	128	91	41	
Dajal	46	14	32	78	43	91	41	
Sakhi Sarwar	29	33	72	113	83	89	41	

COMMUNAL PROPORTION AMONG OFFICIALS
IN DERA GHAZI KHAN.

791. Mr. Ganpat Rai.—(a) Will Government be pleased to state whether in the Dera Ghazi Khan District 3 out of 5 Extra Assistant Commissioners, 6 out of 7 Tahsildars, 6 out of 7 Naib-Tahsildars, the District and the Assistant District Inspectors of Schools, the Court Inspector of Police, the Circle Inspector of Police and 10 out of 12 Sub-Inspectors of Police, the Civil Surgeon, the Head Master of the Government High School, Dera Ghazi Khan, the District Engineer, the Public Works Department Assistant Engineer and the Excise Inspector are all Muhammadans?

(b) Is it also true that in the Rajanpur Sub-Division of the same District, the Sub-Divisional Officer, the 2 Tahsildars, the 3 Naib-Tahsildars, the Inspector and Sub-Inspector of Police and the Reader of the Sub-Divisional Officer are all Muhammadans?

(c) If the answers to (a) and (b) are in the affirmative, is Government satisfied that the rights of Hindu community are being sufficiently safeguarded?

Mr. E. Joseph.—The question was received too late to verify the particulars required. The interests of different communities are kept in mind in making appointments in districts. These appointments are, however, made by different authorities and it is not always possible to avoid a temporary surplussage of a single community.

SUBORDINATE ESTABLISHMENT, DERA
GHAZI KHAN.

792. Mr. Ganpat Rai.—(a) Will Government be pleased to lay on the table a statement showing the relative strength of the Hindus and the Muhammadans in the Subordinate Establishment

of the following Departments in the Dera Ghazi Khan District:—

- (i) The District Establishment?
- (ii) The District Board Office?
- (iii) The teachers of the District Board Schools?
- (iv) The Subordinate Establishment of the Tumandar's Court?

(b) Will Government be pleased to issue special instructions to the local officers to give to the Hindu community a fuller share of their appointments?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The information asked for will be collected and supplied to the hon'ble member.

(b) In view of the fact that Muslims also desire such communal representation in services, as the hon'ble member is claiming in the case of Dera Ghazi Khan, if it is found that the relevant figures disclose any need for such action, the attention of the officers concerned will be invited to the advisability of giving their due share to Hindus.

HONORARY MAGISTRATE OF ASNI.

793. Mr. Ganpat Rai.—(a) Will Government be pleased to state whether the Honorary Munsif and Magistrate of Asni in the Dera Ghazi Khan District is practically illiterate?

(b) If the answer is in the affirmative, will Government be pleased to state what special measures it has taken or proposes to take to avoid a miscarriage of justice?

(c) Will Government be pleased to lay on the table a statement showing—

- (i) the number of civil cases instituted in the court of the said Munsif of Asni during the period 1916—20;
- (ii) the number of appeals preferred against the decisions of the said Munsif during the same period;

(iii) the number of appeals against the decisions of the said Munsif which were accepted during the same period;

(iv) the percentage and number of criminal cases in which orders of conviction were passed during the said period in the court at Asni;

(v) the number of criminal appeals preferred against the orders of the said court during the same period;

(vi) the number of criminal appeals accepted against the decisions of the said court during the same period;

(vii) the number of criminal cases referred to Jirga by the said court in the same period?

Mr. E. Joseph.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

MIAN SHAH NIWAZ KHAN OF HAJIPUR.

794. Mr. Ganpat Rai.—(a) Will Government be pleased to state whether the claims of the creditors of Mian Shah Niwaz Khan, Jagirdar of Hajipur, in the Dera Ghazi Khan District, aggregating over a lac of rupees, have been referred to a Civil Jirga under the Frontier Crimes Regulation Code?

(b) Is it a fact that under section 8 of the Frontier Crimes Regulation civil cases can be referred to a Jirga only when there is a danger of a blood feud or a breach of the peace or where both the parties belong to a Frontier tribe?

(c) Will Government lay on the table a copy of the order of reference and further state whether the circumstances mentioned under section 8 of Frontier Crimes Regulation existed in the above case to justify the reference of the claims to a Civil Jirga?

(d) Will the Government be pleased to state whether it is a fact that the creditors in the above-mentioned case were asked to furnish recognizances for their appearance before the Jirga?

The Hon'ble Sir John Maynard.—(a), (c) and (d) Government have no information on the subject, but are making enquiries.

(b) The law runs "Where a Deputy Commissioner is satisfied, from a police report or other information, that a dispute exists which is likely to cause a blood feud, or murder, or culpable homicide not amounting to murder, or mischief, or a breach of the peace, or in which either or any of the parties belongs to a Frontier tribe, he may, if he considers the settlement thereof in the manner provided by this section will tend to prevent or terminate and the consequences anticipated, and if a suit is not pending in respect of the dispute, make an order in writing, stating the grounds of his being so satisfied, referring the dispute to a Council of Elders."

TRAVELLING ALLOWANCE DRAWN BY
CERTAIN OFFICERS.

795. Mr. Ganpat Rai.—(a) Will Government be pleased to lay on the table a statement showing the amount of travelling allowance drawn by the following Officers monthly since November 1920, up to date:—

(i) Civil Surgeon, Dera Ghazi Khan?

(ii) The Sub-Divisional Officer, Rajanpur?

(b) Will Government be pleased to issue general or special instructions for the guidance of touring officers to avoid unnecessary travelling, and to appoint a Committee for reconsidering the rates of travelling allowance?

The Hon'ble Khan Bahadur Mian Fazli-Husain.—The hon'ble member is probably aware that the matter is within the jurisdiction of the Accounts Committee.

of which he is a member. Government, therefore, does not propose taking action as desired. If the hon'ble member considers enquiry necessary he can move the Committee on Public Accounts to call for the papers: in case the Committee consider that any enquiries it may make render fresh instructions to travelling officers or a further revision of the rates of travelling allowance advisable, Government will be prepared to take the action suggested in part (b) of the question.

EMPLOYMENT OF ZAMINDARS IN DIFFERENT DEPARTMENTS OF GOVERNMENT.

796. **Khan Bahadur Chaudhri Fazl Ali.**—(a) Will the Government be pleased to state how many zamindars and how many non-zamindars have been employed in the different departments since the Government circular on the subject was issued?

(b) Is there any department in which the orders contained in the circular have not been followed?

(c) If the reply to (b) is in the affirmative, will the Government be pleased to give the reasons?

The Hon'ble Sir John Maynard.—The attention of the hon'ble member is invited to a statement laid on the table in answer to a similar question (No. 31)* asked by Mian Ahmad Yar Khan Daulatana, at the last session. No fresh statistics have been compiled by Government since then.

INCOME-TAX DEPARTMENT.

797. **Khan Bahadur Chaudhri Fazl Ali.**—Will the Government be pleased to state how many men in all will be taken into the newly established Income-tax Department; what will be their grades, and whether the orders requiring 66 per cent. of the posts to be given to zamindars will be observed? If not, what are the reasons?

The Hon'ble Sir John Maynard.—The total number of officers of all ranks in the new Income-tax Department in this Province (excluding clerical appointments) is 77 which number is made up of 1 Commissioner, 2 Deputy Commissioners, 20 Collectors and 54 Inspectors.

There are no orders requiring 66 per cent. of the posts to be given to zamindars, but the new Department will be recruited mainly from the existing services, in which a certain proportion of the posts is assigned to zamindars in accordance with the orders of Government.

STUDENTS AND THE ARMY.

798. **Khan Bahadur Chaudhri Fazl Ali.**—(a) Is it a fact that during the war the Government announced that students, who gave up their education in order to join the Army at a time when they were about to appear in a University Examination, would be considered to have passed that examination provided they procured a certificate from the Education Department to the effect that they would have passed the examination if they had not joined the Army.

(b) If the answer is in the affirmative, has the announcement been acted upon, and if not, why not?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Under the Special War Regulations of the University (Calendar pages 304 to 306, students of an affiliated College or candidates for Matriculation have been given the privileges of the concession granted under the War Regulations, provided they have satisfied the conditions therein laid.

EMPLOYMENT OF DEMOBILIZED SOLDIERS IN THE POLICE DEPARTMENT.

799. **Khan Bahadur Chaudhri Fazl Ali.**—(a) Has the Government issued any orders to the effect that posts in the Police Department shall be given only to demobilized military men?

(b) If the answer is in the affirmative, will not such an order deprive of their legitimate rights people who rendered meritorious services of all descriptions to the Crown, but were not able themselves to furnish active military service?

(c) If this is the case, will the Government be pleased so to amend their order that the rights and services of such people will not be altogether lost sight of?

The Hon'ble Sir John Maynard.—The questioner is referred to the answer* given to Mr. Daulat Ram, Kalia, on the question of the preferential treatment accorded to demobilized soldiers in the matter of employment in the Police Department. Government has issued no orders permanently restricting recruitment for the Police Department to demobilized soldiers, but owing to the fact that many regiments are now being disbanded the case of the latter calls for special temporary consideration.

INCREASE IN SALARIES OF TAHSILDARS.

800. Khan Bahadur Chaudhri Fazl Ali.—Is it a fact that the duties of a Tahsildar are of more difficult and intricate nature than those of Munsif or an Excise Inspector? If so, will the Government be pleased to increase the salaries of Tahsildars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Reference is invited to the answer given to question No. 632.†

TRAVELLING ALLOWANCE TO SUB-INSPECTORS OF POLICE.

801. Khan Bahadur Chaudhri Fazl Ali.—(a) Is it a fact that Sub-Inspectors of Police are required to away stay from their headquarters, but that they get travelling allowance only when they go out of the area under their charge?

(b) If so, will the Government be pleased to grant them travelling allowance like other touring officers?

The Hon'ble Sir John Maynard.—The hon'ble member is referred to part (b) of the reply given to a similar question asked by Mr. Daulat Ram, Kalia No. 617.‡

INCREMENTS IN THE GRADES OF SUB-INSPECTORS OF POLICE.

802. Khan Bahadur Chaudhri Fazl Ali.—

(a) Is it a fact that Revenue and Excise Officers, Teachers and Assistant Surgeons get an annual increment in their salaries, whilst Sub-Inspectors of Police get only Rs. 10 after five years?

(b) If so, will the Government be pleased to grant annual increments to Sub-Inspectors?

The Hon'ble Sir John Maynard.—(a) Sub-Inspectors get an increment of Rs. 10 after each period of 5 years' approved service.

(b) There is no present intention of reconsidering the pay of Sub-Inspectors, which was revised as recently as 1920.

PAY OF SUB-INSPECTORS OF POLICE.

803. Khan Bahadur Chaudhri Fazl Ali.—(a) Is it true that certain Superintendents of Police have drawn the attention of Government to the fact that Sub-Inspectors of Police are not satisfied with their present salaries?

(b) If so, what steps has the Government taken in the matter?

The Hon'ble Sir John Maynard.—(a) The pay of Sub-Inspectors was raised in 1920. Some Superintendents have reported that Sub-Inspectors consider their pay insufficient.

(b) The matter has not yet come under the consideration of Government.

*Question No. 628, page 117, Vol. II, No. 2.

†Page 118, Vol. II, No. 2.

‡Page 114, Vol. II, No. 2.

ALLOWANCE OF COURT INSPECTORS AND SUB-INSPECTORS.

804. Khan Bahadur Chaudhri Fazl Ali.—Is it a fact that certain Police Officers have been granted an allowance of Rs. 25 instead of Rs. 15, whilst the allowances of Court Inspectors and Sub-Inspectors of Police remain Rs. 15 as before?

If so, will the Government do away with the difference?

The Hon'ble Sir John Maynard.—The allowance of Rs. 25 is a horse allowance and that of Rs. 15 is a conveyance allowance. The position of Court Inspectors and Court Sub-Inspectors who are attached to Courts is not comparable to that of executive Police Officers and they are not required to keep horses but are given a conveyance allowance of Rs. 15 to meet any expenditure they may occasionally be put to in making short journeys within the 5-mile limit for which no travelling allowance could be paid.

PROMOTION OF SUB-INSPECTORS OF POLICE.

805. Khan Bahadur Chaudhri Fazl Ali.—(a) Is it a fact that no Sub-Inspector of Police, however good his qualifications and services, can be promoted to the rank of Inspector, Police, unless he has put in 10 years' service as a Sub-Inspector, and that for this reason the names of many Sub-Inspectors have been struck off the list of Inspectors?

(b) Is it a fact that appointment to the selected grades is not made before the expiry of this period of 10 years?

(c) If the answers to (a) and (b) are in the affirmative, will the Government make some amendments in these regulations so that Sub-Inspectors may be encouraged to render better services in the hope of early promotion?

The Hon'ble Sir John Maynard.—(a) The answer is in the negative, but in practice the promotion of a Sub-Inspector with less than 10 years' service to the rank of Inspector would occur very

seldom and only where special promotion was merited.

(b) The answer is in the affirmative.

(c) The existing Police Rules 15-A4 (i) regulating the advancement of Sub-Inspectors into the selection grades was considered and approved by Government as recently as May 1920, and it is inexpedient to alter it until sufficient time has passed to admit of an opinion being formed on the working of the rule.

SELECTION GRADE OF SUB-INSPECTORS OF POLICE.

806. Khan Bahadur Chaudhri Fazl Ali.—Is it a fact that only 25 per cent. of the Sub-Inspectors of Police can be taken into the selected grades; if so, will the Government so arrange that Sub-Inspectors may have greater encouragement to put in better work?

The Hon'ble Sir John Maynard.—The answer to the first part of the question is in the affirmative. As regards the second part Government does not consider any further alteration in this percentage is at present required.

CANAL ZILLADARS.

807. Khan Bahadur Chaudhri Fazl Ali.—(a) Is it a fact that the duties of Canal Zilladars are hard, and that their status falls midway between that of a Tahsildar and a Naib-Tahsildar? If so, will the Government, in view of the increased cost of living, be pleased to increase their salaries to correspond with their status?

(b) Is it also a fact that Canal Zilladars are required often to be on tour; that their expenses are in no way less than those of other touring Revenue Officers, and that they need means of conveyance, etc., as other officers do. If so, will the Government be pleased to grant them an increase in their travelling allowance and supply them with the necessary travelling equipment?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Government does not consider that the duties of a Canal Zilladar are exceptionally hard, or out of the ordinary, and it is not practicable to compare them to Tahsildars and Naib-Tahsildars, as they do not perform similar work, so no useful purpose would be served in comparing their rates of pay and status.

A revised scale of pay for Zilladars has only recently been sanctioned after careful consideration, and no further revision appears necessary. That the scale is adequate would appear to be evident from the fact that, since it has been announced the number of suitable applicants for appointment to the Superior Revenue Establishment in the Irrigation Branch has been far in excess of what the Department can absorb for many years to come.

(b) Attention is invited to the reply given to question No. 774* (b) by Rai Bahadur Lala Sewak Ram, which disposes of the enquiry.

SALARY OF CANAL PATWARIS.

808. Khan Bahadur Chaudhri Fazl Ali.—Will the Government be pleased to state why the salaries of "Patwaris" in the Canal Department are less than those of "Patwaris" in the Revenue Department, and will the Government be pleased to put the former on the same footing with the latter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—It is difficult to compare the salaries, as that of Canal Patwaris is on a time scale and of Revenue Patwaris is a graded scale. Taking into consideration, however, the bonus admissible to the former, and fees in the case of the latter, it has been estimated that the average emoluments of both classes are approximately the same.

ALLOTMENT OF LAND IN CANAL COLONIES.

809. Khan Bahadur Chaudhri Fazl Ali.—Will the Government be pleased to state what proportion is kept in view in allotting land in Canal Colonies to the Colonists (Abadkars) to "Kamins" and for pasture lands, etc.? Is the same proportion kept in view in all the "Chaks"? If not, will the Government be pleased to see that this is done?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is being collected and will be given in due course.

DISTRICT AND SESSIONS JUDGE'S COURT IN GUJRAT.

810. Khan Bahadur Chaudhri Fazl Ali.—(a) Will the Government be pleased to give, for the last three years, the number of Criminal, Judicial, Revenue, etc., cases and appeals, triable in a Sessions and District Judge's court in the following districts:—

Gujrat, Jhelum, Rawalpindi, Mianwali Sargodha, Gujranwala and Sialkot?

(b) Is it a fact that there is no District and Sessions Judge's Court in the Gujrat District, and that the people of this district are obliged to go to other districts to get their cases settled, sometimes even to the District of Lyallpur?

(c) If the number of cases in the Gujrat District is not less than the number of cases in other districts having a Sessions and District Judge's Court, will the Government be pleased to establish the court of a District and Sessions Judge or an Additional District and Sessions Judge in the Gujrat District?

Mr. E. Joseph.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

**NUMBER OF HINDUS AND MUHAMMADANS
AND POSTS OF SUB-REGISTRARS.**

811. Rana Muhammad Jamil Khan.—

(a) What is the total number of Hindus and Muhammadans in the Punjab and in the Jullundur District, respectively?

(b) What is the total number of posts of Sub-Registrars in the Punjab and in the Jullundur District and the numbers held by Hindus and Muhammadans, respectively?

(c) In making appointments to the posts of Sub-Registrar is the numerical strength of the two communities or some other fact taken into consideration?

(d) Will Government be pleased to grant to Muhammadans a larger number of posts of Sub-Registrar?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) By the census of 1911, there were in the Punjab 888,487 Hindus and 1,137,722 Muhammadans, and in Jullundur District 23,383 Hindus and 40,903 Muhammadans.

(b) In the Punjab there are 96 unofficial Sub-Registrars of whom 41 are Muhammadans. In the Jullundur District there are 6 of whom one is a Muhammadan.

(c) The rules for the selection of Sub-Registrars will be found in paragraph 5 on pages 42, 43 of the Registration Manual of which a copy is laid on the table.

(d) Government is not prepared to fix a definite number of posts for any community but will keep in mind the facts disclosed in (a) and (b) above.

SIKH PUBLIC PROSECUTOR.

812. Rai Sahib Sardar Harnam Singh.—

(a) Is it a fact that there is no Sikh Public Prosecutor at present in the province?

(b) If the answer is in the affirmative, will the Government be pleased to state if they intend to appoint Sikhs to future vacancies until a reasonable number of Sikhs has been arrived at in this service?

The Hon'ble Sir John Maynard.—(a) Yes. (Sardar Bahadur Sardar Mehtab Singh, the only Sikh Public Prosecutor, has recently resigned.)

(b) The hon'ble member is referred to part (c) of the reply given to question No. 344* asked by Sardar Bakhtawar Singh at the last session of the Punjab Legislative Council.

**TREATMENT IN JAIL OF POLITICAL
PRISONERS.**

813. Rai Sahib Sardar Harnam Singh.—

(a) Has the attention of the Government been drawn to the complaints which have appeared in the press about the treatment in jails of convicts convicted of what are commonly known as political offences?

(b) Will the Government be pleased to lay down a uniform policy for the treatment of such convicts?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) If the member is referring to the allegations as to the treatment of Sikh prisoners, his attention is invited to the Press Communiqué dated 4th July 1921, a copy of which is placed on the table.

(b) The Indian Jails Committee carefully considered the question of the treatment of convicts of the class mentioned but did not recommend any differential treatment in their case. For the reasons given in paragraph 132 of the Committee's report Government is not prepared to issue any special orders on the subject.

PRESS COMMUNIQUE.

THE attention of Government has been drawn to certain allegations made in the Press as to the treatment of Sikh prisoners in Jail. Owing to the fact that the trial of the Nankana Sahib case is proceeding in the Central Jail it has been necessary to confine the Akali prisoners in the Borstal Institution. The latter

is purely a cellular building, where it is only possible to confine prisoners in separate cells, but these cells are opened in the morning when the Akalis have their bath and food, which they are allowed to procure and cook themselves at their own cost. For about 4 hours in the morning these prisoners are allowed to sit under shade of trees and verandahs until the time to go to court arrives. From 4 P.M. to 7-30 P.M., the prisoners are again allowed into the open, and Government is assured that they are treated with all reasonable consideration.

There is no general sickness in the Institution. During the *Ramzan* when Muhammadan prisoners were fasting and the heat was excessive a large number of prisoners was admitted to the hospital, but since then the number of patients has greatly declined. It is true that when the hospital population, for the reasons mentioned, was excessive, sick Akalis had to be treated for a few days in their cells, but this arrangement was merely temporary. On the 24th of May five Akali patients were removed to the segregation wards where prisoners suspected of illness are kept under observation. The Akalis were not put in wards which have been occupied by tubercular patients as has been alleged. On the next morning these Akali patients were removed to a separate room in the hospital. Complaints made as to the arrangements for cleaning and disinfecting the hospital are baseless. In conclusion the Government wish to emphasize the fact that no discrimination whatever has been made against the Akali prisoners. The present Medical Officer of the Borstal Institution has reported that his Akali patients occupy the best part of the hospital buildings and receive every attention from him and from his whole staff.

It may be noted that the Superintendent of the Institution is also a Sikh gentleman who has done his best for these men.

TERM OF IMPRISONMENT OF S.
JASWANT SINGH, JHABAL.

814. **Rai Sahib Sardar Harnam Singh.**—Will the Government be pleased to state what was the term of imprisonment of S. Jaswant Singh, Jhabal, and why was he transferred to the Dera Ismail Khan Jail?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Jaswant Singh was sentenced to a fine of Rs. 1,000 or six weeks imprisonment in default of payment. He was transferred to the Dera Ghazi Khan Jail in the interests of public tranquillity.

SIKHS ARRESTED DURING THE LAST SIX MONTHS.

815. **Rai Sahib Sardar Harnam Singh.**—Will the Government be pleased to state how many Sikhs have been arrested during the last six months—

- (a) for preaching sedition;
- (b) in connection with the *Gurdwara* movement;
- (c) for wearing *kirpans*?

In the case of how many arrested persons did violence form part of their offence, and also what sort of violence was actually used by them?

The Hon'ble Sir John Maynard.—The information is being collected and will be given in due course.

KIRPANS.

816. **Rai Sahib Sardar Harnam Singh.**—(a) Is it a fact that the Government did not place any restriction on the size of the *kirpan* at the time of granting it exemption from the provisions of the Arms Act?

(b) If so, why is any restriction now needed and of what nature?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply to the first part is in the affirmative.

(b) The matter is under consideration, hence no definite statement on the subject could be made as yet.

OFFENCES COMMITTED WITH SHARP-EDGED WEAPONS.

817. Rai Sahib Sardar Harnam Singh.—Will the Government be pleased to state the total number of offences relating to the body committed in the province with sharp-edged weapon, together with their nature, from the date of the exemption of the *kirpan* till 1st April 1921 or 1st June 1921, to whichever date the figures may be available, and how many of them were committed by the use of *kirpan*s and how many were of a serious nature.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The information asked for is not available and could not be compiled without the expenditure of an enormous amount of time and labour, and even then it might not be possible to ascertain with what nature of sharp-edged weapon each offence was committed.

FAMINE IN MANY DISTRICTS OF THE PUNJAB.

818. Pir Akbar Ali.—(a) Is it a fact that in many districts of the Punjab people are actually starving owing to famine?

(b) If so, will the Government be pleased to state what measures of relief it has under consideration.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—There is scarcity in some districts, but so far as Government is aware it is nowhere the case that people are starving owing to famine. Reports show that employment can be got by all able-bodied persons who want it, and wages have not fallen to any serious extent.

(b) Government have issued orders that test works should be started in Karnal, Hissar and the districts of the Rawalpindi Division, where scarcity is

serious, unless satisfactory rain has fallen by 10th July. Reports have not yet been received from those districts. If test works show that a state of famine prevails the relief measures prescribed in the Famine Code will be brought into operation.

HINDU STAFF OF THE DISTRICT AND SESSIONS JUDGE, ATTOCK.

819. Pir Akbar Ali.—Is it a fact that Muhammadans form 90 per cent. of the population of the Attock district, but that nearly the whole staff of the District and Sessions Judge and of the Senior Sub-Judge is Hindu, with the exception of a few copyists and low-paid clerks in the District Judge's office?

The Hon'ble Sir John Maynard.—I regret, Sir, that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

HIGH COURT RULE ABOUT CLERKS OF COURT AND READERS.

820. Pir Akbar Ali.—(a) Has the High Court made a rule that one of the two posts of Clerk of the Court and Reader in the Offices of District Judge and Senior Sub-Judge should be held by a Muhammadan?

(b) If so, has not this rule been violated in the case of the Attock District?

The Hon'ble Sir John Maynard.—(a) The answer to the question is in the negative.

(b) In view of the above fact this question does not arise.

CLERK OF COURT TO THE DISTRICT AND SESSIONS JUDGE, ATTOCK.

821. Pir Akbar Ali.—(a) Is it a fact that, since the inception of the Attock district, the post of the Clerk of the Court to the District and Sessions Judge has been held by a Hindu?

(b) If so, will the Government be pleased to state why no Muhammadan has ever been appointed?

The Hon'ble Sir John Maynard.—I regret, Sir, that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

SCARCITY IN DERA GHAZI KHAN.

822. Sardar Jamal Khan.—Is it a fact that there is distress and scarcity in the Dera Ghazi Khan district; if so, will the Government be pleased to prohibit the export from the district of all kinds of grain?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—There is scarcity and presumably some distress in the Dera Ghazi Khan district. It is con-

trary to the policy of Government to place any restrictions on the movement of grain within the province, and it is very doubtful whether any legal means exists of prohibiting export from one district to another.

TUBERCULOSIS IN SHAHPUR.

823. Mr. Ganpat Rai.—Is it a fact that tuberculosis has become prevalent in the Shahpur District from the time that a Central Tubercular Prisoners' Ward was established there?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—There is no ground for the suggestion and the figures available from the annual returns (which are laid on the table) suggest that since the establishment of a Tubercular Hospital at Shahpur in 1915 the prevalence of the disease has decreased in the district.

SHAHPUR.

Disease.		PATIENTS TREATED IN THE YEAR.									
		1911.	1912.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.
Tubercle of the lung.	Indoor ...	20	19	21	22	14	29	25	9	14	12
	Outdoor ...	201	270	194	291	287	269	259	178	198	187
Other tubercular diseases.	Indoor ...	11	13	25	18	36	18	16	14	13	19
	Outdoor ...	193	193	140	98	167	182	112	144	114	116
Total ...		304	495	380	427	504	498	412	345	337	334

TUBERCULOSIS IN THE PROVINCE.

824. Mr. Ganpat Rai.—(a) Is it a fact that cases of tuberculosis have greatly increased of late among the people of the province?

(b) If so, what are the reasons and what steps does the Government mean to take to combat the disease in its various forms?

(c) In particular does the Government intend to establish small sanatoria outside small towns to receive patients?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) There is no reason to suppose that tuberculosis has greatly increased of late among the people of the province. The only figures on which conclusions can be based are those con-

tained in the annual statements of the dispensaries and charitable institutions of the Punjab. A statement is laid on the table showing the result of examination of those figures for the last five years. They do not bear out the suggestion of the hon'ble member, but it must be admitted that the figures are not in themselves very conclusive. Factors, such as increase in the number of dispensaries and hospitals, the inclination of persons to avail themselves of the facilities afforded, the reputation of particular doctors in charge of particular hospitals

and the improving power of diagnosis, all affect the conclusions that can be drawn. So far, however, as they go, the figures tend to show that there is no increase in the disease.

(b) and (c). These parts of the question, under the circumstances, do not arise; but it may be mentioned that there is no scheme for establishing small sanatoria at present under the Government's consideration, but a proposal for giving a recurring grant to the Dharmpur Sanatorium will be placed before the Council.

Year.	IN-DOOR PATIENTS TREATED IN						OUT-DOOR PATIENTS TREATED IN					
	STATE, PUBLIC, LOCAL FUND AND PRIVATE-AIDED DISPENSARIES.			STATE, SPECIAL AND RAIL-WAY DISPENSARIES.			STATE, PUBLIC, LOCAL FUND AND PRIVATE-AIDED DISPENSARIES.			STATE, SPECIAL AND RAIL-WAY DISPENSARIES.		
	Tubercle of lung.			Tubercle of lung.			Tubercle of lung.			Tubercle of lung.		
	Total treated.	Death.	Other tubercular diseases.	Total treated.	Death.	Other tubercular diseases.	Total treated.	Death.	Other tubercular diseases.	Total treated.	Death.	Other tubercular diseases.
1916	702	68	369	37	2	1	365	4	845	5	300	273
1917	808	62	368	35	3	1	100	3	512	2	341	228
1918	824	83	841	43	8	0	94	0	385	0	396	208
1919	911	83	831	51	4	0	53	0	280	2	269	223
1920	698	93	905	45	19	3	77	1	338	2	973	310

PROVINCIAL ENGINEERING SERVICE.

825. Mr. Moti Lal, Kalstha.—Will the Government be pleased to state—

- (a) If it is a fact that in the Public Works Department, Irrigation Branch, some officers, with engineer qualifications, Sub-engineers and Supervisors, having a good record and distinguished service, have been passed over, whilst Overseers and temporary Overseers have been promoted to the new Provincial Engineer service?
- (b) if it is a fact that some Upper Subordinates, Public Works Department, Irrigation, who had been holding charge of Sub-Divisions for several years, and were considered fit for promotion to the Indian Service of Engineers (old Provincial Engineer Service) have not been taken into the new service? and
- (c) if it is a fact that under Manual of Orders, Buildings and Roads Branch, paragraph 2715, no person can be promoted to the grade of Sub-Engineer who is not fit in all respects for running a Sub-division?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The reply is in the negative. Transfer from the Upper Subordinate Establishment is by selection and not by promotion, as the Provincial Engineering Service is a new Service of Engineers and not a reorganised Service of Subordinates. The question of supersession does not therefore arise.

(b) When making appointments by selection to the new Service other considerations were also taken in account which were not necessary in the grade promotion of 1919 referred to.

(c) The answer is in the affirmative.

826. Mr. Moti Lal, Kalstha.—If the answers to question No. 825 (a), (b) and (c) are in the affirmative, then will the Government be pleased to state (a) whether, had this new Provincial Service not been organised, these junior men would have superseded so many senior men in their old Upper Subordinate Service, and (b) if those juniors really deserved extraordinary promotion, why were they not given the next higher grades on the list of promotion which was published in November 1919 (having retrospective effect from August 1919); (c) whether all these junior officers got a recommendation superior to that of the senior men, whom they superseded, at the time of the annual periodical recommendation made in April 1920; (d) whether wide-spread dissatisfaction and discontent has not been caused among the Upper Subordinates by the selections made, and (e) if promotions have been made without regard to merit and seniority, whether Government is prepared to cancel them and order a fresh selection?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) and (b). The assumptions and premises made are so problematical that it is not possible to say what might have happened in the future regarding the prospects of Upper Subordinates.

(c) The answer is in the affirmative.

(d) The answer will be found in the reply to questions No. 536.*

(e) As appointments to the Provincial Engineering Service were made on a purely selective basis, Government is not prepared to cancel the selections made.

Government has, however, reserved the right to revert any officer who fails to give satisfaction in the new Service.

SCHEMES FOR THE EDUCATIONAL ADVANCEMENT OF THE PUNJAB.

827. Mr. Moti Lal, Kaistha.—Will the Hon'ble Education Minister be pleased to state—

(a) what schemes he has had under his consideration for the educational advancement of the Punjab since he accepted office?

(b) what principles he will follow in making grants to municipalities desirous of making primary education free and compulsory?

(c) what facilities he will propose for the depressed classes, and what language is to be the medium of instruction?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—(a) Government hopes to be able to give information on this subject shortly. At present it need only be indicated that I have had under consideration proposals to make primary education real and effective with a view to improving the literacy of the province and to raise the economic value of the individual. Secondly, as to middle schools' education, schemes have been under consideration to make the education besides being literary also vocational, that is to say, affording teaching in agricultural and industrial subjects. Thirdly, the possibility of rendering high school and intermediate grade institutions to serve to give instruction not only in literary but also industrial, agricultural and commercial subjects, and also to afford facilities to equip the students with the necessary grounding to enter professional institutions like medical training, engineering and perhaps law colleges. But it should be clearly understood that educational advancement is impossible unless we are prepared to spend fairly large amounts in improving the existing institutions and starting new ones.

(b) Under the Punjab Act No. VII of 1919, Government gives municipalities half of the additional net expenditure. Whether these principles require modifications is more a financial than an educational question. It is open to this Council either to raise provincial revenues in order to make primary education free and compulsory or authorise the levy of local rates in villages and compel their levying, if so advised, to achieve the same object.

(c) An Advisory Educational Board has been constituted, and the two points raised in paragraph (c) will be laid before the said Board before any definite policy is formulated.

**TRAVELLING AND DAILY ALLOWANCES
ALLOWED TO HON'BLE LALA
HARKISHAN LAL.**

828. Mr. Moti Lal, Kaistha.—Will the Government be pleased to state what travelling allowance and daily allowance is allowed to the Hon'ble Lala Harkishan Lal while on tour in the Punjab?

Mr. E. Joseph.—Ministers of a Governor's Council are entitled to the special travelling concessions provided for in Article 1147, Civil Service Regulations, and in paragraph 8 of Appendix 30, Part I, of the Civil Service Regulations. They are not entitled to any daily allowances.

ROHTAK MUNICIPAL COMMITTEE.

829. Chaudhri Shafi Ali Khan.—(a) Will the Government be pleased to state what orders have been passed on the application given on 24th July 1920 by the Muhammadan residents of the Rohtak Municipality concerning their separate communal representation on the Municipal Committee and on the application of the Muhammadan residents of Bahadurgarh Municipality to the same effect?

(b) If no orders have as yet been passed on those applications, will the Government be pleased to state the reasons for the delay?

(c) Is the Government prepared to grant the right of separate representation to the Muhammadans of Rohtak and Bahadurgarh before the coming general election?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The applications alluded to have not reached Government.

(b) No answer becomes necessary to this part of the question.

(c) The matter of separate communal representation is under consideration, and its decision depends upon—

firstly, whether adequate representation of different communities can be secured by a careful distribution of wards, and

secondly, whether such an arrangement satisfies the communities for whom it is being made.

Government can grant separate representation to the Muhammadans of Rohtak and Bahadurgarh Municipalities, only if satisfied that there is keen and real demand for it, and the grant is likely to avoid communal friction.

ROAD FROM RUPAR TO KHARAR.

830. Chaudhri Shafi Ali Khan.—

(a) Is it a fact that the metalled road from Rupar to Kharar and thence to Chandigarh, District Ambala, crosses several streams, and that there are no bridges over any of them?

(b) If so, will Government be pleased to draw the attention of the Ambala District Board to this matter and ask them to have bridges built over the streams?

(c) Will the Government be prepared to give a special grant to the Board for the same, if applied for?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) It is understood that the minor drainages are bridged, but the road crosses a number of *chos* some of which are very large. The Superintending Engineer states that he knows of two which could not be bridged under ten lakhs each, and believes that there are three others which would cost somewhat similar amounts to bridge. At present traffic crosses on fascines laid upon the sand.

(b) and (c). In the circumstances no purpose would appear to be served by drawing the attention of the District Board to the matter: but Government will give due consideration to any application that may be received from the Board for a grant-in-aid.

APPOINTMENT OF A COMMITTEE ON PUBLIC EXPENDITURE.

The Hon'ble Sir John Maynard.—Sir, I wish to make an announcement by Government to the Council in connection with the Resolution asking for the appointment of a committee to consider the question of public expenditure. It is understood that the Resolution will not now be moved in this session, but Government has decided to appoint the following gentlemen who are members of the Legislative Council to advise on the question of public expenditure, subject, of course, to their acceptance. The gentlemen are—

Chairman.

Mr. P. J. Fagan.

Official Members.

Mr. C. M. King,

Mr. E. Joseph,

Mr. B. T. Gibson, and

Mr. D. J. Boyd

Non-official members.

Mr. Manohar Lal,
 Diwan Bahadur Raja Narendra Nath,
 Mr. Ganpat Rai,
 Mian Muhammad Shah Nawaz,
 Sayad Muhammad Husain,
 Maulvi Muharram Ali, Chishti, and
 Sardar Dasaundha Singh.

RESOLUTIONS.

RESOLUTION RE LAND REVENUE
ASSESSMENTS.

Mr. President.—The Council will now proceed with the resolution which was before it when it adjourned on Friday. This resolution runs as follows—

"This Council recommends to the Government, first, to appoint a committee, consisting of officials and non-officials, to examine its present assessment and land revenue policy and to report what changes should be made in it; and, secondly, to start no new settlement until the report of the committee is published and has been discussed in this Council."

7-28 A.M.

Mr. P. J. Fagan.—Sir, the Hon'ble Sardar Sundar Singh Majithia, has already explained to the Council the position which is taken up by Government in connection with this resolution, and I do not propose to touch that aspect of the question in debate at all except to make a few remarks towards the end of my speech. I am more concerned to deal with the somewhat vehement attack which has been pressed by the mover of this resolution against the general settlement policy of Government.

So far as that attack embodies the suggestion or the insinuation that a settlement as carried out now-a-days is the occasion for pernicious operations of an oppressive and tyrannical nature calculated to compass permanent injury to land revenue payers, that aspect of the matter has already been sufficiently dealt with by previous speakers. I do not intend to follow

them into that part of the subject, except to enter a comprehensive and unhesitating denial of the charges and insinuations which have been made. Government entirely repudiates the very exaggerated and highly coloured picture which the mover drew as in no way an accurate representation of the nature and course of settlement operations as at present carried on.

I will now proceed to deal with a few of those points—very few I am afraid—which I was able hastily to cull in the course of the rapidly read speech of the mover to which we listened on Friday last. The hon'ble member laid very considerable stress on the fact—or what he alleged to be a fact—that very junior Assistant Commissioners are habitually placed in charge of settlements. Now, Sir, what are the facts? Mr. Emerson, the late Settlement Officer of Multan, had 12 years' service when he began his work in the Multan settlement. Mr. Anderson, the present Settlement Officer of Muzaffargarh, has now nearly 11 years' service. Mr. Salusbury, who is at present conducting the settlement of the Sirsa Tahsil in addition to holding charge of the Hissar District, has nearly 10 years' service. Mr. Whitehead, the late Settlement Officer of Ambala, had 12 years' service when he began that settlement. The mover made some very severe remarks regarding the members of the Provincial Service who are in charge of settlements. Those remarks were, I think, very effectively dealt with by my colleague, Mr. King, and by my friend Malik Firoz Khan, but I would like to bring to the notice of the mover that the Settlement Officer of his own district is at present a Provincial Service Officer who has 20 years' service. Sir, I venture to think that very seldom has such an unfounded accusation been made against Government as the hon'ble member has seen fit to make in regard to this matter of the length of service which our Settlement Officers ordinarily have when they take charge of the important operations committed to them.

[Mr. P. J. Fagan.]

Then, Sir, the hon'ble member went on to speak of forecasts, and he was followed on that subject by Mr. Shah Nawaz. As there is a good deal of misapprehension on this matter of forecasts it might be as well that I should make a few remarks about it. A forecast of settlement is simply a rough preliminary estimate of financial results. It in no way prescribes a standard or scale of assessment; it is in no sense an assessment report. The assessment report is a report which is prepared two or three years later by the Settlement Officer after he has fully inspected the tract in his charge and has enquired into all its circumstances. A forecast report is not only not an assessment report it is in no sense a substitute for an assessment report. Moreover, the assessment report is generally prepared by the Deputy Commissioner of the district at least a year before the Settlement Officer joins, before it is even known who the Settlement Officer is to be. That forecast report is successively reviewed by the Commissioner and by the Financial Commissioner: while orders are passed on it by the Local Government and, in some cases, by the Government of India. Mr. Shah Nawaz made an ingenious suggestion that because the Financial Commissioner passes orders on the forecast report, he is thereby unuly prejudiced and therefore incompetent to deal with appeals subsequently presented against the assessments as ultimately announced. As the Financial Commissioner has not the last word on the forecast report I think that Mr. Shah Nawaz will admit that his insinuation was ill-founded.

Now, Sir, having dealt with the subject of the forecast report, let me come to the matter of classification of soils. The mover accused us of recording far too few classes of soil at settlement. I do not know whether he is aware of the fact that the one thing which the zamindars generally press for is that the soil classification should be as simple as possible: and as far as is

consistent with accuracy in settlement work we endeavour to meet their wishes. Perhaps the hon'ble member can grasp this point that the larger the number of classes of soil which you record the more complex your system of classification and the more room there must be for those evil machinations which he so industriously represents to this Council as an inseparable and permanent feature of settlement operations.

Now, Sir, let me turn to the question of net-assets. On that subject also there is a good deal of misapprehension. Let me begin by explaining at once that half-net-assets are at present not a standard of assessment in the sense that every assessment must reach that standard or the defect therefrom be explained. As a matter of fact the present rule is that the assessment of an estate or of a circle must be framed according to circumstances, but must not exceed half the net-assets. There is no obligation on the Settlement Officer to assess in all cases up to half-net assets or to explain why he has not done so. He has to assess according to circumstances, but the assessment may not exceed half-net-assets. Now, Sir, the mover in the course of his speech indicated, as I understand, that one-quarter net-assets is the standard of ideal justice in the matter of assessment.

Sayad Muhammad Husain.—I said the maximum should be one-quarter.

Mr. Fagan.—Well, let me explain to him what the present situation is. I will give figures showing the proportion of assets taken in a few recent settlements. In Hoshiarpur the proportion of assets taken was 26 per cent. The hon'ble member indicated 25 per cent. or one-fourth in the proper standard. Jullundur 21 per cent; Ferozepore 20 per cent; Ludhiana 27 per cent; Lahore 22 per cent; Shahpur 28 per cent; Amritsar 25 per cent; Ambala 28 per cent; Gujrat 22 per cent; Multan 29 per cent. So that the hon'ble member will see that

on the average we have already anticipated what he regards as suitable and justifiable. He would reduce the maximum standard of assessment to one-quarter of net assets. Such reduction is of course really a matter for legislation, and no doubt it will be duly dealt with in the course of legislation which is pending. It would therefore be undesirable for me to anticipate discussion on that point, but I do wish to draw attention to the fact that even as things are, our assessments approximate to the standard which the hon'ble mover himself regards as desirable, and I hope that this public statement will do something towards dispelling the apparently wide-spread misapprehension that the Punjab Government is guilty of over-assessment. If there is a charge to which the Punjab Government is open—and I do not for a moment say that there is, but if there is such a charge—it is not that its assessments during the past 10 or 20 years have been rapacious and grasping, but rather it is that it has been unduly lenient and unduly oblivious of the necessity of taking in land revenue, the amount to which it is justly and fairly entitled.

Then, Sir, the hon'ble member had a great deal to say about *khara*. I do not propose to follow him into all the details of that subject. By a somewhat inverted process of reasoning he quoted certain instruction on the subject which draw attention to the necessity of a correct record of *khara* and of discounting the effects of a defective record, and he used them as an argument to show that *khara* is never recorded. I can assure him, Sir, that that is absolutely incorrect. There is perhaps no subject on which more has been written and said, and to which Settlement Officers give more attention in the course of their operations. A question which is discussed in assessment reports is whether *khara* allowances in the past have been adequate or inadequate, and as far as possible the necessary corrections are made. In addition to this in the course of ordinary revenue work constant stress is laid on the

necessity for the correct record of *khara* especially in tracts under fluctuating assessment.

Then, Sir, the hon'ble member said regarding yields, that in the course of settlement operations Tahsildars were always careful to report as high yields as possible in order that things may be less unpleasant for themselves in the future. Well, Sir, of all the misstatements with which the mover's speech teemed, that I think was one of the most daring and the most robust. There is no subject to which Settlement Officers give more attention continuously from the start of operations to the time that they write their assessment reports. By extended enquiries, by experiment, by reference to all the material available, they do all that is possible to arrive at as accurate estimates of average yield as is practicable. It is notorious indeed that the returns we use in settlement operations are really inadequate to the facts. When the returns taken by Settlement Officers are used for the purposes of rent suits or suits for a share of produce in almost all cases they are objected to as inadequate; when it comes to assessment of course the boot is on the other foot.

Well, Sir, I am running out my time. One great difficulty in dealing with the hon'ble member's speech is that there are so many points to notice that the few minutes available to me are entirely insufficient. I will go on to notice another of the hon'ble member's statements. He says that in a good many cases 10 years is the interval between settlements, and that generally it is 20 years. As a matter of fact 10 year periods are confined to a few—two or three colony tracts which have been very lightly assessed, far below the standard which even the hon'ble member considers just, and therefore for them 10 years was the period fixed. As regards the statement that it is usual to fix the term of a settlement at 20 years let me say, for the information of the mover and of the Council, that during the last few years the districts of Hoshiar-

[Mr. P. J. Fagan.]

pur, Kangra, Ferozepore, Shahpur, except the part likely to be irrigated by the Sind Sagar Canal, Gujrat, except the villages served by the Upper Chenab Canal, have been given a term of 30 years. It can thus be very fairly claimed that the ordinary term of settlement is now 30 and not 20 years.

I wish to make only a few remarks on one or two points made or rather attempted to be made by Mr. Shah Nawaz, mainly on the subject of the depressed condition of the zamindars of the province generally. He made great use of an article by Mr. Darling, contributed to a recent number of the *Indian Journal of Economics*. The contents of that article are open to a good deal of criticism, but I do not propose to enter upon such criticism now. Mr. Shah Nawaz has appealed to Mr. Darling, and to Mr. Darling I propose to take him. Mr. Darling has much to say about the Ferozepore district, and he states that it is the district in which mortgage debt has been increasing more rapidly of recent years than in any other in the province. Let me read a short passage from the article which began with a quotation from a report by the Deputy Commissioner of the district: "Owing," says the Deputy Commissioner of Ferozepore, "to the habit of excessive drinking in some cases and to gambling in others the people mortgage their lands first to one then to another for increased consideration, and again to a third person for a further increase during the course of the same year; and this fact alone accounts for the high figures under the head mortgage and redemption of mortgage." And he goes on to point out that "at the same time a combination of good harvests and high prices for grain had led to an abnormal rise in the value of land, the implication being that this sudden excess of prosperity in facilitating mortgage had led to an increase in debt. Here then prosperity and debt would appear to be intimately connected, and what is more serious to have led to demoralizing habits." That is what Mr. Darling says. I leave it to

the Council to compare it with what Mr. Shah Nawaz suggests. In dealing with net-assets I have already stated that the proportion of these assets taken as land revenue at the recent settlement of the Ferozepore district was only one-fifth, which is less than the one-fourth suggested by the mover and less than the proportion taken in any other district of the province.

Mr. President.—The hon'ble member has exceeded his time.

Mr. P. J. Fagan.—May I ask for a few minutes' indulgence?

Mr. President.—I am afraid I cannot give any more time.

(Mr. Fagan then resumed his seat.)

7-58 A.M.

The Hon'ble Sir John Maynard.—Sir, this is an important question, and I fancy that the Council will pardon me if I, as the guardian of the provincial finance, have something to say upon the subject. I confess that the attitude of the Council or perhaps I should rather say of some members of the Council rather troubles me as the guardian of the public purse. On the one hand, I find that they desire to launch out into very ambitious schemes of expenditure. I am not able to refer to the various big items of expenditure that this Council since it came into existence has sanctioned, but I do remember one resolution which involved an expenditure of something like 34 lakhs of rupees for increasing the pay of zaildars and lambardars and again another sum of 16 or 17 lakhs was very generously conceded by this Council in order to pay the compensation awarded at Amritsar. I also recollect that a day or two ago a resolution was passed asking for an immediate addition of 30 lakhs to the budget for expenditure on primary education. The Minister of the

department concerned informed the Council that he would not be able to spend the money, still it was pressed upon him. That comes to a tidy little sum of additional items that this Council has sanctioned within its short life now extending over 7 months. But, Sir, this would not matter greatly if conditions were improved and some corresponding provisions were made for meeting the new expenditure. Unfortunately I find that the same generous spirit which leads this Council to desire to increase expenditure in all sorts of directions also leads them to desire to release all sorts of private persons from their obligations to the public treasury. Well, Sir, I imagine that I shall be pardoned for saying this. It is just as well that the Council, new to its work, should now and then be reminded by some stern guardian of the public purse that you cannot increase your expenditure and at the same time reduce your income without something very uncomfortable happening within a very short period. This Council, Sir, will no doubt learn. It has already given tokens of its ability to learn and to learn rapidly. But I believe that it will pardon my didactic attitude when I urge it to remember that you cannot burn your candle at both ends.

Now, Sir, the Government has already expressed its complete readiness to accept that portion of this Resolution which provides for the appointment of a committee which will consider the principles of assessment. That, Sir, is a very important matter. It ought in my opinion—and I suggest it for the consideration of the Council—to meet all the requirements of the hon'ble mover and of those who have supported him. The proceedings of this committee will be of a complicated and difficult kind. My friend Raja Narendra Nath has pointed out some of the complex problems which that committee will have to consider. It appears to me that it will be inevitably necessary that that committee should examine a large number of expert witnesses. It will have to consider matters which have been thought out by a number of experts

for generations, and I do not think it is conceivable that that committee will finish its task in a proper manner in less than a year and a-half. It seems to me impossible that the report of that committee should be written and in a condition to be placed before the Government and thereafter before the Council within less than two years. Therefore when the hon'ble mover asks this Council to decide that all settlement operations should be suspended until that report has been considered he is asking the Council to resolve that they will be suspended for at least two years from now and very possibly for longer. Well, Sir, it is—from my point of view—the very indiscriminate character of this proposal which seems to me to be an error. The hon'ble mover asks the Council to decide that no sort of settlement, whatever the circumstances may be, should be considered or undertaken until these general principles have been settled. Now, Sir, one of the features of a settlement is that it means a redistribution of burdens, that not only does it ordinarily result in an aggregate enhancement, but it also redistributes burdens and relieves those who have ceased to be capable for one reason or another of paying the sum to which they were originally assessed. But the hon'ble mover is not content with saying there must be no enhancement: the hon'ble member actually proposes to provide that there should be no distribution and no reduction. I do not think that he intended the second part of his Resolution to have this effect, but if it is carried out in the form in which it is put this is actually the result which his Resolution would have. The truth is, Sir, that there are distinctions and distinctions of a most important character between one settlement and another. In particular I draw attention to one class of settlement of which there are several now about to be undertaken unless the Council should prevent the Government from undertaking them. I refer to that class of settlement which deals with colony districts. It has hitherto been our policy in first assessing a colony district to assess it very lightly indeed, in order that the

[Sir John Maynard].

first operations of colonization may be completed and that the differences of irrigation and soil may afterwards be accurately gauged and an adequate and proper settlement may be made within a period of 10 years or so after the first colonization.

Now, Sir, if it should be decided that these colony districts, which have been deliberately assessed very lightly for this particular reason, should not be re-assessed when the time comes for re-assessing them, should that take place, let me point out to the Council what the true effect of that decision would be. The effect of that decision, Sir, is that the men who have been so fortunate as to acquire lands in particularly favourable situations and with particularly favourable conditions : who have been, in pursuance of a deliberate policy at the outset of colonization operations, assessed with unusual leniency : will be allowed to keep in their own interest the additional sum which should be levied from them in the interests of the public of this province. It means, Sir, that men who have been favoured by fortune and accident are to keep in their own pockets money which ought to be spent for improving conditions in this province ; private persons will be allowed to retain what is meant for the whole province. Let us not deceive ourselves : when we are asked by wealthy men, such as my friend opposite, to postpone the re-assessment in tracts such as these, we are practically being asked to put money, thousands of rupee, into the pockets of those wealthy men and to take them out of the pockets of the people of this province.

I have dealt, Sir, upon the indiscriminate character of this proposal, which I trust that my hon'ble friend the mover will yet reconsider. Let me remind him that the Council has an important constitutional power which it exercises at the time of the budget and which it actually did exercise at the time when the last budget was brought before it. It has the power of withholding the grant for the undertaking of re-assess-

ment operations. It actually exercised that power last March, and it did actually withhold the grants for several settlements. Now, Sir, there is always an advantage in doing a thing constitutionally and not unconstitutionally. There is a special advantage in doing this particular thing in a constitutional manner. If the Council exercises that constitutional power ; if it deals with each particular settlement at the time that the budget grant is put before it and decides then and there whether it will or will not grant the money required for the operations then, in my opinion, the Council will be acting quite wisely and quite properly. If, on the other hand, it does not take the obviously judicious and discriminating course, but passes a Resolution of a general kind preventing or purporting to prevent the Government from undertaking any settlement of whatever character, then, Sir, I humbly submit with all due deference that the Council will have shown, that it has not yet fully learnt its lessons."

Mr. E. Joseph.—Sir, I move the closure.

Mr. President.—It is for the Council to decide whether the question should be put or not. The question before the Council is—

'That the question be now put.'

The motion was carried.

8-20 A.M.

Siyai Muhammad Husain (Urdu).—Sir, I prepared the speech, which I read in support of my Resolution, in English simply for this reason that I desired to be thoroughly understood by you in this vital matter concerning the zamindars. I am sorry that I was allowed too short and limited a time for reading that long speech, with the consequence that I read it too rapidly to have been followed by the members. Between me, Sir, and the hon'ble official members there is only a difference of opinion. I do not mean to attack the civil officers as to their ability, but I beg to say that whereas the hon'ble members think that an experi-

ence of eleven or twelve years is sufficient, I think it insufficient. When these gentlemen officers come from England they are quite young. Owing to the vehemence of youth and partly also due to their not mixing with the Indians well enough they do not learn, in the short space of ten or twelve years, everything or even much about the Indian conditions.

They remain, in a way, inexperienced. I declare, Sir, that I do not mean to say the same of Malik Muhammad Hayat Khan also. He is an exception to the rule. We are not now faced with the same difficulties as we were before him. He listens to no reports of the kanungos or any other subordinate, but investigates everything for himself. Here again, I repeat as I said before, that our English civil officers are in no way worse than Indian officers. But I do say that they are not all equally sympathetic towards the Indians. Some of them do not know what trouble the zamindar in India has to face. I regret to find that violent language has been attributed to me, whereas I have always acted up to the well-known Persian saying:—

تو بڑا اے وصل کر دی آدمی

نے ہر اے فصل کر دی آدمی

“You come to unify and not to rend people asunder.”

My sole object is to make clear the zamindars' situation to the Government. The Imperial Government is also considering the matter, and I wish that while the official members present their own views of the matter, the other side, namely, the zamindars' views should also be fully presented to them. No such ideas, Sir, should lurk in our minds, as that the zamindars have grown enormously rich or that they are looting the people or the like. We are not justified to say this when the zamindar as compared to the 7 per cent. of his other country-fellows is paying 50 per cent. of his income as tax. India is the only country in which such a heavy tax is being levied on the land. The

Hon'ble Mr. King in his speech said that the zamindars are clamorous in obtaining more land. I wish to point out to him that now-a-days land-tilling is the only occupation left for us in India. In former times there used to be industries to which people could resort. Moreover, there were jagirdars who acted as intermediaries between the Government and the tillers of soil. In these days the sole occupation left is tilling lands. Besides, where people clamour most for lands is in the colonies, for there at the start lands are assessed at very low rates. I assure the Government that if assessment were fixed at one-half from the very first the demand for lands would decrease. I wish, Sir, that the assessment should be fixed at one-fourth the income as the maximum. It is true that it has never been charged anywhere above 40 per cent., but when the assessments are so fluctuating the zamindar knows by experience that in general at every new arrangement they always increase. I trust that, out of the same kindness with which, in some cases, lands have been assessed as low as 20 per cent., the Government shall fix the maximum at one-fourth. I am speaking on behalf of a dumb populace, and trust that the Government shall grant my request.

The second part of my Resolution was meant to stay that unrest, which at present prevails among the zamindars. It will be far from pacifying them if, while we are inquiring into their past grievances of taxation, new taxation should be imposed on them. I had thought that this inquiry should take about one year. Now Sir John Maynard thinks that it will take at least two years. I wish that it should be completed in the least amount of time possible. Further, I desire that if during the inquiry recommendations are made of certain cases, they should be considered; for not to do so would be to deprive the poor zamindar of all benefits of the inquiry while it is pending. Lastly, I request that the officials should show kindness and magnanimity in assessing lands until the committee is able to report on the

[S. Muhammad Husain]

matter. One point I wish to dwell on, in connection with the colonies. Granted that in the beginning to encourage men to work on new lands, rates of assessment have to be very low and for that reason the term of assessment has to be very small—say ten years. By after re-assessment, at a higher rate, why is not the term extended? On the other hand, old leases and new ones in the colonies continue to be assessed after the same short interval of ten years. This, I venture to say, is very unjust. I do not, however, desire, that I should act in the teeth of opposition from the hon'ble official members. I have been affected by the speech of Sir John Maynard very much. If, therefore, the hon'ble members wish, and insist upon it, I am prepared to withdraw the second part of, my Resolution, which, in my opinion was necessary.

8-30 A.M.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Sir, in winding up the debate, I do not think I will detain the Council very long. I will make my remarks as short as they can possibly be in the circumstances. My friend complained that he was not given full time. I simply remind him that Mr. Fagan was held up also. So I think his complaint on that score is not very reasonable. Then he said he wanted to bring on record the difficulties of the zamindars. I think these difficulties should have been brought before the committee rather than on the record of this Council. He says that officers of twelve years are not. . . .

Sayed Muhammad Husain.—I beg your pardon, I said ten years.

Mr. President.—Does the hon'ble member think it necessary to speak on the first part of the Resolution which the Government has accepted? It would save time if he confined his remarks to the second part.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—As regards the second part, I wanted to give a sort of assurance that if the recommenda-

tions of the committee were made they would be considered and the assessments that have taken place in the interval revised. The utmost I can say on the subject is that the findings of the committee are finally to be laid before the Council and have to be considered by the Local Government. Whatever decisions of the Local Government on the report are, I undertake that those benefits if granted will be given to the assesses on the last assessments that have taken place. Beyond that I cannot go. The matter rests in the hands of the Local Government, and when the Local Government has passed orders on the report of the committee, I have no doubt such orders would be carried out.

I hope that this assurance will satisfy my friend. I need not say anything more as he has not pressed any further point on the notice of the Council and he wishes to leave the decision to this committee. I do not wish therefore to detain the Council any longer.

Sayed Muhammad Husain.—For how many years will assessments be re-examined in the light of the committee's report.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—For the settlements which may be started in future.

Sayed Muhammad Husain.—And not for any past years?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Your Resolution does not cover the cases of settlements already started.

Mr. President.—The Resolution as amended is as follows:—

"This Council recommends to the Government, first to appoint a committee, consisting of officials and non-officials, to examine its present assessment and land revenue policy, and to report what changes should be made in it; and, secondly, to start no new settlement until the report of the committee is published and has been discussed in this Council."

I put the first clause of the Resolution separately.

The motion was carried.

Sayed Muhammad Husain.—I beg leave to withdraw the second portion of my resolution.

Mr. President.—The question is—

“that leave be given to withdraw the second clause of the Resolution.”

The motion was carried.

Mr. President.—The Resolution as carried by the Council is—

“That this Council recommends to the Government, to appoint a committee, consisting of officials and non-officials, to examine its present assessment and land revenue policy, and to report what changes should be made in it.”

RESOLUTION RE APPOINTMENT OF A COMMITTEE TO REPORT ON THE CONDITION OF CATTLE.

Rai Sahib Lala Panna Lal.—Sir, I do not move the Resolution standing in my name. I will give notice to move it later in a modified form.

Mr. President.—The Resolution stands withdrawn under the standing orders.

RESOLUTION RE ASSESSMENT OF LAND REVENUE IN THE MULTAN DISTRICT.

8-40 A.M.

Sayed Muhammad Raza Shah (Urdu).—Sir, I beg to move—

“That this Council recommends to the Government that the assessment of land revenue in the Multan district as recently announced be revised and reduced.”

The land revenue assessed at the time of the last but one settlement is already a source of burden to the zamindars and is paid with the utmost difficulty.

(The member could not read out his speech any further and requested the chair to permit some other member to read it out for him or else to allow the speech to be taken as having been read).

Mr. President.—It is not permissible for one member to read the speech of another member. Each member must make his own speech. But, if the

hon'ble member so wishes, he can move his motion and sit down. Should some other member on his own responsibility deliver the speech which the hon'ble mover meant to have delivered, I should not object, but the speech delivered would rank as the speech of the member actually delivering it.

Sayed Muhammad Faza Shah.—I agree, Sir, I have already moved my motion.

Mr. President.—The motion before the Council is—

“That this Council recommends to the Government that the assessment of land revenue in the Multan district as recently announced be revised and reduced.”

8-46 A.M.

Maulvi Muharram Ali, Chishti.—Sir, Customary Law is followed in the Punjab and adoption is permissible under that Law.

Mr. President.—The question of adoption under Customary Law is not before the Council—(laughter).

Maulvi Muharram Ali, Chishti (Urdu).—

Sir, the zamindars of Multan are now worse off than they were at the time of the 3rd settlement. As compared with former days the supply of canal water has become inadequate. This inadequacy is attributable to the fact that formerly the canals were excavated and satisfactorily managed by the zamindars themselves, but now they being under official management, the work of excavation is given on contracts and is badly done. The canals in the Multan district, with the exception of the Indus Canal, are inundation canals and were excavated before the establishment of British rule by the zamindars, at their own expense. These inundation canals are the mainstay of the peasant class, but for several years these canals have not given an adequate or timely supply of water. Formerly each canal had its separate outlet, but now one outlet serves for as many as four canals. The consequence of insufficient supply of water is that the zamindars cannot sow their crops at the proper time. Take the case of the indigo crop. The season for

[M. Muharram Ali Chishti.]

this lasts from April to the middle of May, but the water in the *nalas* does not flow in May, and when it does flow the supply is closed before the crop is matured. In years gone by the indigo was sown in thousands of acres, but its sowings are now quite negligible. Again, take the case of the cotton crop, the season for which lasts from the 10th of May to the middle of June. Owing to the delay that occurs in sowing it, the yield is poor. The same is the case with other crops. It is true that the prices of various commodities have risen high, but this rise cannot serve as a justification for raising the land revenue inasmuch as the rise is not permanent and has been brought about by the European war. A fall has already taken place in the price of cotton and certain other commodities. It is not proper to impose an excessive assessment by taking the average of the prices that have prevailed for some years, especially when no assurance has been given that the land revenue would be reduced on a fall taking place in the prices. The benefit of the enhanced assessment, if any, will accrue to the traders from whom the zamindar borrows money, for buying seed and paying land revenue. It is not known on what grounds the Settlement Officer has thought fit to raise the assessment. In fact he has raised it without consulting the zamindars or hearing their objections. The zamindars were informed of the enhanced assessment just at the time when the Settlement Officer had received the sanction of Government. The *chaki* lands such as 'nathar', 'otar', are lands which have been assessed at an excessive rate. In imposing a permanent *chaki* *jama*, neither the expenses incurred by the zamindars on wells have been taken into account, nor allowance has been made for the produce given by the zamindar to members of menial classes. Perhaps it will be said that the assessment has been raised only by 30 per cent. I will, however, lay before the Council, some data to show how excessive is the increase. In respect of a land assessed to a revenue of Rs. 30, a *sawai* of Rs. 4 used to be

paid, i. e., the zamindar paid Rs. 4 in all. What will be the state of things now. Well, instead of Rs. 30 a land revenue of Rs. 45 has been assessed on the zamindars. Calculating *sawai* at 30 per cent. on the above assessment the zamindar will have to pay Rs. 13 on account of *sawas* in addition, i. e., Rs. 53 in all. In other words, the land which at the time of 3rd settlement was assessed to Rs. 43 will under the new assessment scheme have to pay Rs. 53. Let us now turn to the case of the *sindh* *rai*. The well which formerly was assessed to a revenue of Rs. 4 is now assessed from Rs. 20 to Rs. 40, i. e., the enhancement varies between five and tenfold. The revenue of the *ghair mustaqil* lands has also been raised according to the rate imposed on *mustaqil chaki* lands. On the occasion of the last settlement, the rate of assessment on *ghair mustaqil chaki* lands was Rs. 1 per acre, namely, one had to pay Rs. 20 per 40 *bighas* besides the *sawai* of Rs. 2-8-0, but now calculating the amount at Rs. 1-6-0 per acre, the amount of *jama* comes to Rs. 27-8-0 for 40 *bighas* and adding Rs. 9-2-0 on account of *sawai*, the total amount payable comes to Rs. 36-10-0. Instead of Rs. 56-10-0 a zamindar will now have to pay Rs. 90 for one well. Now, can the zamindar be reasonably expected to pay such a heavy assessment. The zamindars of Multan are not in a position to pay a heavy land revenue. Indeed their condition is so poor that they can hardly afford to pay the land revenue assessed on them in the 3rd (last) settlement. Each *tahsil* in the Multan district submitted a large number of applications to the Commissioner protesting against the new enhanced assessment, but no reply was given except that the assessment had been sanctioned by the Local Government. The zamindars of Multan look to His Excellency the Governor, who is well acquainted with the conditions of the Multan district. Several members of this Council are zamindars who doubtless realize how burdensome this new assessment will be on the zamindar, in these hard times, and I shall carry their sympathies. On behalf of the Government perhaps it may be urged that new

assessment has been suspended for a year, but this is no solution for the zamindar. What is wanted is a substantial reduction in the present land revenue. I need scarcely point out that it is the zamindar who comes forward to the aid of the Government on all occasions, and is it too much to expect that the Council will pass the Resolution moved by me and place the zamindars of Multan under a debt of gratitude? If this is not done then I am afraid that discontent among the zamindars will be accentuated—a thing which in these days should be avoided.

In this speech there is no attack on the Settlement Officers concerned as was complained by certain official members about the debate on Sayed Muhammad Husain's Resolution. Really speaking, there was no attack made on any Settlement Officer, but it was a case in which Council members, like poets, newspaper writers and lawyers had indulged in exaggeration.

8.59 A.M.

Rai Sahib Lala Thakar Das.—Sir, it is a matter for deep regret that at a time when one hears so much about discontent in the country, occasion should have been afforded to the large and influential body of zamindars of the Multan district for serious complaint over the recent assessment of land revenue in that district. It is well known that the inundation canals which water the territory of the Multan district originate from the Ravi, Sutlej and the Chenab rivers and have been in existence for a very very long time. Very little seems to have been done to keep the inundation canals in good working order, and, on the other hand, several canals have been opened out of the above rivers to serve the territory lying to the north of Multan. As a natural consequence of this process, comparatively less quantity of water passes on to the Multan district, and most of its inundation canals remain dry during a good part of the year. Both the *kharif* and the *rabi* harvests are poorer on the above account than they were ten years back. What justification, therefore, the Settlement authorities had to enhance

the existing rates passes one's comprehension? I hope it is admitted that the Government has not during the past ten years incurred any expense on improving the water-supply of the district to justify an enhancement in the rates. On the other hand, the villagers have made large investments in digging tube-wells on their lands. It is true the Government makes advances on the *taccari* system, but then it gets back its money with interest, and with all the conscience it is not entitled to any share in the excess produce of the land. It is, moreover, contended that the present assessment has been made in great haste and without giving an opportunity to the zamindars to explain why they should not be assessed as they have been assessed by the authorities. In fairness to the zamindars, it is essential that the matter may be reconsidered in the light of the facts that have been brought forward, and the enhancement postponed till the water-supply in the inundation canals has been adequately improved.

Mr. President.—I desire to draw the attention of Khan Muhammad Abdullah Khan to the fact that his Resolution, which is similar to the one now before the Council, will no longer be in order. If he wishes to speak he must speak on this Resolution. I shall also give preference to any members of the Multan district who wish to speak.

9.5 A.M.

Khan Muhammad Abdullah Khan.—Sir I support the Resolution moved by my esteemed friend, Sayed Muhammad Raza Shah, for the modification of the assessment announced at the recent settlement of the Multan district. The very fact that Government has felt the necessity of postponing the realization of the new land revenue for a year shows that the land revenue is excessive. My submission to Government is that it should not allow itself to be troubled by the idea that if assessment of the Multan district is modified, similar resolutions will be put forward on behalf of other districts. The well-being of the subjects should be the foremost consideration, especially in the case of districts like Multan and Muzaffargarh, which during the Great War, ren-

[M. Ahmad Yar Khan].

dered much more assistance than was expected.

Mian Ahmad Yar Khan, Daultana.—Sir, I am glad I am afforded the opportunity of speaking on the Resolution which tries to better the condition of zamindars of a district whom I have the honour to represent. There are two general complaints of the Multan zamindars against settlement, and the hon'ble mover in his speech (read by Maulvi Muharram Ali, Chishti) has elaborately dealt with these points. The two points are, firstly, the scarcity of water-supply in the Multan district canals. It is said that in these canals there is less water now than there was at the time of the last settlement of 1900. Secondly, a greater regard has been paid to what a zamindar earns, but what a zamindar spends has to some extent been ignored. The resolution as it stands is a very reasonable one. It only wants the appointment of a committee to revise and consider the last settlement.

The Hon'ble Sir John Maynard.—I am afraid the hon'ble member is misquoting the words of the Resolution. The Resolution says "revised and reduced," whereas the hon'ble member has said "revised and considered."

Mian Ahmad Yar Khan, Daultana.—(continued).—It is for the committee to revise and reduce, and this demand is just as far as I understand. I hope the Government will have no objection in accepting this Resolution. With these few remarks I support the resolution.
9-15 A.M.

Rai Bahadur Lala Sewak Ram.—Sir, representing as I do, the Multan Division, Rural, I think I am justified in offering a few remarks on this important question before this Council. I want particularly, to bring to the notice of this Council that a large meeting of the zamindars of the Multan district was held in the Lange Khan Gardens on the 26th of June, 1921, in which a protest was made against the assessment of the Multan district. In that meeting, the proceedings of which I suppose by this time are in the hands of

Government, this question was fully discussed. I only wish to quote a few remarks of such great an authority as Khan Bahadur Muhammad Sadr-ud-din Sahib, Sajjada Nashin of Dirbar Pir Sahib of Multan. It is said, Sir, "The assessment in Multan district was made by the officers of the Settlement Department behind the back of the zamindars. Having done this they prepared a report which the zamindars were summoned to hear, while the principle of settlement is that the objections of zamindars should be heard and an opportunity be given to them to produce proof in support thereof, and reasonable and appropriate answers be given to those objections by the officers of the settlement. On the other hand, a petition was submitted to the Settlement Officer by the zamindars in August last containing detailed objections, but no heed was paid to it. Unfortunately the zamindars of Mailai and Kabirwala Tahsils unlike those of Multan and Shujabad were not even allowed an opportunity to put in their objections, since the report contains no reference to them."

Sir, in the principle of land assessment there is no such principle that Government should take more than half the net profits, but according to the assessment made deducting the ordinary expenses more than half goes to Government. It is an admitted fact that the Multan district is irrigated by Ravi, Sutlej and Chenab, and it is situated at the tail of the said rivers. Perennial canals have been taken out of these rivers by the Government and are run without any kind of regard to the interests of the Multan zamindars. This point was not kept in view either by the Government or the Settlement Officer in making the settlement.

There is a serious complaint against the irrigation arrangements of the Canal Department. Each *nala* feeds three or four *rajbahs*, and thus a week is divided into a couple of days for each *rajbaha*. From each *rajbaha* there are four or five watercourses and on these watercourses there is a *barabandi* (turn) system. This *barabandi* of canal water depends upon

the sweet will of subordinate officials such as *mihrahs* and *daroghas*. These hardships which the zamindars have to undergo require attention, but the local officers have never taken the trouble to remove them. In spite of all this, these officers being afraid of the Canal Department do not allow sufficient *ktaraba*.

Zamindars of Multan have spent thousands of rupees on sinking wells. Government does not contribute to this cost.

The Pir Sahib further says :—"The Settlement Officer has made no distinction between lands which receive only one watering from the canal and those which receive four waterings and has charged the same rate (*parta*) for both. This should not have been done. No remission or reduction in the rate is allowed while in the case of one watering one-fourth of the *parta* should have been charged. If any crop of *rabi* harvest is once watered by canal, the whole *parta nahri* is assessed which is absolutely unfair." The Settlement Officer seems to be under the impression that the price of land has risen owing to the high price of grains. This is, however, not correct. The Settlement Officer is under the impression that zamindars have got much money and have therefore sunk many wells. It is not right. In fact the zamindars have sunk wells to mature crops because the canal water was quite insufficient and crops could not be matured by receiving one watering only.

With reference to Pir Sahib's speech, I beg to point out the following points particularly :—(1) The Settlement Officer has fixed a uniform rate of *nahri* revenue without regard to the good or bad quality of land. This is far from being just. (2) The Settlement Officer fixed the gradation of wells with reference to the matured crops, while it should have been fixed with due regard to the average produce. (3) The land-owners have borne the whole expenditure of settlement if the object of settlement were simply to increase the revenue. Equitably the Government ought to have borne the expenditure.

I do not think I need waste the time of the Council in further referring to the speech of Khan Bahadur Muhammad Sadr-ud-din Sahib. Sir, I may add in support of the Resolution proposed by my friend, Khan Muhammad Abdullah Khan that until such time as the Havelian, Chenab and Sutlej Valley Canal projects have been materialised no such assessment in the Multan district be announced. The request of the people of Multan district is, I think, very reasonable, and without any further taking up the time of the Council, I hope Government will very kindly accept it.

9-25 A.M.

Sayad Muhammad Husain (Urdu).—

SIR, I have true information about the state of affairs in Multan, firstly, because it is a neighbouring district and, secondly, because I have relations in it. Our official members allege that *band-o-bast* is necessary not only for increasing rates of assessment but also to diminish them where necessary. The assessments in Multan according to that principle should have been lessened. They have, on the other hand, been not only increased but increased unduly.

Sir, are we not to represent the voice of our constituencies? Why then should we not declaim against the measures adopted in the Multan District.

مرا دو دہستہ درد دل اگر کہ ہم زبان سرزد
اگر ہم نہ کشم تر سم کہ مغز آستخوان سرزد

"I have a pain at my heart the expression of which burns the tongue, but if I suppress it, the marrow of my bones burns."

I am against making complaints, but here it is a question of representing our constituencies. What has been done in Multan is an illustration of what, I said, young civilian officers, but in vain. They have had recourse to appeal in Jullundur but to no effect. Now they are expressing their grievances through their representatives in the Council. I will briefly relate these. Numerous canals have been dug out of the rivers Ravi and Sutlej in their upper courses so that very little water

[S. Muhammad Husain.]

in these rivers is left to flow in the Multan district. Moreover, the little that is left in them fails just when it is most needed for the crops. I know, from personal experience, what trouble it is to the poor peasant when water fails him in time of need. Just imagine then what produce can be expected where the very essential of produce is missing. To compensate for this failure of water the zamindars dig wells. Here arises another cause of complaint of these poor people. The Government levies a tax on each well. Fifty or sixty rupees are charged for each. The poor zamindars invest all their capital in digging wells, which I have said are simply meant to supply the defect of canal water; and, deplorably enough, these investments become sources of additional taxation upon them. This evil, Sir, multiplies upon these poor people in this way. One well can very easily irrigate about 40 acres of land. But, as soon as one zamindar's property is distributed over two or three or four sons, one well no longer remains convenient for them all. To avoid possibilities of friction other wells are dug, and more taxation incurred. What, therefore, is done simply for convenience becomes a perpetual burden. How unjust is all this! This Government should either tax canals or wells, but why both? These poor people have now sent deputations. I appeal to the representatives of zamindars of all districts to lend support to this deputation. If to-day we help them, they shall gladly help us in our need. And I respectfully submit to the Government that it should not consider it mortifying to its prestige to revise the matter and take immediate steps to lessen these assessments. The over-assessment has been felt, and I strongly hope from an experienced hand like Sir Edward MacLagan's, who has personal knowledge of Multan, that justice will be done to these zamindars and their wrongs redressed.

"The messenger has to deliver the message and that is all."

9:35 A.M.

Mian Muhammad Shah Nawaz, (Urdu)—
Sir, the Joint Committee of both the

Houses of Parliament which considered the question of Reforms in India has also mentioned something about settlements. This is what the report says: "The committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without in some cases any statutory limitation of the rates and, in other cases, any adequate prescription by statute of the methods of assessment. They consider that the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular without expressing any judgment on the question whether the land revenue is a rent or tax, they advise that the process of revising the land revenue assessment ought to be brought under closer regulation by statute as soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces; but in some at least the pitch of assessment is entirely at the discretion of the Executive Government."

Mr. Boyd.—May I ask if this concerns the Multan Settlement.

Mr. President.—The speaker is in order.

Mian Muhammad Shah Nawaz.—"The people who are most affected have no voice in the shaping of the system and the rules are often obscure and imperfectly understood by those who pay the revenue. The committee are of opinion that the time has come to embody in the law the main principles, by which the land revenue is determined, the methods of the pitch of assessment periods of revision, the graduation of enhancements, and the other chief processes which touch the well-being of the revenue-payers. The subject is one which probably would not be transferred to Ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords, and the system should be established on a clear statutory basis before this change takes place."

According to old rules the people were not consulted in the matter of assessments, its increase or decrease. It was then made

law that they should be consulted. The law was, however, not put into force. It is said that in Multan and Shujabad alone people were consulted and some dismissals from service occurred in its connection; but I am not sure of it. Now when the Joint Committee decided to respect the voice of the people why should we not act up to its decision. The assessments in Multan do require to be revised, and I strongly recommend this step. The hon'ble members know that there is now scarcity of water in the Sutlej. It is not now one-fourth of what it used to be. I therefore, wish that new assessments should be postponed till the Haveli Project has been completed. This Project which aims at irrigating a very large tract of land, both on the right and left bank of the river Sutlej, (?) does not cost much. A small canal has to be dug, for which a few lakhs shall suffice. The Government should first complete this project and then it would be justified in increasing assessments. There is another project under the Government's consideration, and that is the Sutlej Valley Project. The *band-o-bast* of Mailsi and Lodhran, in my opinion, should be taken in hand after this project. Why I ask should we needlessly worry people before the right time, when burden of additional taxation upon them would be justified? As yet if a man owns 10 acres of land, I think, the income of two to four acres is spent on the fodder, etc. To assess the whole income without considering the expenses is not good. I am personally acquainted with the Multan district. I first began practice there. The method which has been adopted for assessment in that district is not the right one. The produce of one most favoured spot has been considered, and on an estimate of that all the other lands have been assessed. The produce of no one piece of land is exactly like the other, I think, and for this reason too there is need of revision. You also know, Sir, that a number of minor canals were dug by the owners of lands at their own expense. When they were thus once encouraged why were they molested later in their possessions of these canals. The Government took these minor canals

in its own possession and now the zamindars pay for the water of these also. The Government is deriving a large profit from these canals. The Sindh Canal brings about 50 per cent. of the produce of land it irrigates. Where is then the need of additional taxation. Most respectfully I submit that we should act upon the Resolution of Lord Curzon of 1902. In that it is expressly stated that, we should give the first consideration to the zamindars' mercenary plight. We should leave him enough to bear him out of his days of adversity. Has this principle ever been put into practice. The officials look at the income, but never at the expenditure of the zamindars. I speak for the small zamindars more especially when I say that we do not leave with them the wherewithals to save their wives and young ones from certain death when misfortunes, like the death of bullocks or dearth of rain, etc., overtake them. In a meeting lately held I was told by my esteemed friend Mr. Sadr-ud-din and also by the other zamindars that assessments imposed on them are very severe. I request, Mr. Fagan, to review them and to.....

Mr. President—I am afraid the hon'ble member's time is up.

Mian Muhammad Shah Nawaz.—I will resume my seat.

9-57 A.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, the hon'ble members have related certain facts about the Multan district, which, if true, must receive the serious attention of this Council. As to settlement, I would request the Government to act up to the principles laid down by the Imperial Government. These too may require modification as they are based on the custom of bygone kings, whereas the land situation at present is considerably changed. In olden times, as compared with the cultivated parts of land, the uncultivated portions were far more extensive. The result was that the farmer got grass for his animals without any cost. He made, moreover, a good deal from hunting in

[Khan Bahadur Chaudhri Fazl Ali].

the jungles. All that he wanted from his cultivation was bread for himself and his family. Now, on comparatively smaller pieces of land he depends for bread, clothing, fodder and all the innumerable necessities of modern life. What is more troublesome is that the cost of these necessities has risen enormously. *Bhoosa* has been selling at 8 seers per rupee. And not only is the cost of the upkeep of cattle great, but in spite of it the animals die for want of sufficient fodder; so that every season the farmer has to buy new ones. These are some of the troubles of the zamindars. The state of the Multan district, doubtless, calls for immediate attention. But other districts should also receive due consideration in time. In one instance the zamindar suffers from his own ignorance. He sometimes intends to sow one kind of crop on his land, but changes his mind and sows another and sometimes even a third. He reports each of these crops to the Government and gets assessed for them, although it is only one which he actually gathers. I do not say anything about the misery or the prosperity of the zamindars. Whatever the truth, this much is clear that the peasantry has awakened to a sense of their wrongs, whether real or imaginary. It is essential, therefore, that we should enlighten the zamindar about the truth, where he is mistaken, and should redress where he has been wronged.

10-8 A.M.

Diwan Bahadur Raja Narendra Nath.—

Sir, I have served for some time in Multan district and have been in touch with the leading zamindars of that place. I am, therefore in sympathy with the object of the Resolution moved by my hon'ble friend, the member for West Multan, but it seems to me that the Resolution as worded is not sufficient to achieve the object which it is intended to achieve. The hon'ble mover wants the settlement to be revised. In the first place the revision may not end in a proposal for reduction and in the second place revision of an assessment is a very diffi-

cult matter, and who is going to do it? It appears to me that the operations have reached at this stage that the Financial Commissioner has obtained the orders of the Punjab Government, and the revenue for each village has been announced by the Settlement Officer. It will be very difficult for any Government officer if the matter were left to him to reopen the question. Therefore, I think, that a Resolution asking merely for a revision and reduction will not meet the object which is aimed at.

There has been a reference to the case of Montgomery district which was assessed by Mr. Kennedy and the assessment of which was revised by an officer who is now working as Financial Commissioner. In that case it was Government that found fault with the Settlement; in the present case it is the non-official members of the Council that are finding fault with the Settlement. It is, therefore, not likely that another Settlement Officer appointed by Government will revise the assessment in such a manner as to bring out the same results which came out of the Montgomery Settlement by Mr. Fagan. I have, therefore, cut out the last three words. My amendment is:—

"Cut out the last three words and add—

"Examined by a committee, consisting of officials and non-officials to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water-supply in these canals is adequately improved."

The principal complaint which it is possible for a committee, the majority of members of which will be laymen, to inquire into is that the inundation canals have not proper supply of water, that the supply of water in them is less than it was during the term of the previous Settlement which expired in 1900, and that it has been gradually becoming less and less owing to the opening of perennial canals. But it is possible that some other matters too may come to the notice of the committee on which it may be possible to

advise revision of assessment. Questions have been raised about wells. I have not gone into that matter carefully, but it seems to me that when a committee is appointed the question of wells may also be taken up and looked into.

(To the Chair).—Am I to confine my remarks to the amendment only.

Mr. President.—You may speak on the amendment.

Diwan Bahadur Raja Narendra Nath.—I need not say anything more in support of the amendment. If the amendment as moved by me is carried, I hope, I shall be given an opportunity of speaking on the amended Resolution.

Mr. President.—The motion before the Council is—

‘That this Council recommends to the Government that the assessment of land revenue in the Multan district, as recently announced, be revised and reduced.’

To this an amendment has been moved which runs as follows :—

‘Cut out the last three words and add.

‘Examined by a committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water-supply in these canals is adequately improved.’

I now put to the Council

That the words “revised and reduced” be omitted.

The motion was carried.

Mr. President.—I now put to the Council that the words—

‘Examined by a committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water-supply in these canals is adequately improved’

be substituted in place of the words which have been omitted.

The motion was carried.

Mr. President.—The motion now before the Council is—

‘That this Council recommends to the Government that the assessment of land revenue in the Multan district, as recently announced, be examined by a committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water-supply in these canals is adequately improved.’

10-20 A.M.

M. P. J. Fagan (Urdu).—Sir, In estimating the burden of land revenue assessment in a tract, subject to precarious agricultural conditions, such as Multan, it is very necessary to consider with care the extent to which on the one hand the demand is payable without reference to ordinary climatic and other natural accidents, and, on the other hand, the extent to which allowance is made for the latter. Agricultural conditions in the Multan district, as is well known, are very uncertain and susceptible to constant changes from year to year. For this reason, even in the days of Sikh rule, the principle of adjusting the land revenue demands to the conditions of the season was adopted and to a large extent observed in practice. Since the introduction of the British rule the principle has been followed and put into practice in a constantly increasing degree. Accordingly it is the case that out of the recently imposed new demand under the Settlement just completed, no less than 70 per cent. will on the average be on a purely fluctuating basis. The system of fluctuation is this, that if a crop matures it will be charged in full; if it fails entirely, nothing will be charged; if it fails partially, a proportionate reduction of demand will be given. The remaining 30 per cent. of the demand, nominally fixed for other areas, is in fact of a semi-fluctuating nature. It is impos-

[Mr. P. J. Fagan].

ed on wells with this condition that if a well in any *rabi* harvest falls out of use for any reason, the nominally fixed assessment imposed on it will be remitted until such time as the well is again taken into use. So far as I am at present aware, the actual collections of revenue for the past *rabi* harvest in the Multan District under the system, which I have explained, will be a very small proportion of the estimated average annual demand under the settlement just completed. Let me now turn to the question of the standard or pitch of the new assessment. The members of this Council understand, I think, what is meant by net-asset, that is to say, the net income which is received by landlords as rent from tenants who cultivate their lands. At the last Settlement made in the year 1899-1900 the future annual demand, as then estimated, amounted to 38 per cent., or slightly more than one-third of the net-assets. At the recent Settlement, the assessment of which it is alleged, has been very harsh and severe, the corresponding proportion of net assets is 29 per cent. or little more than one-quarter. I leave it to the Council to judge how far the above comparison justifies the charge about over-assessment. I desire here to make a few observations regarding certain remarks made in the course of the debate by Mr. Shah Nawaz. He told the Council, as I understood him, that in the Multan district generally, the nominally fixed assessment imposed on wells at the recent Settlement falls at a rate of from 8 to 10 rupees per acre. That statement, I can only characterise, as absolutely contrary to the fact and devoid of all foundation. I understood him also to say that he had read the Assessment Report of the Mailsi Tahsil, and that he found therein that the average annual area of crops matured on a well is 10 acres. I have the Mailsi Assessment Report with me, and on page 11 I find the statement that the average is in fact 24 acres. I desire to draw the attention of the Council to the difference between the numbers 10 and 24. The fact is that the average fixed assessment per well in

the Multan district, under the new assessment, varies from about 20 to 25 rupees per annum, while the average matured area is certainly not less than 20 acres. I am, therefore, unable to understand how an incidence of 8 or 10 rupees per acre can be alleged. Let me now come to the important subject of the changes which have occurred since the Settlement of 1899-1900. The statistics show that the average annual area of crops matured in the whole district has risen by no less than 25 per cent., that is to say, that on the average where at last Settlement 100 *kana's* of crops were matured, at the present time 125 *kana's* are matured. A great deal has been said in the course of the debate regarding an alleged deterioration of canal supply. I propose to give the Council a few figures bearing on that question. The average annual area of matured crops which received canal irrigation during the five years ending 1911-17 was no less than 84 per cent. in excess of the corresponding average area of the previous Settlement carried out by Sir Edward MacLagan. Is that, I ask, an indication that the canals work more now than they did formerly? The actual fact is that the local officers of the Canal Department are entitled to the greatest credit for their successful efforts towards the improvement of canal supply during the term of Settlement which has recently expired.

I now turn to the question of prices. The enhancement of the rise in the level of actual prices, after making allowance for increased cost in cultivation, has been no less than 40 per cent. In fact, there is good ground for holding that actual market prices have risen by not less than 50 or 55 per cent. during the past 20 years. But, nevertheless, by way of caution the rise has been estimated at only 40 per cent., as I have already stated. That there is little reason for thinking that the cost of cultivation has risen in greater proportion than the value of produce is indicated by the fact that the rates of *batai* have not fallen but have indeed in some cases risen. Had the proportion been much greater how is it possible that

the same rates of *batai* could have continued to be paid?

As regards the proportion of the increase in assessment as between the Settlement just expired and the new Settlement that proportion may be estimated in two ways. We may compare the actual average assessment of the 5 years ending 1916-17 under the expired Settlement with the average assessment which could have been imposed during the same period at the rates of the new Settlement. Comparing in this way the increase is 32 per cent., and with that proportion of increase we must compare the rise of 40 per cent. in prices. It will thus be seen that the enhancement of assessment is considerably less than that which would have been justified by the rise in prices. Another way of gauging the enhancement, which has been taken, is to compare the estimate of the future average annual assessment framed at the recent Settlement with the similar estimate framed by Sir Edward Maclagan at the previous Settlement. The proportion of enhancement so obtained is 61 per cent. This figure may be compared with the combined result of the 40 per cent. rise in prices and of the 25 per cent. increase in matured area. The result is 75 per cent. which is the proportion of enhancement which is justifiable, though as a matter of fact an enhancement of only 61 per cent. has been taken. I leave it to the Council to judge how far, in view of the figures which I have given, it is just to say that the new assessment is severe, unfair and inequitable.

Let me turn again for a moment to the subject of prices. As I have already shown actual prices have risen in favour of the landlords since the last Settlement by at least 40 per cent. I draw the attention of the Council to the fact that as compared with this figure the prices at which agricultural produce has been valued for the purpose of assessment calculation, that is to say, the commutation prices, are only 37 per cent. in excess of the similar prices adopted at the last Settlement. Again, I ask, is that an indication of undue severity?

Let me state to the Council some of the commutation prices which have been adopted —

Wheat 15½ seers per rupee; rice 20 seers, gram 19 seers, cotton 6½ seers.

Would any land-owner be prepared to enter into a contract for the next 20 years to sell all his produce at these rates? Would not any trader or commercial firm accept such a contract with alacrity? Let me now give a few figures regarding the rise in the value of land. In the Multan Tahsil the value of land has risen fourfold since the last Settlement. On the average its value is 180 times the land revenue recently assessed, so harshly and inequitably as the mover and his supporters would have us believe. In the Mailsi Tahsil the value has risen threefold and it is 170 times the new land revenue. In Shujabad, in Lodhran and in Kabirwala the value is double. In Shujabad it is 130 and in Lodhran 120 times of the new assessment. In the face of these figures how can it be contended with the slightest show of reason that there has been harsh and unjust over-assessment? Now let us consider for a few moments the fiscal aspect of this Resolution. On Friday last a Resolution was passed for the expenditure of a trifling sum of 30 lakhs of rupees on primary education in the course of the next 9 months. Now, Sir, all officers of Government are keen sympathisers and supporters of the cause of sound education in this province; I myself can claim to have taken some humble part during the course of a long term of service in endeavouring to help forward that most important object. But, Sir, so far as I heard and understood, there was not in the whole course of the lengthy discussion on that Resolution any reasonable hint or indication how this trifling sum of 30 lakhs of rupees is to be produced; whether, in the course of the present rainy season, it is, with other blessings, to descend from heaven, or whether Mr. Ganpat Rai, during the course of the present hot weather, by dint of the utmost diligence and labour or preferably perhaps by some

[Mr. P. J. Fagan.]

practice of magic is going to produce that sum from some treasure chamber at present hidden underground. But, however that may be, to-day it is proposed to deprive Government of a comparatively far more trifling sum to which after lapse of 20 years it is fairly and justly entitled. The mutual inconsistency and incompatibility of the two proposals is so clear and so manifest that it is entirely unnecessary for me to dwell upon them.

In conclusion, I assert without the least hesitation that the recent assessment has been carried out with the utmost care and is in every way both just and moderate. With these words, I beg to oppose the Resolution.

10-45 A.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—As the Council is about to rise I should like to save the time of the Council by delivering a speech on the amended Resolution in Urdu. In the last spring I was interviewed by a few friends from Shujabad Tahsil—the conditions of which as they were when I was in Multan were well known to me. They complained to me of the hardships of the revised assessment. When I was there, there was a complaint against the Chenab Inundation Canal. I thought that the condition of these canals must have become worse. I framed a few questions to elicit information, and it was my intention to draft a Resolution in the light of information obtained, but my friend, member for Multan West, has forestalled me. Only a short time before the commencement

of the session I was given information about the bad working of Sutlej and Sidhnai Canals. There was no time to send any questions about them. I sent in an amendment so as to cover the cases of all inundation canals. I should like to say a few words about the information given regarding Chenab inundation canals. The Hon'ble the Revenue Member stated in answer to my question that Chenab canals were working as satisfactorily as before, and that their working did not, in any way, affect the question of assessment. This is not borne out by the statement which was placed on the table about the working of these canals in an answer to another question. A perusal of the statement will show that each 'nala' opened later and closed earlier within the last 20 years, and the deterioration has been gradual. No information was given as to the dates of opening and closing in the period which expired in 1900. But paragraph 3 of the presidential address, delivered by Khan Bahadur Mahdum Sadr-ud-din, shows that scientific improvement in the canals introduced within the last 20 years consisted in dividing up these tributaries and supplying water by rotation. Now, Sir, zamindars can realise what late opening and early closing of canals means. Decrease in water supply means decrease in produce. Our experience of the last *rabi* is sufficient to conform this. Increase in area irrigated is no proof of increase in produce. The following figures taken from season and crop reports of the Bombay Presidency, Bengal, and North-West Frontier Province will prove my proposition:—

BOMBAY PRESIDENCY.			BENGAL.			NORTH-WEST FRONTIER PROVINCE.		
Year	1910-11.	1913-14.	Year.	1903-05.	1904-05.	Year.	1903-04.	1907-08.
Cropped area in acres.	30,742,000	30,845,000	Cropped area in acres.	59,814,000	61,034,000	Cropped area in acres.	2,468,220	2,327,906
Outturn of crop in lbs. per acre.	540	501	Total outturn of crop in tons.	26,927,197	24,676,430	Outturn of crop in lbs. per acre.	656	566

That there is fluctuating assessments and that *kharaba* allowed for crops failed is no solution of the difficulty, when

produce of wheat falls from 8 maunds to 4 maunds an acre, *kharaba* is not allowed but the zamindar suffers. What

is true of Chenab inundation canals is true of other inundational canals also. It is, therefore, proper to have an enquiry about the working of these canals and their affect. Other matters connected with settlement may also be taken up.

10-50 A.M.

Mr. P. J. Fagan (Urdu).—Sir, Raja Sahib has said in his speech that the supply of water in the Wali Muhammad and other inundation canals has diminished as compared with the period of previous settlement, and that it is likely to diminish still more. But as I have already pointed out in my previous speech there has been an increase of 34 per cent. in the area under cultivation, so that Raja Sahib's contention is no longer tenable. As the Multan canals are inundation canals, it is, but natural that their supply of water should vary from year to year. The opening of the Upper Chenab Canal has somewhat delayed the opening of the inundation canals named by Raja Sahib, but has had practically no effect on the dates of their closing. As regards the Sutlej inundation canals there has been some delay in their opening, but there has also been a corresponding delay in their closing. Endeavours are always made to improve the position of the heads of inundation canals by taking them higher upstream, in order to improve their command. By this means, the irrigation on these and other inundation canals has not diminished but on the contrary improved. If all these facts are taken into consideration it will be seen that there has been no substantial difference in the dates of opening and closing of these inundation canals as compared with the period of previous settlement.

Mr. D. J. Boyd.—Sir, I wish to bring one small point to the notice of the House. From the Assessment Report of the Kabirwala Tahsil which happens to be on the desk before me, I have worked out in terms of wheat the assessment of that tahsil at the last 2 settlements. If the assessment were realised in wheat, as I

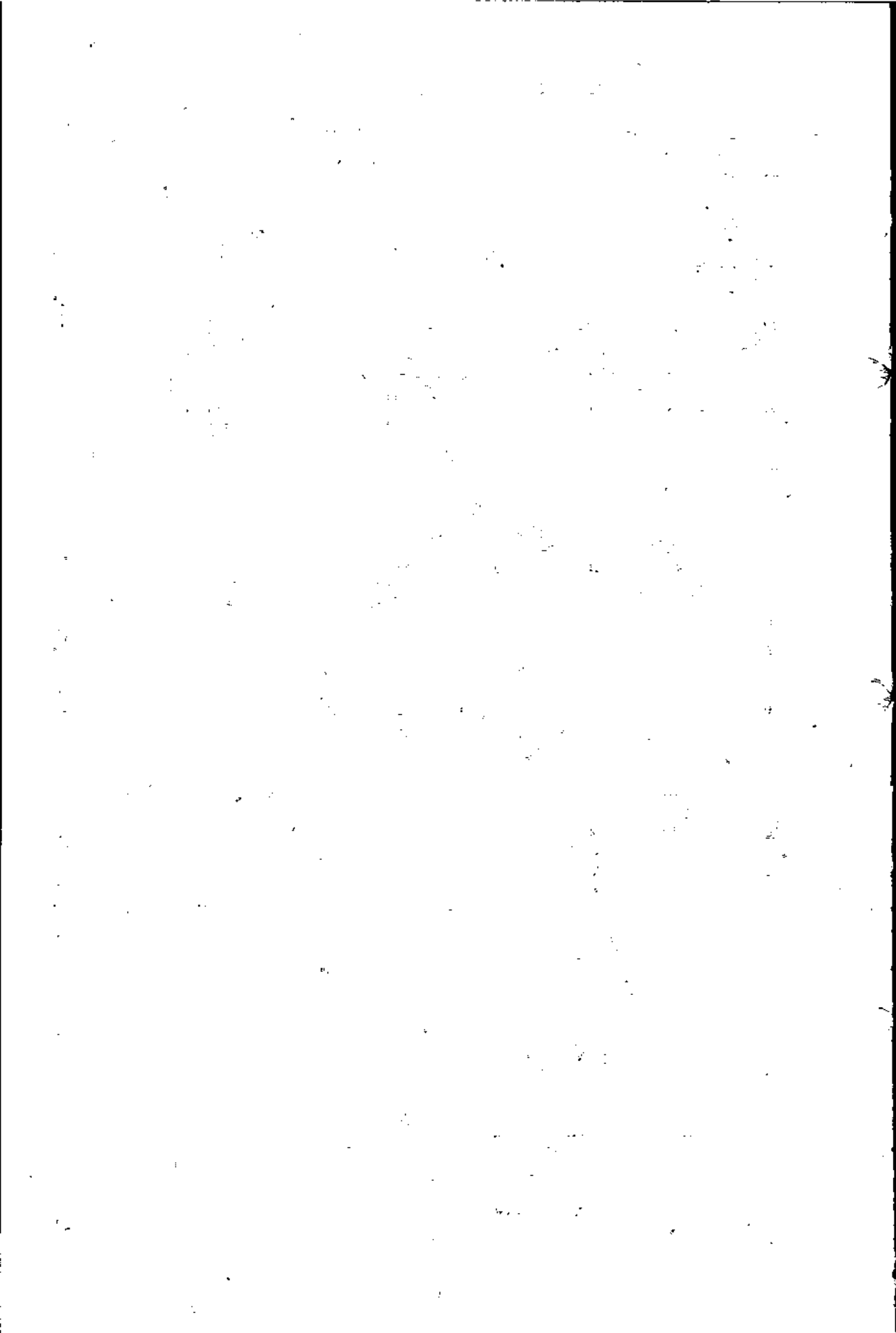
believe under the former rules it was to a great extent realised, the Kabirwala Tahsil would now have to pay only 4 per cent. more than 25 years ago: that is to say, there has been practically no difference in assessment in kind. The figures of prices I have taken from the reports of the two settlements. I think there is a great deal of weight in the fact that there has been practically no enhancement, if the money factor is disregarded. There are two or three other points that I would like to have refuted. One member stated that the assessment of the Multan district was made far too hastily and was made without giving any chance to the assesses to express their views. This is quite baseless. Before the assessments were announced, the Settlement Officer, according to the existing rules, published a *résumé* of his assessment report, a very brief *résumé*, but still enough to make people understand it clearly and to give them the chance of criticising it. After that several petitions were received. They were carefully considered by the Settlement Officer and by the Commissioner and the Financial Commissioner, and finally by Government, and I think, this point should be borne in mind. I do not wish to keep the House any longer.

Mr. President.—The motion before the Council is—

“That this Council recommends to the Government that the assessment of land revenue in the Multan district, as recently announced, be examined by a Committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water-supply in these canals is adequately improved.”

The motion was carried.

The Council then adjourned till 7 A.M. on Tuesday, the 2nd of August 1921.



PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 2nd August 1921.

The Council met at the Council Chamber at seven of the clock.
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

SARAI IN KARNAL.

831. Chaudhri Shafi Ali Khan.—(a) Is it a fact that the Sarai in Karnal Sadar is kept locked up during the night, that the key remains with the Police officials, who live outside the Sarai, and that inconvenience is experienced by the public desiring to go out at night?

(b) Will the Government be pleased to order the key to be kept with the inn-keeper or with some other non-official residing permanently in the Sarai?

The Hon'ble Sir John Maynard.—(a) Yes.

(b) There is no objection to the key being kept by the inn-keeper or some other non-official residing permanently in the Sarai, and orders to this effect are being issued to the Superintendent of Police, Karnal.

DEMOBILIZED OFFICERS AND NON-COMMISSIONED OFFICERS.

832. Captain Sardar Gopal Singh.—(a) What steps does Government propose to take to employ capable officers and Non-Commissioned Officers, who fought for their King, but are now being demobilized and sent home under the Army reduction scheme?

(b) Is Government satisfied that the pensions of demobilized officers are suffi-

cient to enable them to keep up their position and to educate their children?

(c) If not, will Government do something for the education of the sons of such officers?

The Hon'ble Sir John Maynard.—(a) The questioner is referred to the reply given to questions *Nos. 628 and 799 asked by Mr. Daulat Ram, Kalra, and Khan Bahadur Chaudhri Fazal Ali, respectively. The matter is also under the consideration of the Employment Sub-committee of the Soldiers' Board.

(b) A number of demobilized officers no doubt find it difficult to keep up their position and to educate their children on their pensions alone.

(c) Scholarships are at present granted according to the conditions laid down in the circular of which a copy is laid upon the table† to all children of soldiers of whatever rank who were on the active list between the 4th August 1914 and the 11th November 1919, and who are not able to educate their children. Moreover, it is proposed to open 2 schools in the Punjab entirely for the children of soldiers.

PANCHAYAT BILL.

833. Captain Sardar Gopal Singh.—Will Government make some provisions in their "Panchayat" Bill for the representation of the Military classes?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The Punjab Panchayat Bill has already been committed to a Select Committee and the question will be brought to their notice.

JAGIR TO A DHARMSALA AT WAZIRABAD.

834. Rai Sahib Sardar Harnam Singh.—(a) Will the Government be pleased to state what *jagir*, if any, is granted to the Gurdwara, known as Bhai Abnasha Singh's Dharamsala at Wazirabad, and since when?

(b) What was the total amount of the *jagir* from different districts in the commencement, and what amount is paid at present?

(c) What are the conditions under which the grant of the *jagir* was made?

(d) Has the Government ever called for or received an account of the *jagir* money, and, if not, why not?

(e) Is it a fact that the *jagir* at present stands in the personal name of the Mahant, and, if so, will the Government be pleased to state in what circumstances and when the change took place?

(f) Is it also a fact that in March last the Collector of the Gujranwala District put the payment of the *jagir* under suspension pending a decision of the Civil Court in the case brought against the Mahant?

(g) If so, how is it that the Mahant has been subsequently paid the revenues of both *rabi* and *kharif* and in what circumstances?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—It has not been possible to collect full information within the time available. A reply will be given in due course.

NEW CANAL PROJECT FOR HISSAR DISTRICT.

835. Lala Atma Ram.—(a) Will Government be pleased to state by what time the new Canal Project, which will

irrigate the Hissar district, is likely to be taken in hand?

(b) Will Government kindly expedite the aforesaid project?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

NEW INCOME-TAX DEPARTMENT.

836. Lala Atma Ram.—Will Government be pleased to state—

(a) when the new income-tax department is likely to be started;

(b) what policy it has adopted in the selection of income-tax officers; and

(c) whether in making its selection it will give a preference to officers belonging to the commercial community?

The Hon'ble Sir John Maynard.—(a) The new income-tax department is being started now, that is to say, selections for the various appointments are now being made.

(b) The policy has been to choose first the members of the Punjab Civil Service who are already serving as special income-tax officers and who wish to serve in the new department, and then the best available officers of the Punjab Civil Service who are willing to serve in the new department. After these those candidates are chosen who are likely, in the opinion of the Financial Commissioners, to do best in the department. Special consideration is paid to educational qualifications.

(c) No.

BOY SCOUT SYSTEM IN SCHOOLS.

837. Lala Atma Ram.—(a) Will Government be pleased to state in how many schools in the Punjab the Boy Scout system has been introduced?

(b) Will Government be pleased to encourage the system in all recognised high schools as early as possible?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Definite information is not available from all quarters. There is a troop at the Rang Mahal Mission High School, Lahore; at the Harcourt Butler High School, Simla, and at certain European schools.

A patrol of Boy Scout exists in the Aitchison College, Lahore.

(b) Government will do what it can to encourage the Boy Scout movement, but does not desire to interfere with its unofficial character, on which great stress is laid by the Boy Scout authorities.

OPENING OF DISPENSARIES ON SUNDAYS.

838. Lala Atma Ram.—(a) Is it a fact that dispensaries are closed on Sundays, and that the public, and specially those who cannot afford to call in medical aid to their homes, are thereby put to inconvenience?

(b) Will Government be pleased to direct the medical officers in charge of all public dispensaries to keep them open on Sundays as well as week days?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member is referred to the reply given to Sardar Randhir Singh* on the 5th March last in answer to question No. 169. As promised then further information has been sent to the Sardar, the purport of which was that enquiry had shown that the closure of the out-patients' department had not caused any hardship or inconvenience to the public. It had resulted in a slight decrease in out-door attendance, but patients were not inconvenienced as on Saturday sufficient medicine for two days is issued to them. Government has, therefore, decided not to modify the rule.

PRICES AND SIRSA SETTLEMENT.

839. Lala Atma Ram.—(a) Will Government be pleased to state what prices will be assumed for the purposes of the revision of the assessment of the Sirsa Sub-Division?

(b) Will Government be pleased to pass orders that the prices prevailing since the great European War be not taken into account?

The Hon'ble Sardar Bahadur Sardar Suniar Singh, Majithia.—Commutation prices sanctioned for the Sirsa Settlement are for the leading staples as follows:—

Wheat	... 48 annas per maund = 13½ seers per rupee.
Gram	... 3½ annas per maund = 2 seers per rupee.
Rice	... 36 annas per maund = 17½ seers per rupee.
Bajra	... 36 annas per maund = 17½ seers per rupee.
Barley	... 28 annas per maund = 22½ seers per rupee.

Fodder (chari) Rs. 15 per acre.

With regard to part (b) of the question reference is invited to the reply given to part (b) of question No. 588.†

GOVERNMENT INSTITUTE OF COMMERCE, LAHORE.

840. Mr. Ganpat Rai.—(a) Will Government be pleased to state what was the initial expenditure of starting the Government Institute of Commerce, Lahore?

(b) Will Government be pleased to state what are the annual expenses of running the Institute and what ratio do they bear to the total annual expenditure incurred by the Government in maintaining and aiding the maintenance of non-professional institutions in the Province?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The Institute is temporarily housed in a Government building; but the initial expenses were Rs. 6,381.

*Page 215, Vol. I, No. 5.

†Page 94, Vol. II, No. 1.

(b) The total annual expenses of running the Institute are Rs. 8,378. The ratio is 1 : 360.

841. Mr. Ganpat Rai.—Will Government be pleased to state the number of students receiving instruction in the said Institute, the number of members of the staff, the subjects entrusted to each, and the number of duration of periods per week each is required to teach ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The number of students receiving instruction in the Government Institute of Commerce, Lahore, is 85. The staff consists of four teachers and the subjects entrusted to each are :—

Principal	... English	... 24 periods a week
		the duration of a period being 45 minutes.

First Commercial Master.	{ Economics and Banking, Accountancies and Commercial Law. }	12 periods a week.
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Second Commercial Master.	Short-hand	{ 24 periods a week.
Third Commercial Master.	Typewriting	

Steps are being taken to increase the staff.

842. Mr. Ganpat Rai.—Who has been appointed Principal of the Government Institute of Commerce at Lahore and what are his commercial qualifications and experience? Will Government be pleased to state the grounds for appointing such a principal as the head of an important commercial institution? Will Government kindly state how many Commerce graduates are there on the staff of the said Institute and, if only one, did the Government feel satisfied that one Commerce graduate alone will suffice?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The Principal is Lala Rang Behari Lal, B.A., B.T., S.A.V., L.C.P., who was appointed on grounds of general administrative capacity. One commercial graduate is on the staff and another is to be appointed shortly.

COMMERCE DIPLOMA HOLDERS.

843. Mr. Ganpat Rai.—Will Government be pleased to state what efforts and arrangements it has made to assist the Commerce Diploma holders in finding suitable positions; and if it has issued or considers the desirability of issuing any instructions to its various departments to give preference to these?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The University has ruled that "the object of the Institute is not to provide clerks but men of a superior type who, after a little practical experience, could take over charge of a department or a sub-department." Government has not therefore taken any steps to provide clerical appointments for these students.

RAISING THE STATUS OF GOVERNMENT INSTITUTE OF COMMERCE.

844. Mr. Ganpat Rai.—Will Government state if it is intended to raise the Institute to the status of a full grade B. Commercial College, and Institute the Degree of Bachelor of Commerce (B. Com.)?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The opinions of the University have been invited.

HOUSE-TAX IN PINDI BHATIAN.

845. Mr. Manohar Lal.—(a) Has the attention of Government been drawn to

a memorial published in the *Tribune* of May 25th 1921, setting forth the grievances of the people of Pindi Bhatian in connection with the administration of the system of house-tax there. If so, what steps, if any, have been taken by Government to remove the grievances?

(b) Is there any reason why the system of levying house-tax, adopted in Pindi Bhatian, should be different from that in force in other notified areas? If so, will Government be pleased to state the reason?

(c) Does Government propose to meet the people's wish that the members of the Committee of the notified area be appointed by election rather than by nomination?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The memorial itself was received by Government and was sent to Commissioner, Lahore Division, for disposal or report two days before it is stated to have been published in the *Tribune*.

(b) Government is not aware of the difference, but if the hon'ble member will state the points of difference to which he alludes Government will gladly consider the matter.

(c) Government proposes to await the passing of the new legislation for small towns that is being introduced in this session. As soon as the said Bill is passed into law, all such cases will be carefully considered.

GRANTS TO UNIVERSITIES.

846. Mr. Manohar Lal.—Will Government be pleased to place on the table a comparative statement showing the recurring and non-recurring grants made by the Government of India to the several Universities in India since 1904?

The Hon'ble Sir John Maynard.—This Government has no information on this subject.

GOVERNMENT OF INDIA GRANT TO THE PUNJAB UNIVERSITY.

847. Mr. Manohar Lal.—Is it a fact that the Punjab University has received comparatively the smallest grants from the Government of India during this period? If so, what action is Government prepared to take?

The Hon'ble Sir John Maynard.—This Government has no information on this subject.

GOVERNING BODY OF GOVERNMENT COLLEGE, LAHORE.

848. Mr. Manohar Lal.—(a) Will Government be pleased to state the constitution and powers of "governing bodies" of Government Colleges in other Provinces and Presidency towns?

(b) Is it proposed to have a governing body for the Government College, Lahore, with representation on it of important non-official elements?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The necessary information will be collected and given in due course.

(b) The proposal will be considered.

EXPENDITURE INCURRED ON GOVERNMENT COLLEGE, LAHORE.

849. Mr. Manohar Lal.—Will Government be pleased to state the annual recurring and non-recurring expenditure incurred on account of the Government College, Lahore, during the last six-years?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information is being collected and will be communicated when ready.

GOVERNMENT COLLEGE HOSTEL.

850. Mr. Manohar Lal.—Will Government be pleased to state (a) the total expenditure already incurred and to be incurred on the College Hostel now being built on the Lower Mall, and (b) the number of students it will accommodate?

The Hon'ble Lala Harkishan Lal.—(a) Total expenditure incurred so far on the Government College Hostel buildings in Lahore is Rs. 4,43,423. Further amount as estimated to be incurred to complete all the buildings is Rs. 2,68,715.

(b) The number of students the Hostel will accommodate is 172. The Hostel also includes (i) Superintendent's quarters; (ii) Dispensary with 2 wards; (iii) 3 dining rooms with kitchens; (iv) 1 refreshment room; (v) 1 recreation room; (vi) two sets of latrines.

**GOVERNMENT COMMERCIAL INSTITUTE,
LAHORE.**

851. Mr. Manohar Lal.—(a) Is there a strong demand for improving and raising generally the status of the Government Commercial Institute, Lahore, to the degree standard?

(b) Is it a fact that the present equipment of the Institute is inadequate, and that the University Committee of Inspection has urged the necessity for strengthening the staff? If so, what steps does Government propose to take to make the Institute an efficient College for the training of Diplomates in Commerce?

(c) Is it a fact that the Syndicate of the Punjab University at a recent meeting viewed with favour the proposal to institute a Bachelor of Commerce degree, and has appointed a committee to frame definite proposals?

(d) Is Government prepared to raise the Institute to a fully equipped first grade Commercial College from the beginning of the next academical year?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) So far as can be ascertained, yes.

(b) Steps are being taken to improve the staff of the Institute.

(c) The answer is in the affirmative.

(d) The opinions of the University have been invited as to how the teaching

for a degree in Commerce can best be carried out.

LALA MATHRA DAS AND DEPUTY COMMISSIONER, LYALLPUR.

852. Mr. Manohar Lal.—(a) Has the attention of Government been called to certain correspondence between the Deputy Commissioner of Lyallpur and Lala Mathra Das, a mill-owner and municipal commissioner of Lyallpur, published in the *Tribune* of July 6, 1921?

(b) What action, if any, does Government propose to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I have failed to find any such correspondence in the *Tribune* of July 6, 1921.

**HANDCUFFING OF PERSONS ACCUSED FOR
SEDITION.**

853. Mr. Manohar Lal.—(a) Has the attention of the Government been called to numerous recent articles in the newspapers remarking on the handcuffing of accused persons on their trial for sedition and cognate offences?

(b) Has Government issued any instructions in the matter?

(c) Is Government prepared to treat such prisoners with special consideration?

The Hon'ble Sir John Maynard.—(a) Yes?

(b) and (c) The rules for the handcuffing of under trial prisoners while in jail and on their way to and from Court are contained in paragraph 431 of the Punjab Jail Manual and 26-24 of the Punjab Police Rules and no amendment of these rules seems necessary. The general question of the handcuffing of prisoners while in Court is at present under consideration.

**TREATMENT OF PRISONERS CONVICTED
OF SEDITION.**

854. Mr. Manohar Lal.—Is Government prepared to treat prisoners convicted

of sedition and similar offences as political offenders, and not as ordinary felons?

The Hon'ble Sir John Maynard.—The hon'ble member is referred to the answer given in part (b) of question No. 813,* asked by Rai Sahib Harnam Singh.

AGRICULTURAL LABOUR.

855. Sardar Kartar Singh.—(a) Is it a fact that monetary loss and inconvenience is caused frequently to zamindars by breaches of contract by agricultural labourers (Siris) before the expiry of the term for which they have agreed to work, and that the remedy by suit available in the Civil Courts is tardy and inadequate?

(b) If so, will Government be pleased to recommend to the Government of India to extend the provisions of the "Workmen's Breach of Contract Act" to the aforesaid breaches of contract?

The Hon'ble Sir John Maynard.—(a) Government has no information on the subject, but it is probable that such loss and inconvenience sometimes occur.

(b) Government is not disposed to recommend the extension.

SCARCITY OF DRINKING WATER IN FERROZPORE DISTRICT.

856. Sardar Kartar Singh.—(a) Is it a fact that there is great scarcity of water for drinking purposes in the Fazilka, Muktasar and Moga Tahsils of the Ferozepore district, that in the canal irrigated part of the Ferozepore district villagers are allowed to fill the village tanks and ponds for the drinking purposes of men and cattle only once a year in the month of April or May, and that in years of scarcity the water in the aforesaid ponds and tanks does not last for more than four or five months?

(b) If so, will Government be pleased to order the canal authorities to allow

village tanks and ponds to be filled at least three times in the year free of charge; especially in years of scarcity?

The Hon'ble Sardar Bahadur Sardar Suniar Singh, Majithia.—Government has no special information about the tahsils mentioned, but is making enquiries; it may however be mentioned that, under rule 10 of the Canal Act, village tanks are filled, free of charge, whenever water is available without detriment to irrigation.

CANAL WATER IN TAHSIL DASKA.

857. Lieutenant Sardar Raghubir Singh.—(a) Is it a fact that thousands of acres of land in Tahsil Daska (district Sialkot) have come under the Upper Chenab and Raya Branch canals, but that not a drop of water has been made available for this tahsil?

(b) Is Government prepared to supply canal water to Tahsil Daska, and if so, when?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Information is being collected.

FAILURE OF CROPS IN PASRUR TAHSIL.

858. Lieutenant Sardar Raghubir Singh.—(a) Is it a fact that the last two crops have failed, and that there is no hope for the third one in the tahsil of Pasrur (district Sialkot) for want of rain?

(b) Can the Department of Agriculture help the zamindars in any way, particularly by putting down a few tube wells at Government expense and charging a reasonable water rate?

(c) If not, can the Government give any help to Zemindars to sink tube wells in that part of the country?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The last two crops failed. The present *khari* crops will be possible if rain falls soon.

(b) and (c). Tube wells have not yet got beyond the experimental stage: but the Director of Agriculture is considering a proposal to put down a tube well at Government expense in the Sialkot district to irrigate the recently established demonstration farm there. Any surplus water from that well would be sold to neighbouring cultivators.

If the experiment is successful Government will sympathetically consider the proposal put forward in part (c) of the question.

Sardar Randhir Singh.—The Hon'ble the Revenue Member mentions a tube well near Sialkot City, but the question is about tahsil Pasrur. The question is about *barani* land.

Mr. President.—That is hardly a question. It is a statement.

Sardar Randhir Singh.—Is Government prepared to put a tube well in tahsil Pasrur?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The idea is first to gain experience, and then to put up tube wells if the experiment is successful.

IRRIGATION OF BARANI LANDS IN PASRUR TAHSIL.

859. Lieutenant Sardar Raghbir Singh.—Has the Government considered the request made to His Excellency the Governor of the Punjab at his last visit to Sialkot to find some means to irrigate the *barani* lands of tahsil Pasrur?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The matter has been referred to the local officers.

WATER SUPPLY OF PASRUR.

860. Lieutenant Sardar Raghbir Singh.—(a) Is it a fact that thousands of

rupees were spent at Pasrur for making a well to supply water to the town but that it has never worked?

(b) Will Government be pleased to take early steps to make the well usable?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I regret the answer to this question is not yet ready. It will be communicated to hon'ble member when ready.

ROAD BETWEEN GUJRANWALA AND DASKA.

861. Lieutenant Sardar Raghbir Singh.—Is it a fact that the metalled road between Daska and Gujranwala in the Gujranwala District has been in a bad condition for the last two years and has pits deep enough to break a bullock cart?

The Hon'ble Lala Harkishan Lal.—The metalled road between Daska and Gujranwala in the Gujranwala district is maintained by the District Board, and the matter is being brought to their notice.

DAKE NALA AND VILLAGE THATHAR.

862. Lieutenant Sardar Raghbir Singh.—(a) Is it a fact that the Railway bridge on the Dake near Qilla-Sobha Singh (tahsil Pasrur) has caused a change in the course of the Nala Dake, and that the new course of the Dake has washed away the village of Thathar with its land?

(b) If so, is Government prepared to compensate those whose lands have been washed away since the bridge was built, and has Government taken any step to make the Nala water run in its usual course, so that more land shall not be washed away?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Enquiries are being made from the local officers and a reply will be given in due course.

EXEMPTION FROM THE ARMS RULES OF PERSONS HOLDING WEAPONS RECEIVED AS GIFTS FROM GOVERNMENT.

863. Lieutenant Sardar Raghbir Singh.—Will Government state whether those who

have been presented with a weapon are exempt for that particular weapon, or from the Arms Act generally?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—Persons holding swords or other arms received by them as gifts from the Governor-General in Council or a Local Government are exempt from all provisions of the Arms Act, in respect only of such swords or other arms as have been so received, together with ammunition for any fire-arms so received, within certain limits—*vide* entry (13 of Schedule I to the Indian Arms Rules, 1920. But persons who by virtue of holdings swords or other arms received before the 1st January 1920 as gifts from the Governor-General in Council or a Local Government were exempted before that date from all provisions of the Arms Act, continue to enjoy that exemption in respect of any arms they may possess, whether presented or not, subject to the exceptions shown opposite entry (11), Schedule I, Indian Arms Rules, 1920.

SALE OF LIQUOR AT FAIRS.

864. Lieutenant Sardar Raghbir Singh.—(a) Is it a fact that the sale of liquor at fairs and festivals causes riots and affrays?

(b) Is Government prepared to stop the sale for those days.

The Hon'ble Lala Harkishan Lal.—(a) It is a fact that the consumption of liquor for which there are facilities at some fairs does, on occasions, lead to affrays which might not otherwise have occurred.

(b) Government has always been willing to prohibit the sale of liquor at fairs when there has been a public demand for such a course; and its sale is already prohibited on several fairs. The Financial Commissioner will now ascertain to what degree this practice should be extended and is prepared to prohibit its sale except at those fairs where there is a demand for its continuance.

LADIES CO-OPERATIVE SOCIETIES.

865. Lieutenant Sardar Raghbir Singh.—Is there any ladies' co-operative society, if so, how many and where?

The Hon'ble Lala Harkishan Lal.—There is no co-operative society in the Punjab exclusively for ladies, but several societies include ladies amongst their members. But the attention of the Registrar has been unofficially invited to his matter.

INDUSTRIAL SOCIETIES.

866. Lieutenant Sardar Raghbir Singh.—Has Government encouraged industrial societies? If so, in what way?

The Hon'ble Lala Harkishan Lal.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

CORRUPTION AMONG THANA MUNSHIS.

867. Lieutenant Sardar Raghbir Singh.—(a) Is it a fact that Thana Munshis charge for writing a report?

(b) Is it not a fact that Government issued certain forms to enable aggrieved persons to put down their complaints and send them to the Thana without going there personally, but that these forms have never been distributed, and that people do not know of their existence?

(c) Will Government be pleased to distribute these forms in the villages, and specially to lambardars, zaildars and village chowkidars?

The Hon'ble Sir John Maynard.—(a) Munshis at Thanas no doubt sometimes charge for writing reports, but if any Munshi were proved to have done so he would be severely punished.

(b) and (c) Such forms have been distributed, but there is no information at present available regarding the extent to which they have been brought into use. Enquiries are however being made and the result will be communicated to the hon'ble member.

EFFECT OF INCREASE IN HALTING ALLOWANCE.

838. Lieutenant Sardar Raghubir Singh.—(a) Is it a fact that since the halting allowance of certain officers has been increased from one to three rupees a day, there has been a marked increase in the amount of touring done by them?

(b) Will Government be pleased to fix the number of days on which an officer may tour?

The Hon'ble Sir John Maynard.—(a) Government is not aware of the fact.

(b) The necessities of efficient administration are the guiding factor in making tours. It is one of the duties of the authorities who countersign travelling allowance bills to satisfy themselves that touring is adequate and not excessive.

TRYING OF CRIMINAL CASES BY MAGISTRATES AT HEAD QUARTERS.

839. Lieutenant Sardar Raghubir Singh.—() Is it a fact that the litigant public is put to trouble in going after touring officers?

(b) Will Government issue instructions that officers should try criminal cases when they are at headquarters, unless they go to the spot?

The Hon'ble Sir John Maynard.—I regret the answer to this question is not yet ready. It will be communicated to hon'ble member when ready.

RAYA TAHSIL.

870. Lieutenant Sardar Raghubir Singh.—Can Government state when a certain portion of the Raya tahsil will be attached to the Sheikhpura District?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—When the new tahsils at Nankana Sahib and Shahdara are ready.

REGISTRARS AND REGISTRATION FEES.

871. Lieutenant Sardar Raghubir Singh.—Will Government be pleased to state—

- (a) the revenue realized from Registration fees;
- (b) the percentage of this total given to Sub-Registrars as remuneration; and
- (c) whether this percentage is adequate for a whole-time servant, if not, what increase is Government prepared to make?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information asked for in parts (a) and (b) is obtainable from the annual Registration Report.

The question raised in part (c) was considered in the late Council in April 1920, and the conclusion reached was that there was no case for a general revision of the scale of remuneration. The experience of the past year confirms the correctness of that conclusion.

SETTLEMENT ON THE GUGERA BRANCH OF THE LOWER CHENAB CANAL.

872. Lieutenant Sardar Raghubir Singh.—(a) Is it a fact that the canal authorities are going to decrease the size of the water outlet up to H. L. 74,000 of the Mananwala Rajbaha of the Gugera Branch of the Lower Chenab?

(b) Is it a fact that the term of settlement on the branch is ten years, that the Government is going to revise it shortly, and that there is a great scarcity of rain?

(c) If the answers to (a) and (b) are in the affirmative, is Government prepared to have the outlets as they were?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—There has been no time in which to obtain the necessary information. The latter is, however, being obtained, and will be communicated as soon as it is available.

CORRUPTION IN ROHTAK DISTRICT.

873. Chaudhri Bans Gopal.—(a) Has the attention of Government been drawn to a series of articles in the *Tribune* on corruption in Rohtak District, written by Rai Sahib Chaudhri Chhotu Ram, - B.A., LL.B., Vakil, High Court?

(b) If so, what steps does Government propose to take in the matter?

The Hon'ble Sir John Maynard.—(a).—Yes.

(b) Corruption in the services is the subject of a Resolution and Government will deal with the question in dealing with the Resolution.

BEGAR IN THE ROHTAK DISTRICT.

874. Chaudhri Bans Gopal.—(a) Has the attention of the Government been drawn to a press message from the Secretary, Congress Committee, appearing in the columns of the *Tribune*, dated 30th June, in which complaint has been made of official oppression with regard to *begar* in the Rohtak District?

(b) If so, will Government be pleased to enquire into the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Government has seen the passage referred to.

(b) A report is being called for from local officers.

BEGAR AND TAHSILDAR OF ROHTAK TAHSIL.

875. Chaudhri Bans Gopal.—(a) Is it a fact that Lambardars and Zaildars are being fined in Rohtak Tahsil by the Tahsildar and Naib-Tahsildar under section 149 of the Land Revenue Act?

(b) If so, will Government be pleased to state how much fine has been imposed during the last 2 months under this section by the two Revenue Officials of the Rohtak Tahsil, and in how many cases have appeals been filed against these orders and with what results?

(c) Are these cases the result of the said officials not getting their supplies in Begar, and what action has the Deputy Commissioner taken in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Yes.

(b) The statement laid on the table gives the required information.

(c) No.

Name of Court.	Number of persons fined.	Number of villages in which fines are inflicted.	Amount of fine.	Number of persons who appealed.	Number of persons whose appeal was accepted.	Amount of fine remitted on appeal.	REMARKS.
			Rs.			Rs.	
Tahsildar, Rohtak	27*	7	85	8 (All Lambardars).	4	8	*Out of these 13 were Lambardars.
Naib - Tahsildar, Rohtak.	17†	2	172	10 (including 7 Lambardars).	10	125	†Out of these 7 were Lambardars and 1 Zaildar.

DHABI GHAT AT ROHTAK.

876. Chaudhri Bans Gopal.—(a) Is there a Dhobi Ghat in the District Board Gardens at Rohtak for the use of officials and their servants? If so, what annual expenditure is incurred on it by the District Board?

(b) Did the District Board of Rohtak estimate the expenditure at over Rs. 700 per annum, and did all the elected members of the Board pass a resolution to stop this expenditure, whilst the only members who supported it were 4 officials and one nominated member?

(c) Has the Deputy Commissioner of the Rohtak District suspended this resolution, and what action does Government propose to take in the matter?

(d) Was this Dhobi Ghat ever sanctioned by the District Board, or was it made only under the executive orders of a former Deputy Commissioner? Will Government be pleased to place copies of all resolutions on the subject on the table?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I regret the answer to this question is not yet ready. It will be communicated when ready.

ROHTAK ELECTION PETITION CASE.

877. Chaudhri Bans Gopal.—(a) Has the attention of Government been drawn to the remarks made against the conduct of certain officials in the Rohtak Election Petition case by the Election Petition Commissioners, and what action does Government propose to take against these said officials?

(b) Have the said methods of work of the officiating Deputy Commissioner been severely criticized by the said Commissioners and, if so, what effect this verdict has had upon his career?

(c) Is it a fact that this officiating Deputy Commissioner is still holding

charge as Deputy Commissioner of the same district, and has made a representation to Government against the remarks of the Commissioners, and if so, what orders have been passed on the said representation?

(d) Will Government be pleased to lay the whole correspondence on the table?

The Hon'ble Sir John Maynard.—(a) Yes. The action of the officials is under enquiry.

(b) The findings of the Election Petition Commissioners have been published in the Gazette.

(c) Yes.

Yes.

His explanation is under submission.

(d) The judicial findings have already been published. The departmental enquiry is still proceeding and Government do not propose to lay the latter papers on the table.

HOUSE-TAX IN PINDI-BHATIAN.

878. Maulvi Muharram Ali Chishti.—

(a) Has the Government received a memorial from the citizens of Pindi-Bhatian (Gujranwala District) in which allegations are made about the procedure followed in realizing the house-tax?

(b) If so, has the Government made any enquiries into the allegations, and with what results?

(c) Will the Government be pleased to substitute a Municipal Committee consisting of a majority of elected members for the notified area committee at Pindi-Bhatian?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member is referred to the reply given to question No. 845* asked by Mr. Maohar Lal.

RAISING OF HAFIZABAD TO THE STATUS OF A MUNICIPALITY.

879. Maulvi Muharram Ali, Chishti.—With reference to the answer given to my question No. 136 in the last session of this Council—

- (a) Has the Hon'ble the Minister for Education received a memorial from Mr. Amir Chaud, Khanna, of Hafizabad (Gujranwala district) in which he states that in the last three years successive memorials and petitions submitted by the Hafizabad people to the local authorities, praying that Hafizabad may be raised to the status of a municipality, have not been forwarded to the Government?
- (b) Has the Hon'ble Minister made any enquiries into the matter, and has he taken any steps to ascertain the views of the Hafizabad people on the subject?
- (c) Does not the status, position and population of Hafizabad entitle it to a municipal committee with a majority of elected members on it?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes.

(b) The memorial was forwarded to Commissioner, Lahore Division, for disposal or report if necessary.

(c) Government is not prepared to give a reply without consulting local officers, from whom a further enquiry will be made.

JUDICIAL APPOINTMENTS AND THE BAR.

880. Maulvi Muharram Ali, Chishti.—With reference to the recommendations of the Royal Commission on the Public Services in India in the matter of the recruitment of members of the Bar for

various judicial appointments, will the Government be pleased—

- (a) to lay on the table a statement showing the number of vacancies for the posts of Munsifs and Extra Assistant Commissioners which have occurred in the Punjab since the publication of the Royal Commission's report and the number of members of the Bar taken each year for the above posts under each head separately;
- (b) to state whether the above vacancies were filled in accordance with the recommendations of the Royal Commission, and, if not, why not;
- (c) to state what further steps the Government intends to take in order to carry out the recommendations of the Royal Commission with regard to recruitment to judicial appointments from members of the Bar on the same scale as in the United Provinces and Bengal;
- (d) will the Government be pleased to consider the claims of suitable candidates from members of the Bar for some of the newly created posts of Income-Tax Collectors in the Punjab. If not, why not?

Mr. E. Joseph.—(a) The Government of India's final orders on the recommendations of the Royal Commission on the Public Services in India have only recently been received, and this Government are now engaged on the issue of orders to give effect to them. For this reason the Government do not propose to take the action advocated in paragraphs (a) and (b) of the hon'ble member's question.

(c) Government propose to appoint two members of the Bar to posts of District and Sessions Judge this year. One appointment has been made. The other is under consideration.

(d) The bulk of the Collectors are being appointed from members of the Provincial Civil Service, who have training and experience in income-tax work. A few direct appointments will also be made. They will go to the persons with the best educational qualifications for the post.

(b) that while the salaries and travelling allowance of Sub-Inspectors of Police and of Naib-Tahsildars have been raised to some extent, there has been no such increase in the case of zilladars?

INCREASE IN THE PAY OF ORIENTAL TEACHERS.

881. Maulvi Muharram Ali, Chishti.—

(a) Has the Government received copies of the Resolutions passed in a meeting of the Jullundur Oriental Teachers' League held on the 9th March 1921, praying for an increase of pay and posts for the Oriental teachers, and also suggesting that religious education should form part of the school curriculum along with secular education, and also proposing that a separate sum be set apart every year for the supply of Oriental books?

(b) If so, what action has the Government taken in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Yes.

(b) The matters dealt with at the Conference are being considered; but some of the proposals would appear to be inordinate. For example, the proposal to treat Oriental teachers on the same level as headmasters; and that the initial pay be raised to the level of the senior English teachers.

SALARIES OF NAIB-TAHSILDARS AND SUB-INSPECTORS OF POLICE.

882. Maulvi Muharram Ali, Chishti.—Will the Government be pleased to state if it is a fact—

(a) that the salaries and emoluments of Naib-Tahsildars and Sub-Inspectors of Police have been hitherto the same as those of zilladars in the Irrigation Department;

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The rate of pay of canal zilladars, Sub-Inspectors of Police and Naib-Tahsildars were formerly approximately the same?

(b) The average rate of pay of canal zilladars has recently been increased by 53 per cent. and travelling allowance by 50 per cent.

ALLEGED OUTRAGE OF A WOMAN BY BRITISH SOLDIERS.

883. Maulvi Muharram Ali, Chishti.—Has the attention of Government been invited to a paragraph published on the 3rd page (column 1) of the *Shanti* of Rawalpindi, dated 31st March 1921, and the *Yakul* of Amritsar, dated 2nd April 1921, in which an account has been given of an outrage alleged to have been committed by four British soldiers on an Indian woman?

If so, what has been the result of the inquiry made in the matter, and what action has the Government taken?

The Hon'ble Sir John Maynard.—No such case was reported to the Police, and it is to be presumed therefore that it is without foundation. But enquiries are being made.

REMOVAL OF GUJRANWALA RAILWAY STATION TO A NEW SITE.

884. Maulvi Muharram Ali, Chishti.—(a) Has the attention of the Government been invited to a correspondence in the *Tribune*, dated 26th May 1921 (page 8, column 4) headed "Gujranwala Station?"

(b) Is it a fact that the change in the location of the Railway Station will be most inconvenient to the people of Gujranwala, and that heartburning is being caused amongst them?

(c) Will the Government be pleased to suggest to the Railway authorities not to change the Station site?

The Hon'ble Sir John Maynard.—(a) Government has seen the reference in the *Tribune* to the proposed removal of Gujranwala Station to a new site.

(b) It is no doubt true that the removal of Gujranwala Station to a new site would cause some inconvenience to a portion of the population of Gujranwala, but the general interest must be the first consideration, and if there is not sufficient space at the present site for suitable expansion of Railway facilities to meet the growth of Gujranwala trade the only alternative is to move the station to a new site. The present site is very badly hemmed in on all sides, and it is solely the difficulty of expansion which has led to the proposal to move the station to a new site.

(c) Government is already in correspondence with the Railway authorities in the matter and the whole question of the necessity of moving the station is under consideration.

TREATMENT OF INDIAN RAILWAY PASSENGERS BY A MILITARY OFFICER.

885. Maulvi Muharram Ali Chishti.—(a) Has the attention of the Government been invited to an article headed "Kia Government Koi Twajja na-Karegi" published in the *Gulzar-i-Hind*, Lahore, dated 21st May 1921, (page 2, column and 3) the *Tribune* dated 19th May 1921 (page 2 column 4) in which allegations are made of high-handedness by a British Military Officer towards Indian gentlemen in a Railway compartment?

(b) Has the Government made any enquiry into the matter and what are the facts?

(c) If high-handedness is proved, what action has been taken against the offender?

The Hon'ble Sir John Maynard.—The member is referred to the answers already given to questions Nos. 543 and 767.*

REVISION OF THE PAY OF AMBALA DISTRICT ESTABLISHMENT.

886. Maulvi Muharram Ali, Chishti.—

(a) Has the Government received a memorial on behalf of the English and Vernacular clerks of the Ambala District (of the group of the Rs. 50 grade) as regards their grievances in the matter of the increase of their pay?

(b) If so, has the Government considered the memorial and with what result?

The Hon'ble Sir John Maynard.—Government has received an advance copy of the memorial in question, but it is not their practice to consider memorials until they are submitted through the proper channel in accordance with the memorial rules. When the memorial is received through the proper channel, it will be duly considered.

PAY OF CHAPRASI IN GOVERNMENT OFFICES.

887. Maulvi Muharram Ali, Chishti.—Is it not a fact that in view of the present high prices, the salaries of chaprasi in all Government offices and Courts are very low, and that inconvenience is thereby caused not only to the chaprasi but also to the members of the public who come into contact with them?

The Hon'ble Sir John Maynard.—The rate of pay of chaprasi in all Government offices and courts was fixed by Government on the recommendation of Mr. Hallifax which was framed after a complete consideration of all the circumstances involved. The standard rate is Rs. 14 per mensem with an additional allowance of one rupee per mensem for Lahore and any other expensive station

to which the Lahore allowance may be extended by the Local Government. In addition to this, chaprasis, like all other Government servants drawing Rs. 30 per mensem or under, are entitled to grain compensation allowance when the average price of food-grains of the district in which they serve is dearer than 7 seers to the rupee. Government does not admit that the rate is very low nor is it aware that inconvenience is caused thereby to the chaprasis or to members of the public who come into contact with them.

REPRESENTATION OF HIGH COURT CHAPRASIS FOR INCREASE OF PAY, ETC.

888. Maulvi Muharram Ali, Chishti.—Will the Government be pleased to state—

- (a) whether it has received a representation from the orderlies and chaprasis of the Lahore High Court, inviting the attention of the Government to the hardships to which they are subjected in the matters of pay, pension, leave, etc.?
- (b) whether the Hon'ble Judges of the High Court have supported the representation?
- (c) Whether the Government have considered the representation, and if so, with what result?

The Hon'ble Sir John Maynard.—Government has not received the representation referred to.

889. Maulvi Muharram Ali, Chishti.—

(a) Have the Government received a representation from the members of the staff of the Government Press, Lahore, inviting the attention of the Government to their condition and requesting the grant of a local allowance on the scale allowed in the case of the clerical staff?

(b) If so, what action has the Government taken in the matter?

Mr E. Joseph.—I regret the answer to this question is not yet ready. It will be communicated to hon'ble member when ready.

GRIEVANCES OF QANUNGOS AS REGARDS THEIR SALARIES AND ALLOWANCES.

890. Maulvi Muharram Ali, Chishti.—

(a) Has the Government received memorials from the Qanungos of the Punjab as regards their grievances in the matter of salaries and allowances?

(b) If so, what action has the Government taken in the matter?

The Hon'ble Sardar Bahadur Sardar Sunjar Singh, Majithia.—(a) Yes.

(b) The matter is under the consideration of Government.

LABOUR IN THE MIANWALI DISTRICT.

891. Maulvi Muharram Ali, Chishti.—

(a) Has the attention of the Government been drawn to a communication published in the *Gulzar-i-Hind*, Lahore, dated 21st May 1921 (page 4, column 1), headed "Qabil-i-Twajjoh-i-Government", as regards the condition of the labourers in certain parts of the Mianwali district?

(b) If so, what action has the Government taken in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Yes.

(b) Government instructed the Commissioner that test works should be opened if satisfactory rain had not fallen by 10th July.

MUSLIM PREPONDERANCE IN THE MONTGOMERY DISTRICT.

892. Maulvi Muharram Ali, Chishti.—(a)

Has the attention of the Government been invited to a communication published in the *Tribune*, dated 21st May 1921, complaining about "Muslim preponderance in the Montgomery District?"

(b) If so, does the Government propose to take any action in the matter?

(c) Does the Government propose to make any rules as regards the posting of Hindu and Muhammadan officers in equal numbers in each and every district?

Mr. E. Joseph.—(a) The answer is in the affirmative.

(b) Government is taking steps to remedy the matter.

(c) No. It is a principle of Government to respect the interests of different communities in making appointments to districts; but owing to appointments being made by different departments it sometimes occurs that there is a surplusage of members of one community in one district at the time.

BAHADURGARH INDEMNITY.

893. Maulvi Muharram Ali, Chishti.—

(a) Has the Government considered the facts stated in a communication headed 'Bahadurgarh Indemnity' published in the *Tribune* of the 21st May 1921, (page 3, column 1)?

(b) Are the facts stated therein correct? If so, will the Government state the justification for imposing an indemnity of Rs. 1,800 on the people of Bahadurgarh and especially on the shops of those persons who were acquitted by the High Court?

The Hon'ble Sir John Maynard.—The facts are being inquired into.

RESIGNATION OF INDIAN CIVIL SERVICE OFFICERS DUE TO REFORMS.

894. Maulvi Muharram Ali, Chishti.—With reference to a statement recently made by His Majesty's Secretary of State for India in the House of Commons, will the Government be pleased to state—

(a) whether any of the Civil Servants in this Province have expressed their desire to retire

on proportionate pensions on the ground that service under the Reforms Scheme is not "congenial" to them?

(b) if the reply to (a) is in the affirmative, the names of all such Civil Servants?

(c) the names of the Civil Servants, if any, in this Province who tendered their resignations, but subsequently withdrew them?

Mr. E. Joseph.—(a) Since the introduction of the Reforms Scheme one officer in the Indian Civil Service has expressed a desire to retire on the ground mentioned.

(b) It is not proposed to disclose the name of the officer as his formal application has not yet been received.

(c) There are no such cases.

BEGAR AND FORCED LABOUR.

895. Maulvi Muharram Ali, Chishti.—

Has the Government made any enquiries as regards the truth of the allegations made in the *Tribune*, dated 8th April 1921 (page 7, column 4), and also of the 10th May 1921 (page 7, column 4), as regards "begar and forced labour," and if so, with what result?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—No enquiries were made, but the matter was brought to the notice of Government by the Secretary of the Kshatriya Sudhara Sabha, Lahore, whose letter was forwarded for disposal to the Deputy Commissioners of Jhelum and Shahpur.

DISCONTENT IN THE SUBORDINATE EDUCATIONAL SERVICE.

896. Maulvi Muharram Ali, Chishti.—(a) Has the attention of the Government been invited to an article published in the *Tribune* of the 2nd May 1921 (page 3, column 3), headed "The Subordinate Educational Service"?

(b) If so, will the Government be pleased to state if all or any of the causes of disappointment and discontent in the service, as stated in the communication, are correct?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—(a) Government has read the article in the *Tribune* which is referred to in the question.

(b) It is difficult to express an opinion on general statements, but Government is aware of the fact that there is some discontent among members of the Subordinate Educational Service. The general question is under consideration. Point No. 1 in the article is an incident which can afford no help now in solving the difficulty complained of.

Points 2 and 7 are already under enquiry, while points 3 to 6 are too general to lead to any definite results. Efforts, however, are being made to serve the best interests of the public.

DISCONTENT AMONG P. W. D. ACCOUNTANTS.

897. Maulvi Muharram Ali, Chishti—

(a) Is it a fact that discontent exists among the P. W. D. Accountants on account of their salaries and emoluments and that the public press is espousing their cause with great vigour?

(b) Does the Government contemplate to redress the alleged grievances?

(c) If so, how and when?

The Hon'ble Sir John Maynard.—Memorials addressed to higher authority have been received by the Accountant-General, Punjab, from the P. W. D. Accountants, and are being dealt with by him.

Government knows nothing about any press agitation.

As these Public Works Accountants, although paid from Provincial revenues, are controlled by the Auditor-General and as the Accountants of higher grades are borne on an all-India scale and are liable to be

transferred from one Province to another it is desirable that the pay of the Accountant cadre throughout India should be the same. This being so Local Governments are usually guided by the wishes of the Government of India in fixing the salary of these Accountants.

CHECKING THE NON-CO-OPERATION MOVEMENT.

898. Maulvi Muharram Ali, Chishti—

(a) What steps have the Government taken for ensuring the maintenance of peace, law and order in this Province?

(b) What steps do they contemplate taking to reconcile the people of this Province, to gain their confidence and to save them from the effects of the non co-operation movement?

The Hon'ble Sir John Maynard.—(a) It is the intention of the Government to enforce the law against those who violate it.

(b) As will be more fully explained in dealing with the Resolution on this subject which has been tabled by the hon'ble member who puts this question Government hopes to reconcile that portion of the people of this Province who have been alienated, by seeking out and removing the real grievances where such exist, and by dispelling false conceptions where these are the causes of discontent.

INCREASE OF COPYING FEES IN JUDICIAL COURTS.

899. Maulvi Muharram Ali, Chishti—

(a) Is there dissatisfaction among the litigant public on account of the increase of the copying fees in the Judicial Courts of this Province?

(b) If so, will the Government be pleased favourably to consider the matter?

The Hon'ble Sir John Maynard.—(a) The Government is not aware that any dissatisfaction exists among the litigating public on account of the increase of

the copying fees in the Judicial Courts of this Province. No complaints of any kind have so far been received by Government in the matter.

(b) In view of the answer to part (a) no action seems called for.

SALE OF NAZUL LAND.

900. Maulvi Muharram Ali, Chishti.—(a) Will the Government be pleased to consider the advisability of selling by auction a considerable number of Nazul plots in the cities and towns of the Punjab?

(b) Has the Government considered that by doing so, it will relieve the people from the anxieties of new taxation?

(c) Has the Government considered the question that any new taxation will arm the non-co-operators with a new weapon for increasing disaffection among the people of this Province?

The Hon'ble Sir John Maynard.—(a) Nazul land is part of the capital belonging to Government, and its sale by auction would be unsound unless the proceeds were to be invested in some productive work, such as a canal. Money for productive works can be more suitably obtained by other means, such as the raising of a loan. Moreover, if all Nazul land were put in the market at once, its price would fall considerably. At present it is sold in small plots at market rates as occasion arises.

(b) The area of Nazul land is small, and the sale-proceeds would not go far to relieve people from the anxieties of new taxation. If new taxation were required, it would be required for recurring expenditure. As indicated in the answer to part (a) it would be unsound to replace taxation for recurring expenditure by the sale of capital assets. Government is aware of the political effect of new taxation.

CORRUPTION AT ROHTAK.

901. Maulvi Muharram Ali, Chishti.—(a) Has the Government perused a series of articles written by Rai Sahib Lala Chota Ram, Vakil of Rohtak, in the various issues of the *Tribune* as regards the prevalence of corruption at Rohtak?

(b) If so, has any enquiry been made by the Government as regards the truth of those allegations?

(c) If any enquiry has been made in the matter will the Government be pleased to say what was the method of enquiry and who were the officers by whom it was conducted?

(d) If the enquiry has been finished, what is its result?

The Hon'ble Sir John Maynard.—The hon'ble member is referred to the answer given to question No. 873* put by Chaudhri Bans Gopal.

PAY OF MUNSIFS.

902. Chaudhri Ali Akbar Khan.—(a) Is it a fact that there is a proposal to fix the maximum pay of Munsifs at Rs. 500, and to include them in the list of Gazetted Officers?

(b) If so, what will be the maximum pay of Tahsildars and what will be their status as compared with that of Munsifs?

(c) If no answer can be given now how long will it take to decide the matter?

Mr. E. Joseph.—(a) There will be no Munsif's service in future. The existing Munsifs will be absorbed into the lower grade of the Punjab Civil Service Judicial Branch. Subject to special efficiency bars to test capacity, those who were Munsifs have opportunity of rising to Rs. 850 per mensem in the branch and are eligible for selection to the special selection grade.

(b) The maximum pay of a Tahsildar is Rs. 300. Tahsildars of capacity will be selected for appointment to the Punjab

Civil Service Executive Branch: In this branch they have opportunity, if they display efficiency, of rising to the Rs. 850 grade and are eligible for selection to the special selection grade.

IRRIGATION BY THE UPPER BARI DOAB CANAL IN THE GURDASPUR DISTRICT.

903. Chaudhri Ali Akbar Khan.—Will Government be pleased to lay on the table a statement showing—

- (a) the quantity of water in the Upper Bari Doab Canal at the time when the canal was started and at the present time ;
- (b) the number of villages on the Upper Bari Doab Canal in the Gurdaspur district whose houses

are at a lower level than the supply level of the canal ; and

- (c) the quantity of water in, and the area irrigated by, the Upper Bari Doab Canal in the years 1865, 1890, 1910 and 1921 ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The Upper Bari Doab Canal was formally opened on the 11th April 1859 and irrigation commenced in 1860-61. The record of water entering the canal is available only from 1867-68 when it was 2,015 cusecs in *Kharif* and 1,434 cusecs in *Rabi*.

(b) Not available in the Secretariat. Enquiry is being made from Local Canal Officers.

(c) The information is as follows:—

	1867-68.		1890-91.		1910-11.		1919-20.	
	Kharif.	Rabi.	Kharif.	Rabi.	Kharif.	Rabi.	Kharif.	Rabi.
	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.
1. Supply watering canal ...	2,015	1,434	8,648	2,387	5,162	3,347	5,412	2,909
2. Area irrigated ...	103,370	138,085	220,908	314,042	447,883	537,559	639,019	818,564

Note.—Figures for 1919-20 will be available in September next.

HORSE ALLOWANCE TO SUB-INSPECTORS OF POLICE.

904. Chaudhri Ali Akbar Khan.—Is Government satisfied that the sum of Rs. 25 given to Sub-Inspectors of Police as horse allowance is sufficient for the purpose especially when Naib-Tahsildars are paid Rs. 3 per diem as travelling allowance ?

The Hon'ble Sir John Maynard.—The questioner is referred to the reply given to question No. 617,* asked by Mr. Daulat Ram, Kalra.

NAMES OF CONTRACTORS APPOINTED TO SUPPLY PROVISIONS TO TOURING OFFICERS.

905. Chaudhri Ali Akbar Khan.—(a) Will Government be pleased to lay on the table a list showing by districts, tahsils and zails the names of contractors appointed to supply *rasad* to Government officials, and the amounts for which contracts have been entered into ?

(b) If Government has not yet appointed contractors at any place, will it be pleased to give reasons for the delay ?

(e) Is it a fact that officials continue to take everything they want from the zamindars as heretofore?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The information is not available. If the member wishes details concerning any particular district they will be obtained.

(b) On account of the prohibitive cost involved the system cannot be adopted for every halting place without exception in the Punjab.

(c) Government has no information on the point.

BARRISTERS AND PLEADERS AS DISTRICT AND SESSIONS JUDGES.

906. Chaudhri Ali Akbar Khan.—Will Government be pleased to state the number of pleaders and barristers who will be appointed District and Sessions Judges this year, and how many of them will be Muhammadans?

Mr. E. Joseph.—It has been decided to make two appointments from the Bar this year. It is probable that one of those appointments may be offered to a Muhammadan member of the Bar.

INDIAN EXECUTIVE ENGINEERS IN THE IRRIGATION DEPARTMENT.

907. Chaudhri Ali Akbar Khan.—Will Government be pleased to state the number of Indian Executive Engineers in the Irrigation Department and how many of them are Hindus and how many are Muhammadans?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The number of Indian Executive Engineers including 3 who are at present acting as Superintending Engineers is 17. Of these 16 are Hindus (including 3 Sikhs) and 1 is a Muhammadan.

EMOLUMENTS OF ZAILDARS AND LAMBARDARS.

908. Chaudhri Ali Akbar Khan.—What action has Government taken on

the Resolution which was carried in the Council regarding the doubling of the emoluments of zaildars, lambardars and safedposhes?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The Financial Commissioner was asked to collect statistics of the actual emoluments enjoyed by zaildars, safedposhes and lambardars, but the statistics are not yet complete. When they are complete, Government proposes to appoint a committee on which the mover of the original Resolution and some other non-official members of Council will be invited to sit, in order to consider the facts and the legislation involved by recommendation of the Council and to report on the case.

MANAGEMENT OF CANALS.

909. Chaudhri Ali Akbar Khan.—What action has been taken on the Resolution which was carried in the Council regarding the management of canals. If a committee has been appointed, what is the number of its members and what are their names?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—A Canal Advisory Committee has been formed.

The number of the members representing different canals is eleven, a list giving the names of the members is placed on the table.

CANAL ADVISORY COMMITTEE.

President.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia, C.I.E.

Official Members.

The Hon'ble Mr. P. J. Fagan, C.S.I., I.C.S., Financial Commissioner, Punjab.

Mr. H. W. M. Ives, C.I.E., Chief Engineer, Irrigation Works, Punjab.

Members of the Legislative Council.

Chaudhri Bans Gopal,—to represent the Western Jamma Canal.

Sardar Kartar Singh,—to represent the Sirhind Canal.

Mian Muhammad Shah Nawaz,—to represent the Upper Bari Doab Canal.

Chandhri Ghulam Muhammad,—to represent the Upper and Lower Jhelum Canals.

Chandhri Muhammad Amin,—to represent the Upper Chenab Canal.

K. B. Sayad Mehdi Shah } —to repre-

R. B. Lala Sawak Ram, }
sent the Lower Chenab Canal.

Rawa Hara Singh,—Bedi, Honorary Extra Assistant Commissioner,—to represent the Lower Bari Doab Canal.

Sayad Muhammad Hussain,—to represent Upper Sutlej Canals.

R. B. Lala Hari Chand, Honorary Extra Assistant Commissioner,—to represent the Lower Sutlej Canals.

Khan Muhammad Abdulla Khan,—to represent the Chenab and Indus Inundation Canals.

REMITTANCE OF LAND REVENUE BY MONEY ORDERS.

910. Chandhri Ali Akbar Khan.—What action has been taken on the Resolution which was carried in the Council regarding the remittance of land revenue by money orders without the payment of money order fees?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia.—The matter was referred to the Government of India who carefully considered the recommendation of the Council, but were unable to sanction the concession.

CRIMINAL INVESTIGATION DEPARTMENT OFFICERS.

911. Rai Sahib Lala Thakar Das.—Will Government be pleased to publish a complete list of the Criminal Investiga-

tion Department officers authorized to report public meetings with the respective qualifications of each?

The Hon'ble Sir John Maynard.—There is at present no special staff of Criminal Investigation Department Officers for reporting public meetings. The reporting is done by the ordinary Criminal Investigation Department staff, varying in rank from Deputy Superintendent of Police to Constable.

HINDU-MUHAMMADAN COMMUNITIES IN HAFIZABAD.

912. Rai Sahib Lala Thakar Das.—(a) Is it a fact that strong feeling exists between the Hindu and Muhammadan communities in Hafizabad?

(b) Is it a fact that the late Tahsildar and Munsif of Hafizabad, one of whom was a Hindu and the other a Muhammadan, were largely responsible for the creation of this feeling, and that both were transferred on a report made by the Deputy Commissioner of the district that he apprehended a breach of the peace?

(c) Will Government be pleased to state what steps it proposes to take to prevent its officers from disturbing good relations among the various communities inhabiting the country?

The Hon'ble Sir John Maynard.—(a) Government has no recent information on the subject.

(b) Government is unable to verify this statement.

(c) Government orders forbid action, likely to promote faction feeling on the part of their officers.

SCHEME FOR EDUCATION OF INDIAN CHILDREN.

913. Rai Sahib Lala Thakar Das.—Will the Hon'ble Minister for Education be pleased to appoint at an early date a committee of official and non-official educationists with orders to draw up a simpler, less exacting and a more practical

scheme for the education of Indian children.

The Hon'ble Khan Bahadur Mian Fazal-Husain—The matter is under consideration, and no efforts will be spared to achieve the object the hon'ble member has in view.

HAKIKAT RAI'S SAMADH.

914. Rai Sahib Lala Thakar Das.—(a). Is it a fact that a big *Mela* is held every year at Hakikat Rai's Samadhi at Lahore, and that thousands of Hindus go to worship at the temple at the commencement of the spring?

(b) Is it a fact that the road leading to the place where the *Mela* is held is in a dilapidated condition, and that representations made by the Hindu Sabha from year to year, and complaints in the Press, have failed to have the desired effect?

(c) Will the Hon'ble Minister for Agriculture be pleased to take immediate steps to get the road metalled in time for the next *Me'a*?

The Hon'ble Lala Harkishan Lal.—

(a) The reply is in the affirmative.

(b) Government have no information on this point.

(c) The road mentioned is in the combined charge of the Municipal Committee, Lahore, and the District Board, Lahore. The matter will be brought to their notice.

**MONEY SPENT ON PUBLIC WORKS
DEPARTMENT ROADS.**

915. Rai Sahib Lala Thakar Das.—Will the Hon'ble Minister for Agriculture lay on the table a statement showing the more important Public Works Department roads and the proportionate amount that is spent on the annual repairs of each?

The Hon'ble Lala Harkishan Lal.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

LAHORE MODEL TOWN SCHEME.

916. Rai Sahib Lala Thakar Das.—Will Government be pleased to state what interest, if any, it proposes to take in the Lahore Model Town Scheme published by Diwan Khan Chand, Barrister-at-law, and how far and on what conditions it will be prepared to lend its support to that scheme?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Government has full sympathy with the objects of the Lahore Model Town Scheme, but until the details of the scheme have been submitted to Government it is not possible to give a definite reply to the question. Government have informed the Financial Commissioner (that they are prepared to sell 500 acres in Rakh Kot Lakhpat, at present market value; to the co-operative building society provided that the detailed conditions which submitted appear suitable.

NEW SHEIKHPURA DISTRICT.

917. Rai Sahib Lala Thakar Das.—Is it a fact that all the important offices in the newly created Sheikhpura district, executive as well as judicial, from the Deputy Commissioner down to the Office Superintendent, are held by Muhammadans, and, if so, will Government consider the advisability of dividing the offices according to the relative importance of the communities inhabiting that district?

Mr. E. Joseph.—The answer is in the negative. The Revenue Assistant and General Assistant are both Hindus.

SIKHS ARRESTED FOR WEARING KIRPANS.

918. Sardar Dasaunda Singh.—(a) Is it a fact that the Sikhs arrested and convicted for wearing or possessing swords, have, in fact, been so dealt for wearing or possessing long *kirpans*?

(b) Is it a fact that the notification, by which *kirpans* are exempted from the operation of the Arms Act, does not

specify any length, size or shape of the *kirpan*?

(c) Will the Government be pleased to consider the desirability of releasing the Sikhs so arrested or convicted?

The Hon'ble Sir John Maynard.—(a) In a recent case in Amritsar, which is *sub judice* in the Appellate Court, the accused made the plea that the arm, which was the subject of the case, was a "kirpan." In all the other cases in which an accused person alleged that a weapon which he was carrying was a "kirpan," there was also a second weapon, and the conviction has been in respect to this second weapon.

(b) Yes.

(c) Government are examining some cases of recent convictions under the Arms Act, but are not prepared to make any statement as regards the action which will be taken on conclusion of the examination.

SIKHS ARRESTED IN GURDWARA CASES.

919. Sardar Dasaundha Singh.—(a) Will the Government be pleased to give the number of Sikhs arrested or convicted in connection with the various Gurdwaras?

(b) Will the Government be pleased to consider the desirability of releasing all those persons or at any rate such of them against whom no very grave offence concerning life or property has been fully established?

The Hon'ble Sir John Maynard.—The information is being collected and will be sent to the hon'ble member. As regards the latter part, all that I can say is that Government are giving their attention to these cases; but are not in a position to make a statement on the subject.

SCARCITY IN HISSAR DISTRICT.

920. Chaudhri Bans Gopal.—(a) Is it a fact that scarcity is prevailing in the Hissar district?

(b) If so, what steps have been taken to alleviate the sufferings of the agricultural classes?

(c) Do the Government intend to remit or suspend the payment of the land revenue in the affected areas?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—(a) Yes.

(b) The Commissioner has been authorised to have test works started where he thinks that there is a likelihood of their being successful. Government have sanctioned the import of fodder by rail at concession rates to stations in the Hissar district and an allotment of Rs. 10,40,000 has been made for the distribution of *taccari* in the district.

(c) The land revenue will be suspended whenever necessary. It is estimated that Rs. 1,32,154 of the demand of fixed land revenue for rabi 1921 will be suspended. The question of remissions will be considered later.

Good rain has fallen recently in the Hissar district, and it is hoped that the situation there is now easier.

SIRHIND CANAL PROJECT.

921. Chaudhri Bans Gopal.—Will the Government be pleased to state when the Sirhind Canal Project is likely to mature?

(b) Is it a fact that the late Lieutenant-Governor in a public Darbar at Hissar in 1919 promised its early realization for watering the arid districts of Hissar, Rohtak and of the Bikaner State?

(c) If so, what steps have been taken to fulfil that promise?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—(a) and (c). The Sutlej Dam Project or the Upper Scheme on the Sutlej can only be taken up after the Sutlej Valley Project or Lower Scheme has been sanctioned and the weirs proposed in it, on the Sutlej River, have been constructed; also not before the Native States concerned have been consulted and have agreed to the outlines of

the Satlej Dam Project, which is now being printed up.

(b) The exact words used by the Lieutenant-Governor of the Punjab on the occasion referred to are quoted below :—
"I trust that before many years have elapsed large areas of barren waste in Hissar and Rohtak will by the skill of our irrigation engineers, be transformed from 'Jungle' into 'Mangal.'"

NALA JOYYA.

922. Chaudhri Bans Gopal.—(a) Is it a fact that 32 villages in the Hissar district were previously watered by Nala Joyya, and that for the last few years the inhabitants of Qasimpura in the Patiala State have constructed a dam which deprives the people of the Hissar district of this supply?

(b) If so, will the Government take action in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha.—The information has been called for.

MUHAMMADPUR MINOR PROJECT.

923. Chaudhri Bans Gopal.—(a) Is it a fact that an estimate for the Muhammadpur Minor Project of the Western Jumna Canal (Sirsa Branch) was prepared in 1915, and that no further steps have been taken since?

(b) Will the Government make provision for this Project in the next budget?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha.—The information has been called for.

RANGOI CANAL.

924. Chaudhri Bans Gopal.—(a) Is it a fact that the Hissar District Board has failed to keep cleared the Rangoi Canal, and that it used to irrigate a very large portion of the Sirsa and Fatehabad tahsils?

(b) Will the Government make over the management of this canal to the Irrigation Department?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

GIRLS' SCHOOLS IN AMBALA CITY.

925. Chaudhri Daya Ram.—(a) Is it a fact that there are already six well conducted girl schools in Ambala City?

(b) If so, why has a Girls' High School been opened there by the Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) There are six vernacular schools for girls in Ambala.

(b) There are in this province 909 primary schools for girls with an attendance of 45,301 girls; but there are only 56 vernacular middle schools for girls with an attendance of 8,403 girls; and only 9 anglo-vernacular middle schools for girls with an attendance of 1,370 girls. In starting the new High School for girls at Ambala, therefore, Government took into account the necessity of providing facilities to girls for the higher courses of reading and of thus enabling girls to become teachers.

WATER SUPPLY OF AMBALA TOWN.

926. Chaudhri Daya Ram.—(a) Is it a fact that the citizens of Ambala requested the Government to allocate the funds, earmarked for the Government Girls' High School, Ambala, to the improvement of the water-supply of the town?

(b) If so, why has this not been done, and what steps does Government propose to take to improve the water supply?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) An application was received by Government, after the school had been definitely sanctioned.

(b) There was not a single girls' High School in the whole of Ambala Division, and, as stated in answer to another question, the best interest of female education demanded the starting of the High School. As regards the water-supply, however, I would draw attention to the exhaustive reply given to question No. 845,* moved by Rai Sahib Lala Panna Lall.

INCREASE OF REVENUE IN LUDHIANA.

927. Khan Bahadur Rai Wall Muhammad Khan.—(a) Will the Government be pleased to state what increase of revenue in the districts of Ludhiana and Hoshiarpur was sanctioned by the Government of India at the last settlements and what was actually made?

(b) If the increase actually made was more than what was actually sanctioned by the Government of India, will the Government be pleased to consider whether the period of settlement should not be extended?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Originally the Government of India approved of the Punjab Government's proposal to limit the enhancement of assessment of the Ludhiana District to 3 per cent. After the Samrala and Jagraon tahsils had been reassessed, it was found necessary in order to secure some degree of equality in the pitch of the revenue in the various tahsils to put on the Ludhiana tahsil an assessment which involved an increase of over 35 per cent. for the whole district. This was sanctioned by the Government of India. In the case of the Hoshiarpur Settlement the Government of India accepted the Punjab Government's forecast of an increase of 25 per cent. The enhancement finally sanctioned by the Punjab Government and reported to the Government of India was 29 per cent. This enhancement was within the powers of the Punjab Government at the time when it was sanctioned.

(b) The answer to the second part of the question is in the negative.

REVENUE CONCESSIONS.

928. Khan Bahadur Rai Wall Muhammad Khan.—Will Government be pleased to state if they intend to make any concessions in the matter of revenue this year on account of the dry season?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Yes. It is estimated that the following sums of land revenue will be suspended—

	Rs.
Rawalpindi Division ...	9,03,954
Ambala Division ...	6,77,513
Lahore Division ...	3,16,917
Jullundur Division ...	2,20,000

Estimates of the amounts to be expended in the Multan Division have not been received. Most of the revenue in that division is fluctuating, and in the case of fluctuating land revenue no realizations are made unless there are crops wherewith to pay the assessment.

SUPPLY OF FODDER.

929. Khan Bahadur Rai Wall Muhammad Khan.—Will the Government be pleased to state if they have made or intend to make any arrangement for the better supply of fodder?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The hon'ble member is referred to the reply given by Government to question No. 601 asked by Mr. Daulat Ram, Kalra.

SALE OF WOMEN.

930. Khan Bahadur Rai Wall Muhammad Khan.—Is it a fact that the sale of women is increasing fast, and that the present law is insufficient to check it?

If so, will the Government be pleased to take steps to discourage the practice?

*Page 122, Vol. II, No. 2.

†page 97, Vol. II No. 1.

The Hon'ble Sir John Maynard.—Government has no information to the effect that the sale of women is increasing. Where cases concerning traffic in women come to light, in which the existing law has been infringed, action is invariably taken.

FOREST RANGERS.

931. Khan Muhammad Abdullah Khan.—(a) Will the Government be pleased to state how many Forest Rangers have been promoted to be Extra Assistant Conservators of Forests during the last 20 years, and to give a list of agriculturists and non agriculturists holding these posts?

(b) In case the list of agriculturists is blank, will the Government be pleased to state why?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—It has not been possible to obtain the information in the time available. A reply will be communicated later.

932. Khan Muhammad Abdullah Khan.—Will the Government be pleased to say—

(a) how many Forest Rangers were specially promoted from the junior to the senior grade and what are their names?

(b) how many Forest Rangers senior to those specially promoted were passed over?

(c) How many of these senior men had their promotion stopped by the Conservator and how many of them were accepted candidates in Register A in recognition of their meritorious services? A list in each case may be given;

(d) whether the extraordinary promotion given to the junior men is not causing discontent among the senior and more experienced men?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—The question is not understood. Forest Rangers are divided into junior and senior grades.

TRAVELLING ALLOWANCE TO FOREST RANGERS.

933. Khan Muhammad Abdullah Khan.—Is it a fact (a) that Forest Rangers are not allowed to draw travelling expenses of the Intermediate Class as other Government officials of the same rank, and (b) that Forest Rangers working in the hills draw the same travelling allowance as those working in plains?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—(a) No Forest Ranger draws less than double intermediate railway fare for journeys by rail.

(b) A Forest Ranger working in the high tracts of Kulu, Simla and Bashahr is allowed 50 per cent. more than in the plains, and those working in the lower hills of Murree, Kangra, Chamba, Mandi, etc., are allowed the same rates of daily allowance as those in the plains. This is the case with the subordinates of all other departments and the Forest Rangers are no exception.

MATCH FACTORIES.

934. Khan Muhammad Abdullah Khan.—Will the Government be pleased to state when and where match factories will be opened in the Muzaffargarh and Dera Ghazi Khan districts?

The Hon'ble Lala Harkishan Lal.—Government is not at present able to add to the information given on 16th March 1921, in question* No. 298, in reply to Rai Sahib Panna Lal to which attention is invited.

NEW FOREST DIVISIONS.

935. Khan Muhammad Abdullah Khan.—Will the Government be pleased to give a list of the newly created forest

divisions with the names of the divisional officers appointed?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—A statement giving the necessary information is laid on the table.

Statement showing the forest charges into which Kulu and Bashahr Forest Divisions have been divided, with the names of officers in charge of each forest charge.

Name of Division and forest charge.	Name of officer.
<i>Kulu Division.</i>	
1. Kulu	Khan Bahadur Munshi Imam-ud-din.
2. Seraj	Lala Parma Nand.
3. Kulu Exploitation	Captain G. B. Wilson.
4. Beas River	Bhai Jagatjit Singh.
<i>Bashahr Division.</i>	
1. Bashahr	Mr. H. M. Glover.
2. Bashahr Timber	Major W. F. Chipp.
3. Sutlej River	Captain G. A. T. Cox.

FORECAST REPORT OF RABI HARVEST.

936. Khan Muhammad Abdullah Khan.—Will the Government kindly state whether it is satisfied with the forecast report submitted by the Settlement Officer, Muzaffargarh district, about the rabi harvest 1921.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla.—No forecast report has been submitted by the Settlement Officer, Muzaffargarh district, about the rabi harvest of 1921.

COURT INSPECTORS OF POLICE.

937. Chandhri Daya Ram.—(a) Will Government be pleased to state how many Court Inspectors of the Punjab

Police were specially selected for Extra Assistant Commissionerships, and how many posts out of the 4 Extra Assistant Commissioner posts allotted to various Heads of Departments were given to the Police Department? Are these posts allotted by rotation or what rule is generally observed in allotting them?

(b) Is it a fact that only one Court Inspector so far has been admitted to the Provincial Civil Service. If so, will the Government allot a larger number of posts to suitable men in this line?

(c) Is it a fact that Court Inspectors have comparatively few chances of promotion in their own department and that appointments as Deputy Superintendent of Police are generally given to Inspectors in the executive line. If so, will the Government equalize the number of appointments given in the executive line and to Court Inspectors?

The Hon'ble Sir John Maynard.—(a) Two posts.

Register A (iii), on which the names of Court Inspectors appear, received appointments in rotations.

() No.

(c) There is no discrimination against Court Inspectors in the matter of promotion to the post of Deputy Superintendent and many Deputy Superintendents have been Court Inspectors during their service. Naturally more promotions go to Inspectors in the executive line as these are far more numerous than the Court Inspectors.

DEATH OF CATTLE IN KANGRA DISTRICT.

938. Mr. Moti Lal, Kalstha.—Has Government any information to show the number of cattle which died in the Kangra district from January to May 1921 inclusive. In particular how many fell victims to rinderpest and to what extent was inoculation against this disease practised. Was there any shortage of serum?

The Hon'ble Lala Harkishan Lal.—Government has no information, but will make enquiries and communicate the result to the hon'ble member.

EXPENDITURE INCURRED ON PUNJAB LEGISLATIVE COUNCIL.

939. Mr. Moti Lal, Kaistha.—Will the Government be pleased to lay on the table statements showing (a) the expenditure incurred on the Punjab Legislative Council since its opening up to the end of June 1921, with details of the amounts drawn in salary by the President, the Deputy President, the Secretary and the Council Office, and disbursed on account of travelling and daily allowances to members, printing and library charges, etc., and (b) the expenditure incurred for the same period on the Members and Ministers of Government, to Council Secretaries, and their office establishment, etc.?

Mr. E. Joseph.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

ACQUISITION OF LAND NEAR ABHAR BY GOVERNMENT.

940. Pir Akbar Ali.—(a) Is it a fact that about 4,000 acres of land near Abhar (Ferozepore District) were acquired from the owners of the surrounding villages at a nominal price by the Government?

(b) Is it a fact all or a greater part of the land so acquired is now not required for the purpose for which it was originally taken.

(c) Is it a fact that the land so vacated is being leased out mostly to the persons who have some connection with the Canal Department?

(d) If so, will the Government be pleased to return the land so vacated to the real owners at the original price, or,

failing this, to lease the land to the original owners on comparatively lenient terms?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majhla.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

SCARCITY OF WATER IN KASAULI CANTONMENT.

941. Rai Sahib Lala Panna Lal.—(a) Is it a fact that in Kasauli cantonment scarcity of water has been felt during the past four months?

(b) What resolutions were passed by the cantonment committee regarding the distribution of water between European and Indian residents of the cantonment? Is there any difference between the quantity of water to be supplied to an Indian and to a European resident; and, if so, what are the grounds for the distinction?

The Hon'ble Sir John Maynard.—(a) Reference is invited to the answer to question No. 643.*

(b) Information has been called for from local officers and will be given at the next Session of the Council.

WELCOME TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

7-10 A.M.

The Hon'ble Sir John Maynard.—Sir, with your permission I propose very slightly to modify the language of the motion which I have to move. The change is only a verbal change. It consists of the insertion of the words "and of their needs and aspirations" near the end of the motion. Have I permission to make that modification?

Mr. President.—Certainly.

[Sir John Maynard]

The Hon'ble Sir John Maynard.—Sir, I beg to move—

"That this Council offers a warm and hearty welcome to His Royal Highness the Prince of Wales on his approaching visit to India, and trusts that his tour in the Punjab will afford to him the opportunity of gaining a closer knowledge of the people of the Province and of their needs and aspirations and assure to them his sympathy."

He comes to us, in all the charms of generous youth, the time when friends are most easily made, when impressions are strongest and most enduring. His memories of this visit will influence the work of a life which we pray may be a long and fruitful one. Those among us who are fathers will feel in our own hearts an answering thrill to that thrill of pride and hope with which his Angust father has sent him to us. He comes to renew associations established by his grandfather and his father, to enjoy the hospitality of India which they enjoyed before him, and to make the acquaintance of its people as they made it. We shall remember when he comes among us that we see our future sovereign: but we should not forget that the Royal House stands outside and above party politics, a just and impartial friend to all, but committed to the particular conclusions of none. May his visit prove a blessing to the country which we serve.

7-15 A.M.

Dewan Bahadur Raja Narendra Nath.—Sir, it is my proud privilege to say a few words in support of the Resolution which has been moved by the Hon'ble the Finance Member. I deem this to be the pleasantest moment in my life as a Councillor. The duty which I am discharging now is more pleasant and more agreeable than the onerous one which I have been discharging hitherto of attacking the opposite benches and of bringing the measures introduced into this house on to what I consider to be the right path. Sir, when the Government of this country was transferred from the East India Company

to the Crown, the Throne of England was occupied by a monarch who may be described to be the greatest personality of her sex in human history, considering the extent of her Empire, the length of her reign, the advances made in many spheres of human activity during that time, and her many virtues as mother, wife and queen. Her picture which adorns this Hall inspires noble sentiments in us. There are many incidents connected with her life which illustrate that India and her people occupied a warm corner in her heart, and that she was ever solicitous for their advancement. The felicitous language of the proclamation of 1852 is due to her. It is said that when Lord Derby put the first draft before her she reminded the noble lord that it was a female sovereign addressing a people different from her in race and religion and emerged out of a sanguinary civil war. Then at a fairly advanced age she took great pains to learn our language she employed an instructor for the purpose. I have with my own eyes seen a specimen of her Urdu handwriting in a book which she was kind enough to present to a distinguished member of one of the families of our Ruling Chiefs. She wrote:—

"Presented to so and so. Victoria ki Janab se."

King Edward was the first Prince of Wales to come out to India. He is known as the greatest peace-loving monarch in Europe. His reign will be remembered as one in which were introduced what are called the Morley-Minto Reforms. Our present ruling Sovereign was the first King of England to come out to India for the purpose of coronation. His keen insight into human affairs and his desire for the advancement of India is evident from a speech which I well remember and which he delivered when he left the shores of Bombay. To the public and other leaders assembled there he said:—"You are the inheritors of a great civilization, but please try to be

more united than you are." It is well known that disunion is our chief fault and he was anxious to remove it. The policy of introducing responsible self-government gradually into India is due to him. His reign will be associated by the future historian with this great change. The Council in which we are met today is the first fruit of that policy. When King Edward came out to India as Prince of Wales he was of a fairly advanced age. King George was older still, but the Prince who is going to honour us with a visit now is the youngest heir-apparent that has ventured on a journey to India. He has given promise of a bright career as our future Sovereign. At an early age he volunteered for military service and I am told that he insisted even on going into the danger zone. He gives promise of capacities which will have good results when they are brought to bear on the problems which he will have to face. We have learnt with some concern the news of his indisposition, cabled in yesterday's paper. We hope that he will be able to overcome it. I agree with the view expressed by one of the correspondents of an English paper that if he remains in England he will have more speechifying to do and more public functions to get through than he will if he comes out to India. I hope this view will be accepted by the advisers of His Royal Highness.

Sir, I should like to say a word about what has escaped from the lips of the Hon'ble the Finance Member about princes being above politics. As a member of the royal household and as the heir-apparent he is altogether dissociated from the political sphere. He has nothing to do with any system of Government whether it be bureaucratic or oligarchic that may prevail in any part of the Empire. Our feelings towards him therefore should be unaffected by any opinions that we may entertain about the system of government prevailing in any part of this country or in any part of the Empire. But we

know and we should remember that in welcoming His Royal Highness we are offering our welcome to the Prince in whose time, in whose future reign, I can confidently predict, India will be associated in the Councils of the Empire as a full and equal partner; a Prince on whose head will rest the Crown in which India will occupy both in letter and in spirit the place of the brightest jewel; a Prince in whose time India will have advanced sufficiently to take an honoured place in the comity of nations.

With these few words, Sir, I give my cordial support to the Resolution.

7-30 A.M.

Mian Ahmad Yar Khan, Daultana. — Sir, the visit of His Royal Highness the Prince of Wales comes to us as a pleasant surprise, as a much-awaited blessing. We had well-nigh given up the hope of seeing his August presence amongst us. The absence of His Royal Highness at the inauguration of the Reformed system of Government in India, though amply compensated by the presence at that time of His Royal Highness the Duke of Connaught, left nevertheless in the minds of Indian people a hope unfulfilled, a desire unachieved. The same was again once, twice, thrice rekindled and extinguished owing to the contradictory statements of press telegrams, but after all the prayer of India appears to have been heard, and to-day we are afforded with the great honour and the profound pleasure of participating in framing the Resolution of welcome to our future Emperor.

وہ آئیں گے ہماری دعا کی قدرت ہے
کہی ہم انکو کہی اپنے گھر کو رہائے ہیں

I am sure the Province will make this welcome more becoming in many ways than in words or in breathing courtesy. With these few remarks, I beg to enter my cordial and respectful support to the Resolution.

[K. B. Sayad Mehdi Shah].

Khan Bahadur Sayad Mehdi Shah (Urdu).—Sir, I rise to accord my most sincere and cordial support to the Resolution moved by Sir John Maynard to the effect that this Council should extend its welcome to His Royal Highness the Prince of Wales on his approaching visit to India. The people of India have always entertained feelings of deep affection and devotion to their Emperors. The visit of a member of the royal family is always a source of blessing to the people. I can, therefore, say with confidence that His Royal Highness the Prince will be given a grand reception. The fact that His Royal Highness has agreed to undertake a journey to India, just after his long tour in the other parts of the Empire, is positive proof of his love and solicitude for the people of India. I pray to God that his Indian tour may be a success, and he may arrive here in excellent health and return home safe. The royal visit is being looked forward to with great interest, and it is a matter for congratulation that our Province also is to be graced by his visit. On behalf of myself and on behalf of the Muhammadan zamindars, whom I have the honour to represent in this Council, I accord my unqualified support to the Resolution.

Lieutenant Sardar Ragbir Singh (Urdu).—Sir, I rise to support the important Resolution moved by Sir John Maynard to the effect that His Royal Highness the Prince of Wales should be accorded a welcome on the occasion of his approaching visit to India. It is, Sir, our duty to show hospitality to the son of our Sovereign, in view of the fact that relations between the Sovereign and his people are always very deep. Sheikh Sadi has said that subjects are like the roots while the Sovereign is like the trunk of a tree. If we show our love for the Sovereign's son he will surely show us more love, i.e., we shall be given more freedom. With these few words, Sir, I accord my whole-hearted support to the Resolution moved by Sir John Maynard.

7-42 A.M.

Mr. Daulat Ram, Kalla.—Sir, I deem it an inestimable and proud privilege to associate myself with the Resolution so eloquently moved by the Hon'ble the Finance Member, Sir John Maynard. It is one which cannot fail to set in vibration the responsive chords in the hearts of every loyal and law-abiding subject of the Crown.

His Royal Highness the Prince of Wales was expected to set his foot on the soil of this country last year and preparations were in full swing, all over India, to offer a fitting and right royal reception to His Royal Highness, when suddenly the news was flashed, all over the country, that His Royal Highness' visit to the Dominions had so affected his health that his medical advisers felt constrained to advise the postponement of the visit, and that His Royal Highness had most reluctantly agreed to it.

Great was the disappointment of India then and the news was received with an unmixed feeling of universal regret. With that regret was intermingled an element of jealousy as we felt that the Dominions had enjoyed an honour which India, the brightest jewel in the British Crown, could not, though on account of unavoidable circumstances. With the growing sense among the Indian people of equality and partnership in the Empire this feeling of jealousy was the keenest till a few weeks ago, there came the most welcome tidings that His Royal Highness would be graciously pleased to visit India next cold weather.

This announcement was hailed with joy throughout the length and breadth of this country. This was due chiefly to the traditional sense of devotion and loyalty which an Indian instinctively bears to the royal family, but, in these days of Reforms, in no small degree, to the fact that we were going to have in our midst a democrat Prince.

We have seen as a result of the last war many a Crown in other countries going to the melting pot, but, as a result of the same war the royal house in England is

more firmly enthroned in the hearts of the people. The reason for that phenomenon is not far to seek. His Majesty the King of Great Britain and Ireland and the Emperor of India and his family members feel that before being royalties they were citizens of the Empire too. They were ready to make the sacrifices demanded by the Great War. The King's abstention from alcoholic drinks during the period of the war and His Majesty's interest in the hospitals and the soldiery of the Empire are too well-known to need any mention from me. Not only this but like every other citizen His Majesty gave his dear son, His Royal Highness the Prince of Wales, for the army, and the work that the Prince did in the fields of France and with the Mediterranean Expeditionary Force aroused the admiration of the world. More than twice His Royal Highness was within the range of enemy fire and was the bearer of the historic despatch from Sir J. French respecting the battle of Neuve Chapelle. He won by dint of sheer merit as an ordinary member of the force the Military Cross, and did not get it as a complementary decoration as is often the case with royalties, and this fact was duly announced at that time. Of still greater importance was the work that the Prince accomplished by fraternising with the soldiers from the distant parts of the Empire. He mixed with them, he dined with them and he played with them like a familiar friend, and it was not unoften that the gallant soldiers discovered, as a pleasant surprise the next morning, that the stranger who had passed his evening with them was no other than their future King. These friendships formed in the fields of France served as a vehicle to convey the charming qualities of the Prince to every nook and corner of the world, and assisted in adding to the strength and stability of the fabric of the Empire by cementing the ties of allegiance to the same. The catalogue of the activities of the Prince during the war did not end there. His deep interest in various war charities has easily passed into history. Again those who hold any decorations of the Most Distinguished Order of St.

Michael and St. George or of the Most Excellent Order of the British Empire must have seen that every warrant of appointment to these Orders is signed by His Royal Highness who is the Grand Master of those Orders. Thousands received decorations of those Orders during the war, and this house can very well imagine what a tremendous and monotonous task it is to go on signing heaps of papers from morning till evening.

As soon as the war ended His Royal Highness thought of the comrades of the field and started to visit them in their various lands. It was an arduous task indeed and told on the health of His Royal Highness. The warm and ardent receptions that were accorded to His Royal Highness by the Dominion people were without a precedent and parallel. His Royal Highness met his old friends with open arms, and they presented their friends and village people to His Royal Highness who mixed with them not as a Prince but as a man. His affectionate regard, geniality of temperament and suavity of manners left a lasting impression on their minds so far so that the Canadians requested for another visit from His Royal Highness who promised it. Australia and other Colonies showed a similar enthusiasm and vied with one another in the warmth of their receptions, and the name of the Prince has become a household word in the Dominions, and it can now be safely said that while the grandfather of the Prince promoted the peace of Europe by his travels the Prince has promoted the unity of the Empire by his military career and tour in the Dominions and that the name of the "Royal Ambassador" given to him by the Fleet Street is literally true and aptly applied.

We eagerly look forward to the day when His Royal Highness will be pleased to visit this land of five rivers, and are sure that this ancient land so well-known for its traditional hospitality and loyalty will extend a most enthusiastic and hearty welcome to him.

[Mr. Daulat Ram, Kalia].

It will not be out of place if I tell my countrymen that in the British constitution the King enjoys a unique position. He is above all party politics, and to all acts done in His Majesty's name the doctrines of Ministerial responsibility applies. The Prince of Wales as such is also not concerned with politics at all. Our present King honoured us with a visit when Prince of Wales, and similarly did King Edward, his father. The first hand knowledge of India and its people thus acquired by our Emperors has always been used for our good. Similarly our future King, we hope, will acquaint himself during his sojourn in this country with the true conditions of the Punjab, and knowing as we do what a kindly and feeling heart the Prince has, we firmly hope that His Royal Highness will win the hearts of the Punjabis, and thenceforward a new era will begin. We further hope that His Royal Highness will give his beloved father, our King, a first hand information of the Indian affairs and aspirations, and convey to His Majesty the assurances of our steadfast loyalty and devotion to his throne.

With these remarks, Sir, I join in bidding welcome to His Royal Highness myself and on behalf of my constituents which include the Hindus, Europeans, Christians, Parsis and the depressed classes of the East and West Central towns of the Punjab.

7-55 A.M.

Captain Sardar Gopal Singh — Sir, with your permission, I wish to say a few words on behalf of the Indian Army which I represent in this Council. Before I welcome His royal highness the Prince of Wales' first visit to India I would say something about His Royal family. It was in the time of Her Imperial Majesty the late Queen Victoria that India was transferred from the control of the East India Company to the British Crown. The British Empire was much extended during her reign, and peace, order and prosperity reigned all through. I was the Punjabi soldier who, by making every kind of sacrifice, saved India in

1857-58 for our beloved, the late Queen Victoria. It was a hearty desire of every Indian and Punjabi to see the late great Queen even once, but unfortunately somehow or other that desire could not be fulfilled. But this desire of the people of this land was realized in another form when in 1876-77 she sent her heir apparent, the then Prince of Wales afterwards the King Emperor Edward VII, the grand father of our present Prince of Wales. The great Durbar he held at Delhi is still green in the memory of the Indians in general and that of the Indian army in particular. He was the Colonel-in-Chief of the XI Lancers to which I had the honour and pride to belong, and which is now called King Edwards' Own Lancers. We have much to thank him for successfully handling the political situation in Europe and maintaining peace in the world for which he was called Edward VII, the Peace-maker. Our present King Emperor, George V, visited India in the capacity of Prince of Wales. When he succeeded his father to the British Throne, he did not forget his Indian Empire and its people as Their Imperial Majesties the King Emperor and Queen Mary, the father and mother of our present young Prince of Wales, were pleased to graciously pay a visit to India, and the glorious grandeur of the great Delhi Durbar of 1911 is still fresh in our memories. He perpetuated the memory of his visit to India by cancelling the partition of Bengal. When the World War, well planned by the Central Powers, broke out in 1914 it was the tactful policy of His Imperial Majesty, our present King Emperor and his able Ministers, which won Italy, America and Greece to their side, and crushed the Central Powers for ever and thus saved the small nation from German aggression. Here I may take the liberty of saying a few words to the credit of the Indian army, as the timely arrival of the Indian Divisions in Flanders along with some Divisions from Great Britain, held up the advance of the overwhelming German forces for a time to give an opportunity to France to prepare

for defence. Meanwhile the Allies got ready and saved not only France, but the whole world from ruin. The successful conclusion of the Great World War has impressed upon the world the greatness and power of Great Britain. The people of India and particularly the Indian army gave practical proof of their well-known loyalty, and made every sacrifice to win the war for Great Britain. Our present King Emperor has further given a practical proof of his love and sympathy for his Indian subjects by opening the King's Commission and the decoration of Victoria Cross—the greatest honour for a soldier—to Indians by removing the bar which was laid so far in their way. He has also placed the people of India under a great debt of gratitude by granting them the Reforms Scheme of which the present Council is an outcome; and raising the status of the Punjab Chief Court to that of a High Court. The postponement of the intended visit of His Royal Highness to India last winter had greatly disappointed the Indian army. This disappointment of the Indian army was greatly reduced by the recent visit of His Royal Highness the Duke of Connaught—the Grand Uncle of His Royal Highness the Prince of Wales, who had spent a considerable part of his life in the Indian army in India, and is still held by them in a great loving memory and esteem. After all our high expectations will be fulfilled by the coming visit of His Royal Highness the Prince of Wales. He is a brave and gallant young soldier. During the Great War when he applied to Lord Kitchener for permission to be sent to the battle-field, he said that as he has got other brothers so if he is killed fighting for his country there will be no harm. Lord Kitchener replied as follows:—“If I were certain that you would be killed in battle I would certainly send you, but, Your Royal Highness, I am afraid that the enemy will take you prisoner.” Let us sincerely hope and pray to God that His Royal Highness' visit may be a hopeful, happy and a pros-

perous one. I, on behalf of the Indian army, welcome His Royal Highness' coming visit and give my hearty support to the Resolution moved by the Hon'ble Sir John Maynard before I resume my seat.

Rana Muhammad Jamil Khan (Punjabi).—Sir, I do not know English, and do not pretend to be able to make a fine speech like previous members. But I speak from my heart when I accord my whole-hearted support to the Resolution moved on the subject of the approaching visit of His Royal Highness the Prince of Wales. When he comes all the troubles we have about us will, I feel sure, vanish. (Cheers) 8-8 A.M.

Maulvi Muharram Ali, Chishti (Urdu).—It is a Resolution on which something should be spoken. The visit of His Royal Highness the Prince of Wales will afford the greatest joy to the people of India, whatever their creed. The Resolution is a matter of feeling and sentiment, and one conversant with the Indian disposition can measure the depth of pleasure which the Prince's visit will cause in their minds. Indians have a passion for their King and for love and obedience to him. Hindus thinking him the incarnation of God and Musalmans the shadow of God. The rejoicings which the Prince's visit will cause needs no elaboration. When the Prince arrives in India the world will see with what unique fealty he will be received. The visit of the beloved son of our Sovereign will afford equal joy to all the communities. We have heard the news that His Royal Highness is indisposed, but we trust that he will soon be all right. In our time, no Sovereign has gained greater popularity than the late Queen Victoria. She was called *Madar-i-Mahiban* (kind Mother). It is true that so far as the administration of State affairs is concerned the Sovereign is a non-party man. He has few opportunities of interference, and is supposed to be a figure head. I will show, however, that in spite of his being a non-party man he can rule his people and effect union

[Maulvi Muharram Ali Chishti].

among them—a union which lends stability to his Empire. I will cite the case of our own President to prove my theory. Our President is not identified with any party in this Council, and yet he regulates our proceedings. Indeed the late Queen Victoria exercised her power of interference on our behalf. When the celebrated Proclamation of 1858 was drafted and placed before Her late Majesty, she said that it should be borne in mind that she was addressing her people of various creeds from a very long distance, and she made additions to the draft Proclamation. The gracious wording of the above Proclamation, which is called the *Magna Carta* of our rights is due to the late Queen. The Prince is connected with a family whose love and beneficence we have personally experienced. When Queen Victoria made a proclamation in 1858 she insisted that its wording should be full of mercy and love. Accordingly the seed of the tree of freedom was sown by that proclamation, which tree grew in King Edward's time, is blossoming in King George's reign, and will, I hope, bring forth fruit when the Prince is King.

8-13 A.M.

The Hon'ble Lala Harkishan Lal (Urdn).—Sir, with regard to the approaching visit of His Royal Highness the Prince of Wales, I do not wish to speak in my capacity as Minister of Government, but as an ordinary member of the Council. His Royal Highness belongs to that royal family which has always stood for union. Indeed wherever the members of the royal family go, union and sympathy go hand in hand. Even in our own Council His Royal Highness' projected visit has brought about union. Raja Narendra Nath and I used to be at variance with each other, but we are now at one. I do not wish to say anything in detail about the Prince and his family. Although the Prince has nothing to do with politics he has the well-being of the people at heart, and I trust that on his arrival in our midst all disagreements will disappear

and no remissness will be shown in extending hospitality. In connection with the visit I call to mind one personal instance. On one occasion my son came into this Council and he was treated with the utmost consideration by the members of this Council. In the same way, I think, that His Royal Highness being the son of our Sovereign should be welcomed by us in a manner befitting his exalted status. With these remarks, Sir, I heartily support the Resolution moved by Sir John Maynard.

Mr. President.—I know there are many members who wish to express their feelings of loyalty, but I think the Council will wish to get on with the business of the day, and that we may assume that those who have spoken have voiced the sentiments of all. The motion before the Council is—

"That this Council offers a warm and hearty welcome to His Royal Highness the Prince of Wales on his approaching visit to India, and trusts that his time in the Punjab will afford to him the opportunity of gaining a closer knowledge of the people, of the Province and of their needs and aspirations, and assure to them his sympathy."

The motion was carried unanimously, all the members present rising in their places.

Mr. President.—I shall have great pleasure in conveying this motion to His Excellency the Governor on behalf of the Council.

The Council will now proceed to the consideration of the Resolutions.

RESOLUTIONS.

RESOLUTION RE APPOINTMENT OF A COMMITTEE TO REPORT ON CHANGES TO BE MADE IN THE FRONTIER CRIMES REGULATIONS.

8-15 A.M.

Sardar Jamal Khan.—Sir, with your permission, I move only the first part of my Resolution—

"This Council recommends to the Government to appoint a committee to report on the changes which should be made in the Frontier Crimes Regulations."

(Urdu.)

Before moving my resolution about the drastic Act called the Frontier Crimes Regulation I deem it proper to explain the reasons which led to the passing of this Act. In the early days of the annexation of the frontier territory by the British Government the people inhabiting that territory were addicted to savage and violent crime, and in order to exercise control over these people, Government felt the need of a law like the one under notice. In the Frontier Province there are still savage tribes and people for whom the Jirga law is necessary. So far as the people of the Punjab are concerned, I would say that modern civilization has influenced them all sufficiently and there is, therefore, no reason why they should continue to be under the operation of the drastic provisions of the Frontier Crimes Regulation. The object of the drastic provisions of this Resolution was to bring pressure upon the people under the cover of law so as to keep them obedient. This law confers very wide powers on the local authorities. I will refer briefly to the repressive acts which can be done under this Act. The Deputy Commissioner, when he is satisfied, on receipt of information from the Police, or on his own personal knowledge, that a blood-feud is apprehended in a particular locality, clan or tribe, and one of the parties belongs to the Frontier, refers their case to a Jirga. The Jirga is a body of three or four men nominated by the Deputy Commissioner. After being nominated the members of the Jirga take summary action and on satisfying themselves that a person should be convicted, or a decree passed, they record summary grounds in their award and send the case up to the Deputy Commissioner. The Deputy Commissioner passes orders on the strength of that award. The funny thing is that no appeal lies against the Deputy Commissioner's order and it can be revised only by Commissioner or by the Local Government. It is open to the Deputy Commissioner to accept or reject a Jirga finding, or to remand the case to the same Jirga, or

refer it to a new Jirga. Under this law the Deputy Commissioner is also empowered to withdraw cases pending in the Sessions Court and to refer them to a Jirga. He is also competent to inflict fines on a person or a family when such person or family has either failed to render adequate assistance to the Police in the investigation of a case, or has concealed evidence. If, in the opinion of the Deputy Commissioner, there are person or persons belonging to a frontier tribe whose presence in a particular locality is likely to lead to bloodshed he can exclude such persons from the district after recording summary reasons. When a decree is passed, or compensation is awarded against a convicted person, decretal money, fine, or compensation, as the case may be, is realized from the innocent people of the defendant's or accused's clan and family, in case the person against whom such compensation, fine or decretal money is awarded is unable to pay it himself. Such drastic provisions of the Frontier Crimes Regulation are nothing short of a calamity. I admit that an Act like the Frontier Crimes Regulation was a necessity in the beginning for the maintenance of law and order. So far as the Frontier Crimes Regulation is applicable to the Dera Ghazi Khan, I, as representative of that district, can say that since the time of its annexation, our district has changed a great deal and its inhabitants are peaceful and law-abiding. For this reason it is desirable that they, at any rate, should no longer be kept under the operation of a law which was meant for rebellious people. The people of Dera Ghazi Khan are no longer addicted to savage pursuits, but follow peaceful avocations like agriculture, and it is not right that such a people should be treated like barbarians. The sad plight of the inhabitants of the Dera Ghazi Khan district will be brought home to you when you hear that while people in other parts of this Province can be tried in judicial courts we in the Dera Ghazi Khan district are tried under the Jirga system and are sentenced to a term of 14 years' imprisonment in cases in which accused

[Sardar Jamal Khan].

persons are acquitted by the ordinary courts. Nor is this all. For the offence of one person his whole family or clan might be punished. Now that civilization has reached Dera Ghazi Khan, there is no reason why the Frontier Crimes Regulation should continue to operate against the people of Dera Ghazi Khan, in the shape in which it at present stands. Its existing provisions constitute an interference with our liberties. During the great war, Dera Ghazi Khan helped Government with men and money, and its people are entitled to the same liberty as is enjoyed by other districts in the Punjab. Conditions which could justify the continuance of the Frontier Crimes Regulation in the Dera Ghazi Khan district no longer exist. As regards the continuance of the Regulation in the Muzaffargarh and Mianwali districts the members representing those districts might be able to say something. My resolution is for the amendment of the drastic provisions of the Frontier Crimes Regulation and not for the entire abolition of the Regulation, and I trust that the amended resolution will be accepted?

Mr. E. Joseph.—Sir, on behalf of Government I may inform the Council that Government is prepared to accept the Resolution in the amended form in which it has been moved.

8-37 A.M.

Mian Muhammad Shah Nawaz.—Sir, a notification, dated 20th September 1901, of the Legislative Department of the Government of India runs as follows:—

"Whereas by Resolution passed by the Secretary of State for India in Council on the 6th day of October, 1870, the provisions of section 1 of the Government of India Act, 1870 (33 Vict., C. 3), were declared applicable to the districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan under the administration of the Lieutenant-Governor of the Punjab;

And whereas the said Lieutenant-Governor of the Punjab has proposed to the Governor-General in Council a draft of the following Regulation, together

with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft, and the same has received the Governor-General's assent on the 18th day of September 1901."

This Regulation No. 8 of 1901 is called the Frontier Crimes Regulations. It was not an Act of Legislature passed either by the Punjab Legislative Council or by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations. All the same it had the force of law under clause 1 of 33 Victoria, Chapter 3. It extends to the whole of the Frontier Province, and in the Punjab it applies to the districts of Dera Ghazi Khan, Mianwali and the Leiah Tahsil of the Muzaffargarh District. It will be interesting to know some of the reasons which led one Lieutenant-Governor of the Punjab and his officials to draft such a drastic resolution which should not have been passed by a civilised Government. His Honour says: "with reference to the view that the Jirga system cannot be trusted, a great deal might be said. The system is admittedly a *pis aller*. It has been created because of the impossibility of securing convictions in a certain class of cases by the Judicial Courts. The discovery of such cases being of supreme importance to the administration and being ex-hypothesis possible by means of the jirga system. Numerous of heinous criminals have had punishment dealt out to them who would otherwise have gone free. The conviction of the innocent may happen, it happens in the judicial courts but the opinions reveal no sense of a public wrong due to the system." Extraordinary reasons indeed these are and it is strange that they were advanced by the head of an executive Government in charge of the affairs of this province. They can not hold water for a moment?

This unjust and most cruel Regulation works in this manner. The Deputy Commissioner is informed by a Police Officer that a certain person has committed an offence, say, murder, or arson, or

treachery, or sedition, but there is no evidence against him for his conviction by a court of justice. The Deputy Commissioner refers the question of the guilt or innocence of that person to the decision of a council of elders. The members of this council of elders are nominated or appointed by the Deputy Commissioner who naturally look to the Deputy Commissioner for their advancement and promotion. This council of elders or the jirga, as it is called, makes such enquiry into the case of the accused person as they may deem necessary. The enquiry is held out of court and in practice is no better than a police investigation if indeed it is not worse. The accused person, contrary to all principles of law, justice and good conscience is precluded from defending by a counsel or Vakil or Mukhtar. In many cases he is not permitted to produce evidence for the defence. The provisions of the Law of Evidence and the Criminal Procedure Code are not applicable to any proceedings or enquiry before the council of elders whose members are generally ignorant of law, some of them are quite illiterate and cannot follow the proceedings. Of course the council is not bound to keep any record of the case that comes up before them for enquiry. They may keep such notes as they may think necessary for the decision of the case. The result is obvious. In most cases the accused persons are found guilty by the jirga. On the receipt of the findings of the council of elders the Deputy Commissioner may (a) remand the case to the council for a further finding or (b) refer the question to a second council or (c) pass a sentence in accordance with the findings of the council or (d) acquit or discharge the accused person. The Deputy Commissioner as a rule convicts and sentences the accused person to 7 or 14 years as the case may be. Under section 14 the Deputy Commissioner or the Commissioner is empowered to withdraw any criminal case committed to the Court of Session at any time before the trial before that court has commenced and in cases pending before any court inferior

to the Court of Session, at any time before an order of conviction or acquittal has been made. He must then refer the question of the guilt or the innocence of the accused person to the decision of the council of elders. Still worse are the provisions of section 15 which enable the Public Prosecutor or the Deputy Commissioner to withdraw the case of any accused person or persons from the Court of Session at any time before an order of acquittal has been made in order that the case may be referred to a council of elders. The object of these sections is obvious. The wretched accused may be quite innocent, but if possible he should not escape punishment at the hands of this noble body of council of elders and the Deputy Commissioner. Of course no appeal lies from any decision given, decrees or sentence passed, order made or act done under any of the provisions of this regulation. The Commissioner may however call for the record of any case, but he is not empowered to set aside the finding on any question of fact of a council of elders where such finding has been accepted by the Deputy Commissioner unless the Commissioner is of opinion that there has been a material irregularity or defect in the proceedings. Of course the Commissioner can enhance the sentence on revision side. An application for revision is after all an application for revision and every lawyer knows that it is bound to be rejected and it is rejected in 99 cases out of 100. Such is the law and the procedure laid down in this regulation, the existence of which cannot at all be justified by any civilised Government. It has disgraced the criminal justice. It has disgraced the inhabitants of those districts to which it is applicable. It has lowered the prestige of the Government. Can any Government be called just and strong in a country where criminal justice is administered in this manner and where the accused persons are not given the right to defend themselves properly and establish their innocence?

People talk of the Rowlatt Act. Yes, the Rowlatt Act is pretty bad and is bound to be

restricts the liberty of action of the people in general. For under this section the Deputy Commissioner can order any person whom he thinks to be a dangerous fanatic or who has no ostensible means of subsistence or cannot give a satisfactory account of himself, to reside beyond the limits of the territories to which this Regulation extends. It is a well-known fact that the Deputy Commissioners have abused their power given to them under this section and have rendered many persons homeless and they are spending their lives in exiles. Let us pass on. Section 40 authorises the Deputy Commissioner on the recommendation of the council of elders to bind down any person for good behaviour or for keeping the peace for three years after such an enquiry as may be necessary *out of court*. But this inequitable and unjust Regulation also interferes with the civil rights of the people. For under section 8 the Deputy Commissioner in certain circumstances can refer a civil suit to the decision of the council of elders and can pass a decree in accordance with the finding of the jirga. Section 56, however, beats all. It runs as follows:—

"Whereas, by a decree passed under section 8 or by a sentence passed under section 12, any person belonging to a frontier tribe becomes liable to pay a fine or other sum of money, the Deputy Commissioner may, on the recommendation of the council of elders and on satisfying himself that such a course is in accordance with local tribal custom, by order in writing direct that the amount shall be recovered from the property, moveable or immovable, of such of the relatives or fellow-tribesmen of the person so liable as may be specified in the order."

That is to say, if the judgment-debtor or convict cannot pay the decretal amount or fine then *B* or *C* or *D*, etc., who happens to be *A*'s relative or fellow-tribesman, must pay up. This is called **اندره، گری به ان راجه**. Did you, Sir, ever come across such a provision of law in your life and yet we boast of good and just administration through-

out the length and breadth of this province. It is but obvious that the inhabitants of the districts of Dera Ghazi Khan, Mianwali and the Leiah tahsil of the Muzaffargarh district have been groaning (alas! without avail) for such a long time under the pressure of this most cruel act of Executive Government which by the way was not passed by any Legislature but was drafted by one Lieutenant-Governor of the Punjab and the draft was simply approved by the Governor-General in Council. His Excellency Lord Reading has come to India to do justice. In the name of good administration and justice the Punjab Government should either repeal the Regulation, so far as it is applicable to the Punjab or make such changes in its provisions as to bring it in conformity with the principles of justice and good conscience?

8-55 A.M.

Mr. E. Joseph.—I had hoped, Sir, when Government stated that it was prepared to accept this regulation that discussion might be saved, and that the Council might be able to move on to other resolutions standing in other names. But inasmuch as the hon'ble member has preferred to deliver his speech and has decided that it shall not be lost to Council, I must crave a like indulgence and it is only just, I think, that I should say what I had also prepared; but I will temper justice with mercy. I will not read the whole of what I had intended to say.

The hon'ble member has spoken somewhat inadequately of the origin of this Regulation of 1901. May I take the matter a little further? I will not go back to the age of Cheops and Cornwallis, but I will go back to the annexation of the Punjab. In those days, Sir, life and property were of no account and the tale of daily wrong, injury and murder was appalling. Murders are said to have been committed at the rate of one a day. When the Punjab was annexed the ear of justice was opened to the cries of the neighbourhood and moral certainties were determined by local personal investigation. It was rough justice; it was a swifter justice than we have now; pro-

bably a more effective justice; to show that it was effective I would mention that between the years 1851 and 1863 an average yearly total of murders in the Peshawar district alone fell from over 300 a year to 64. In 1861, it was, I think, the Code of Criminal Procedure and the Indian Penal Code came into force. So far as the frontier was concerned this legislation was assisted by other local rules and regulations and by the operations of a council of elders. The council of elders, the origin of the *jirga*, may be described as a *panchayat*. It will be remembered that only a few days ago the Council decided by a majority of votes to send the *Panchayat Bill* to a Select Committee. Here we have a *panchayat* in actual operation. Well, Sir, the effect of the introduction of the Criminal Procedure Code and the Indian Penal Code along with the local rules and regulations was to regularize and systematise them, and that elaboration and regularization was not found altogether suitable to rough frontier districts. Crime still arose, and I may say rose. Take the case of Peshawar again. I have got here figures from 1875 to 1884. There were 676 murders and 102 cases of culpable homicide in Peshawar district, that is, an average of 78 to 80 a year, and only 80 murderers were hanged in the 10 years; in 140 cases justice entirely failed to reach the criminals, and the Deputy Commissioner of Peshawar admitted that he knew of 2,000 men known as murderers who were at large in his district. That was the situation which Government had to face. It was not the Government of Sir William Macworh Young; it was the Government of that Lieutenant-Governor whose memory we were told the other day would always live as that of the most sympathetic and the most far-seeing Governor the province had had, Sir Charles Umpherston Aitchison. It was he who originated the Frontier Tribes Regulation. He appointed a committee—he did not evolve the thing from his own inner consciousness, he appointed a committee which included a non-official from the frontier districts, to prepare a Draft Regulation which was

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to amend and consolidate all the rules and regulations then in force; and they drafted the Regulation in consultation with the local inhabitants of Peshawar. The Judges of the High Court were consulted—I suppose it was the High Court of Calcutta—and they approved, and the Regulation received the approval of the Government of India. It is true it was revised in its present form as the Regulation of 1901, but it was revised after the assembling again of a committee in 1899, which carefully considered the Regulation. Now, Sir, I think the name of Sir Aitchison carries some weight in this Council, unless we are to assume that the Council says what it does not mean. May I read some of the words in which he describes the circumstances in which he was placed. He wrote as follows:—

“To battle successfully with crime by means of the ordinary courts adjudicating upon facts proved in accordance with the law of evidence, it must be assumed that evidence will be for the most part forthcoming and for the most part true. The courts most generally fail where evidence is usually denied or usually falsified. And evidence may well be suppressed or fabricated if the sense of the community is against the suppression of some particular kind of crime. Now, with Pathans revenge is a point of honour. It is a point of honour to screen partizans. Murder in certain cases is viewed not only with indifference but with approbation. In the popular idea it may be no disgrace—it may even be commendable—to cause the midnight assassination of an enemy by a hireling, while it is an ignominy to leave a slur on the family honour unavenged.”

He went on to speak of the frontier ideas on the sex relations and crimes originating from these ideas. He remarked:—

“If the seducer falls, his brethren claim a life for a life and thus the blood feud is originated and runs its course till it is composed in some customary tribal way. The primitive sentiment does not distinguish between crimes and private

wrongs or trust to unaccustomed court for the redress of honour. If the case must go to court, the idea is that the machinery may well be used as an instrument of private vengeance. The dying man names the instigator and not the bravo who has killed him. The relation of the victim hasten to concoct a fabricated tale which will implicate as many as may be of the family of the foe. To all this add the general recklessness of a human life in border districts, the theory that the thief caught in the act may be righteously killed, the familiarity of the people with raids and reprisals, the fierce jealousies of unnatural lust, the bitter disputes regarding land and water which run on from generation to generation and the fact that every murder may become the source of others; and it is not difficult to see why murders and homicides are so rife. This being the state of the case, the remedies must have regard to the cause of the evils. As evidence will be denied or distorted we must seize on such elements of certainty as it is possible to find. We must supply or strengthen motive for popular help. We must use any other element that can be made to serve the cause of order.”

Later on he says that he desires to retain the regular system of law where it can be made to act—

“but side by side with that system we must maintain a council of elders with extended functions and powers to stop the conflict between border laws of honour and the civilised jurisprudence of British courts. In this way we can supply the element of personal and local knowledge which must in existing circumstances be admitted as a substitute for judicial proof. If sufficient evidence is forthcoming, there is no reason for resort to the more primitive procedure. Where evidence is denied or falsified, the jirga is obviously the proper tribunal.”

Well, Sir, I will ask the members from Dera Ghazi Khan whether the ideas of the people there on these matters have really changed. Those who know that part of the country and those who do not

If they go and live there for a while, though they are accustomed to the ideas that prevail on these matters in the Punjab, and to the fierceness and strife that results from them, will find it a revelation to realise the conditions, that prevail in these frontier tracts. Nor will it be forgotten, Sir, that the summer headquarters of Dera Ghazi Khan, Fort Munro, were in the hands of the Marri tribe quite recently and were, I believe, burned to the ground. I have already read to the Council an extract from Sir Charles Aitchison's note. May I read a few passages from a letter of the Commissioner of Rawalpindi on the circumstances of to-day.

"I may say at once that no time could be selected at which such an exemption could less fittingly take place than the present."—This opinion, Sir, was given with reference to that part of the resolution which has now been withdrawn, and I would not have read it had not Mian Shah Nawaz attacked the regulation—"Isa Khel tahsil is the prey of constant armed bands of dacoits, the majority of whom come across from the frontier or from the districts of the North-West Frontier Province. It is difficult for the authorities of the latter to intercept them, and the district authorities are at their wits end. The Police have recently been increased. Military assistance is frequently asked for locally. It cannot always be granted. In spite of all this there is no question that the dacoit often does very much what he likes. Murder and kidnapping are of daily occurrence. Sometimes these men are caught, but who is to identify them." I would draw the attention, Sir, of Mr. Shah Nawaz to this passage in particular: "How can a shop-keeper with a pistol held at his head identify a dozen men, whose faces are bound, whose language sometimes he cannot understand, and whom he has never seen in his life before. If he has seen them before, he is usually killed. Evidence in the judicial sense of the word is thus totally wanting, and if these men are arrested, the only

way is to place them before a *jirga*. It does seem the height of unreason that on one side a clamour should be raised that the authorities of the frontier districts are callous of the lives of their subjects, when at the same time a further clamour is raised that one of the only effective weapons which they have should be taken away from them."

In this connection, Sir, I would call attention to the resolution which is down in the name of Khan Muhammed Saifullah Khan. I assume that the hon'ble member Khan Muhammad Saifullah Khan did not move it without good reason and I also expect that he felt confident that he had the support of some members of this house. The resolution of the hon'ble member is that "This Council recommends to the Government that special measures be taken to protect the inhabitants of Isa Khel town and tahsil from the raids of frontier outlaws and tribesmen." It may be of interest to the mover of the resolution to know, though I imagine he is already aware of the fact, that most of the Tumandars of the Dera Ghazi Khan district have submitted a memorial to Government praying that this Regulation should not be repealed. They say:

* * * *

"The western part of the district lies in the hills adjacent to the Baluchistan and most parts of the Tumans of the district are in the hills. Most of the population of the district consists of Baluches, who reside in different parts of the district. The hill tribes in the winter come down the hills and take their abode in the district limits. It is as necessary to control them here as in the hills under the Frontier Crimes Regulation and treat them in the Baluchi system.

* * * *

The disputes among Baluches and Jats often occur on 'Siakhari'. These cases and 'Bazu' quarrels cannot be

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amicably settled in the legal courts. In the Baluchi custom such cases must be decided by the council of elders under the Frontier Crimes Regulation. If this be ignored, there must cause bloodshed even in ordinary cases of 'Bazu.'

These people demand justice from the council of elders and their *Muthirs* and *Mingqadams* according to their custom and they have nothing to pay in both criminal and civil jirga cases. Hence they like this system very much, and if it be abandoned, the people will surely take it ill.

We see that the members of the Council are trying to move the local Government to carry into effect the 'Panchaiti' decision in ordinary cases in each and every village of the Punjab, while, on the other hand, we wonder to find that such resolutions are being moved to abolish the old system of 'Panchaiti' decision by council of elders, that is, jirga system."

This memorial is signed by eight Tundandars of the Dera Ghazi Khan district.

There is one more point, I should like to make—

That is to assure the Council that the suggestion this Regulation in actual operation is worked so as to implicate people against whom there is no suspicion and the suggestion that tyranny is used are, I think, quite unfounded. May I tell you what is the actual practice, Sir? I quote again from the Commissioner of Rawalpindi:

"According to the present practice all cases go first to a magistrate. No case goes to a jirga unless there has first been a magisterial enquiry. Other cases are withdrawn from the sessions after committal. The proceedings at all stages are very carefully scrutinized. Most cases come to the Commissioner on revision. In cases committed to Sessions, when the case is withdrawn, and where the jirga convicts men of the offence *who were not committed*, I have acquitted such men provided no new evidence was forthcoming. To such an extent is care taken that no miscarriage of justice should take place."

I do not think I need trouble you with any other remarks, Sir. I think that criticisms of the Regulation, suggestions for its amendment or improvement, or suggestions for the exemption of particular areas can best be made in the committee which Government has already agreed to appoint. I would not have troubled the house with any speech at all, but for the fact that a vehement attack was made on the Regulation as it exists.

Sardar Allan Khan (Urdu).—Sir, with regard to the amendment moved by Mian Muhammad Shah Nawaz—

The Hon'ble Sir John Maynard.—The hon'ble member is speaking to an amendment which has not been moved by Mian Muhammad Shah Niwaz.

Mr President.—There is no amendment before the Council. If the hon'ble member wishes to speak to the resolution, he can do so.

Sardar Allan Khan.—I wish to speak on the amendment of Mian Muhammad Shah Niwaz when he moves it. I do not wish to speak to the resolution.

Mr. C. A. H. Towsoni.—Sir, I move the closure.

Diwan Bahadur Raja Narendra Nath.—I wish to move the amendment standing in my name, Sir.

Mr. President.—The hon'ble member should have spoken when I asked if anybody wished to speak. The chair is not required to call members to move the amendments, of which they have given notice. It is for members themselves to stand up and move the amendments themselves. But as the hon'ble member was ignorant of this matter, I will allow him to move his amendment now.

Diwan Bahadur Raja Narendra Nath.—Sir, this Council has perfect confidence in the wisdom and good sense of His Excellency the Governor, but still I think it is desirable to give some indication of their opinion as to the constitution of the committee proposed to be appointed. I

therefore move the following amendment:—

"After the word 'committee' add the following words: 'consisting of the Commissioner of Multan, two non-official members of the Council having experience of law and procedure, and one non-official member representing any of the districts in which Frontier Crimes Regulation is in force.'"

This is only with regard to the constitution of the committee. I think all classes who entertain some opinion about the Regulation should be represented on the committee. I have made a provision for the representation of the districts which are affected by the Regulation and I think there are other classes, too, who exercise influence in the districts affected and they should also be given a chance of representing their views on the committee. With regard to the Regulation itself I am aware of the fact that a measure is before the Council to have Panchayats in the Punjab, but the discussion which took place on the Bill showed that the majority of us did not want *jirgas* but Panchayats. The council of elders which is appointed under the regulation.

Mr. President.—I am not sure if the hon'ble member is speaking to the amendment. He should confine his remarks strictly to the amendment.

Diwan Bahadur Raja Narendra Nath.—I have nothing more to add to what I have already said about the constitution of the committee.

Mr. President.—I may point out that there are two amendments relating to the constitution of the committee. One is now before the Council which has been moved by Raja Narendra Nath:—

"After the word 'committee' add the following words: 'consisting of the Commissioner of Multan, two non-official members of the Council having experience of law and procedure and one non-official member representing any of the districts in which Frontier Crimes Regulation is in force.'"

Those who do not wish that such a committee, as is proposed by this amendment, be appointed should oppose this

amendment. If they succeed in defeating this amendment, then they will get an opportunity to move other amendments proposing a different constitution of the committee. But if they fail in defeating the amendment now before the Council, the other amendment will drop to the ground.

9-25 A.M.

Malik Feroz Khan, Nun.—Sir, I just like to say a few words in connection with this matter. There is also another amendment to be moved by Mian Ahmad Yar Khan. There is one great shortcoming in the amendment moved by Raja Sahib. It gives very little prominence to the representatives of the districts to which this Regulation applies. The amendment of Raja Sahib contemplates only one member to be put on the committee, whereas the other amendment, that is to be brought forward by Mian Ahmad Yar Khan, proposes that at least three of the representatives from the districts of Dera Ghazi Khan, Mianwali and Muzaffargarh should be on the committee. Therefore the latter amendment is the better of the two. I hope the Council will approve of the second one. I may explain that by simply not accepting the amendment put forward by Raja Sahib, it does not mean that we do not appreciate his feelings, but we only mean that his desire will take a better form by the other amendment.

There is another thing which I wish to mention to the Council for their consideration. There is a resolution No. 13 standing in the name of Sardar Dasaundha Singh with regard to corruption among Government employees. The resolution is an important one, and it has also been suggested by the Hon'ble Minister for Education that it should be moved to-day. But it can only be moved if the hon'ble member from Mianwali and the hon'ble member from Sialkot do not move the resolutions standing in their names. I am prepared to forego my resolution in order that Sardar Dasaundha Singh's resolution may be taken up. I also hope that the Council will not take much time on the resolution now before

[Malik Feroz Khan, Nun.]

them especially as both the Government and the opposition are united on it. For the present I hope that Raja Sahib's amendment be not accepted and the other amendment, which is yet to be moved, will be accepted by the Council.

Khan Muhammad Sali Ullah Khan.—Sir, my resolution is an important one and I am not prepared to withdraw in favour of Sardar Dasandha Singh.

Mr. President.—I will keep the Council to the amendment before the Council. Does anybody wish to speak on the amendment?

Rai Bahadur Lala Sewak Ram.—Sir, I have only one word to say. I wish to suggest to the Council that instead of the Commissioner of Multan, a Senior Sessions Judge selected by High Court may be appointed on the committee. If this alteration is accepted by Raja Sahib, I shall be much obliged to him. I think the Commissioner of Multan will not find so much time as to be able to go into all the details and it will also be in the fitness of things to have a judicial officer on the committee as we can expect better justice from a senior Sessions Judge than from a Commissioner.

Mr. President.—The hon'ble member cannot propose an alteration. There is no notice given by him to this effect. He can only oppose or support the amendment before the Council.

Rai Bahadur Lala Sewak Ram.—In that case, Sir, I oppose the amendment.

9-30 A.M.

Mian Ahmad Yar Khan, Daulatana.—Sir, I beg to oppose the amendment moved by Raja Narendra Nath. The grievances of a place under an unpopular and inconvenient legislative measure are best understood by local representatives because they are felt most keenly by them. It would be simply unjust to keep them in a minority and leave their destinies in the hands of unconcerned people. This is a special measure for a particular place and does not require any experience of law and procedure for the members of the committee which is to

consider whether some section of the Regulation should be removed or not, or whether some section should be amended.

This Council is a Legislative body and its function is to make laws, but in the rules I have not come across any section nor any provision that there should be so many lawyers out of the 93 members. Some might come in accidentally and what the committee have to do is to give their opinion about the Regulation, and the draftsman, the Legal Remembrancer, will give their views a legal shape. For these reasons I oppose the amendment very strongly.

9-34 A.M.

Khan Muhammad Saliullah Khan (Urdu).—Sir, I cannot support the amendment moved by my friend Raja Narendra Nath to the effect that the districts in which the Frontier Crimes Regulation is in force should have one representative on the committee which is to be appointed for examining the provisions of the Frontier Crimes Regulation. The conditions prevailing in one district are different from those prevalent in others. If a committee is constituted in the way suggested by Raja Narendra Nath, it would not be able to get at the true facts. It is important to have one representative of each district on the committee otherwise the committee will not be able to do any useful work and its report will remain incomplete. It will be a good thing, no doubt, to have the Commissioner, Multan, on the committee, but it is equally important to benefit by the advice of the Commissioner, Rawalpindi. I would therefore urge that either Commissioners of both these divisions should be on the committee, or some other proposal might be suggested. If the appointment of a committee is agreed to, I would suggest Mian Muhammad Shah Niwaz for nomination to the committee. Mian Muhammad Shah Niwaz besides being a lawyer, is a big zamindar and his advice will be useful to the committee.

Mr. Ganpat Rai (Urdu).—Sir, at first I had no intention of speaking upon the amendment but since some of the members do not wish to include the Commis-

sioner in the committee, while others insist that this committee should contain representatives of every district, I cannot, in the face of so much disagreement amongst the members of this Council, support the amendment of Raja Narendra Nath.

Diwan Bahadur Raja Narendra Nath.—I just wish to say that if the hon'ble mover is also opposed to my amendment I will withdraw it.

Sardar Jamal Khan.—I am willing to accept it.

Maulvi Muharram Ali, Chishti.—I move the closure.

Mr. President.—The motion before the Council is—

"That the question be now put."

The motion was carried.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government to appoint a committee to report on the changes which should be made in the Frontier Crimes Regulation."

To that an amendment has been proposed by Raja Narendra Nath to add the following words after the word "Committee," namely,—

"consisting of the Commissioner of Multan, two non-official members of the Council having experience of law and procedure and one non-official member representing any of the districts in which the Frontier Crimes Regulation is in force."

The question is—

"That these words be added."

The motion was lost.

9-40 A.M.

Mian Ahmad Yar Khan, Daulatana.—Sir, I move the following amendment to the resolution of Sardar Jamal Khan, which was originally moved in three parts but of which all except the first part were orally omitted by the hon'ble

mover. My amendment is that after the words "Committee," the words—

"containing a majority of non-official members of this Council representing any of the districts in which the Frontier Crimes Regulation is in force"

be added.

With your permission, Sir, I will speak in Urdu.

The Frontier Crimes Regulation is a Regulation which was made to meet the extraordinary conditions prevailing in certain districts of the Province. Its advantages and disadvantages, its merits and demerits are known only to those people who are inhabitants of the districts in which this Regulation is in force. Hence in my humble opinion, the committee which is to be appointed should consist mainly of the representatives of the districts in which the Regulation is in force. With these few remarks I move my amendment.

Sayed Muhammad Husain (Urdu).—Sir in my opinion if the resolution were allowed to retain its original form it will simplify matters a good deal. The Government may be trusted to appoint suitable persons to the committee, especially pleaders and the like. The question of presidentship can also be settled by the Government. I will again say that in the event of the resolution retaining its original form all our needs can very well be satisfied. With these words I oppose the amendment moved by Mian Ahmad Yar Khan.

9-46 A.M.

Mian Muhammad Shah Niwaz (Urdu).—Sir, I am simply surprised to hear the speech of Mian Ahmad Yar Khan. I cannot for the life of me understand the argument that the committee should consist only of Sardar Jamal Khan, Muhammad Abdullah Khan and Khan Saifullah Khan. Mian Ahmad Yar Khan, who is an inhabitant of Multan and who does not know much of this Regulation, is not well-advised to say that this committee should contain no Pleaders or Barristers. If the Government is tired of Pleaders or Barristers and does not wish to see them

[M. Muhammad Shah Nawaz.]

taking part in the deliberations of the committee, the Pleaders too are not very anxious to be on the committee. But I can assure the Council of this much that Government cannot do without Pleaders. With these words I strongly oppose the amendment.

Mian Ahmad Yar Khan, Daulatana.—Sir, I wish to make a few more remarks.

Mr. President.—You have already had your chance.

9-50 A.M.

Maulvi Muharram Ali, Chishti (Urdu).—Sir, we ought to learn a lesson from the debate which has taken place to-day and ought not to waste our time in useless discussion. When the resolution had been accepted by the Government, it would have been best to leave the question of the personnel of the committee to the good sense of the Government, especially when there was so much difference of opinion amongst the members of the Council over the personnel of the committee. If we had from the very beginning put confidence in the good sense of the Government, so much time would not have been lost in useless discussion—

آپ نے دانا کد کد لدا ان

ملک بعد از خرابی بیچار

"A fool does the same as has been done by a wise man but he does it after undergoing much trouble."

With these words, Sir, I move the closure of the debate.

Mr. President (addressing Mian Ahmad Yar Khan, Daulatana).—Do you wish to press your amendment?

Mian Ahmad Yar Khan, Daulatana.—I withdraw my amendment.

The amendment was by leave withdrawn.

9-54 A.M.

Khan Muhammad Salfullah Khan (Urdu).—Sir, being the representative of a district (Mianwali), in which the Frontier Crimes Regulation is in force, I think I am in a position to say something about

the working of the jirga system. My esteemed friend, Sardar Jamal Khan, has described in full detail the evils of the jirga system. The system is advantageous so far as dacoities in the Mianwali district are concerned. Dacoities in the Mianwali district are mostly committed by outlaws whom it is impossible to try in the ordinary tribunals, inasmuch as inhabitants of the district cannot identify them. The conviction of such outlaws is frequently secured through the jirga. It is therefore absolutely necessary that dacoity cases in the Mianwali district should be tried through the jirga. There would be no harm if, for special reasons, cases under section 498 were also made over to the jirga by the District Magistrate, for instance cases of the Bhangi Khel Ilaga. Nevertheless, the District Magistrate should be directed not to make use of section 8 of Regulation III of 1901, except under very special circumstances. Other cases should continue to be tried by the ordinary tribunals. The District Magistrate should exercise particular care in nominating members to the Jirga, because persons nominated to the jirga may either be on friendly or hostile terms with each other, and this circumstance goes a long way to influence the decision of the jirga.

Except for the two classes of offences mentioned above, it would be a good thing if trial by jirga is abolished in the Mianwali District.

Mr. President.—The motion before the Council is that—

"This Council recommends to the Government to appoint a committee to report on the changes which should be made in the Frontier Crimes Regulation, III of 1901, so far as it is applicable to the Punjab."

The motion was carried.

RESOLUTION REQUESTING THE SECRETARY OF STATE FOR INDIA TO RETURN TO THE PUNJAB A SHARE OF THE GOLD STANDARD RESERVE.

Malik Feroz Khan, Nun.—Sir, I understand that the Hon'ble Minister for Edu-

cation desires that resolution No. 13 relating to the corruption prevailing amongst public servants standing in the name of Sardar Dasaundha Singh should be discussed first because it is more important.

Mr. President.—Do you then withdraw your resolution?

Malik Feroz Khan, Nun—I withdraw on the condition that members below me do not move theirs to enable Sardar Dasaundha Singh to move his resolution.

Mr. President.—Standing Order 62 (1) reads as follows:—

"A member in whose name a resolution stands on the list of business shall, when called on either—

- (a) withdraw the resolution in which case he shall confine himself to a mere statement to that effect or
- (b) move the resolution. . . ."

Will the hon'ble member confine himself to a mere statement that he withdraws his resolution.

Malik Feroz Khan, Nun—I do not move my resolution.

Mr. President.—The resolution stands withdrawn under the Standing Orders.

RESOLUTION RE PROTECTION OF ISA KHEL TOWN AND TAHSIL.

10 A.M.

Khan Muhammad Saifullah Khan.—Sir, I move the following resolution standing in my name, that—

"This Council recommends to the Government that special measures be taken to protect the inhabitants of Isa Khel town and tahsil from the raids of frontier outlaws and tribesmen."

Sir, in moving this resolution, I am sure that I am doing my duty both towards the Government and the public in general. I will deal only with the Isa Khel tahsil in the Mianwali district which is included in the Punjab Province, and leave aside the frontier districts of Bannu, Kohat and Dera Ismail Khan. The Isa Khel tahsil has become the scene of constant raids by the frontier

tribes and although certain preventive measures have been adopted by the Government from time to time, they have had no substantial effect in decreasing the number of dacoities. On the other hand the raids have rapidly increased lately and though the district authorities are paying their attention to solve this problem, the state of the whole tahsil is so disturbed that unless some strong measures are taken the condition would become such that even a large military force will hardly be able to restore order. This question of dacoities in the Isa Khel tahsil is daily assuming a serious aspect and as nothing effective has been done up till now the raiders have always escaped with impunity and they have grown more daring each time. The result is that the prestige of the Government is disappearing. Many wealthy Hindus have left Isa Khel for good while some find it more profitable to pay *bhunga* (ransom) to those local badmashes who are in league with the outside raiders than to rely on support from the authorities. The adoption of some strong preventive measures by the Government against the raiders is the only present need of Isa Khel tahsil, and I would therefore make a few suggestions that are likely to have the desired effect.

First, that a levy be appointed consisting of 150 mounted men enlisted from among the inhabitants of the tahsil and those men who have a military experience should be given a preference. Same conditions also should hold good in the selection of Indian Officers, as they would be well acquainted with the local conditions. But the officer in charge of this levy should be a European, either a Military Officer or a Police Officer. This will enable him and the levy to deal efficiently with the raiders who are well up in warfare methods. Out of the whole, 50 men should be used as striking force and be located at the headquarters of the tahsil. The remaining 100 men should be distributed to guard the various passes.

Secondly, that all the posts at the mouths of passes should be connected

[Khan Muhammad Saifullah Khan.]

with one another and the headquarter of the tahsil by a telephone system as then only a timely warning of the approach of raiders could be given and the whole levy could work jointly.

Thirdly, that for the protection of the town of Isa Khel itself a mud wall around the town with gates at suitable distances should be constructed and should be manned by a sufficient number of Policemen for watch and ward duty.

Fourthly, that the residents of all exposed villages should be exempted from the operations of section 14 of the Arms Act, so that they may be able to defend themselves when an opportunity requires them to do so, and that the mere fact that sometimes certain people out of the whole population of some village or town join hands with the raiders should not unfairly deprive the great bulk of law-abiding and peace-loving inhabitants of the same place from the right of defending themselves properly.

A large number of people from the adjoining districts of Kohat and Bannu have come over to Isa Khel owing to famine and drought and it is probable that these people may commit dacoities at any time if a chance favours them. The Government should give this matter a careful consideration as early as possible and put a stop to further raids. In the beginning the raiders were used to select only *Sahukars* but since they have been paid ransom money in some cases they have become unscrupulous and do not find any trouble in choosing their victims without distinction to creed or caste. They want money and to get that they must come again and again.

Sir, the Isa Khel tahsil has according to new census still a fair population of 63,581 and for their sake I earnestly appeal to you that the Government may be requested to do their duty to these people before it is too late to do anything. The whole population is passing days in uncertainty, suspense and fear. One can easily imagine what kind of life these

people must be leading. Nothing seems safe. Both life and property are at stake. The misdeeds of dacoits and raiders are falsifying the well-known axiom that British subjects enjoy peace and prosperity. Practically there is no peace and no prosperity in the Isa Khel tahsil and it is high time that the Government should do something. The future to the people is dark and only misery and ruin seem to be the end. Famine and drought have effected this tahsil equally and every one is feeling the strain. For this reason, I would humbly request the Government to bear all the expenses both of the wall and levy and thus have the people to breathe freely. I will add for the information of this Council that the wall around the city of Isa Khel would be hailed as a heavenly gift by a large number of people now living in the adjoining exposed villages and they will be simply glad to find homes for themselves inside the wall. If my resolution will get the assent of the Government after being passed by this Council, it would be necessary to form a committee consisting of the Deputy Commissioner and the Superintendent of Police, Mianwali, a few leading men of Isa Khel and myself, which would see that the levy men reserved for being posted at various passes are located at the most suitable and proper places and in sufficient number and thus we would also be able to guard the chief points of danger. With these suggestions, Sir, I conclude my speech and expect that official and non-official members will unanimously support my resolution which is of so vital importance to the inhabitants of the Isa Khel tahsil.

10-5 A.M.

The Hon'ble Sir John Maynard.—Sir, I would like to make it plain that the mover and the people of Isa Khel tahsil have the very heartiest sympathies of Government in this matter. It is the prime duty of the Government to secure life and property and the Government recognises that this duty must be fulfilled whatever be the cost of fulfilling it. Sir, this is the duty and the determination of the Government. But the Council must at least

assist the Government to this extent that it shall not seek to strike from the hands of the Government the weapons which it uses in the fight with crime. I listened a little while ago to the remarks of my learned and highly civilised friend opposite on the subject of the Frontier Crimes Regulation. As he spoke a picture came to my mind and I venture to give the Council an idea of what that picture was. I imagined to myself my learned and highly civilised friend opposite arguing with all the force at his command backed by all the High Court rulings trying to prove that the proceedings of the dacoits were contrary to all conceivable rules and I imagined on the face of the dacoits a somewhat sardonic smile as they listened to it. Sir, it is not possible to deal with rough things by means of smooth treatment. The Isa Khel tahsil, the most exposed portion of the whole of the Punjab, is cut off from the more civilised parts of the Province by the broad stream of Indus on the one side and on the other side is divided by the hills from the Frontier Province, I mean, the districts of Bannu and Kohat. It is isolated so that help reaches it with difficulty. It is exposed so that attacks are made upon it with comparative ease. It has always been subjected to such attacks but serious trouble of late years began from the Afghan war of 1919, when conditions across the frontier were such as to favour very frequent attacks on British territory. At that time military control was established. I know, Sir, that many people view with horror the idea of military control, but there are moments when even military control is better than the tender mercies of raiders and dacoits. And I understand from a number of residents of the Isa Khel tahsil that they are very thankful for the military control which saved them from the hands of even rougher people. With the withdrawal of military control the trouble began again and of late it has been very acute. It has been aggravated by political conditions across the frontier and by uncertainty regarding intentions of a neighbouring power. It has also been

intensified by a very serious drought—a drought on account of which men have not been able to find food or even water for themselves. As a result they have gone across into British territory in order to raid and to procure for themselves the means of living. Originally it was perhaps the practice of these dacoits to confine their attacks to wealthy Hindus but this has not been continued and they now also attack even the poor Muhammadan zamindars and remove from them their food supplies. There have been many dacoities in the Isa Khel tahsil but they have not been confined to Isa Khel tahsil only. But have also occurred in other districts of the Rawalpindi division. Well, Sir, certain remedies have already been applied. The first natural course was to increase the number of police in the frontier tract. Accordingly some 40 or 50 additional police were added to the Mianwali district of which Isa Khel forms part and very recently an additional force of 50 more has been sent to Isa Khel tahsil itself. Then, because it was found that service across the Indus was dangerous and was not popular, certain additions have been made to the pay of the police serving across the Indus—additions which bring their total emoluments to a scale which is in force in Bannu and Kohat districts. The Council will recollect that it has recently sanctioned the payment of this extra allowance. Another thing which has been done in order to reduce the disorderly state of tahsil is to connect police posts together by means of telephones. Also measures have been taken by the authorities of the North-West Frontier Province to make a complete chain of posts along the hills in order to protect the passage of raiders and to prevent their return after carrying out raids. One post is still wanting and the Government of the Punjab have recently addressed the Government of India on the question of completing this chain of posts by the erection of one at Paniala. Very lights and rocket signals have been supplied for night operations, and a number of rifles have been served out mainly in the

[Sir John Maynard.]

Bhangi Khel tract of the Isa Khel tahsil. It has also been arranged with the military authorities that as soon as fodder and water are available and the means of their transport have been made, a squadron of cavalry shall be employed in the Rawalpindi division—in the Isa Khel tahsil and also in other parts of the Rawalpindi division—if the situation still demands this measure in order to strengthen the hands of the police in dealing with dacoits. Yesterday a meeting was held at Rawalpindi between the Inspector-General of Police, the Commissioner of the Division and Deputy Commissioners and Superintendents of Police of the various districts concerned in order to concert measures for the suppression of the existing state of disorder. I had arranged myself to be present at that meeting and to preside over it but owing to the prolongation of the deliberations of this Council I have been unable to attend myself and the matter has therefore been left to the Commissioner. I have only to add that any suggestion which may be made in the speeches of the hon'ble members to-day will be communicated to the local authorities and in so far as they may be thought to be likely to have good results they will be utilised.

Mr. President.—It is usual to withdraw a resolution of this sort, which has only a local application, if the explanation of Government has proved satisfactory.

Khan Muhammad Saifullah Khan.—I will withdraw it after it has been further discussed.
10-19 A.M.

Mr. Ganpat Rai (Urdu).—Sir, I thank the Hon'ble the Finance Member for his kind and sympathetic speech on behalf of the Government. It would have been much better if this sympathy had taken a practical shape a few years earlier, but now that matters have gone too far I cannot thank the Government though nothing can prevent me from thanking the Hon'ble the Finance Member. In my estimation the increase in dacoities in Isa Khel and other out-of-the-way places of the frontier is due to the separation of

the North-West Frontier Province from the Punjab. It has been said that raids in Isa Khel are due to the scarcity and drought prevailing in the neighbouring tract of the country, which is not under the British rule, but whether there is a drought or not the Hindus have always been subjected to the attacks of the tribesmen. The people are at a loss to understand why a Government, which defeated the Germans and their allies in the Great War, is unable to repress a handful of dacoits. The dacoits are purposely encouraged to plunder the poor Hindus. This is not a new accusation which has been brought against the Government. The Government have been accused of the same several times before. The hon'ble mover has in his speech drawn the attention of the Council to the woeful condition of Isa Khel, and it behoves the Government to grant the inhabitants of Isa Khel the right of keeping fire-arms without license. I strongly support the resolution so ably moved by Khan Muhammad Saifullah Khan, and I hope that no time will be lost in carrying into effect the recommendations embodied in his speech.

10-24 A.M.

Mian Muhammad Shah Nawaz—(Urdu).—Sir, I am deeply interested in the affairs of the Frontier Province, I am personally acquainted with many of the grandees of the province, so that whatever I will say will be from my own personal knowledge of the province. There is no doubt about the fact that the inhabitants of Waziristan and other territories which are not under the British rule have made Isa Khel the scene of their constant raids. But these raids can be prevented if the residents of all exposed villages are exempted from the operations of the Arms Act, and thereby authorised to use arms in self defence. I may also point out that the police arrangements at Isa Khel are not of the best. If a militia were appointed consisting of men enlisted from among the inhabitants of the tahsil, and if they were properly armed there would be a substantial decrease in the number of

dacoities. Originally perhaps it was the practice of these dacoits to confine their attacks to wealthy Hindus but this has not been continued and they now also attack even the poor Mahomedan zamindars and remove from them their food supplies. It is a matter of great regret that nothing effective has been done up to now and as the raiders have always escaped with impunity they have grown more daring each time. The result is that the prestige of the Government is disappearing. It is high time that some effective measures were taken against the dacoits.

10-50 A. M.

Rai Sahib Lala Thakar Das (Urdu).—Sir, I do not wish to say much on this subject. I was recently told by a relation of mine, who is a resident of Bannu, that the dacoits are in the habit of kidnapping women, and they do not let them off unless and until a substantial ransom is paid to them. I was also told that several local bad characters are in league with the on-side raiders, who collect the ransom from these tribesmen, and that this fact is well known to the officers in charge of the district. I was told the story of a *Sahkar* who along with his two sons was kidnapped by the tribesmen. The dacoits demanded Rs. 35,000 as ransom, and as it did not reach them on the appointed day they murdered one of the boys and sent the headless trunk to his relations in the city. It is a matter of great regret that even in the face of such heart-rending occurrences no adequate measures for the suppression of dacoits have been taken by the Government.

Sayed Muhammad Husain (Urdu).—It is the prime duty of every Government to secure life and property, and I hope that since Sir John Maynard has given his promise to that effect, every effort will be made by Government to fulfil this duty whatever the cost may be. With these words I heartily support the resolution.

10-56 A. M.

The Hon'ble Lala Harkishan Lal (Urdu).—Sir, with your permission I

wish to say a few words on the resolution which has been so ably moved by Khan Muhammad Saifullah Khan. Like Mr. Shah Nawaz I, too, am well acquainted with the frontier and I have many relations living in that province. I cannot understand the attitude of some of the members. When the physician tells the patient that he has diagnosed his disease, it does not become the patient to talk again and again about his disease. When Sir John Maynard has said that a meeting was held yesterday at Rawalpindi between the Inspector-General of Police, Commissioner of the division and Deputy Commissioners and Superintendents of Police of the various districts concerned in order to concert measures for the suppression of the existing state of disorder, it is not fit to make so much fuss over the matter. Mr. Gaupat Rai has said in his speech that the dacoits are purposely encouraged to loot the Hindus, but I can say on my honour that this allegation is a pure fiction and has no foundation in fact. If the Isa Khel authorities are not doing their work properly it will not do to criticise them so severely because the officials concerned instead of making better arrangements for the protection of the people will try to vindicate themselves and thus no good will ensue from the criticism levelled against them.

Chaudhri Ali Akbar (Urdu).—Sir, I do not wish to dwell at length upon the resolution moved by Khan Muhammad Saifullah Khan. Although I am not personally acquainted with the North-West Frontier Province yet I can well imagine from the speeches which have been delivered to-day that the state of affairs on the frontier is indeed very bad and I, therefore, ask the Government to take prompt measures for the suppression of the dacoits.

10-44 A. M.

Maulvi Muharram Ali, Chishti (Urdu).—Sir, the learned speech and the consummate ability with which the hon'ble mover has moved the resolution deserve that his motion should at once be accepted. The hon'ble mover has in his speech given a detailed account of the hardships to which the people of Isa Khel are

M. Muhartram Ali Chishti.]

subjected at the hands of the dacoits, and has also suggested means of overcoming those hardships. In this connection it will be necessary to speak of the Frontier Crimes Regulation. The Regulation in question has got many disadvantages.

Mr. President.—Will the hon'ble member confine himself to the resolution?

Maulvi Muhartram Ali, Chishti.—I endorse the measures suggested by Khan Saifullah Khan, and I hope that the Government will not experience much difficulty in carrying into effect the measure suggested by him. For the suppression of the dacoits, it is not only necessary to grant the residents of Iaz Khel the right of keeping arms without licenses, but it is also necessary to suppress the agents of the dacoits who are residents of the territory owned by the British Government. Since the Government has promised to look carefully into the matter I request the hon'ble mover not to press for votes and to withdraw his resolution.

Chaudhri Muhammad Amin.—Sir, I move the closure.

Mr. President.—The motion before the Council is—

"That the question be now put."

The motion was carried.

Khan Muhammad Saifullah Khan (Urdu).—Sir, I have in my speech, clearly explained the necessity of the Levy, and I am obliged to the Hon'ble Sir John Maynard for the assurance he has given me. I cannot, however, help saying that there is a word of difference between a Levy and the ordinary Police. If any addition is made to the Police force, such addition should be treated as a Levy. I withdraw my resolution for the present.

Mr. President.—The hon'ble mover applies for leave to withdraw his resolution. The question is—

"That leave be given to withdraw the resolution."

The motion, was by leave withdrawn.

RESOLUTION RE LEGISLATION TO PREVENT APOSTACY FROM ISLAM.

10-51 A. M.

Chaudhri Muhammad Amin.—Sir, I beg permission to move

that this Council recommends to the Government to move the Government of India to legislate for saving marriages under Mahomedan Law from the effects of apostacy from Islam.

It might appear that the matter of legislation by the Government of India, on this question is not a matter with which the Punjab Government is primarily concerned, but I will try to show that the Government is primarily concerned in the matter. This province has such a large predominance of Muslim population that if the Muslim society in India is in danger on account of an evil arising out of the administration of civil law ours ought to be the first local Government to speak out and to take early steps to check the evil. Further, the danger which has prompted me to move this resolution has begun to take its roots more favourably in the Punjab than elsewhere and it is the sacred duty of this Government to point out to the Government of India that a certain evil has sprung up within this province and is not checked immediately it might spread to other provinces of the Indian Empire.

I would be the last Muslim to interfere by means of legislation, with any real and sincere desire for change of religion, be it apostacy from Islam among others. Every human soul has a birthright to profess any religion if it satisfies his enquiries and to shake it off if it can be replaced with one better suited to his ways of thinking. Freedom of thought and of belief ought to be the first asset of every Indian and where social bondages interfere with such a change a suitable remedy ought to be provided for lightening the severity of such bondages. The evil against which I raise my voice and for the uprooting of which I seek the help of this Council is not in any way based on any sincere change in ideas but it is based on false pretention

consisting in making a show of giving up Islam with the object of putting an end to the tie of marriage under Muhammadan Law. The administrators of law in this land have no doubt held that apostasy from Islam affects marriage only when it is based on a real lack of belief in the said religion but in practice it is extremely difficult, rather impossible, to make a judge to believe that the express professions of a person do not take their origin in his heart but are only the consequences of certain voluntary movements of his tongue produced with the object of putting an unbecoming end to his social relations. The Muslims as a community are very jealous about their religion and would not in any event allow the present Government to legislate on what are the tenets of their religion. Voices may be raised in this Council condemning me for seeking the help of legislation on the question of the effects of alleged apostasy from Islam. I will ask them to be patient and they might come to see that what they regard a religious tenet is not an unchangeable doctrine of Islam but is the judge-made law and one superseded rightly by subsequent judge-made law and that it is not the doctrine itself, but its misuse against which I solicit them to join with me. The theory that apostasy from Islam dissolves a Muhammadan marriage is not a doctrine of Quran, nor of the sayings of the Holy Prophet, but is at the best an enunciation from Muslim law. Such enunciations are based always on circumstances and are always apt to change with the change in circumstances. The history of Islam is full of such instances which cannot be enumerated here to-day. Whenever a religious community acquire the status of a political states invariably and very jealously it creates protective hedges round itself prescribing penalties for those abandoning it. The history of all the nations is full of such measures and there are many who down to recent times had prescribed death as penalty for leaving them and joining their opponents. The severity of the penalty

has always corresponded with the necessity of keeping the community intact. Islam is not the solitary state which at one time and in certain localities under certain circumstances punished apostasy with forfeiture of the status of marriage, with imprisonment and even with death. The Muhammadan jurists are divided into the ancient and modern schools on this particular question. The old school held that apostasy from Islam on the part of either party dissolved marriage *ipso facto* whether consummation had taken place or not. The modern school enunciated the doctrine in a more vivid and detailed form. In the case of apostasy by husband the marriage connection became unlawful, but the wife had to observe the period of *Iddat* and if the husband reverted to Islam within that period the marriage could be revived. This shows that according to this school of jurists the marriage does not dissolve *ipso facto* instantaneously, but remains in suspense till the period of *Iddat* is over. However in the case of apostasy by wife their enunciation of the law is much different from the above and they are again sub-divided into two schools. The Bokhara lawyers hold that irrespective of the religion she adopts she should be imprisoned and constrained to marriage again with the former husband. The Balakh and Samarkand lawyers hold that in case the wife goes to a *kitabiah* religion no dissolution of marriage takes place and they base their enunciation on (1) marriage with a *kitabiah* woman is lawful for a Moslem husband and (2) the law for compelling reversion of the wife to Islam cannot be enforced and holding the one part of the proposition would gain the very object for the evasion of which this theory of law was announced.

Now, from a series of judgments it appears that the Indian courts have given effect to the views of the ancient lawyers without giving due consideration to the developments that have taken place during the three last centuries in the Hanafi legal conception on the effects

[Ch. Muhammad Amin.] of apostasy on marriage. The Indian courts who had to act according to justice, equity and good conscience have chosen to follow the ancient lawyers and have construed their views wrongly. They have overlooked the fundamental difference of punishments to husband and to wife. For apostasy both are liable to punishment and forfeiture of civil rights but husband is liable to the penalty of death while wife is liable only to imprisonment till she resents. When the ancient lawyers say that on apostasy a *talak bain* occurs what they mean to say is that the rights springing from marriage relations are forfeited and they nowhere say that the wife need not observe her *Iddat* or the husband cannot condone his wife's apostasy. In administering Muhammadan Law our courts ought to have not forgotten that dissolution of marriage on apostasy was prescribed as a penalty for a certain offence against the State of Islam and that the commission of an offence may cause the forfeiture of certain rights but it never would have intended to discharge the offender from his duties under the contract of marriage. By their unauthenticated interpretation and administration of the Muhammadan Law the British Indian Courts have turned into a privilege and gain what was intended to be a punishment and forfeiture. The British Indian Courts are devoid of any power to sentence the husband to death or the wife to imprisonment for apostasy from Islam. The enforcement of this part of the law is an impossibility in most Moslem countries and much more so in India. The penalty should be administered as a whole or each case should be decided according to justice, equity and good conscience. The only inference that can be drawn from these changed circumstances is that apostasy has long ceased to be a State offence in India and no part of the penalty prescribed for it should be administered.

The consequence of this has been in the Punjab that the series of judicial

rulings are made the basis of a trade in women. The women who would have otherwise passed their lives very happily in the families of their respective husbands are, now, by unlawful means, induced to enter on a life against the sanctions of society merely on the hope of getting rid of the marriage tie under the pretended apostasy from Islam. As the judicial authorities on this subject consisting of cases in which conversion to Christianity was given out as a form of apostasy from Islam the traders in this impure business turned to Christian Missionaries. They as a class could not be shortsighted or insincere. They soon began to discourage such pretended conversions which as a rule lasted even on tongue for a few months. I have personal knowledge of cases in which Christian Missionaries of position and dignity refused to baptise such women as they thought that the professed change of religion was a pretence. This has brought into existence certain persons who are unable to give the names of their own baptisers or the name of the society who bestowed on them the status of a *Palari* but they hold registers in which they enter the names of such fallen women and grant them certificates of baptism of course after the receipt of a sum of money out of all proportions with the work they do. This business has found much prominence in the districts of Gujranwala, Lyallpur and Sialkot. Women of this sort are brought to these districts from distant places. As the business of these so-called preachers of Jesus Christ is very easily now some inventive brains have struck at a simple method consisting of pretending the giving up of Islam by declaring so in the written plaint and, further by appearing in the witness box for denouncing Allah, the Almighty, and the Sacred Quran and uttering certain bad names to the Holy founder of Islam.

Now, Sir, this is a state of affairs which no man possessing any sense of decency would be glad to see and I expect that the members of this Council,

without distinction of caste and creed, will support my motion which aims at the destruction of a social evil which has sprung from a wrong administration of the law of the faith of Islam.

Mr. President.—It now being eleven o'clock the debate must cease. The

Council will now be adjourned *sine die*. His Excellency's orders as to the prorogation of the Council will be taken, and when received will be communicated to members. The Council is now adjourned.

The Council was adjourned *sine die*.

NOTE.—By an order of His Excellency the Governor, dated the 4th of August 1931, the Council was prorogued unto a date to be hereafter fixed.

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PUNJAB LEGISLATIVE COUNCIL.

FOURTH SESSION.

Monday, 24th October 1921.

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

OATH OF OFFICE.

Mr. President.—The first business before the Council is to administer the oath of allegiance to the new members.

The following members were then sworn:—

- (i) E. R. Abbott, Esq., C.I.E.
- (ii) C. A. H. Townsend, Esq.
- (iii) N. H. Prenter, Esq.
- (iv) Khan Bahadur Malik Muhammad Amin Khan, O.B.E.

ANNOUNCEMENTS BY MR. PRESIDENT.

APPOINTMENT OF A SECRETARY TO THE COUNCIL.

Mr. President.—I have to inform the Council that in virtue of the powers conferred upon him by Rule 5 of the Punjab Legislative Council Rules, His Excellency the Governor has been pleased to appoint Kanwar Dalip Singh as Secretary to this Council. Kanwar Dalip Singh took charge of his office with effect from the 12th October. He will give his full time to the Council during sessions and his part time out of session. He will be permitted to continue his practice at the Bar.

VACANCY IN THE OFFICE OF DEPUTY PRESIDENT.

Mr. President.—I have to announce to the Council that Sardar Bahadur Mehtab Singh has resigned the Deputy Presi-

dency of the Council, and that this post is now vacant. Under Standing Order No. 5 (2) every member, who wishes to propose a member for election, must—

- (a) ascertain previously that the member is willing to serve if elected; and
- (b) hand to the President a notice in writing containing the name of the member he desires to propose signed by himself and some other member as seconder.

Proposals will be received in the Council office up to 3 p.m. on Friday, the 28th October 1921. Should an election be found necessary it will be held on Monday, the 31st October 1921, at 1.30 p.m.

PANEL OF CHAIRMEN.

Mr. President.—I have to announce to the Council that I have appointed the following gentlemen to serve on the panel of chairmen for the present session:—

Diwan Bahadur Raja Narendra Nath.

Mr. Manohar Lal.

Khan Bahadur Raja Muhammad Akbar Khan.

LIBRARY AND HOUSE COMMITTEES.

Mr. President.—I have to announce to the Council that I have asked the following

gentlemen to serve on the Library and House Committees for the present session :—

*Library Committee.**House Committee.*

- | | |
|---|---|
| 1. Diwan Bahadur Raja
Narendra Nath. | 1. Khan Bahadur Raja
Muhammed Akbar
Khan. |
| 2. Mr. Manohar Lal. | 2. Mr. Ganpat Rai. |
| 3. Mian Muhammad
Shah Nawaz. | 3. Bawa Hardit Singh,
Bedi. |
| 4. Pandit Danlat Ram
Kali. | 4. Khan Muhammad
Saifullah Khan. |
| 5. Mr. K. L. Ballis
Ram. | |
| 6. Mr. Ganpat Rai | |
| 7. Malik Firoz Khan,
Nun. | |

AMENDMENT OF RULE 14.

Mr. President.—I have to announce to the Council that, as a result of the resolution passed by this Council on the 15th March last, the Governor-General in Council, with the previous sanction of the Secretary of State, has been pleased to direct that Rule 14 of the Punjab Legislative Council Rules be altered. The rule will now run as follows :—

- "14. The business of the Council shall be transacted in English, but any member may address the Council in Urdu, or, with the permission of the President, in any vernacular of the Province."

AMENDMENTS OF THE STANDING ORDERS.

Mr. President.—I have to announce to the Council that His Excellency the Governor has given his assent, as required by section 72 (d) (6) of the Government of India Act, to the amendments, proposed by the Standing Orders Committee and passed by the Council at its meeting held on the 26th July last, to be made in the

Standing Orders. The necessary correction slips have accordingly been issued and will be found by the members in their places.

NEW INSTRUCTIONS.

Mr. President.—I desire to inform the Council that I have revised instructions Nos. 1 and 3 and issued a new instruction No. 7 to the following effect :—

Instruction No. 1.—Under Standing Order No. 5 (3), I direct that the ballot for the election of a Deputy President be taken by a card vote. Blank cards will be distributed to all members present; and the members will write thereon the name of the candidate for whom they desire to vote. Members will then hand in their cards to the Secretary, who will count the votes and inform the President of the result. If the candidates are more than two in number and at the first ballot no candidate has secured a majority of the votes given for all the candidates, then the candidate, who has secured the least number of votes, will be excluded and a second ballot taken. This process will be repeated until one candidate has secured a majority. If the votes of the two candidates last left in are equal, the President will give a casting vote.

This instruction supersedes the previous instruction on the subject bearing the same number.

Instruction No. 3.—Under Standing Order No. 18 I direct that copies of the answers to be given to questions standing on the list of business for the day be made available in the Council office for members putting questions, or for any other members authorised to act for them, at least half an hour before the Council is due to meet on the day concerned. When a member is called to put his question he will rise and say, either "I beg leave to put question No. " or "I request that the answer to question No. be laid on the table." The member concerned will then rise and either reply or lay the

answer on the table, as he thinks desirable. Questions will be put in the order in which they appear on the list of business.

This instruction supersedes the previous instruction on the subject bearing the same number.

Instruction No. 7.—In virtue of the powers conferred on me by Standing Order No. 7, I direct that a ballot be held not less than seven and not more than fourteen clear days before the opening day of each session to decide the priority of notices of Bills and Resolutions given by non-official members. To this ballot will be admitted all notices of Bills and Resolutions admitted by the President down to a date fifteen clear days prior to the opening date of the session. Priority will be determined in accordance with the order in which the names of members, whose notices have been admitted, are drawn at the ballot, and there will be one continuous list for the whole of the session. If a member has more than one Bill or Resolution standing in his name he must declare not later than the day on which the ballot is held to which he gives preference. Otherwise the one first admitted will be entered. When all the members have had their turn, a fresh cycle will be commenced in the same order and on the same principles. Notices admitted on a date later than fifteen clear days before the beginning of the session will take their chance at a second ballot to be held if, and when, it seems likely that the Bills and Resolutions admitted to the first ballot will be exhausted prior to the close of the session. Notice of the ballot will be sent to every member, and it will be held in the presence of the President or Deputy President and of such of the chairmen or members of the Council as care to be present. If a member is unable to be present he may authorise, in writing, any other member to act in his behalf.

CONFERENCE OF PRESIDENTS OF COUNCILS.

Mr. President.—I have to inform the Council that I attended the conference of Presidents of Councils at Simla in

September last. It was not thought desirable publicly to record any decisions by the conference as a whole, and I have no announcement to make of this nature. But valuable information was exchanged, and principles discussed, and I feel that I return to the performance of my onerous duties as your President fortified by all that I have learnt from my brother presidents.

QUESTIONS AND ANSWERS.

ACCOUNT IN THE *LOYAL GAZETTE* OF VILLAGE DUBHERAN.

942. Captain Sardar Gopal Singh.—

(a) Has the attention of the Government been drawn to the account of village Dubheran in the Rawalpindi District, published in the issue of the *Loyal Gazette*, dated 21st instant, in its column No. 1 on page 7?

(b) If so, will Government be pleased to enquire into the assertions made, and state what steps it proposes to take if the story given in the paper is true?

The Hon'ble Sir John Maynard.—The answer to this question is not yet ready; it will be communicated to the hon'ble member when ready.

POSSESSION OF ARMS WITHOUT LICENSES.

943. Captain Sardar Gopal Singh.—

With reference to the reply given to my question No. 476 on 25th July 1921, will Government be pleased to state the limit of punishment given to each person and not only the total number of persons punished?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The exact meaning of the question is not understood. If it is meant that the exact amount of punishment awarded to each individual on conviction should be tabulated and laid on the table, it may be pointed out that the time and labour involved would be disproportionate to the value of the information supplied.

GRANT-IN-AID TO THE M. B. HIGH SCHOOL, RUPAR.

944. **Mr. Ganpat Rai.**—(a) Will Government be pleased to state the approximate total grant-in-aid to the M. B. High School, Rupar, according to paragraphs 12 and 14 of the Government letter No. 10175, dated the 24th December 1919, for the following periods :—

(a) From April 1919 to March 31st 1920, due on the 1st April 1920 ?

(b) From 1st April 1920 to 31st March 1921, due on the 1st April 1921 ?

(ii) If a grant in accordance with the provisions of letter No. 10175 were given to the Municipal Committee, then approximately what recurring expense would the Municipal Committee have to pay from its own funds as the net loss from the 1st of April 1921 to 31st of March 1922 ?

(iii) Is it a fact that the Municipal Committee, Rupar, passed a resolution on the 26th May 1921 that the High School of Rupar should not be given over to the Government, and that on the 20th July 1921 it passed a fresh resolution that it should be so given over ? If so, is not such action contrary to bye-laws Nos. 15 and 23 of the Rupar Municipality ?

(iv) Have telegrams of the 21st July and 22nd July 1921 published in the *Tribune* about the Rupar School come to the notice of the Government ? Will the Government make an enquiry into the allegations contained in them ?

(v) Is it a fact that the President of the Voters' Association made a request to the Municipal Committee to take the school under its own control, with the condition that on the managing committee four members should be nominated by the Municipality ? If so, what were the reasons for the request not being granted, and is not this refusal against the policy of Government regarding Secondary Education ?

(vi) Is it a fact that a petition was presented on behalf of the Rupar public, dated 18th July 1921, that the Committee should keep the school under its own control. If so, what orders were passed on the petition ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) (a) The school was not in receipt of grant-in-aid, and the circular referred to was not to have retrospective effect.

(b) It has not been calculated, and the premises for it are not at present available.

(ii) In view of (i) (b) above, this part of the question cannot be answered.

(iii) The statement of fact contained in the question has not been checked.

(iv) The answer to the first part is in the affirmative and the enquiry suggested on those points can be made.

(v) Government has been receiving a number of representations from Lala Guru Das, Soni, Sahib, and from Lala Ganga Ram, Sharma, and counter-representations from others representing Muslim and Hindu institutions, and questioning the representative character of the representation made by Messrs. Guru Das, Soni, and Ganga Ram, Sharma; and impeaching the latter's motives, objects, etc.

(vi) Government is not aware of the allegations of fact contained in this part, but the matter can be enquired into.

Mr. Ganpat Rai.—May I ask, Sir, when we should expect the information as regards parts (i) and (ii) of my question. The answer states that the calculations have not been made and premises for the school are not at present available. When will the information be supplied ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—As soon as the officers in charge are able to make a report the matter will be made available to the hon'ble member. I cannot fix any definite period.

**GOVERNMENT GRANT TO HIGH SCHOOLS
UNDER LOCAL BODIES.**

945. Mr. Ganpat Rai.—If the Government were to give the grant described in its letter No. 10175, dated the 24th December 1919, to all High Schools under Local Bodies, then what approximately would be the sum to be paid as recurring expenditure by the Government; and if the Government were to take these schools under its own control, then approximately what recurring expenses would have to be borne by the Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The necessary information in regard to these schools which desire provincialisation is being collected.

Mr. Ganpat Rai.—May I know when the information may be expected? I gave notice of these questions about a month before the meeting.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The exact period will be enquired from the Director of Public Instruction, and as soon as a communication on the subject is received it will be made available to the hon'ble member.

**STATISTICS OF GOVERNMENT GRANTS TO
HIGH SCHOOLS UNDER LOCAL BODIES.**

946. Mr. Ganpat Rai.—Will Government be kind enough to publish information as per Tables Nos. A, B, C (attached)* for the benefit of the public, and the Municipal and District Boards?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The opinion of the Education Committee of the Council will be invited as to whether statistics of this nature should be included in the Annual Report.

GOVERNMENT GRANT TO HIGH SCHOOLS.

947. Mr. Ganpat Rai.—Will Government, with reference to paragraph 14 of

letter No. 10175, dated the 24th December 1919, state whether any grant-in-aid to any High School in the Province has been given from 1st April 1920 as mentioned in that paragraph? If not, what are the causes of the delay and when are these grants expected to be made?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—No grants have yet been sanctioned. Information from all Divisional Inspectors has not yet been received and the whole matter is under consideration.

**FLOW OF WATER IN THE NEW TALIRI
CANAL.**

948. Khan Muhammad Abdullah Khan. (4) Will the Government be pleased (a) to state how many cubic feet of water the new Taliri Canal was estimated to run at the time of its preparation and how many cubic feet has been its discharge so far; and (b) to direct the Irrigation Department, Muzaffargarh, to allow the full proposed and estimated discharge?

(4) If not, why not?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) The designed full supply of the Taliri Canal is about 750 cusecs. A statement is laid on the table showing the actual discharges passed down the canal during July and August 1921.

July and August are the only two months in the season during which adequate supplies are, as a rule, available for Inundation Canals, supplies which depend chiefly on the level of the water surface in the river.

(b) The supply in the canal being dependent on the water in the river, which in itself depends for its supply on Providence, the Irrigation Branch cannot guarantee a full proposed estimated discharge. The canals not being weir controlled, the Irrigation Branch does its best to distribute the supply that the canals get from the river.

Statement showing Gauges and Discharges of Talari Canal during the months of July and August 1921 (above and below regulator).

JULY 1921.				AUGUST 1921.			
Date.	Head Regulator.		Discharge.	Date.	Head Regulator.		Discharge
	Above.	Below.			Above.	Below.	
1-7-21	8.8	8.8	353	1-8-21	8.6	5.5	720
2-7-21	8.5	8.5	307	2-8-21	9.0	5.5	720
3-7-21	8.2	8.2	265	3-8-21	9.5	5.0	614
4-7-21	8.0	8.0	237	4-8-21	9.4	5.0	614
5-7-21	2.6	2.6	187	5-8-21	9.4	5.0	614
6-7-21	2.4	2.4	164	6-8-21	9.5	5.0	614
7-7-21	2.5	2.5	175	7-8-21	9.4	5.0	614
8-7-21	2.8	2.8	212	8-8-21	9.6	5.0	614
9-7-21	8.0	8.0	237	9-8-21	9.2	5.0	614
10-7-21	8.1	8.1	251	10-8-21	9.6	5.0	614
11-7-21	8.0	8.0	323	11-8-21	9.2	5.1	634
12-7-21	8.7	8.7	338	12-8-21	9.3	5.1	634
13-7-21	4.1	4.1	402	13-8-21	7.5	5.3	720
14-7-21	4.8	4.8	524	14-8-21	7.2	5.4	699
15-7-21	5.3	5.3	622	15-8-21	9.0	5.1	624
16-7-21	5.6	5.6	662	16-8-21	9.4	5.8	678
17-7-21	5.8	5.8	803	17-8-21	9.7	5.8	678
18-7-21	5.6	5.6	787	18-8-21	10.1	5.3	678
19-7-21	5.4	5.4	711	19-8-21	9.0	5.3	678
20-7-21	5.1	5.1	646	20-8-21	8.3	5.3	678
21-7-21	4.7	4.7	549	21-8-21	8.4	5.3	678
22-7-21	4.4	4.4	480	22-8-21	8.0	5.0	614
23-7-21	4.7	4.2	456	23-8-21	8.5	3.5	335
24-7-21	4.5	4.5	508	24-8-21	2.7	2.7	217
25-7-21	5.5	5.5	720	25-8-21	2.3	2.3	167
26-7-21	5.6	5.6	743	26-8-21	2.2	2.1	142
27-7-21	8.0	8.0	835	27-8-21	2.4	2.4	179
28-7-21	8.2	8.0	835	28-8-21	3.4	3.4	319
29-7-21	9.0	6.1	868	29-8-21	4.0	4.0	421
30-7-21	9.7	6.1	868	30-8-21	3.9	3.8	885
31-7-21	9.5	5.5	720	31-8-21	6.5	3.4	819

CANALS IN THE MUZAFFARGARH DISTRICT.

949. **Khan Muhammad Abdullah Khan.**
 —(i) Will the Government be pleased to say (a) which canals in the Muzaffargarh district have been provided with *Mogas*, (b) how much land area is to be irrigated by each *Moga*, (c) how much area is actually irrigated, and if this is less than the proposed area, then what is the reason?

(ii) Is it a fact that rice cultivation is the chief feature of the Muzaffargarh

District and that this crop requires a sufficient quantity of water for its proper growth? If so, is the Government satisfied that it is receiving a sufficient supply of water? If not, will the Government direct the Canal Department, Muzaffargarh, that they should take immediate steps to remedy this defect?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—The information is being collected and will be handed to the hon'ble member as soon as it is ready.

ESTABLISHMENT OF SENIOR SUB-JUDGE, MUZAFFARGARH.

950. Khan Muhammad Abdullah Khan.—Will the Government lay on the

table a list of subordinate officials serving under the Senior Sub-Judge, Muzaffargarh, showing how many of them are Hindus and how many are Musalmans?

The Hon'ble Sir John Maynard.—The statement asked for is laid on the table:—

List of Subordinate officials serving under the Senior Sub-Judge, Muzaffargarh.

1	2	3	4	5	6
Serial No.	Names of posts.	Number of Hindu officials.	Number of Sikh officials.	No. of Muhammadan officials.	REMARKS.
1	Clerk of the Court	1	...	...
2	Readers	2	1	3	
3	Ahmada	3	...	3	
4	Civil Nazir	1	...	...
5	Naib Nazirs	3	...	4	
6	Madad Naib Nazirs and Madad Muharrirs	6	...	3	
7	Bailiffs	5	1	5	
8	Process-Servers	23	...	49	
9	Orderlies	5	...	2	
	Total	49	2	69	

INCREMENTS IN THE PAY OF JUNIOR CLERKS IN IRRIGATION DEPARTMENT.

951. Chaudhri Ali Akbar.—Is it a fact that the junior or assistant clerks of the Punjab Irrigation Department have got increments of less than 40 per cent. and in certain cases of not more than 5 per cent.? If so, what are the reasons?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—Junior clerks in the Irrigation Department have been allowed pay in the revised scale of 1920 according to their length of service limited by the percentage restrictions imposed un-

der the orders of the Government of India for all subordinate establishments in the Punjab. The percentage of increase received by each clerk varies according to the pay drawn on 30th September 1920 and length of service; and this is unavoidable where time scales are introduced for the first time.

INCREMENTS IN THE PAY OF DRAFTSMEN OF THE IRRIGATION DEPARTMENT.

952. Chaudhri Ali Akbar.—Will Government be pleased to state if it is a fact that the draftsmen of the Punjab Irrigation Department have not been granted increments similar to those granted in

other departments of Government since October 1920. If so, what are the reasons?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia—The reason why draftsmen of the Public Works Department were not granted an increase of pay at the same time as other establishments is that their revised scales of pay were then still under consideration of Government. These have since been sanctioned and announced.

ASSISTANT HEALTH OFFICER, SIMLA.

953. Dr. C. A. Owen—Arising out of the answers to questions Nos. 498 and 499 (c), will the Government be pleased to state the source from which the Military Assistant Surgeon is being paid (a) grade pay and (b) allowances and house-rent?

(i) If the whole is paid from one source only—whether Government or the municipality—is Government prepared to pay this officer's salary and to leave it to the municipality to pay his allowances and house-rent?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—

(i) Both (a) grade pay and (b) allowances and house-rent are paid by the municipality from its own funds.

(ii) The suggestion is already under the consideration of Government.

954. Dr. C. A. Owen—Arising out of the answer to question No. 500 (ii) (a), is it a fact that a copy of a resolution was forwarded by the municipal committee to Government in August 1921 revising the emoluments of the Assistant to the Health Officer, Simla? If so, what action was taken upon it?

(b) If revision is to be made, from what date is it to have effect? If not from the 1st April 1920, why not?

(c) Is it a fact that this officer has served almost 18 months in his present appointment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—

(a) No such communication has been received by Government.

(b) This will be considered on receipt of the communication referred to.

(c) Yes.

PERMANENT AND TEMPORARY ASSISTANT SURGEONS IN THE PROVINCE.

955. Mr. K. L. Railla Ram—(i) Will the Government be pleased to state the total number of (a) permanent Assistant Surgeons employed in the Province, (b) their permanent cadre and (c) temporary Assistant Surgeons employed?

(ii) Is it a fact that a large number of vacancies on the permanent cadres have not been filled up for a number of years? If so, will the Government be pleased to issue orders that all posts on the permanent cadre should, as in the case of other services, be filled up as vacancies occur?

(iii) Will the Government be pleased to furnish information as to the following matters :—

(a) Does not the entertainment of a large number of temporary Assistant Surgeons indicate the insufficiency of the permanent cadre of the service?

(b) How much continuous temporary service does an Assistant Surgeon put in on the average before he becomes permanent?

(c) Does this continuous service count towards pension or promotion on confirmation? If not, does Government propose to take any steps in the matter?

(d) Do temporary Assistant Surgeons get any increment of pay during the period of temporary service they have to pass before confirmation? If not, will the Government be pleased to state its reasons for this rule?

(e) Is it a fact that under recent orders of the Government of India temporary service

has been counted for purposes of increment on the time-scale in the case of Imperial Services, and that a similar benefit is enjoyed by the Provincial Educational Service and the Sub-Assistant Surgeons in the Punjab? If so, will the Government please state why the same principle has not so far been applied to the case of the Provincial Medical Service?

Military duty. Their names were however, borne, on the Punjab Medical List with a view to their being provided with permanent appointments, a promise of which was given to them if they volunteered for Military duty.

(b) Ordinarily an Assistant Surgeon has to put four or five years' temporary service before he is confirmed. But the confirmation of temporary Assistant Surgeons depends on the occurrence of permanent vacancies.

(c) No. Temporary service does not count for pension or promotion on confirmation. The question is at present under the reconsideration of Government.

(d) Temporary Assistant Surgeons do not receive increment of pay. The Government of India orders are that temporary service rendered by Assistant Surgeons should not count for increments.

(e) Yes. Under recent orders of the Government of India temporary service has been counted for purposes of increment on the time-scale in the case of Civil Sub-Assistant Surgeons as already stated. The question of allowing a similar concession to Civil Assistant Surgeons is being reconsidered by Government.

The Honble Khan Bahadur Mian Fazl-i-Husain.—(i) The total number of permanent Assistant Surgeons employed in the Punjab is 91. The number of permanent appointments sanctioned for Assistant Surgeons is 136. There are 135 temporary Assistant Surgeons whose names are borne on the Provincial List. Of these 25 are employed in temporary appointments and 45 are on Military duty. The remaining 65 are employed in permanent appointments, and in vacancies due to leave and deputations.

(ii) The vacancies that occurred during the period of the war have not been filled up in the interests of the Assistant Surgeons as the temporary officers who were to be confirmed were on Field Service and it was not known whether all or how many of them would revert to the Civil Medical Department. As a matter of fact, many have been granted permanent Commissions in the I. M. S. and vacancies that would have gone to them have gone to others who are being confirmed from earlier dates than would have been the case if confirmations had not been deferred. The Assistant Surgeons have thus benefited by the intentional delay very materially. Now that most of the temporary Assistant Surgeons have reverted from the Military steps have been taken to fill up existing vacancies.

(iii) The information asked for is given below :—

(a) No. Most of the temporary Assistant Surgeons were recruited and transferred to

NON-CO-OPERATION AND NATIONALISATION OF SCHOOLS IN THE PUNJAB.

956. **Mr. K. L. Radia Ram.**—Will the Government kindly state—

(a) how many schools in the Punjab have been nationalised in consequence of non-co-operation movement?

(b) how many head Masters, or assistant teachers, of those schools have been accepted in Government or Board service?

(c) what were their qualifications and what the salaries that they were drawing in those schools, and in what grades have they been placed in Government or Board service?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a), (b) and (c). I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

M. A. AND B. A. B. T. TEACHERS.

957. Mr. K. L. Rallia Ram.—Will the Government make it a point to give M. A. B. T's a start higher than that usually allowed to B. A. B. T's and to arrange facilities for their speedy promotion from one grade to the other?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member's suggestion that B. A. B. T's should be paid lower salaries than M. A. B. T's will receive due consideration.

INCREASE IN THE EXPENDITURE ON TUITION IN AIDED SCHOOLS.

958. Mr. K. L. Rallia Ram.—(a) Is it a fact that the expenditure on tuition in aided schools has lately been much increased on account of a considerable increase in the salaries of teachers in these schools consequent on a rise in the salaries of teachers in Government schools?

(ii) If so, does the Government consider it desirable to help the aided schools financially by revising the existing grant-in-aid rules and making them more liberal?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) It is a fact that many private schools have increased the salaries of their teachers and have therefore increased their expenditure.

(ii) The matter of grant-in-aid to private schools is under consideration, but no opinion can be expressed as to making the rules financially more liberal.

MILITARY ASSISTANT SURGEONS IN CIVIL EMPLOYMENT.

959.—Dr. C. A. Owen.—(a) Is it a fact that Military Assistant Surgeons on the Provincial Cadre are selected for appointments in a Province according to their seniority in that particular Province and not by years of service in another Province or the Department?

(b) If the answer is in the affirmative, will the Government be pleased to state why two Military Surgeons of the I.M.D., who entered the Punjab during 1921, were given select appointments over those who had previously entered the Province, and what steps they propose to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Assistant Surgeons of the Indian Medical Department in Civil employ are ordinarily selected for appointments in the Province according to seniority except in the case of appointments requiring special qualifications and previous experience when the Assistant Surgeon fulfilling these conditions is appointed. As regards seniority in the Province, this is regulated ordinarily by date of appointment to the Province but if an Assistant Surgeon is transferred from Civil employ in one Province to Civil employ in another Province in the interests of the public service, he counts service for seniority from the date of his original entry into Civil employ in the Province from which transferred. But if sent from one Province to another at his own request he is placed junior to all others who joined the Province before him.

(b) More than two Assistant Surgeons of the I. M. D. joined the Province this year and unless the two particular appointments referred to are specified it is not possible to answer the question.

**TRANSFERS OF SCHOOLS TO GOVERNMENT
BY LOCAL BODIES.**

960. Mr. Ganpat Rai.—Will the Government be pleased to state—

- (a) how many high schools down to the 15th September 1921 have been transferred from local bodies to the Government with reference to Punjab Government letter No. 10175, dated 24th December 1919?
- (b) how many high schools it intends to take over before 31st March 1922?
- (c) whether the M. B. High School, Rupar, will be taken over this year or not?
- (d) how many local bodies (with details of names) have passed resolutions expressing their willingness to hand over their schools to the Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—

- (a) Eleven.
- (b) The matter is under consideration.
- (c) It is impossible to say, but the decision will be in accordance with the principle adopted for similar cases.
- (d) The information is being collected.

Mr. Ganpat Rai.—May I again ask, Sir, when we are likely to get this information, as my complaint is that the questions were sent exceptionally in advance in time and the information has not been supplied?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member is not apparently aware of the mass of information which a single question calls for. As a matter of fact the Director of Public Instruction has to collect this information through the Divisional Inspectors of Schools, who again in their turn have to ask the various Head Masters through the District Inspectors of Schools. These questions involve minute calculations

as to numbers, as to money and so forth, and most of these schools are not ready to supply the figures within a week and sometimes not even within a month. If the hon'ble member has any influence with some of these schools I have no doubt the Government will be very grateful if these schools could be hustled into placing the figures required at the disposal of the Inspectors of Schools as soon as possible.

961. Mr. Ganpat Rai.—Will the Government be pleased to state—

- (a) whether the circulars issued from time to time by the Director of Public Instruction suggesting to Local Bodies to hand over their schools to Government, with reference to the above letter No. 10175, dated 24th December 1919, contained a full statement of the estimates of the grants-in-aid which would be due to them under paragraphs 12 and 14 of the same letter, if they preferred to maintain their schools?
- (b) if no such estimates were given in the circulars, then why were they not given, and will the Government be prepared to give a chance to the Local Bodies to reconsider their position in the light of the estimates of grants-in-aid due to them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Government has no information as to the desire of Local Bodies to reconsider their position, but Government is anxious that Local Bodies should address themselves to the problem of free primary education in the interests of the masses, and till they have done their duty by the masses, does not deem it right to encourage them to spend their resources on secondary education.

It may also be mentioned that the circular referred to by the hon'ble member has been under consideration, and its modification discussed in the interest of primary education.

MUNICIPAL HIGH SCHOOL, RUPAR.

962. Mr. Gaupat Rai.—Will the Government be pleased to state—

(a) whether the approximate sum which the Municipal Committee, Rupar, is spending from its funds per mensem to run its High School is Rs. 236?

(b) whether it is a fact that Lala Guru Das, Soni, B.A., LL. B., Secretary, Voters' Association, Rupar, deposited with the Municipal Committee, Rupar, a cheque for Rs. 1,652 to meet the loss for the remaining months from 1st September 1921 to 31st March 1922 to enable the Committee to retain the High School?

(c) whether it is a fact that Pandit Ganga Ram, Sharma, Municipal Commissioner, executed a registered bond as security for Rs. 5,664 to meet the loss for the next two years from 1st April 1922 to 31st March 1924 if the Committee retained the school?

(d) whether it is a fact that Lala Guru Das, Soni, B.A., LL.B., Secretary, Voters' Association, Rupar, has memorialised the Minister for Education to interfere in the matter and cancel resolution No. 24, dated 20th July 1921, concerning the transfer of High School, Rupar, to Government, and, if so, will the Government be pleased to state what action it has taken on his request, and if no action has been taken so far, what is the further intention of the Government?

(e) whether it is a fact that Mr P. L. Chandu Lal, Sub-Divisional Officer and the official President of the Municipal Committee, Rupar, rejected the above-mentioned proposal of Lala Guru Das, Soni, without consulting the

educational sub-committee on the point and without laying it before the members of the Committee, and, if so, whether in doing so he has not exceeded his powers?

The Hon'ble Khan Bahadur Mian Fazal-i-Husain.—The statements made in (a), (b), and (c) will be checked.

Government has been receiving a number of representations from Lala Guru Das, Soni, and from Lala Ganga Ram, Sharma, and counter-representation from others representing Muslim and Hindu institutions, and questioning the representative character of the representation made by Messrs. Guru Das, Soni, and Ganga Ram, Sharma, and impeaching the latter's motives, objects, etc.

(2) The answer to the first part is in the affirmative. The answer to the second part is that the matter is being enquired into.

(e) Government at present has no information on the subject, and so the last part of this clause does not arise for answer.

PUNJAB EDUCATION CODE.

963. Mr. Gaupat Rai.—Will the Government be pleased to state—

(a) whether the amendment of the Punjab Education Code is complete or not?

(b) if it is complete, when it is expected to be published?

(c) if it is not complete, then will the Government state the reasons for the delay?

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

(a) The revision of the Code has not yet been completed.

(b) It is difficult to make any definite statement, but there will be no unnecessary delay.

(c) The delay has been caused by the device to incorporate certain changes which are now under consideration.

PRIMARY SCHOOLS STARTED BY PRIVATE EDUCATIONAL SOCIETIES.

964. Mr. Ganpat Rai.—Will the Government be pleased to state—(a) the number of primary schools started by private educational societies in each district during the year ending 31st March 1921; (b) how many of these schools in each district have been recommended for a subsistence allowance at the rate of Rs. 5 per mensem as provided by the Punjab Education Code; (c) how many of these schools in each district have been given a regular annual grant?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when it is received.

POWER OF LOCAL BODIES TO APPOINT INSPECTING OFFICERS OF SCHOOLS.

965. Mr. Ganpat Rai.—Will the Government be pleased to state whether a Local Body is a competent authority, within the meaning of section 5, Punjab Education Code, to appoint its own Inspecting Officers; if not, is the Government prepared to make Local Bodies and specially the Municipal Committees such competent authority in the Education Code now under consideration?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The reply to the first part of the question is in the affirmative; such being the case the latter does not arise.

NON-OFFICIAL PRESIDENTS OF MUNICIPAL COMMITTEES.

966. Mr. Ganpat Rai.—Will the Government be pleased to state—

- (a) the result of the Punjab Government letter (Education Ministry) No. 2266, dated the 21st January 1921, regarding the substitution of

non-official for official Presidents of Municipal Committees?

- (b) what municipalities had non-official Presidents before this year?
- (c) what municipalities have passed resolutions to replace official by non-official Presidents after this year?
- (d) in case (c) of what municipalities the official Presidents have been withdrawn by the Government?
- (e) what municipalities have non-official Presidents down to 1st October 1921 and after?
- (f) why it has not withdrawn the official President from the Lahore Municipality?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) Since the issue of the Punjab Government letter No. 2266, dated the 21st January 1921, the election of non-official presidents in the following municipalities has been notified:—

- | | |
|------------------|------------------|
| (1) Hissar. | (8) Alipur. |
| (2) Rohtak. | (9) Narowal. |
| (3) Jhajjar. | (10) Gujranwala. |
| (4) Bahadurgarh. | (11) Kunjah. |
| (5) Ferozepore. | (12) Rawalpindi. |
| (6) Amritsar. | (13) Lyallpur. |
| (7) Pathankot. | (14) Multan. |

(b) Before the 1st of January 1921 the following municipal committees had non-official presidents:—

- | | |
|-----------------|-----------------------|
| (1) Hodal. | (12) Gurdaspur. |
| (2) Faridkot. | (13) Batala. |
| (3) Karnal. | (14) Dera Baba Nanak. |
| (4) Jagadhri. | (15) Pasrur. |
| (5) Buriya. | (16) Wazirabad. |
| (6) Hoshiarpur. | (17) Gujrat. |
| (7) Kartarpur. | (18) Jalalpur Jattan. |
| (8) Nakodar. | (19) Dingah. |
| (9) Nurmahal. | (20) Gojra. |
| (10) Banga. | (21) Khangarh. |
| (11) Baikot. | |

(c) The information is not available and is being collected.

(d) The question does not arise in view of the reply to (c).

(e) A statement is laid on the table.

(f) The hon'ble member has not referred to any provision of law or rules under which Government can withdraw presidents of municipalities, and in view of this the question of Lahore does not arise.

Statement showing municipalities with non-official presidents down to 1st October 1921.

1. Hissar.	18. Batala.
2. Hodal.	19. Dera Baba Nanak.
3. Faridkot.	20. Pasrur.
4. Karnal.	21. Narowal.
5. Rohtak.	22. Amritsar.
6. Jhajjar.	23. Wazirabad.
7. Jagadhri.	24. Gujranwala.
8. Buriya.	25. Gujrat.
9. Pakhadurgarh.	26. Jalsalpur Jattan.
10. Ferozepore.	27. Dingah.
11. Hoshiarpur.	28. Kunjah.
12. Kartarpur.	29. Rawalpindi.
13. Nakodar.	30. Lyallpur.
14. Nurmahal.	31. Gojra.
15. Banga.	32. Multan.
16. Raihot.	33. Khangarh.
17. Gurdaspur.	34. Alipur.

35. Pathankot.

WORKING OF CHOS ACT IN HOSHIARPUR DISTRICT.

967. **Sardar Bakhtawar Singh.**—(a) Will Government be pleased to say if the enquiry to be made by the Commissioner, Jullundur Division, into the working of the Chos Act of 1900 in the Hoshiarpur District has been completed?

(b) If the answer is in the affirmative, then what is the result?

(c) If the answer is in the negative, then how far has the enquiry proceeded and when is it likely to be completed?

The Hon'ble Lala Har Kishan Lal.—The Commissioner, Jullundur Division, has been asked to intimate the result of his enquiry and an answer to the hon'ble member's question will be given as soon as the reply is received.

METALLING OF THE NAWASHAHR-DOABA ROAD.

968. **Sardar Bakhtawar Singh**—(a) Is it a fact that the road connecting the Nawashahr-Doaba Railway Station and the main road (Hoshiarpur-Rupar) is unmetalled and is almost unusable in the rainy season?

(b) If so, is the Government ready to urge the District Boards of Jullundur and Hoshiarpur to metal the road?

(c) If the said District Boards are unable to do so for want of funds, is the Government prepared to provide the necessary funds in whole or in part?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

RUPAR SUB-DIVISION.

969. **Sardar Bakhtawar Singh.**—Was a proposal considered by the Government before the great war to change the Rupar Sub-Division into a district by adding to it some portions of the tahsils of Una and Garhsbhanar.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha.—The reply is in the negative.

LEGISLATION PRESCRIBING PUNISHMENT FOR RUNAWAY WIVES.

970. **Sardar Bakhtawar Singh**—(a) Is it a fact that cases under section 498, I. P. C., are daily increasing in some districts?

(b) If so, what checks does the Government propose to impose?

In particular is the Government ready to introduce legislation prescribing a punishment for runaway wives in those districts in which the public demands such punishment through their district boards?

The Hon'ble Sir John Maynard.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

AWARD OF RECTANGLES TO GENTRY.

971. Sardar Bakhtawar Singh.—(a) Is it a fact that when rectangles were awarded to the gentry class in the Punjab, some respectable leading families and many families of minor note received none?

(b) If so, will the Government award rectangles to such families in the near future?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—(a) Yes.

(b) Owing to scarcity of land and other reasons Government is unable to give an undertaking.

Sardar Bakhtawar Singh.—What are the other reasons mentioned in the answer?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia.—I am afraid, Sir, I must have notice of that.

POSITION OF THE DEPUTY PRESIDENT.

The Hon'ble Sir John Maynard.—Mr. President, you have informed us that the Council will shortly be invited to elect a new Deputy President. At the time that the Deputy President, who has just resigned his position, held the place there was some doubt regarding the precise limits of the rights of the Deputy President to intervene in the debates in this Council. I think it would be a satisfaction to all of us if you, Mr. President, would express an opinion as to the precise limits within which a Deputy President may properly take a share in the debates.

Mr. President.—The Hon'ble the Finance Member has raised a matter of some constitutional importance and I should like to take time to consider it. In the meantime I suggest to the Council

that it should appoint a small committee to consult with me and to advise the Council. If this suggestion is approved the committee can meet on Wednesday morning and report to the Council at latest on Thursday. I feel that it will be better if possible for the Council itself to consider the question and not to depend solely on my guidance, though of course I recognize that the matter is one on which the Council may rightly ask for the opinion of its President.

Diwan Bahadur Raja Narendra Nath.—I think that it is absolutely necessary that the functions of the Deputy President should be clearly defined. Although the Council has absolute confidence in your judgment, yet I think it would be desirable to refer the matter to a committee, as has been suggested by yourself. The appointment of the Deputy President is provided for by Standing Order 5, and I think it would be better that this question should also be referred to the Standing Orders Committee instead of our taking the trouble of appointing a new committee. If there are any gentlemen on the Standing Orders Committee who are thinking of standing as candidate, they need not take part in the discussion—in fact they may withdraw from the discussion—but I think it would be useless trouble and labour to appoint a fresh committee. I move—

"that the question of the duties and functions of the Deputy President be referred for report to the Standing Orders Committee."

Mr. Firoz Khan, Nun.—May we know the names of the members of the Standing Orders Committee?

Mr. President.—The members elected to serve on the Standing Orders committee by this Council on the 11th of March last were:—

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.

Sardar Kartar Singh.

Mr. President.
Mr. E. Joseph.
Diwan Bahadur Raja Narendra
Nath.
Sayad Muhammad Husain.
Khan Bahadur Diwan Abdul Hamid.
Mian Muhammad Shah Nawaz.

The President and Deputy President were also on the Committee *ex-officio*.

Mr. Ganpat Rai.—With reference to the question raised by my friend Raja Narendra Nath I wish to say that a fresh committee should be elected, as he admitted the possibility of one or more members of the Standing Orders Committee being candidates. Therefore it would be better that they should not take part in voting and therefore I would say that the suggestion that has come from you should be adopted rather than that of Raja Narendra Nath.

Diwan Bahadur Raja Narendra Nath.—I only think that there is unnecessary trouble and labour involved. We have to determine the number of members. Then we have to elect them. Are they to be appointed by election? My friend has not made this point quite clear. How many members will constitute the committee? All this will take a long time. It is only to facilitate all this that I have moved the motion. I have no other particular object in view.

Pir Akbar Ali.—I strongly support Raja Narendra Nath because his proposal will save time and unnecessary proceedings in the council.

The motion was then put to the Council and carried.

RULING ON FINANCIAL PROCEDURE.

Mian Muhammad Shah Nawaz.—You may remember I, Sir, that on the 25th of July last objection was taken to the way in which Government was presenting its demands for supplementary grants and to the action of the Public Accounts Committee

in advising the Government on matters of public expenditure. It was also urged by me that the Council had no power to delegate its authority to the Accountant-General to transfer money from one grant to another. You were pleased then to state that you would have the question of the procedure to be followed in financial matters taken up by the Finance Department. I am sure the Council would like to have a ruling from you for guidance in future.

I would also request you to give a public ruling on the point raised by me on the 19th of March with respect to the interpretation of Rule 32 of the Legislative Council Rules.

2-40 P.M.

Mr. President.—I am glad that the hon'ble member has raised this question and am obliged to him for having given me private notice of his intention to do so. As I promised the Council at its meeting of the 25th July last I have gone carefully into the whole matter of the financial procedure to be observed in this Council and have come to the following conclusions:—

Firstly, whenever money is wanted from the Council, the Hon'ble the Finance Member should arrange to give formal notice that a member of the Government will move "that a sum (or supplementary sum) not exceeding Rs. x be granted to the Government to defray the charges which will come in course of payment during the year ending on the 31st day of March 192 for (whatever the object may be)." A similar motion should be made in the case of an excess grant. Such motions will be subject to the ordinary rules governing the length of notice to be given. They will be moved by the "member of the Government" concerned, that term being used as defined in Legislative Council Rule 2.

Secondly, it is open to the Government to ask for as much or as little money as it likes, and for what objects it likes, but it will be convenient if ordinarily it adheres closely to the procedure laid down in Rule

26 of the Legislative Council Rules, read with Devolution Rule 38 (1) (a), and makes its demands by departments.

Thirdly, when a demand is made for a supplementary or excess grant, and it is desired to reappropriate money to meet it from another grant, the demand made should be for what is known in parliament as a token grant. That is to say, the demand should be for only a nominal sum of say Rs. 10 or Rs. 100, and it should be explained in a supporting memo. how the balance will be met. If the Council approves the proposal made, the Government will make the consequent reappropriations, and the Public Accounts Committee will report them to the Council for formal record as required by Legislative Council Rule 34 (5) (c).

Fourthly, money granted by the Council cannot be transferred from one grant to another grant without the authority of the Council.

Fifthly, the Council can delegate its authority to reappropriate money from one grant to another grant. If it so desires, it can delegate this power to the Accountant-General. Whether it will act wisely in so doing is another matter. It is a question whether it would not be more constitutional for the Council to entrust such authority as it wishes to delegate to a body appointed by and responsible to itself.

Sixthly, though the Finance Department has power under Devolution Rule 38 (1) (a) to reappropriate money within a grant, constitutionally it should exercise this power so as not to commit the Council or thwart its wishes. Each case should be decided on its merits. Ordinarily it would not be justifiable for the Finance Department to make a reappropriation in favour of an object not specifically included in the estimates, nor yet to increase by reappropriation the provision for expenditure on an object, if the expenditure originally proposed had been reduced by the Council. In such cases demands for supplementary grants should be presented.

Seventhly, it is open to Government to come again and again to the Council for grants, previously refused in whole or in part, subject to the provision of Standing Order 32, which deals with the repetition of motions. Similarly, in presenting a demand for a supplementary grant, Government is not tied to the conditions laid down in Legislative Council Rule 32. That rule states the conditions under which Government shall come to the Council. It does not prevent its coming under other conditions. Whether the Council will make the grants asked for is the concern of the Council.

Eighthly, there is no authority vested in the Public Accounts Committee as such to approve or disapprove of proposed expenditure, or to advise the Government with regard to expenditure or new taxation. Legislative Council Rule 33 lays down that the function of the Public Accounts Committee is to deal with the audit and appropriation accounts and to report the results to the Council, bearing in mind especially the points set out in Legislative Council Rule 34. The words "such other matters as the Finance Department may refer to it" in Legislative Council Rule 33 (1) should be read in the light of Legislative Council Rule 34 (2) (ii) and Devolution Rule 37 (c) to cover only matters of audit and appropriation.

Ninthly, the proper body to advise Government on behalf of the Council regarding proposals for expenditure and new taxation is a Standing Committee of the Council on Finance, appointed by the Council and accountable to it, such as exists in other provinces. I may add that the Standing Orders Committee is considering the draft of some new standing orders relating to such a committee, in order that the wishes of the Council in this matter may be ascertained.

RESOLUTIONS.

Mr. President.—The Council will now proceed to consider the resolutions entered on the continuous list. Before the Council proceeds on this business, I should like to

[Mr. President.]

remind it that the time for the sittings is fixed. They begin at 2 P.M. and end at 6 P.M. As I have always done I shall open the sitting at the time fixed and close it at the time fixed. I have no power to extend the sitting or to commence it earlier without the consent of the Council.

RESOLUTION RE PRESERVATION OF MILCH CATTLE.

2-46 P.M.

Mr. K. L. Railla Ram.—Sir, with your kind permission I move the resolution which stands in my name and which runs as follows :—

" That this Council recommends to the Government that special measures be taken to preserve milch cattle in the Province with a view to increasing the supply of milk and *ghee*."

Sir, of the many complex problems with which we are confronted in India to-day, the Milch Cattle Problem is perhaps one of the most important and at the same time the most neglected of all. The problem of supplying pure and clean milk and *ghee* to large cities has been found to be a very difficult and perplexing one and has not been satisfactorily solved even in Europe and America. A deeper study of the subject discloses the fact that it occupies a very large place in public sanitation. In the first place, milk is a universal article of human food and is being used in all civilized countries; secondly, milk is likely to bring disease directly by pathogenic microbes when it is polluted or to cause it indirectly when it is adulterated. It is an essential article of diet during early childhood. Another problem we have with regard to the milk problem, particularly in Indian cities, is because it is well nigh impossible to obtain milk which is handled with scrupulous care and cleanliness. A further reason is that in this climate milk decomposes more often than in any other country. Hence it might be assumed that every sample of milk becomes dangerous to health. It has become almost impossible to get genuine pure milk for any price. The following figures show the extent to which the prac-

tice of adulterating milk has reached :— Out of 1,400 samples of milk, four-fifths in Bombay was found to be adulterated with water. In Poona and Bangalore milk has been found to be adulterated with water, 80 per cent. and 90 per cent. respectively. In Lahore, the premier city of this Province, out of 1,242 cases 1,007 were found to be adulterated with water. And almost all cities in India fare the same way. The number of milch cattle also is scarcely enough to supply one-eighth of the present population of India with a quantity of milk. Taking the average yield of milk of the Indian cow, as shown in the cattle statistics published by the Government, to be two pints per head per day for an average period of seven months, the milk that is produced by 50 millions of milch cattle per day for 254 millions people comes to about 60 million pints per day, that is to say, each individual gets on an average less than one-fourth of a pint, whereas he needs at least 2 pints a day. There has also been a deterioration in the quality of our cattle. We find in the Ain-i-Akbari that in Akbar's time Indian milch cattle used to give 20 quarts of milk a day, and only 25 years ago country cows used to yield about 5 seers of milk per head per day on an average while they now yield 1 seer, 2 pints. In other countries the average yields are: England 20 lbs., Denmark 20 lbs., United States of America 10-2 lbs. This unsatisfactory state of things, both as regards the number and quality of cattle, has led to an abnormal rise in the price of cattle, crops, milk and milk products on the one hand, and on the other to the physical degeneracy of the people and prevalence of wasting diseases and abnormal death rate among the people, especially amongst the women and children. The rise in the price of milk and milk products is sometimes attributed to the current tendency to an all-round rise in the price of all commodities, but this view is not found to be sound when we look into the statistics in other aspects; for while in the course of the last 60 years the price of food-grains has risen

from 5 to 7 times, that of milk has risen more than 40 times, and further while the price of most other commodities in England and the United States of America is double and sometimes even four times that of the same in India, milk sells there at the same price as here and sometimes at even a cheaper rate. The following are the prices of food-stuffs in 1857, 1890 and 1918 :—

Name of food.	1857.	1890.	1918.
(Figures are given in seers per rupee).			
Wheat	89	25	5.5
Gram	31.5	28	7
Rice	18.5	13	4
Milk	180	64	4

When we come to consider the rate of mortality amongst children of India we find it is simply appalling, being nearly double that of the United Kingdom, Denmark and Japan, about 3 times that of Norway and Sweden, about 5 times that prevailing in Holland and the United States of America and nearly 9 times that of New Zealand. The death rate of infants under one year in India is 26 per cent. and most deaths are reported to be due to preventable causes, especially to mal-nutrition, and it is evident that by cheapening the price of milk so as to bring it within the reach of the poorer classes, more would be effected. The death rate of Indians as a whole is the highest on record in any civilised country in the world, but that of the females between the ages 15 and 30, *i.e.*, during their child-bearing period, is still higher in comparison with the death rate of males in the corresponding period, and this is no doubt due mainly to a want of healthy and nourishing food such as milk and *ghee* which they urgently require at this period,

but seldom get. The following table illustrates this point very clearly :—

Deaths according to age.

Ratio per 1900 population.

(From Statistics of British India Public Health, volume III.)

Year.	...	1903.	1911.	1914.	1917.
15 to 20 years.	Male	15.84	14.74	11.31	12.9
	Female	17.75	17.03	13.67	14.65
20 to 30 years.	Male	18.52	15.70	12.60	14.39
	Female	19.66	18.56	15.84	16.76

Indians are practically vegetarians, and the quantity of fish and flesh consumed by us are so small as to be altogether negligible. Milk, *ghee*, *channa* and other milk-products form our chief source of nutrition. The growing shortage in the supply of milk and the consequent abnormal rise in the price is largely responsible for the rapidly increasing cases of tuberculosis amongst us. The Government statistics show that there were in 1902 33,435 such cases in India, while by the year 1917 the figures rose to 100,192, an increase of 200 per cent. in 15 years. The importance of the problem, which strikes at the very root of our existence, as the above facts and figures reveal, demands the immediate attention of the people as well as the rulers towards the whole question of cattle and milk supply in India. Inquiries in almost all the important districts, and official and non-official reports regarding the condition of India, all indicate the growing diminution in the number and deterioration in the breed of cattle, and ascribe them to the following causes :—

- (a) A lack of pasture and fodder ;
- (b) want of good breeding bulls and diversion of Brahmini bulls for scavenging and other purposes ;
- (c) unrestricted slaughter and export of cattle resulting in the depletion of the best breeds of cattle ;
- (d) want of proper treatment in health as well as in disease.

[Mr. K. L. Rallia Ram]

Sir, with your permission, I will now proceed to consider these items one by one and see what the actual state of things is and wherein lies the remedy. In a country like India, where many people have so many cattle to keep, the practice of laying aside a tenth part of every village for grazing purposes was very beneficial to the people and this practice has been in vogue from the time of Manu and Yajnavalkya who advocated the laying aside a tenth part of every village for this purpose. Unfortunately with the lapse of time, the *zamindar* for his own advantage has slowly encroached upon these areas until at present India has reached a place where the proportion of grazing grounds to total area is the smallest of all the countries. In the United States of America the proportion is 1 : 16, in Germany and Japan it is 1 : 6, in England, in the United Kingdom and in New Zealand it is 1 : 3, while in India it is 1 : 27. Again, if we consider the average quantity of grazing land that is available for each head of cattle, we find that in United States of America the average is about 13 acres per head as against 1 : 3 acres in the Bombay Presidency and 77 acre in Bengal. I am sorry I could not get the figures for the Punjab. It is hardly necessary to say that the pasturage in India is extremely inadequate and has led to a very great deterioration of Indian cattle. If it is assumed that economic causes demand the conversion of pasture ground into cultivated areas because it serves the more useful purposes of raising crops for human needs, the argument is refuted by studying the figures of all civilised countries of the proportion of grazing area to cattle which goes to show that an increase in the area under cultivation generally leads to the diminution in the outturn of crops owing to the fact that the plough cattle available are not sufficient for the area under cultivation, and if the area is extended without increasing the number of cattle the cultivated lands will show a deplorable decrease. The right way to have an increase in the outturn would depend not on increasing the area

under cultivation, such as by encroachment on pasture lands but by the adoption of intensive methods of cultivation such as are employed in most civilised countries. In Great Britain, for instance, where the price of land is very high, the tendency is to have more pasture lands. Grazing grounds should be protected by legislation, and District Boards and Municipalities and other public bodies should be authorised to devote a portion of the income with a substantial grant from the Government for their acquisition and proper up-keep of pasture lands. The *zamindar* and *ryot* should also co-operate in setting apart sufficient lands in every village for pasturage of their cattle. Equally important is the question of supplying green fodder for the cattle, and the forests of India, which provided this great need, have been preserved by the Government for other purposes. Government could throw open most of forests for grazing purposes. Again it seems that a good deal of land has been taken by the Railway system of India. One sees extensive areas left on both sides of Railway lines as one travels. And if this land is given back to the people and is used as grazing land it could be found of very great relief. Again, we find in India that we have a very long period of dry weather during which cattle suffer very terribly on account of want of green fodder, but during the monsoon months green fodder is in abundance and much of it goes to waste and if the Agricultural Department could take the help of science in solving this problem, I am sure it could do a lot of good. It has been found quite possible in America to store green fodder and to keep it from rotting and getting dry without much expense. I believe one of the processes is called *Ensilage*.

The deterioration in the Breed of Cattle.—It has been marked that the breed of Indian cows is on the whole deteriorating with the result that the average daily yield of milk per cow in India is at present only one quart or two pounds, while the daily yield of milk is 20 lbs. in England and Denmark, and 10·2 lbs. in the United States of America. So far as one

can ascertain, the policy of the Government so far has been to improve the breed of plough bullocks. The cattle-breeding establishments at Hissar, Gurdaspur and the one at Dhani are meant to supply the breed of good plough bullocks. The cause of milch cattle has received very scant attention. The only establishment which is at present doing some good work or which is supposed to do some good work has been carried on by Mr. Jehangir Khan in Montgomery District to whom Government gave a number of squares of land. One is not in a position to say what advantage this enterprise has brought to the whole province. However, one would like to see similar grants of land made to responsible people in the Bar district, which is practically the home of the best Indian milch cattle, in order to make Sahiwal breed very common in the Punjab. I hope the Government will give more attention to this than has been given hitherto and encourage private enterprise in every way. One does not know if Government has ever given any substantial monetary help to any society or individuals exclusively for the improvement of milch cattle. Every District Board should have a stud, and every Municipality and every village Panchayat ought to be made to keep an adequate number of high class breeding bulls which could be utilised by the people gratis or on a nominal fee. It is believed that unrestricted slaughter and export of cattle have done more harm to the development of the cattle resources of the country than all the other causes put together. We do not possess enough agricultural cattle to cultivate the 4th part of the land of the country. The continual slaughter and export of the best breeds of cattle have deprived the country of its best breeds, and in the absence of any satisfactory provision of good breeding, which can replace those that are killed and exported, the strain in this respect is felt more keenly and has been telling very seriously on the vitality of the people. Cattle are killed mainly for the following purposes:—(a) for food, (b) for the export of dried meat, and (c) for the trade in hides. The study

of figures in that respect shows that the number under all the three heads has been steadily on the increase.

(At this point the speaker became aware that the time limit was approaching.)

Sir, I see that I have not time left to finish my speech. I will only add that I would like to see the restriction of slaughter. We are very thankful to the Muhammadan community for all that they have done in this direction, and this is a matter which we leave to their good sense. But I would like to see the Government in co-operation with the military authorities set about seeing if they can in any way limit the slaughter of animals for purposes of food.

The treatment of cattle is also a very important subject. We are very thankful indeed to the Western veterinary science, which has done a lot, but I think in times gone by they had indigenous systems of healing cattle and taking care of them which were very popular. One would like to see the Veterinary Department co-ordinating the indigenous systems with the Western science to the mutual advantage of both. One would also like to see the Veterinary Department in fact overhauled. The Government no doubt take care of human beings, but the cattle—our dumb companions—who do so much for our comfort in life, they also demand our attention. Even in the figures for the Punjab we find that their number is 15,400,000. There are only 75 per cent. of men, and when there are so many hospitals for human beings, we would like to see proportionately a similar number of hospitals and veterinary assistants and surgeons for the whole Province. We are, Sir, passing through a very momentous period of our national life, momentous from the political point of view, and on our responsiveness and co-operation depend our future. Our cattle contribute to our comfort and happiness; in fact from the very day we are born till the day we die, we have to use milk. So I hope this question will be solved very satisfactorily and we look to the head of the Agricultural Department,

[Mr. K. L. Kallia Ram.]

I refer to the Hon'ble Lala Harkishan Lal. This is a purely economic question. He will earn the gratitude of the present generation as well as that of posterity by solving this great problem. Before I sit down, I will just bring these points to the notice of Government :—

- (i) Provision of proper means of improving the cattle breeding in India ;
- (ii) provision of adequate pasture land and fodder crops ;
- (iii) the desirability of restricting slaughter and the export of cattle ;
- (iv) the desirability of controlling the cattle transport from province to province ;
- (v) the desirability of stopping the slaughter of cattle for the purpose of the Burma meat trade and other kindred trades ;
- (vi) the provision of bulls for breeding purposes in the province and the establishment of more dairies in suitable places ;
- (vii) the desirability of encouraging the indigenous system of cattle treatment ; and also
- (viii) the desirability of encouraging co-operative credit societies for the purpose of opening dairies and farms.

I thank you, Sir, for the patience with which you have heard me.

3-26 P.M.

Mr. C. A. H. Townsend.—I wish, Sir, to express my cordial thanks to the hon'ble member for bringing forward this resolution, on which I can assure him that Government takes just as keen an interest as does he, or indeed any member of this Council. Government is just as anxious as the hon'ble member to do all in its power that the price of *ghee*, and indeed of all the necessaries of life, should be lowered as far as possible. Personally Sir, I am particularly grateful to the

hon'ble member for emphasising the extreme necessity of increasing the staff of the Veterinary and Agricultural Departments in this Province. As regards the Veterinary Department, I have noticed during the last few years the extent to which it is every year winning to an increasing degree the confidence and the heart of the public : every year the number of gentlemen in this Province who come forward and ask us to supply Veterinary Assistants and offer to put buildings at our disposal until such time as we can build a veterinary hospital is increasing. Every year the number of gentlemen who come forward and ask for bulls from the Hissar Cattle Farm to be supplied to their villages is increasing : last year over 200 bulls were supplied from that farm to districts and over 75 per cent. of their cost in whole or in part was paid by individual villagers. I take now in detail some of the points which the hon'ble mover raised. Many of the figures he gave us as to the yield of milk per buffalo and per cow relate, I think, to India as a whole and not to the Punjab. There is, I think, no doubt that these figures are not applicable as a whole to the Punjab. I do not in the least contend that the yield of milk per buffalo and per cow in the Punjab is anything like what it should be, but I think there is no doubt that it is very much higher in the Punjab than in other provinces of India.

Again, the hon'ble member laid great emphasis on the necessity of grazing grounds. I personally think there is much misapprehension in what he said in this connection. A comparison has been made by him between the grazing grounds in England and those in India ; but any one who knows the climate and the land in England will at once admit that such a comparison is unfair. Generally speaking, what are known as grazing grounds, particularly in the canal colonies, of the Province, produce no grass at all unless artificially irrigated : otherwise they are as bare of grass as is a macadamised road. It is only, to my mind, in the extreme east and sub-montane parts of the Province where the rainfall is, as a rule, consider-

able, that grazing grounds do much real good to the cattle of the country. I have just been reading an article by the Superintendent of the Hissar Cattle Farm on grazing grounds on that farm. He says that grazing grounds without grass are practically of no use at all.

Again, Sir, there appears to be an impression that fodder crops support less cattle per acre than do grazing grounds even if artificially irrigated. This is entirely wrong: fodder crops irrigated by canal water produce fodder which will support many more cattle per acre than a similar acreage of grazing ground, growing artificially irrigated grass.

The hon'ble member has also asked that the inter-provincial trade of cattle should be put a stop to. I consider this, Sir, to be a difficult and dangerous proposal. To take only one point, there are many people in the Hissar District who breed young cattle which are exported to the United Provinces for agricultural purposes. If you stop the export of their cattle I think the breeders of them will object strongly.

The hon'ble member also mentioned the number of cattle killed for the Burma meat trade. This trade is carried on at only three places in this Province: at Tohana in the Hissar District, at Sohna in the Gurgaon District and at one other place. But I have recently seen some papers in the matter which show it has decreased very considerably of late: at present it is entirely insignificant. In his Annual Report on the working of the Veterinary Department for the year 1919-20 my predecessor, Mr. Jacob, commenting on the admitted decrease in the cattle of the Province as shown in the last census, says it is not caused, apparently, by exports which amounted after deducting imports to 80,000 per year for the period 1914-15 to 1918-19 nor to contagious diseases. I admit the export figures are only those of export by rail only.

With regard to throwing open the forests for grazing purposes, another

suggestion which the hon'ble member put forward, and without any modifying clause, I think further consideration would convince him and the members of this Council that it is an impossible proposition as it stands. The Forest Department is, no doubt, not popular: it is working for posterity and the benefits of this work will appear to a greater extent as years go on. But in fodder scarcities the Forest Department always do what they can to throw open these forests to grazing: if, however, you are going to allow this indiscriminately and ask that the forests be all thrown open for grazing purposes for ever, as I understand the hon'ble mover wishes, you will soon have no forests at all. There is, Sir, unfortunately no doubt that the price of milk and *ghee* has increased very much of late years: to my mind this is due to two main reasons. This rise in price commenced before the war. Mr. Stow, writing in 1910, noticed it. But it has been very much accentuated in recent years as a result of the war: as compared with 1918 the price of *ghee* has risen about 50 per cent. But I was told only to-day by a lady who has just returned to India that in England the price of milk has become twice the pre-war price. So in England there has been a rise of 100 per cent, whereas in India there has been a rise of only 50 per cent. Again, in the last 4 or 5 years two other factors have appeared which have had a vital bearing on the matter. The first is that during them the monsoon and winter rains have been, generally speaking, poor, and this has seriously affected our fodder crops. The second is that our people in the canal colonies, who are not dependent on rainfall, being tempted by the high price of cotton and wheat, have placed an unusually large proportion of their holdings under those crops. This tendency has been particularly marked in the Lower Bari Doab Colony. I am glad to say that this year the proportion of fodder crops grown in the canal colonies has shown a very considerable increase on those of last year.

[Mr. C. A. H. Townsend.]

I am glad that it has been admitted by the hon'ble member that the Veterinary Department is doing all it can in this matter, and I am obliged to him for his appreciation of the services of that department. As to buffaloes, a proposal is under the consideration of Government to take buffalo bulls from the military dairies and put them out in districts. I will do what I can to bring that proposal to fruition.

I repeat, Sir, that personally I am grateful to the hon'ble mover for bringing forward this resolution, and if he or any other member can suggest any practical step which will help to bring the price of milk and *ghee* down, I shall be very grateful.

3-30 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I intended to support this resolution in English, but keeping in view the convenience of some members as also to save time I will speak in Urdu.

The reply given in respect of this resolution by the Director of Agriculture is not satisfactory and most of the difficulties mentioned by him can be easily met with. First, although it is impracticable to stop the taking of cattle from one province to another, the export of cattle from India can undoubtedly be prohibited. At present I have no statistics to let the Council know the number of milch and other cattle exported every year. I have just received a book from Bombay, and if the figures given therein be stated, certain members will be disposed to laugh at them. But by quoting the book I want to impress the House with the rapidity with which the number of milch and other cattle is decreasing in India. The number of such cattle exported during the period (1901—1918) shows that the average per year exceeds 61 lakhs. I should have been glad to ascertain the Punjab's share in this export. The number (61 lakhs) has been obtained by collecting figures from various seaports, and it is consequently difficult to find exactly the number of cattle going out of the Punjab. Our Director of Agriculture

has expressed his inability to prevent cattle being taken from one province to another but he has thrown no light on the subject of their export. What this resolution aims at is that the Government should devise measures to preserve milch cattle in the Province with a view to increasing the supply of milk and *ghee* which are the mainstay of our people. But I am sorry that no promise has been given by the Director to prevent cattle from being exported.

Next comes the question of pasture lands. All present know that large pastures for grazing cattle existed in India in the past. It is useless for us to compare the Indian pastures with those of England, as most of us have not even seen England. The Director of Agriculture was undoubtedly right in calling such an attempt "ridiculous," but he must remember that in India the attitude of the Government towards the pastures has been far from satisfactory, seeing that the Government deliberately sold away most of the big pastures to raise money; the village 'shamilat' or common lands were either similarly sold for the purpose of collecting funds or they were awarded in lieu of military services. This procedure was most improper. If the Government desired even now it could undertake to provide pasture lands in every village with a view to improving the condition of the milch cattle. This is in no way a perplexing or difficult problem. Just as the Ministers for Education and Agriculture arrange now and then to acquire lands for their various schemes, they can in the same way manage to acquire lands for pasture, and I am sure the task is not wholly impossible. Secondly, the Director of Agriculture has pointed out the success Government has met with in establishing Dairy Farms, Studs and Veterinary Hospitals which, according to him, have been very largely responsible for the improvement in the breed. But it affords us little consolation, since all these hospitals and studs have been established near the cantonments and the civil population can rarely derive any benefit from them. Why should not these studs and farms be established near

the civil population for its benefit. Thirdly and lastly I would like to say something which should not be interpreted by my Muslim countrymen as interfering with their religion. I will simply request them that, with a view to ensure improvement in our manhood which has deteriorated, they should try as far as possible to restrict cow-killing. This will not only ensure a sufficient supply of milk and *ghee* but will also be helpful for agriculture. I would also suggest to European and Christian gentlemen to give up the use of beef. The Indian population will feel grateful to them. I do not, however, want the Government to enact laws which may injure the susceptibilities of my Mussalman and Christian brethren. I support the resolution.

3-39 P.M.

Khan Bahadur Sayad Mehdi Shah (Urdu).—Sir, all that I have to say is that I accord my sincere and cordial support to what has fallen from the lips of Mr. Townsend. In particular I entirely agree with him in what he has said about the pasture lands. I can not contemplate with equanimity the proposal of the previous speaker that pastures should be reclaimed by repurchasing the lands sold to the *zamindars*. This will amount to dispossessing the man of his lands and leaving them for cattle grazing. How will we justify our existence in the Council to our agricultural constituents if we were to assent to a proposal of this nature? The resolution has however been aptly called the thin end of the wedge and is likely to bring within its purview the absolute prohibition of cow slaughter. The Hindus and Muslims have to live like brothers in this country and we should avoid raising religious questions. It is quite within the bounds of possibility that cow-killing may cease of itself as it has already much been reduced out of regard for Hindu scruples. I wish that the concord and unity which is a marked feature of Hindu and Muslim relations to-day should not be put to any strain by the raising of questions which can hurt religious susceptibilities. If the Council agrees to the resolution it

will well nigh amount to legalising the prohibition of cow slaughter. I, therefore, cannot accord my support to the resolution in its present form.

3-42 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, I had no mind to speak on the resolution at this stage. I was in fact waiting for the amendment which is to be moved by Rai Bahadur Lala Sewak Ram to come before the House. But the discussion has taken such an undesirable turn that it has become necessary for me to express myself without waiting any longer.

The hon'ble mover, Mr. K. L. Rallia Ram, is a Christian of wide sympathies. He is not a Hindu as might appear from his name. A resolution coming from such a quarter surely cannot be considered to have been inspired by religious zeal or racial motives. It is before the Council in its purely economic aspect, and it should be judged from that point of view alone. I beg to draw the attention of the Council towards the movement for cow protection set on foot under the inspiring lead of a true Englishman, Sir John Woodroffe. He has made a special study of the question and discussed it from the economic point of view. It should not be considered as an interference in or a curtailment of the religious liberties of our Muslim brethren. The amendment which is to be moved by Bai Bahadur Lala Sewak Ram gives the resolution a very acceptable form and it is at the same time divested of its suspicious character.

There appears to be some doubt as to the correctness of the figures and facts quoted by the hon'ble mover, but I assure the House the figures have been taken from the reliable and standard work of Sir John Woodroffe when every section of the public irrespective of race or religion is feeling acute economic distress and the scarcity of *ghee* and milk is telling upon the health of the people. Government will be well advised in accepting the amended resolution which will be also more agreeable to my Muslim compatriots.

3-56 P.M.

Malik Feroz Khan, Nun.—Sir, there can be only two points of view in this resolution, one the sentimental and the other the economic. I was glad to see that from the very beginning this question has been taken up from the economic point of view, but at the end the cat is let out of the bag. We cannot ignore the sentimental point of view. I can assure the House that the Mussalman members of this Council have every sympathy with the Hindus as far as their religious feelings are concerned and are prepared to do anything to satisfy them. At the same time we appeal to them to extend to us Muhammadans their sympathies and to deal with the resolution in as liberal a manner as we are ready to do. This resolution can be divided into two portions: the preservation of the cattle and the other the improvement of the stock. As far as the improvement of the stock or the improvement of the supply of *ghee* and butter are concerned, I am sure that each and every member of the House will be united, but as regards the preservation of the cattle there are certain misapprehensions which have arisen in my mind and no doubt in the minds of other rural members also. You will notice, Sir, from the resolution that there is a healthy amendment proposed by Rai Bahadur Sewak Ram to the effect that a committee should be appointed. I think that this is a very healthy amendment.

Mr. President.—The hon'ble member is speaking on the amendment. The amendment is not before the Council.

Malik Feroz Khan, Nun.—Reading the resolution as it stands, Sir, you will notice that it reads thus: "that this Council recommends to the Government that special measures be taken to preserve milch cattle." There is no mention of the improvement of the stock or the improvement of the supply of milk, though these points have been brought out in the speech of the mover. As regards the preservation of the cattle, I am afraid we are not prepared to agree with him, because in that case Government would be interfering with the right of the *samindar* to dispose of his cattle

at the utmost possible advantage that he can get. As you are aware this is not a pastoral country; this is an agricultural country. In this country we can get the greatest amount of the return by agricultural produce rather than by cattle-breeding. The matter cannot be decided just by a stroke of pen. It is a question which involves the interests of the large population of the Province and I hope that Government will see that if anything is done towards the preservation of the cattle not only the interests of the consumers are looked after but the interests of the producers of the cattle are looked after also. As far as this resolution is concerned if the hon'ble member only desires that the preservation of the cattle should be looked into we are not prepared to agree with him. But if he wishes to improve the stock with a view to improving the supply of *ghee* and milk, it will be acceptable to all members.

4-10 P.M.

Rai Bahadur Lala Sewak Ram.—Sir, with your kind permission I beg to move the following amendment to the resolution: after the word 'that' and before the words 'be taken' read 'a committee be appointed to consider what special measures should' The amended resolution will then read—

"This Council recommends to the Government that a committee be appointed to consider what special measures should be taken to preserve milch cattle in the Province with a view to increasing the supply of milk and *ghee*."

I do not think this amendment requires any argument or a big speech. It is only in the fitness of things that any measure which is adopted or any measure which is to be considered may be considered in a separate committee rather than be discussed at great length in this Council. Mr. Rallia Ram has given us in great detail those facts and those ideas which are required for the improvement of milch cattle in this country. No one disagrees with his ideas, and at the same time I am sure that even the particular point which has been suggested by him as regards preserving

the milch cattle, if properly gone into, will not be opposed by anybody. It is not a religious question at all, as it is only a question of preserving milch cattle and not the general question of preserving cattle altogether. Therefore I beg to submit that a committee which would be appointed to go into all these details, whether *charaghars* are required and whether land should be required for the purpose of pastures or not, are matters of detail which will be gone into by this committee and I think the mover of the resolution will accept this amendment. As this amendment improves the resolution generally, so I need not take any further time of the Council.

The Hon'ble Lala Harkishan Lal (Urdu).—Sir, it will facilitate matters if the hon'ble mover accepts an amendment that instead of the word "preserve" the words "increase and improve" be substituted.

Mr. K. L. Rullia Ram (Urdu).—I have taken pains to find a better substitute for the word "preserve" but could not do so. I had not the remotest idea of making it a religious question, perhaps a colour was lent to the lurking suspicion by my name, which is a Hindu one, no doubt. I respect the Muhammadan scruples as much as I do the Hindu ones. I consent to the amendments proposed by Rai Bahadur Lala Sewak Ram and further amended by Hon'ble Minister for Agriculture, Lala Harkishan Lal.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government that special measures be taken to preserve milch cattle in the Province with a view to increasing the supply of milk and ghee."

To this motion an amendment has been moved—

"That after the word 'that' and before the words 'be taken' read the words 'a committee be appointed to consider what special measures should'."

If this amendment is carried, I will then give a further opportunity to the Hon'ble Minister for Agriculture to move the amendment he wishes to move.

The amendment was carried.

The Hon'ble Lala Harkishan Lal (Urdu).—Sir, I move—

"That the words 'increase and improve' be substituted for the word 'preserve'."

Khan Bahadur Chaudhri Fazal Ali (Urdu).—Sir, I do not think there is any necessity now to debate the point at any length. The amendment of Rai Bahadur Lala Sewak Ram has made the resolution more suitable and the further amendment of the Hon'ble Lala Harkishan Lal has made it still more suitable. In fact it is a real and vital necessity that the breed and stock of the cattle, both milch and plough, should be improved and increased. The agriculturist will be very glad if greater facilities are afforded to him by way of grazing grounds and cheap and good cattle are made available to him at a reasonable price. It is absolutely necessary that Government should adopt some such measures in the interests of agriculturists and the public at large. I do not know of a single person who will part with his cattle for slaughter if he could command facilities for providing fodder for them all the year round.

Mr. President.—I must remind the hon'ble member that the question before the Council is whether the words 'increase and improve' should be read in place of the word 'preserve' or not. The hon'ble member should therefore confine his remarks to this amendment only.

Khan Bahadur Chaudhri Fazal Ali (continued).—I accord my hearty and sincere support to the amendment moved by the Hon'ble Lala Harkishan Lal.

Rai Sahib Lala Panna Lal (Urdu).—Sir, I do not desire to say many words on the resolution and waste the time of the House especially when it has been discussed at considerable length. I trust it will meet

[R. S. Lala Panna Lal.]

the cordial support of the House in its present form. I support the amended resolution with all the earnestness I can command.

Maulvi Muharram Ali Chishti (Urdu).—Sir, I very much thank the Hon'ble Minister for Agriculture who has reached the bottom of the matter. I cordially support the amendment. I could have given a silent vote but I had an object in view in rising to address the Council. It is a matter of real gratification that the proceedings of the House so far have been distinguished by fellow-feeling, respect for each other's scruples, concord and absence of religious bickerings. The resolution in its original form was likely to bear the interpretation put upon it by some members. I would like to request my brother members to so word their resolutions that there may not remain the least likelihood of their being misinterpreted or misunderstood. Muslims believe in the principle of '*pulsat*' which means that on the judgment-day every one will have to tread a path sharper than a sword and finer than a hair. The Hindu-Muhammadan unity is in fact of so delicate a nature that we should walk most warily and cautiously on the path where any such issue is likely to arise. If, in matters of this nature, an informal conversation takes place beforehand much unnecessary heat and discussion could be obviated. Mr. K. L. Rallia Ram is a gentleman of undoubted honesty of purpose and probity of character and he could not by any stretch of imagination be suspected of raising a religious question. I accord my sincere support to the amended resolution.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government that a committee be appointed to consider what special measures should be taken to preserve milch cattle in the province with a view to increasing the supply of milk and *ghee*."

To this motion an amendment has been moved—

"That for the word 'preserve' the words 'increase and improve' be read."

The amendment was carried.

Mr. President.—The motion now before the Council is—

"That this Council recommends to the Government that a committee be appointed to consider what special measures should be taken to increase and improve milch cattle in the province with a view to increasing the supply of milk and *ghee*."

The motion was carried.

RESOLUTION RE BIRTH AND DEATH REGISTERS.

Chaudhri Ata Ullah Khan being absent when called upon to move the next resolution standing in his name, the Hon'ble President called upon Mr. Moti Lal, Kaistha to move the resolution standing in his name. Before Mr. Moti Lal could move his resolution, Chaudhri Atta Ullah Khan returned and Mr. Moti Lal gave way to him.

Mr. President.—I would remind the hon'ble member that it is not courteous to the Council not to be in his place when his resolution is called. It is only by the favour of the hon'ble member, whom I had called, that the hon'ble member has not lost his place on the list.

4-35 P.M.

Chaudhri Atta Ullah Khan (Urdu).—After apologizing for his absence moved that—

"This Council recommends to the Government to be pleased to issue orders that the Birth and Death Registers be kept with the Revenue Patwaris of the districts instead of with the Police authorities, and that the *chaudhars* be allowed to get the birth and death entries made by the said Revenue Patwaris in the above-mentioned registers."

Sir, the resolution is in fact of greater importance and meaning than it apparently seems to be. At first sight the resolution seems to be of quite an ordinary type and concerns only that section of the public to talk about whose welfare in this Council might be considered presumptions.

Although *chaudhars* are a very inferior class of public servants yet the welfare of the people of the rural areas depends upon

their efficient performance of their duties and obligations. On that score alone the importance of the resolution can be realised to some extent. Representatives of rural areas know, and my object in making the present speech is to make it known to the official and urban members in the Council, the inconveniences and hardships which fall to the lot of the *chaukidars* under the present system, which in their turn effect most disagreeably the social life of the village.

I will recount, by way of illustration, very briefly the indignities a *chaukidar* is subjected to at the *thana*. Every *chaukidar* is in duty bound to call fortnightly at the *thana* and get the entries made by him in the birth and death register copied by the *moharrir* at the *thana* in the register kept there for the purpose. Apparently this is very simple routine work which to all intents and purposes can be accomplished in a short time and the *chaukidar* can be back at his duty at the village in a few hours. It is not so simple as it appears to be. The jurisdiction of each *thana* extends over 150 to 400 villages and about 10 to 25 *chaukidars* arrive in their respective turns at the *thana*. They are on their arrival greeted with a volley of abuses and sometimes more sumptuously served with shoe-beating. They are forced to do some household work for the police *amla*, like drawing water and hewing wood. Not only that but to save the constables the trouble, the *chaukidar* is sent in their place to serve processes. On top of this to obviate the inconvenience which might be occasioned to the constable by his doing his share of duty, the *chaukidar*, who is already exhausted by his work in the day, is required to mount guard at the lock-up at night. The one irresistible and conclusive proof of all this is the seething dissatisfaction among the *chaukidars* throughout the province which results in resignations pouring in daily in an ever-increasing number. Besides the personal inconveniences and hardships to *chaukidars* which this system entails, it is most detrimental to the public interests.

Every *chaukidar*, a few hours before he is due at the *thana*, enquires of the wet-nurse (*dai*) of the village about the births in the last fortnight. She tells him as much as she can from memory and leaves the remainder to be filled up according to the sweet will of the *chaukidar*. The returns thus prepared are not reliable at all, and upon the testimony of these records are sometimes decided most important issues. In short the public duties are not performed satisfactorily and the *chaukidars* are not secured from indignities and inconveniences.

Now, Sir, I beg to narrate the advantages that are likely to accrue from the system proposed by me.

The Revenue *Patwaris*, but for the two occasions in the year on which they have to do *girdawari*, have little to do. Consequently it will be quite an easy thing for them to make the said entries. On the other hand the *moharrir* at the *thana* is so busy that in order to have the entries copied, the *chaukidar* has sometimes to stay for days together, and during these days the duty of watch and ward is automatically transferred to the bad characters of the village. The areas under the jurisdiction of *patwaris* are so closely situated that it will not keep the *chaukidar* away from his village for a long time. This will be a distinct advantage, Sir. If an objection be raised that the *chaukidar* is so poor a creature that he might be imposed upon as much by the *patwaris* as by the police. The answer is that no other official is invested with so much prestige as a police official and the rural public will not tolerate the same conduct in a *patwari*. The second objection might be that who will be entrusted to take the news of the village happenings to the *thana*. Well, Sir, the answer is, it is no use going to report 'all is well.' In the case of accidents or serious cases it is the recognised duty of *lambardars* to inform the police either through the *chaukidar* by word of mouth or in writing. There is, however, no family likeness between going on urgent errands and going forth nightly to get the registers copied.

[Ch. Atta-ullah Khan.]

Sir, I have made bold to draw the attention of the Council to this matter on the above grounds, and I fully anticipate that this Council will not only accord its support but Government too will accept it. Neither the Government nor any of its officials have anything at stake; all that is required is better distribution of the duties, and the rural public in general and the oppressed *chaukidar* in particular will feel very much relieved. I, Sir, therefore, humbly beseech the Council to accord their ungrudging support to the resolution before the House.

4-50 P.M.

Sayad Muhammad Husain (Urdu).—It is not as ordinary a resolution as it appears to be at first sight. The security of the village is closely associated with the *chaukidar* who has to make arrangements for watch and ward and other kindred matters. It is a truism that the *chaukidar* is never allowed to return from the *thana* quickly and in his absence thefts become regular occurrences in the village. The transfer of these duties from the hands of the police to the Revenue *patwaris* is not at all likely to damage the prestige of police officials or any one else. Revenue *patwaris* can carry on this work with greater ease and facilities and without much trouble. Sudden deaths and other accidents can, however, be reported by *lambardars* without the aid of the *chaukidar*. The system which is proposed in the resolution will greatly benefit the rural people and it is believed Government will lose nothing. If *chaukidars* could be saved from the indignities heaped upon them by the police officials, we would be able to get better *chaukidars* from men who now are unwilling to come forward for fear of being maltreated. I cordially support the resolution of my hon'ble friend.

4-54 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I beg leave to say something at this stage of the discussion on the resolution so ably interpreted to the House by my hon'ble friend, the mover. This resolution was, I believe, on the agenda of the last session but could not be brought forward for

discussion on account of the hon'ble member being unwell. Personally I have such sympathy with the objects of this resolution that in spite of the fact that it was not debated upon and discussed in the Council, I moved the Government in the matter. The net result of all this was that at my instance a circular, dated 19th September 1921, was issued to the local authorities to the effect that *chaukidars* should not be detained at the *thana* a minute longer than is absolutely necessary for the official work.

Mr. Ganpat Rai.—May I ask the date of the circular?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The circular is dated the 19th September.

Government acknowledge to a certain extent that the grievance, so ably expounded by the hon'ble mover and confirmed by Sayad Muhammad Husain, is substantial and damaging to the good name of the Government. What I wish to impress upon the Council is that we should not cover before the illegalities practised by the *muharrir* and others of his ilk but should put a stop to them. This Council has to maintain its dignity. It should set right the wrong and should not leave it unredressed and evade the issue. Under the present system every *tabail* has got three or four *thanas* which receive birth and death returns fortnightly and after compiling them send them over to the Civil Surgeon of the district. This system is very economical. The Hon'ble the Revenue Member informs me that there are 8,350 Revenue *patwaris* in the province, and if they, too, were given an allowance at the rate of Rs. 2, which is at present being given to the police *muharrirs*, the sum will amount to about Rs. 17,000 per month and it will reach an enormous sum if computed for the year: at present the cost is Rs. 10,000 only. In addition to this, the *girdawars*, too, will demand an extra allowance and the Civil Surgeon of the district will have to entertain an extra staff. It will be seen, therefore, that the expenditure

under this head will reach a very big figure and it is to be seen if the advantages derived will be commensurate with the enormous increase of expenditure.

The next point is that it is not correct to say that Revenue *patwaris* are not so very busy. I am afraid they are too busy. Besides their occasional calls at the tahsil they are too frequently being dragged by the people concerned to do some sort of work or the other. The *patwaris* are a hard-worked class of village officials and to put an extra burden upon their already overburdened shoulders, it is considered, will not be fair.

It is on these three points in fact which I have elucidated that I base my opposition. They are, to put them once again very briefly, that the Council should try manfully to set right the wrong, rather than evade the issue, the increase of expenditure in the transfer of duties, and that the *patwaris* are already overworked.

Mr. Ganpat Rai.—May I know what is the present expenditure on the registration of births and deaths?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Rs. 10,000.

4 40 P.M.

Mr. Ganpat Rai (Urdu).—The Hon'ble Minister for Education has opposed the resolution on three grounds. Is it fair to get the registration work done by the Police officials, who are apt to do illegal things? The Police Sub-Inspectors do not care a fig for the *chaukidar*. The police is an all-powerful class, and if I may venture to say so, even the magistrates are afraid of them. They are the most favoured class of Government employees. No heed is ever paid to the complaints made against the police. Indeed these Sub-Inspectors are an incorrigible lot. The suggestion put forward would fail. It is suggested that the expenditure would increase. Considering the great inconvenience which is at present being experienced, increased expenditure would certainly be worth while.

If in each district *muharrirs* were appointed in addition to the *patwaris*, the work could be done without any increase in expenditure. *Chaukidars* could go to village teachers, who will be prepared to do the work on a small allowance. *Chaukidars*, in addition to the registration duty, have to perform a number of other duties too. I know of instances in which *chaukidars* have been employed on work which is outside their legitimate duties. It would be a good thing if the Hon'ble Minister for Education would save the people from the hands of the police by transferring registration work to some other agency.

5-1 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—I was a member of the Reforms Scheme Committee in which the question was raised that the Police was a Reserved, while Registration was a Transferred Subject. I know the method by which births and deaths are registered. The state of things at present is this: The illiterate village *chaukidar*, as soon as he comes to know of an occurrence in the village, runs to a literate person, who frequently happens to be a *patwari*. It is desirable that the existing unsatisfactory state of things should be put an end to. In the event of the birth and death registers being kept in the custody of the *patwaris*, the risk of wrong entries would be obviated. As I have shown above, even now the entries about births and deaths are recorded by literate persons, e.g., *patwaris* and village teachers. If registration work is now transferred to the *patwaris*, this will not make any appreciable increase in their work so as to give them a claim for an increased rate of pay. If we are to have an accurate record of births and deaths, the work should be done by the *patwaris*. I, therefore, support the resolution.

Pir Akbar Ali (Urdu).—The proposal, that registration of births and deaths should be done by *patwaris* is a good one. The *patwari's* duties have nowhere been defined. I think the *patwaris* could do the work on a small allowance

[Pir Akbar Ali.]

of say Rs. 2 per annum. The proposal has one great advantage and that is that at the time of checking transfers and alienations of lands, *patwaris* will be saved from all risk of committing errors. There would be no increase in the present expenditure. The members of rural areas know that the *patwaris* can spare a great deal of time for this work. The work should not be entrusted to village teachers.

Malik Firoz Khan, Nun.—I move, Sir, that the question be now put.

Mr. President.—As there are many members who wish to speak still I am not prepared at this stage to admit a motion for the closure.

Chaudhri Ali Akbar (Urdu).—Under the existing rules, the *tahsildar* orders the *zaildar* to direct the *chaukidar* to lodge a report at the *thana* instantly. The *zaildar* demurs because he is afraid of being abused. All the circulars and orders apply to us alone, they do not operate against the Police. If Government desires that litigation should go on increasing then the present system of work must continue. The Sub-Inspector tries to elicit all sorts of information from the *chaukidar* who brings information in order to save himself from the clutches of the Police. Under the present state of things, even the *panchayats* would not be successful, thanks to the methods of the Police. I strongly support the resolution.

Sardar Bakhtawar Singh (Urdu).—I am opposed to the resolution. It has not been ascertained whether or not the transfer of registration work would entail any extra work on the *patwaris*. I should say that it is much more inconvenient to go to a *patwari* than to a Sub-Inspector of Police. We have bitter experience of the treatment accorded to the people by the *patwaris*, when a settlement is in progress. Only the *zamindars* know how troublesome these *patwaris* are. A *chaukidar* has to go to a Police Sub-Inspector once a fortnight. On the other hand, the *patwari* gives constant trouble

to the *zamindar*. We should take into consideration the expenditure that will be involved. The present system of work is satisfactory. The police is maligned in season and out of season. If the resolution is accepted, some day a resolution would be put forward to the effect that because the Police is bad, the work of investigating criminal cases should be transferred to the *zaildars*, the Police being dispensed with.

Khan Bahadur Chaudhri Fazal Ali (Urdu).—A *chaukidar*, who goes to lodge a report at a distance of the fifteen miles from the village, cannot possibly do justice to his own duties in the village. The suggestion that expenditure should be raised without any increase in income is to be deprecated. A remuneration of Rs. 2 is proper. The work of making entries about births and deaths is already more or less done by the *patwaris* and there would be no harm if the work becomes a part of their legitimate duties.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, I beg to move my amendment—

“That at the end of the resolution the words ‘when such *patwaris* come on their usual rounds to the village’ be added.”

The amendment is to the effect that birth and death entries should be made by *patwaris* when they come on their rounds to the villages. Unless this is done, there would be no point in merely transferring the work to the *patwaris*. If the amendment standing in my name is accepted, I am prepared to support the resolution, otherwise not. I should add that the mere transfer of work would mean nothing except that we shall have *patwaris* in place of the Police to oppress the people.

Rana Muhammad Jamil Khan (Punjabi).—Under the existing system, a *chaukidar* has to go to the police station once a fortnight. In order to remove the inconveniences resulting from the present system, the *patwaris* should be entrusted with the registration work. The *patwaris* are very well off. Each of them has under his beat from two to three villages and they can do the work without difficulty. I support the resolution.

5-35 P.M.

Mr. E. Joseph.—I happened to be one of the few officers last summer who were asked to investigate this proposal. I quite admit the difficulties which the hon'ble members feel involved in the present procedure of keeping the birth and death registers at the Police thana, but I think there are practical difficulties in the alternative suggestion. Even if we get rid of the *chaukidars'* obligations to report at the thana, we shall not get rid of the necessity of the *chaukidar* going to the thana for other purposes. We shall lessen the frequency of the visits but not get rid of them. If the *patwari* is substituted for the police as the agency to which the report is made we will still have to pay an allowance. Therefore it is open to question whether the proposal to substitute the *patwari* for the *chaukidar* is really advisable. The amendment proposed that the *chaukidar* should report to the *patwari* when he visits the village in the ordinary course of events—the exact words are “on his usual rounds to the villages” and I understand from the mover of the amendment that he contemplates such report being made on the occasion of the *girdawari* which is made twice a year. I do not know whether the member suggests that births and deaths shall occur only on these two occasions in the year, but if not and the *chaukidar* is an illiterate person he will find it very difficult to retain in his memory all the interesting domestic occurrences of this nature that have occurred in the last six months and give a complete account of them to the *patwari*. If, on the other hand, they are to be more frequent, we have to remember that the *patwari* is very often in charge of several villages. The *chaukidar* will probably waste as much time trying to find where the *patwari* is as he would do in going to the thana. There are also many occasions on which the *patwari* is away from his circle altogether. Perhaps he is called away to the *tahsil* headquarters or even to the district headquarters and is kept there for days at a time in connexion with revenue or other matters. If the

chaukidar is told to report he will find it very difficult to locate the *patwari*, and if he does not report within a said time, I am afraid the entries will be very incomplete.

There is also the question of finance which the Hon'ble Minister for Education dwelt upon and there can be no doubt that it will entail much more expenditure. I was unable, I am sorry to say, to catch the exact detail of the financial proposals of the hon'ble member opposite me as the Secretary to the Council was whispering in my ears something about the arrangements made by the creature Comforts Committee. But I understand that he did not much care how much money it would cost or say how the money was to be got. He was apparently prepared that if it cost too much money the *patwari* should do it for nothing. I think that the *patwari* is a sufficiently hard-worked person and he grumbles a great deal about his pay, and like many others he is now-a-days unwilling to do any extra work which is outside his usual duties without special remuneration. We must face the fact that we have to pay him.

I would just make one suggestion to the mover of the amendment and the resolution as an alternative suggestion. We are now getting many more hospitals. We are getting hospitals as frequently in many parts as we have *thanas*. The hospital assistant or the sub-assistant surgeon is a person who is much more in a position to inquire than the *patwari* not only in matters of births but also the more difficult questions, the more suspicious questions of death: there is often a call for some investigation as to the cause of death. I would suggest, Sir, that perhaps the hon'ble member would care to withdraw the resolution if he knew Government was prepared to explore this possibility. Government explored the possibility of the *chaukidar* being replaced by the *patwari* and as I have said there are considerable difficulties. But if Government should explore the suggestion of this possibility of the sub-assistant surgeon and assistant

[Mr. E. Joseph.]

surgeon replacing the *chaukidar*, he might be willing to allow the present conditions to continue for the time being.

Mr. President.—Do I understand that Government offers to explore this matter if the resolution is withdrawn?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The Government is quite prepared to explore this matter on the following lines:—First, the use of the school teachers' machinery; secondly, the use of the hospital machinery; and thirdly, the use of the patwari machinery. That has already been explored, but I am quite prepared to have it explored still further. If the hon'ble member is pleased to withdraw this resolution on that understanding I am quite prepared to inquire into the matter still further, and, of course, Government will adopt the method which proves to be the least expensive.

Mr. President.—Where the Government admit that a difficulty exists and offers to explore it in the light of the discussion which has taken place, there are certain advantages to an hon'ble mover in withdrawing his motion. If he withdraws it with the leave of the Council he can bring it up again in the next session, if he is not satisfied. If he does not withdraw it, then, whether it is accepted or rejected, he cannot move it again for a year. It is usual in these circumstances to withdraw. Does the hon'ble mover wish to withdraw his resolution?

Chaudhri Atta Ullah Khan.—I am sorry, Sir, I am not prepared to withdraw the resolution moved by me.

Mr. Ganpat Rai.—I think, Sir, that the original proposition is most practicable and it can be given effect to till some other agency is found. As regards assistant surgeons and hospital assistants, I think that is much more difficult, because every thana has not got a dispensary, and with the paucity of funds there is no chance of our having dispensaries in every thana. I therefore think that an experiment should be made with the patwari and then in the meantime some other source can be tried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The amendment is to the effect that the patwari should be utilised instead of the thana muharriir, provided he does the work at the time when he comes on his rounds. The mover of the amendment has not told us at what time the patwari goes on his rounds. If the patwari starts on his rounds say after intervals of two weeks, the amendment is not useful.

Rai Bahadur Lala Sewak Ram.—Sir, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion now before the Council is—

"That this Council recommends to the Government to be pleased to issue orders that the birth and death registers be kept with the revenue patwaris of the districts instead of with the Police authorities, and that the *chaukidars* be allowed to get the birth and death entries made by the said Revenue patwaris in the above mentioned registers."

Chaudhri Atta Ullah Khan (Urdu).—I regret to say that Government does not see its way to listen even to our legitimate requests. The oppressed *chaukidars* must be saved from the hands of the Police. The Police is certainly much harsher than the patwaris. The latter merely make erroneous entries and harass people in some other way, whereas the Police torture the people. In these days when non-co-operation is rampant, we people have identified ourselves with those who prefer co-operation with the Government. It is therefore astonishing that Government should oppose our useful proposals. I would strongly appeal to Government kindly to accept the resolution.

[52 P.M.]

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I am sorry the mover of this resolution misconstrued my remarks when he says that Government has rejected his useful proposal. I said at the outset that the proposal was a good one. In fact I had ordered that a circular should be issued on the subject to save the *chaukidars* from hardship. My idea

was that Government would certainly be sympathetic towards the proposal. It is the duty of the zaildars to save the chaukidars from the Police. The circular on the subject has been sent to the tahsildars and to the Superintendents of Police, for the guidance of the Sub-Inspectors of Police. Great stress has been laid in the circular that complaints arising out of the system should be specially enquired into by the Deputy Commissioners and effective steps taken to redress grievances. We have heard a great deal about the evils of the present system, but in trying to ameliorate the lot of the chaukidar we should be on our guard that we do not place him in a worse condition than he is in at present. In this connection I would crave the indulgence of the Council to hear from me the story of the Arab taskmaster and his slave. The slave complained to his taskmaster of the heavy work that was exacted from him and begged for some relief. The master ordered the slave to stand erect before him all the time with his arms folded across his breast. The poor slave complained still more. Thereupon the master ordered him to keep standing with his arms stretched straight out. Finding himself worse off than before the slave begged his master to be sent back to his usual work, where he would remain contented.

Mr. President.—I think the feeling of the Council is that a decision on this resolution be arrived at to-day. I hope the Hon'ble Minister for Education is not going to talk it out. It is one minute to six now.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—I will curtail my remarks, Sir, (continued in Urdu). I am, Sir, quite prepared to find out a better method of recording birth and death entries, and I will try my best to see that this work is transferred to the patwaris. The patwaris are, however, under the Hon'ble Member for Revenue. At all events I will try to secure an improvement in the present state of things. In the next budget some provision will be made for the expenditure involved in securing an improvement.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government to be pleased to issue orders that the birth and death registers be kept with the Revenue patwaris of the districts instead of with the Police authorities, and that the chaukidars be allowed to get the birth and death entries made by the said Revenue patwaris in the above-mentioned registers."

The motion was carried.

The Council then adjourned till 2 P.M. on Tuesday, the 25th October 1921.

1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.

2. The second part of the document is a list of the topics that were discussed at the meeting. The topics are listed in alphabetical order.

3. The third part of the document is a list of the actions that were taken at the meeting. The actions are listed in alphabetical order.

4. The fourth part of the document is a list of the resolutions that were adopted at the meeting. The resolutions are listed in alphabetical order.

5. The fifth part of the document is a list of the recommendations that were made at the meeting. The recommendations are listed in alphabetical order.

6. The sixth part of the document is a list of the conclusions that were reached at the meeting. The conclusions are listed in alphabetical order.

7. The seventh part of the document is a list of the suggestions that were made at the meeting. The suggestions are listed in alphabetical order.

8. The eighth part of the document is a list of the questions that were asked at the meeting. The questions are listed in alphabetical order.

9. The ninth part of the document is a list of the answers that were given at the meeting. The answers are listed in alphabetical order.

10. The tenth part of the document is a list of the comments that were made at the meeting. The comments are listed in alphabetical order.

11. The eleventh part of the document is a list of the questions that were asked at the meeting. The questions are listed in alphabetical order.

12. The twelfth part of the document is a list of the answers that were given at the meeting. The answers are listed in alphabetical order.

13. The thirteenth part of the document is a list of the comments that were made at the meeting. The comments are listed in alphabetical order.

14. The fourteenth part of the document is a list of the questions that were asked at the meeting. The questions are listed in alphabetical order.

15. The fifteenth part of the document is a list of the answers that were given at the meeting. The answers are listed in alphabetical order.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 25th October 1921.

The Council met at the Council Chamber at two of the clock.
Mr. President in the chair.

QUESTIONS AND ANSWERS.

PROMOTION OF CLERKS OF COURTS TO EXTRA ASSISTANT COMMISSIONER- SHIP.

972. Captain Sardar Gopal Singh.—(a) Is it a fact that Superintendents of Commissioners' and Deputy Commissioners' offices and Head Vernacular Clerks of Deputy Commissioners' offices are eligible for promotion to the post of Extra Assistant Commissioner and Tahsildar?

(b) If so, will Government please state the reason why Clerks of Courts in the offices of District and Sessions Judges are not given the same chance of promotion?

Mr. E. Joseph.—(a) Yes.

(b) They are eligible for appointment as Extra Assistant Commissioners.

PROMOTION OF CLERKS OF COURTS TO MUNSHIPS.

973. Captain Sardar Gopal Singh.—Is it a fact that Clerks of Courts of District and Sessions Judges were promoted to be Munsifs under the old scheme, but will not now be so promoted? If so, what are the reasons?

Mr. E. Joseph.—The facts are correctly stated. As appears from my answer to question No. 972 Clerks of Court are still eligible for recruitment to the executive branch of the Provincial Civil Service. It has been decided by the Government of India that recruitment to the judicial branch, into which Munsifs

are now being merged, shall ordinarily be direct, and the Local Government has decided to limit it in future to persons with the qualification of LL.B.

'NAJAZ' MONEY ON CANALS.

974. Captain Sardar Gopal Singh.—(a) Is it a fact that when a zamindar is proved to have deprived another zamindar of his supply of water, the canal authorities recover penalties (*najaz*) from him?

(b) If so, will Government please rule that such *najaz* money should go to the zamindar whose supply of water was taken and not to the treasury?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply is in the affirmative.

(b) The course suggested is not, in the opinion of Government, advisable.

1. If the aggrieved zamindar or zamindars' crops are damaged in such cases, he or they are at liberty to apply for remission of water rate.

2. The suggestion, if adopted, would be likely to lead to malpractices.

PAY OF DEPUTY SUPERINTENDENTS OF POLICE.

975. Captain Sardar Gopal Singh.—(a) Is it a fact that Deputy Superintendents of Police memorialised the Government in March last year requesting for an increase in their scale of pay?

(b) Was the sanction of the Secretary of State for India given in February last to the increase of the scale of pay of the

Deputy Superintendents of Police? If so, what steps have been taken in this matter?

(c) Is it a fact that members of the Imperial Police have submitted their memorial and have been given another scale of annual increment in August of the current year?

The Hon'ble Sir John Maynard.—(a) and (b). A revised scale of pay for Deputy Superintendents of Police to have effect from 30th October 1919 was sanctioned by the Government of India in January 1920. Subsequently a representation was received from Deputy Superintendents of Police complaining of the inadequacy of the scale sanctioned by the Government of India. The representation has been carefully considered by Government and a better scale of pay than the one previously sanctioned has now been sanctioned by Government. The new scale of pay will take effect from 30th October 1919 subject to the voting of necessary funds by the Council.

(c) Yes.

REVISION OF CLERKS' PAY IN THE OFFICES
OF THE DEPUTY COMMISSIONERS,
LYALLPUR, MUZAFFARGARH
AND FERROZPORE.

976. Mr Akbar Ali.—Is it a fact that clerks in the offices of the Deputy Commissioners, Lyallpur and Muzaffargarh, have been allowed to count their continuous pensionable or non-pensionable service on Rs. 10 and Rs. 15 in fixing their initial pay in the time-scale system introduced in all Deputy Commissioners' offices in the beginning of this year, whilst clerks in the office of the Deputy Commissioner, Ferozepore, have been allowed to count their continuous service on Rs. 20 only?

If so, is Government prepared to issue orders that the Ferozepore clerks should also be allowed to count their continuous

pensionable or non-pensionable service on Rs. 10 and Rs. 15 in fixing their pay in the time-scale?

If Government is not prepared to issue these orders, will it kindly state the reasons?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

TRAVELLING ALLOWANCE TO HONORARY
MAGISTRATES.

977. Mr. Ganpat Rai.—Is it a fact that Honorary Magistrates, 1st class, are allowed second class travelling allowance?

If so, will Government be pleased to allow such magistrates 1st class travelling allowance?

Mr. E. Joseph.—The allowances admissible to Honorary Magistrates were governed by article 1003, Civil Service Regulations, though it is not clear whether the rate of 4 annas per mile was still in force or that of 6 annas, which has been fixed for second class officers under article 1031, Civil Service Regulations, governed their case. Government will examine and consider the hon'ble member's suggestion.

NAMAL DAM.

978. Khan Muhammad Saifullah Khan.—Will the Government please state—

(a) What is the annual expenditure for the upkeep of the Namal Dam situated in the Mianwali district?

(b) What is the yearly income derived from it?

- (c) Is the water distributed in sufficient quantity according to requirements and in proportion to what the people pay?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) and (b). The figures of income and expenditure for the past six years are as follows :—

1913-20.	Rs.	50,935	18,371
1918-19.	Rs.	45,989	21,850
1917-18.	Rs.	40,812	29,375
1916-17.	Rs.	5,574	24,893
1915-16.	Rs.	19,807	20,439
1914-15.	Rs.	5,372	Not known, all charged to Capital.
	Income		Expenditure

- (d) The reply is in the affirmative.

CONFISCATION OF LAND FROM SHER MUHAMMAD, GONDAL.

979. Mahk Firoz Khan, Nun.—Is it a fact—

- (a) that two horse-breeding squares and one lambardari square in

Chak No. 6, main line Bhalwal, district Shahpur, belonging to Sher Muhammad, Gondal, were confiscated in 1913-14 without any previous warning being given him after eleven years' possession and cultivation owing to his absence from the village;

- (b) that Sher Muhammad had acquired occupancy rights in 1911-12 after fulfilling the required conditions;

- (c) that six *pucca* and several *kacha* houses built by Sher Muhammad are still standing in the Chak;

- (d) that Mahla, son of Mahram, Sardara, son of Mutalee, and Qaim Panjutha were also reported for absence and were let off with a fine of Rs. 100 each;

- (e) that the Police and the revenue authorities never reported against Sher Muhammad for absence;

- (f) that Sher Muhammad was charged with having sold only one foal to the Government, whilst there were many other people who had not sold any foals to the Government, yet the latter did not lose their lands;

- (g) if so, will the Government kindly enquire into the suitability of restoring the squares to Sher Muhammad?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Enquiries are being made and the question will be answered when information is available.

980. **Malik Firoz Khan, Nun.**—Is it a fact—

- (a) that Sher Muhammad's father, Manak of Rukan, district Gujrat, was given eight squares of land on the condition that he was to build two wells in 1866;
- (b) that subsequently the district authorities agreed that one well with two wheels would do and that such a well was built and the land cultivated;
- (c) that in the 1915 settlement about seven squares were confiscated and no appeal was filed on account of the zamindar's private affairs not allowing him to do so;
- (d) if so, will the Government kindly enquire into the suitability of restoring the land to Sher Muhammad?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Government has no knowledge of the facts alleged in (a) (b) and (c) of the question.

In view of the fact that Sher Muhammad did not in 1915 exhaust the ordinary means open to him of bringing his case before the higher authorities, Government does not propose to reopen the case.

NON-OFFICIAL CHAIRMEN FOR DISTRICT BOARDS AND MUNICIPALITIES.

981. **Sardar Kartar Singh.**—Will the Government be pleased to state—

- (a) the number of district boards in the province which have a right to elect their own chairman;
- (b) the number of non-official chairmen elected by district boards;

- (c) the number of municipalities which have a right to elect their own chairman;
- (d) the number of municipalities which have actually elected non-official chairman;
- (e) if the treatment of district boards in this respect has differed from that accorded to municipalities, then what are the reasons, and when is it proposed to accord similar treatment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—

- (a) The district board of Sialkot is the one district board in the province which has the right to elect its own chairman.
- (b) There are no non-official chairmen of district boards.
- (c) Ninety-seven, that is to say, all municipalities except Dalhousie, Simla, Murree and Shahabad.
- (d) Thirty-seven.
- (e) It is not the treatment accorded to district boards that has differed from that accorded to municipal committees, but the two have different aspirations and cannot be said to be identical in all respects. The matter, however, will be before the Council very soon in the form of a resolution to be moved by the hon'ble member, and in the light of the decision and debate suitable action will be taken.

NON-OFFICIAL CHAIRMEN FOR DISTRICT BOARDS.

982. **Sardar Kartar Singh.**—(a) Is it a fact that in 1917 Government of India recommended the extension of local

self-Government to district boards and advised the appointment of non-official chairmen?

(b) Was any committee appointed by the Government to consider these questions, and, if so, what was its recommendation with regard to the grant to district boards of the right of selecting their own chairman, and what action was taken on the recommendation made?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The reply is in the affirmative.

(b) A committee was so appointed and it recorded that the right of electing their own chairman should be extended to the six districts, i.e., Jullundur Rohtak, Lyallpur, Ferozepore, Sialkot and Amritsar.

The matter has been receiving the careful consideration of Government. The matter, however, will be before the Council very soon in the form of a resolution to be moved by the hon'ble member, and in the light of the decision and debate suitable action will be taken.

983. Sardar Kartar Singh.—(a) Is it a fact that two years ago it was proposed to appoint non-official chairmen in six districts of the province?

(b) If so, were they appointed, and, if not, why not?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The reply is in the affirmative. A committee was so appointed and it recorded that the right of electing their own chairman should be extended to the six districts, i.e., Jullundur, Rohtak, Lyallpur, Ferozepore, Sialkot and Amritsar.

(b) The matter has been receiving the careful consideration of Government. The matter, however, will be before the Council very soon in the form of a resolution to be moved by the hon'ble member, and in the light of the decision and debate suitable action will be taken.

DISPOSAL OF WHEAT AND OTHER FOOD GRAINS BY ZAMINDARS.

984. Captain Sardar Gopal Singh.—Is it a fact that wheat and other food grains are disposed of by zamindars to grain dealers in the months of April and May every year, and that the latter hoard these food stuffs and wait till they can sell at exorbitant prices fixed by them and their fellow business men?

The Hon'ble Sir John Maynard.—As regards the first part of the question Government believes it to be the case that wheat and other Rabi food grains are disposed of by zamindars to grain dealers in April and May to some extent. But in the older Canal Colonies of the province the more well-to-do zamindars have of late years been adopting the practice, to an increasing extent, of not parting with their grain at once to dealers, but of storing it themselves, and selling it later in the year, at whatever times they considered appropriate. As to the second part of the question, grain dealers sell the grain whenever they think advisable. The question implies, however, that the fixation of the selling price rests with them and their fellow business men in entirety. This view is incorrect. Many factors, including that referred to in the question, contribute to the determination of the price of food grains. The principal of them are (i) the character of previous and present harvests not only in the Punjab, but in other provinces of India; (ii) the demand for export; and (iii) the character of harvests all over the world, and the general world tendency of prices. This last consideration applies particularly to wheat.

985. Captain Sardar Gopal Singh.—Is it a fact that there is yet wheat and other food grains hoarded in stores of these grain dealers in the country? If the answer is in the affirmative, what steps do Government propose to take in the matter?

Note.—The replies to questions Nos. 981, 982 and 983 standing in the name of Sardar Kartar Singh were, in his absence, laid on the table in the public interest.

The Hon'ble Sir John Maynard.—Government believes that to some small extent wheat and other food grains are still stored in India. To enable it to arrive at more accurate knowledge on this matter instructions have recently issued that in three districts of the province, a census of food grains should be taken in urban areas?

What, if any, further action will be taken in the matter depends to a large extent on the results of that census. A full explanation on the position of Government in this matter was given in a *communiqué* issued to the press on September 22, 1921.

COMMUNAL REPRESENTATION AMONG EXTRA ASSISTANT COLONIZATION OFFICERS.

986. **Captain Sardar Gopal Singh.**—Will Government please state separately the number of Hindu, Muhammadan and Sikh Extra Assistant Colonization Officers up to now posted in new colonies like those of Lyallpur and Montgomery?

Mr. E. Joseph.—The information is not procurable without a degree of research that Government is not prepared to undertake.

PROFESSIONAL TAX.

987. **Diwan Bahadur Raja Narendra Nath.**—Will Government be pleased to lay on the table a statement showing (a) the name of each district in which a professional tax under the District Boards Act has been imposed; (b) the date in each case on which the tax came into force, and (c) the income estimated or accrued from it?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) (b) and (c). A statement is laid on the table.

Districts in which a professional tax has been imposed.

Name of district.	Date on which tax came into force.	Income estimated or accrued.
Attock ...	1st July 1917	Rs. 15,000 (including Rs. 3,000 arrears).
Karnal ...	1st April 1910	Assessment not complete.
Rohtak ...	Ditto ...	Not available.
		Rs.
Dera Ghazi Khan ...	Ditto ...	14,000
Amritsar ...	Ditto ...	25,000
Muzaffargarh ...	15th August 1920.	5,000
Jhang ...	1st July 1921	3,000
Ambala ...	1st April 1921	1,000
Lahore ...	Ditto ...	96,011

EXPORT OF FOOD STUFFS.

988. **Diwan Bahadur Raja Narendra Nath.**—Will Government be pleased to state how in order to determine the quantity of food—stuff available for export, the quantity required for consumption in the province is calculated? If there is any other method by which the quantity of which export is allowed is calculated, will Government be pleased to state what that method is?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The question implies that it is the usual practice for Government to make a calculation each year as to the quantity of food stuffs available for export from the Punjab, whether to other provinces of India or overseas. This is incorrect. As a rule ordinary

economic factors which are principally the prices of the various food stuffs prevailing whether in the Punjab, other provinces of India, or overseas and railway and sea freights, are the sole deciding factors in this matter, and regulate the amounts of food stuffs that are exported from, or imported to, the Punjab. In short, free trade in them is the rule.

During the war, however, and since its termination, on account of the very bad harvests in India restrictions on exports of food stuffs overseas to a greater or less extent have been enforced under the order of the Government of India.

In deciding how much grain, particularly wheat, could be spared from the Punjab, for export overseas, the following are the principal factors which are taken into consideration :—

- (a) The estimated production of food stuffs of all kinds in the province not only in the harvest just passed, but in its predecessors : how far they were above or below the normal : and how far the " carry over " from them was above or below the average.
- (ii) The ruling prices of food stuffs whether inside or outside the province.
- (iii) The condition and prospects of crops on the ground, both in the Punjab and other provinces of India.
- (iv) The exports and imports of food stuffs from and to the province in the preceding years.

The ruling principles which govern the Punjab Government in making recommendations to the Government of India in this difficult matter are—

(i) that export of no grain should be allowed in any quantity which the province cannot really spare, and

(ii) producers of food stuffs should get a reasonable price for their produce.

All restrictions on export of course tend to lower the prices of food stuffs prevailing in the province.

Diwan Bahadur Raja Narendra Nath.—What is meant by a reasonable price for their produce?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—A price which the people might reasonably be expected to give.

SCHEDULE OF NORMAL PRICES.

989. Diwan Bahadur Raja Narendra Nath.—Will Government be pleased to lay on the table the quinquennial schedule of normal prices in each district of the province prepared by the Director of Agriculture and referred to in section 10 (2) (b) of the Famine Code?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The required schedule is laid on the table.*

SUSPENSION OF LAND REVENUE AND STARTING OF TEST WORKS IN INSECURE AREAS.

990. Diwan Bahadur Raja Narendra Nath.—(a) Will Government be pleased to lay on the table a statement showing the total amount of the Rabi instalment of land revenue in each of the insecure areas mentioned in section 13 of the Famine Code and the proportion of it suspended in last Rabi?

(b) Have any test works been started in these areas or does Government propose to start them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithla.—(a) The statement is laid on the table attached herewith.

(b) In Hissar test works were opened on the 12th July and closed on the 23th July as no labour offered.

In Karnal, Rohtak, Ambala and Gurgaon districts preparations were made for starting test works, but none were opened owing to timely rainfall. In Attock three test works were opened but only 60 persons came for one day and left the next day on rain falling.

Suspensions of fixed Land Revenue demand for Rabi 1921.

District or tract.	Demand of harvest.	Total amount suspended.	
	Rs.	Percentage on column 2.	Rs.
Hissar District	2,15,645	Percentage on column 2.	1,34,578
			62
Rohtak District (except Gohana and Sonapat Tahsils).	3,33,365	Ditto	25,765
			23
Gurgaon District	7,53,485	Ditto	3,23,148
			42
Karnal District (except Karnal and Panipat Tahsils).	3,09,453	Ditto	33,500
			12
Ambala District (Ambala, Jagadhri and Nawanshah Tahsils only).	3,49,709	Ditto	69,045
			20
Shahpur District (Khushtab Tahsils only).	1,41,310	Ditto	83,767
			63
Jhelum District	4,43,497	Ditto	3,57,819
			81
Attock District	2,65,940	Ditto	2,47,853
			67
Mianwali District	15,378	Ditto	12,137
			79

SUGAR COMMISSION.

991. Diwan Bahadur Raja Narendra Nath.—Will the Hon'ble Minister in charge of Agriculture be pleased to lay

on the table the proposals of the Punjab Government to carry out the recommendations of the Sugar Commission?

The Hon'ble Lala Harkishan Lal.—The Sugar Committee's report was, I understand, only received in the office of the Punjab Government about the middle of September last. It is therefore too soon to expect any statements regarding the same.

RECRUITMENT TO THE PROVINCIAL EDUCATIONAL SERVICE.

992. Diwan Bahadur Raja Narendra Nath.—Will the Hon'ble Minister in charge of Education be pleased to state—

(a) whether it is the general rule that vacancies occurring in the Provincial branch of the Educational Service are filled by promotion of men in the Subordinate Service;

(b) in how many cases within the last five years vacancies have been filled by the appointment of outsiders, and whether in each case this course was adopted only when the Department was satisfied that no one fit for promotion from the Subordinate Service was available, and whether in each case advertisement calling for applications was issued;

(c) whether any appointments have been made this year to the posts in the Provincial Service of persons who did not belong to the Subordinate Service? Did the Head of the Department report in each case that no one in the Subordinate Service was fit for promotion to the post?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The practice in the past has been to promote men from the Subordinate to the Punjab Educational

Service on the inspecting side; and to fill collegiate posts by direct recruitment, the reason for the latter practice being that higher academic qualifications are required.

(b) The specific number of such appointments during the last five years cannot be given, but the practice mentioned in (a) has been followed. Recourse has been had to advertisement in a certain number of cases during the last two years.

(c) The following posts have been filled by direct recruitment to the Punjab Educational Service since 1st April 1921:—

1. M. Muhammad Rashid, M.A., Lecturer, Multan College, who began to officiate in the Punjab Educational Service last year.
2. L. Sada Nand, M.Sc., Lecturer, Multan College.
3. B. Tara Singh, M.A., Lecturer, Ludhiana College.
4. M. Barkat Ali, M.Sc., Officiating Lecturer, Government College, Lahore.
5. L. Kahan Chand, M.A., Officiating Lecturer, Government College, Lahore.
6. M. Sher Muhammad, Vice-Principal, Mayo School of Arts, Lahore.

All were filled by direct recruitment except No. 6.

The officer selected was already in the Provincial Educational Service and was re-employed after his retirement.

These, it will be seen, are all collegiate posts for which members of the Subordinate Educational Service were not considered as possessing the requisite qualifications.

Diwan Bahadur Raja Narendra Nath.—Will the Government be pleased to say whether the Head of the Department was consulted in order to ascertain that any member of the Subordinate Service possessed the necessary qualification?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The recommendations in all these cases were made by the Head of the Department.

COMMUNAL REPRESENTATION AMONG TEMPORARY ASSISTANT SURGEONS.

993. **Diwan Bahadur Raja Narendra Nath.**—Will the Hon'ble Minister in charge of the Medical Department be pleased to state on what principles the persons holding temporary appointments as Assistant Surgeons to whom notices dispensing with their services were issued were singled out; whether position in the Final Examination, date of appointment and capacity shown during service were the points which influenced decision or whether other considerations also intervened; if so, what are they?

Is it a fact that instructions were given to the Head of the Department that in issuing notices he should bear in mind certain proportion in which different communities were to be represented in the medical profession?

If so, why in the case of services requiring professional skill has the principle of communal representation been allowed to creep in? Will the Hon'ble Minister in charge lay on the table such instructions as he has issued?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Notices were generally given to the most junior Assistant Surgeons irrespective of race or religion or any other considerations, but three Muhammadans who otherwise would have received notices were retained temporarily to fill vacancies which could not be

suitably filled by Hindus or Sikhs but for which Muhammadans were pre-eminently fitted.

No instructions had been issued at the time. Since then question No. 462 put in Council disclosed that in the permanent cadre there were 91 permanent Assistant Surgeons of whom there were only 20 Muhammadans and only 6 Sikhs, and there were 137 temporary Assistant Surgeons of whom only 14 were Muhammadans and 17 Sikhs, and that the services of some Sikhs were being dispensed with. As the Mussulman representation was very inadequate the Punjab Government (Ministry of Education) decided that the services of none of the Mussulman temporary Assistant Surgeons should be dispensed with. On similar grounds it was also decided to retain all agriculturist Sikh temporary Assistant Surgeons. These orders will stand until proper re-adjustment is effected.

To maintain a fair communal representation in the Department, the Inspector-General of Civil Hospitals, Punjab, has been instructed to work up for the present to the following percentage. The proportions are subject to revision on a fuller consideration of the case :—

Muhammadans	...	...	40
Sikhs	...	...	20
Others	...	...	40

HILL EXODUS.

994. **Rai Bahadur Lala Sewak Ram.**—Will Government be pleased to lay on the table of the Council a statement showing the cost involved in the exodus to the hills—

(a) of each department of Government going to Simla,

(b) of each Divisional Commissioner going to various hill stations,

(c) of each Superintending Engineer of buildings, roads or canals,

(d) of any other officers allowed to go to the hills for the hot weather.

The Hon'ble Sir John Maynard.—It has been ascertained that the cost of collecting the information asked for by the hon'ble member will be Rs. 240, and it will take two or three weeks to collect it. The Government does not think that the expenditure of this money would be justified, but will furnish the information if the hon'ble member still desires to have it.

Rai Bahadur Lala Sewak Ram.—Will Government be pleased to collect the information by the next session?

The Hon'ble Sir John Maynard.—Yes.

PUBLIC WORKS DEPARTMENT DIVISIONAL ACCOUNTANTS.

995. **Rai Bahadur Lala Sewak Ram.**—With reference to the reply of Government to my question No. 567 asked at the meeting of this Council dated 27th July 1921, will Government please give restitutional personal allowances to all Divisional Accountants in the Punjab who have been losers in salary (pay and temporary allowance) by the introduction of the revised scale of pay?

The Hon'ble Sir John Maynard.—The matter is not within the powers of Local Government. It is understood that a second revision of the pay of these Accountants is under the consideration of the Auditor-General.

Rai Bahadur Lala Sewak Ram.—I would like to know if Government will be pleased to give restitutional personal allowances pending the decision of the Auditor-General?

The Hon'ble Sir John Maynard.—The matter is not within the powers of Local Government.

NOTIFIED AREA COMMITTEE, KOT ADU.

993. Rai Bahadur Lala Sewak Ram.—
(a) Is it a fact that a "Notified Area Sudhar Committee" has been established at Kot Adu in the Muzaffargarh District?

(b) Did the local authorities hold out a promise to this committee that the selection of members of the notified area committee would be made from their nominees, and, if so, has this been done?

(c) Has the Government received any representation from the people of Kot Adu with regard to the imposition of a profession tax and to the strictness of the building rules?

(d) Is it a fact that the "Notified Area Sudhar Committee" has resolved not to pay municipal taxes? If so, what steps will the Government take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) It is a fact that an association styled the "Notified Area Sudhar Committee" has been established at Kot Adu in the Muzaffargarh district. At the end of July three the Sudhar Committee consisted of 34 members of whom three were Musalmans and the rest Hindus. The population of Kot Adu consists of 5,267 inhabitants, of whom 2,485 are Musalmans.

(b) The notified area committee of Kot Adu has seven members of whom two are officials and five non-officials. They are all nominated. The Sudhar Committee claimed the right themselves to nominate six of these members. The Deputy Commissioner treated their request very politely and asked them to suggest five names for his consideration. It is possible that the Sudhar Committee believed that the Deputy Commissioner's polite letter was a definite promise to appoint any five persons whom the

Sudhar Committee should choose to nominate. As a matter of fact no such promise was made or if made could any such promise be legally carried out.

(c) Government has received representations from certain residents of Kot Adu with regard to the imposition of a profession tax, but no representations have been received as to the strictness of the building rules.

(d) Government is not aware of the intentions of the "Notified Area Sudhar Committee" about the payment of municipal taxes. If any inhabitants of the notified area fail to pay taxes legally imposed on them such measures as are justified by the law and are reasonable under the circumstances will doubtless be taken by the local authorities.

Rai Bahadur Lala Sewak Ram.—Will Government be pleased to say if any action has been taken by Government on the representation mentioned in clause (c)?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The deputation of the Sudhar Committee was received by the Secretary, Transferred Departments. Later on the same deputation waited on the Minister as well and had the satisfaction of presenting its case to him and receiving his reply, the whole operation taking no less than three-quarters of an hour. The Sudhar Committee has been in constant communication with the Secretary, Transferred Departments, and I am not quite sure but a fairly large number of letters have been written to them.

Rai Bahadur Lala Sewak Ram.—My question is—if any action was taken or not.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I presume, Sir, that the statement I have made shows clearly that action was taken.

SETTLEMENT OF LEIAH TAHSIL.

997. Rai Bahadur Lala Sewak Ram —

(a) Would Government be pleased to state if settlement operations are going to be started in Leiah now in Muzaffargarh District?

(b) Is it a fact that the last settlement of this tahsil was done only 14 years ago when it was in the Mianwali District, and the period for next settlement was fixed at 30 years?

(c) If so, would Government be pleased to consider the desirability of deferring the settlement of this tahsil till the period fixed for its resettlement is over?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia. — (a) Yes.

(b) No. The new assessment in the Leiah Tahsil was introduced in Kharif 1903. The period of settlement fixed for the Mianwali district was twenty years. Accordingly the existing settlement of Leiah Tahsil expires in 1923. There is a rule in the Settlement Manual under which the re-settlement of a district should ordinarily be commenced two years in advance of the expiring settlement, although, of course, the new settlement cannot come into force till the expiry of the period for which the existing settlement was sanctioned. Following this rule the re-assessment of Leiah is due to begin in 1921, and it will take effect from Kharif 1923.

(c) This does not arise.

LALA RAM KISHAN, SUB-ASSISTANT SURGEON.

998. Mr. Ganpat Rai. — (a) Will Government please state why the services of Lala Ram Kishan, Sub-Assistant Surgeon, Waryam, District Jhang, were dispensed with by the Inspector-General of Civil Hospitals.

(b) Is it a fact that the charges of illegal gratification, etc., brought against

Lala Ram Kishan, Sub-Assistant Surgeon, by Lala Muna Lal, Supervisor, Waryam, were not at all substantiated?

(c) Is it a fact that in one of the charges of illegal gratification witnesses produced by the Supervisor definitely stated that one patient, Muhammad, was brought to the hospital on the 16th June, and that the Sub-Assistant Surgeon refused to treat him unless the fees were paid, but in reality the death register showed that the same patient had died on 27th May, nearly 19 days before the date stated (16th June)?

(d) Was a petition dated 4th September 1920, of Lala Ram Kishan, Sub-Assistant Surgeon, received by the Government, and what action was taken on this petition, and if no action was taken will Government be pleased to make enquiry into this matter now?

(e) Did Lala Ram Kishan, Sub-Assistant Surgeon, apply for sanction to prosecute Lala Muna Lal, Supervisor, for bringing false charges of illegal gratification, etc., and why was no such sanction granted to him?

(f) Is Lala Ram Kishan, Sub-Assistant Surgeon, debarred from entering again into Government service, and if so, why?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain. — (a) Lala Ram Kishan was employed temporarily as a Sub-Assistant Surgeon in 1915. His services were dispensed with after due notice, as he was found to be unsuitable for Government service, as well as incapable and professionally ignorant.

(b) Evidence on charges of illegal gratification was recorded by the Civil Surgeon, Jhang. No finding was necessary, and none was recorded on those charges.

(c) Seeing that Government did not dispense with Lala Ram Kishan's services because of the charges of illegal

gratification brought against him, it is not considered necessary to make the investigation which would be necessary to answer this question.

(d) A petition, dated 4th September 1920, was received by Government from Lala Ram Kishan. In reply he was referred to the orders, dated 28th October 1919, declining to grant copies of Government correspondence, or to make further enquiries into the allegations made by the Supervisor. As Government is satisfied from the reports of its officers that Lala Ram Kishan is not suitable for Government service, it adheres to the decision not to make any further enquiry into irrelevant matters.

(e) Chaudhri Shanker Dass, Pleader, applied for permission on behalf of Lala Ram Kishan to prosecute Lala Muna Lal, Supervisor. No permission to prosecute was given, as no action was taken on the Supervisor's allegations of corruption.

(f) As Lala Ram Kishan was not dismissed, he is not debarred from entering Government service again.

Mr. Ganpat Rai.—The fact which is mentioned in part (a) of the answer that his services were dispensed with because he was found unsuitable and incapable and professionally ignorant, was this fact ever put in writing by any officer? If so, when? Or is it the first time that this explanation is being given on behalf of Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Undoubtedly it is the first time that the explanation which I have read out has been given by Government. As to the details, with which the hon'ble member is familiar, they are not before me as the case took place before I was in office. I think that these are not supplementary questions; they are substantially new questions.

Mr. Ganpat Rai.—My question was whether this fact was put on record. If it is on record it could be easily replied to. If the hon'ble member has not

seen the record, I can put the question again.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The record is not at my disposal.

ANNOUNCEMENT ABOUT THE TIME FOR GIVING NOTICE OF AMENDMENTS.

Mr. President.—Yesterday the lists of business for October 31st and November 1st, 3rd and 4th were issued to members. Members will have noticed that motions are to be moved on one or other of those days that the Punjab Village Panchayat Bill, the Punjab Small Towns Bill and the Punjab Municipal Amendment Bill be taken into consideration. On those motions the general principles of the Bills can be discussed. If the motions are carried, then under Standing Order 46 any member may propose amendments to the Bills, provided that two clear days' notice has been given as required by Standing Order 47. Members, who wish to be on the safe side, will do well, therefore to send in their notices of amendments by Friday, the 28th next. In the case of the Panchayat Bill Friday is likely to be the latest date. It is possible, even probable, that amendments for the other two Bills will be in time if sent in after Friday, but I can give no guarantee on this point. Members must make their own calculations.

RESOLUTIONS.

2-30 P.M.

RESOLUTION *re* INCREASING THE DAILY ALLOWANCE OF MEMBERS OF THE PUNJAB LEGISLATIVE COUNCIL.

Mr. Moti Lal Kaistha.—The resolution which I move runs as follows:—

"This Council recommends to the Government that the daily allowance for the members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 30."

[Mr. Moti Lal Kaistha]

Though self-determination is our goal, it is not without considerable hesitation, belonging as I do to this house, that I am going to move a resolution, concerning our own allowance before ourselves. It may savour of selfishness and it is liable to be misunderstood and misinterpreted. Many among us in this house have ungrudgingly given their services to the State for years without allowances and are ready to undergo any sacrifice when the occasion demands it: our complaint is against those who have without rhyme or reason made an invidious distinction and branded us with a label of inferiority. Though liable to be misunderstood I have with due deliberation—fully conscious of the responsible position which a member of a Local Legislative Council occupies both in the eyes of Government and the country—brought forward this resolution and faced the situation, delicate and unpleasant though it may be personally to me, in order to give the Government an opportunity of correcting a mistake which it has unwittingly committed and of strengthening itself by strengthening the hands of co-operators who from a strong sense of duty towards their country elected at a critical moment to stand by the British Indian Government which though not yet responsible to the people is still the best Government for India in the present circumstances, and which we are determined to make responsible to the people in the course of the next ten years by following the straight path of co-operation. I would say, Sir, that our position is somewhat analogous to the members of the House of Commons. We have yet to make the Government responsible to us, we have yet to get £400 or more a year. I may be told that, if we are given allowances at higher rates, the entire expenditure will come to only a few thousand rupees, a mere drop in the ocean of Indian finance which in spite of its treacherous sands is being so skilfully navigated by our veteran navigator. Generous as the Government has been to its own officers all round in the matter

of pay, pension, leave, allowance and perhaps rightly so, it is hard to imagine why it should adopt a cheeseparing policy to the members of the Legislative Council who in many cases have to undergo considerable sacrifice in coming here and whose hearty co-operation is essential in the interest of the Empire. Non-officials wear charms on their persons to make themselves proof against high prices. I know there are many who take their stand on the high eminence and look down upon wealth, honour and everything of this phenomenal world as so many unrealities, but this House is not for them. For such high-souled Mahatamas a snowy Himalayan cave is the fittest abode.

If you are really above all these things do away with all honours and allowances all round, we won't object. We do not attach more importance to wealth or honour than they deserve, but they are welcome so long as they are honourably gained. If my resolution is given effect to, I will get a few rupees more. I hope the Province will survive the shock. I have shown that reason, sentiment, expediency and public interest are all in the favour of my resolution. I hope every one will look upon this matter not from a narrow personal aspect but from the broad one, of the honour, dignity and usefulness of this House. Individually we are all passing figures, but this House which is the symbol of free united Indian nation, the consummation so devoutly wished for, the crowning glory of the British Rule in India which is steadily pursuing its course towards freedom. This House, I say, is to live even after our exit from here for the good of this great and ancient land, and we should always keep in mind its honour, dignity and usefulness for self-determination is our goal.

2-38 P.M.

Rai Sahib Lala Thakar Das.—Sir, I strongly oppose the resolution moved by Mr. Moti Lal Kaistha, relating to an increase in the daily allowance of members of this Council from Rs. 10 to

Rs. 30. I am also opposed to any amendment suggesting any increase whatsoever in the allowance. I hope all self-respecting members think like me, and would oppose the resolution in a body. I know that many of us come here at great personal sacrifice and heavy financial loss. None of us can give continuous thought and undivided attention to his own work, and as a consequence his work, whatever it may be, suffers to a small or great extent. But if we were not prepared to make this sacrifice for the cause that we have undertaken to represent, we had better not be here and spend our time joyfully at home. After all, the membership of the Council has been a matter of our own free will, and if we have taken it up from entirely disinterested motives and with the belief of being able to serve our country in its struggle for constitutional freedom and even-handed justice, as I am sure all who are present here have done, I would submit that the proposal before us is an insult to our patriotic sense of duty, and must be thrown out with vehemence.

A service which is as free as it is voluntary ennobles the soul that renders it. The thought of pecuniary gain or return has a most demoralising effect and takes away the whole virtue of the deed. Do we need a lesson in this respect from those of our brethren who are fighting the country's battles in a different manner from us? Look at the tremendous sacrifice some of the leaders of the country have made to espouse the cause which they hold dear. Do we not know what C. R. Das and Moti Lal Nehru have done in the domain of public service? They have sacrificed their large and lucrative practices to achieve what we think could as well be achieved not by boycotting the Councils but by making the fullest use of them. We have encountered serious opposition in coming here, and if we are here as a matter of faith and principle, I think it would be difficult to measure our sacrifice in terms of rupees, annas and pies. The thought seems to me as being wholly impure and unworthy

of the membership of this Council. I would respectfully urge my friend the mover to withdraw his resolution in good grace and not subject it to the fate which I am sure is in store for it.

2-15 P.M.

Rai Bahadur Lala Sewak Ram.—I beg to move that for the words "Rs. 30" the words "Rs. 15" be substituted.

Sir, I have heard the speech of the mover and of Rai Sahib Thakar Das with great interest. On the one hand the mover wants a very high increase in the daily allowance; and, on the other hand, my friend on the right does not want to give any increase whatever. I think it will be better on my part if I strike the mean and propose before this Council my amendment that instead of the words "Rs. 30" the words "Rs. 15" be substituted. I think this is a very moderate demand on the part of members, because they will not be making any profit out of it. Considering that the daily expenses at an hotel have been raised to Rs. 15 or so I think it will be quite sufficient if this Council grants a daily allowance of Rs. 15 to members. I cannot support my friend on the right because although of course his intentions are quite good, and so far as that goes he has my support through thick and thin, but we have to consider what the mover has put forward that we should not be out of pocket in coming to Lahore or going to Simla to attend the sessions of the Council. At the same time it will not look very nice—I should like to bring this point to the notice of the mover—that we should distribute public money in this way among ourselves. We are the trustees of public funds and as such I do not think it would look very nice if we come to this Council and say "Oh, we will take Rs. 30 a day." It does not befit our position as councillors to come and demand such a high daily allowance, but to demand the actual money spent by us is very fair, and I think my amendment to reduce the allowance

[R. B. Lala Sewak Ram.]

proposed to Rs. 15 will be accepted by my friend, the mover, and I hope the Council also will accept it. I also would like to say that a uniform allowance of Rs. 15 a day whether here or at Simla would be quite sufficient. There should not be two

Mr. President.—That amendment is not before the Council.

Rai Bahadur Lala Sewak Ram.—Very good, Sir. I do not wish to take up any further time, but beg to move my amendment that Rs. 30 be reduced to Rs. 15 per day.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 30."

To this an amendment has been moved—

"That in place of 'Rs. 30' the words 'Rs. 15' be substituted."

First a vote will have to be taken on the amendment. Those who wish a reduction will vote in favour of that. Then the whole motion will be put again and those who do not want any change will have a second opportunity of voting in favour of Rs. 10.

The amendment was carried.

Mr. President.—The motion now before the Council is—

"That this Council recommends to the Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15."

I now call upon Sardar Dasaundha Singh to move his amendment.

Sardar Dasaundha Singh.—Sir, I beg to move that instead of the words "Rs. 15" at the end of the resolution the following be substituted :—

"Rs. 15 for Lahore and Rs. 20 for Simla."

Rs. 30 a day as daily allowance was rather too much, while, on the other hand, even having regard to the impassioned appeal put forward by my friend Rai Sahib Thakar Das, I think Rs. 10, if we are going to have any allowance at all, is too low an allowance. It does not mean.....

Mr. President.—Will the hon'ble member speak to his amendment, namely, that the allowance should be Rs. 15 for Lahore and Rs. 20 for Simla.

Sardar Dasaundha Singh.—I submit that Rs. 15 a day will be quite sufficient, and for Simla it should be a little bit higher because Simla expenses are much heavier than the Lahore expenses. If Rs. 15 meets our daily expenses in Lahore then it is only right that at Simla we should get a little more than we get here, and I think that an increase of Rs. 5 for Simla is a reasonable increase. I think in the Legislative Assembly the rates of daily allowance are given according to the principle of my amendment, because I think for Simla the members get about Rs. 5 more than they get for Delhi, the rates I believe are Rs. 20 for Delhi and Rs. 25 for Simla. Considering these rates I think the rates which I have proposed, Rs. 15 for Lahore and Rs. 20 for Simla, will not be too much. With these words I beg to put forward my amendment.

2-55 P.M.

Mr. B. T. Gibson.—Sir, on behalf of Government I should like to oppose the proposal of the hon'ble member. He has not convinced us that there is any necessity for making a distinction between the daily allowance at Lahore and in Simla. I very much doubt if the expense of halting in Simla is much greater than in Lahore. Apparently he bases his proposal on what is paid by the Government of India to the members of the Legislative Assembly, but there is a clear distinction between the case of members of the Legislative Assembly and members of the Punjab Legislative Council. In the case of the former the members have

to come from all parts of India, whereas the members of the Panjab Legislative Council only come from places in their own province. I beg, therefore, Sir, on behalf of Government to oppose the proposal that there should be any distinction made between the rate for Lahore and the rate for Simla.

3. P.M.

Sayad Muhammad Husain.—Sir, certainly there is a great difference between the expenses at Simla and those at Lahore. I do not agree with the hon'ble member for Government that expenses at Simla are just the same as those at Lahore. Government has already made a distinction in case of first class officers by paying them Rs. 15 per day at Simla while they are paid Rs. 10 in Lahore. As regards the members of the Assembly who come from the different parts of the country, they charge first class from their station to wherever they are coming but their expenses are just the same as ours. They do not incur more expenses. The hotels are the same, the charges are the same. A man who lives honourably does not spend less than Rs. 10 or Rs. 15. Of course he may beg there, but the expenses are much heavier than in Lahore. Whatever the decision of the Council may be, I support the healthy amendment that there must be some distinction whether it should be Rs. 15 in Lahore and Rs. 20 in Simla or anything. The fact that members of the Assembly come from other parts of the country cannot mean that they spend more than we do. Expenses are just the same for all people whether they come from Madras, United Provinces or other provinces.

Mr. Manohar Lal.—Sir, I do not wish to say anything as regards the merits of expense of living at Lahore or at Simla. On that matter the member for Government has expressed himself whose statement has startled some of the members. But one thing is certain, that there is no distinction between allowances of members of the Legislative Assembly at

Delhi and at Simla. So far as that is concerned the allowances are exactly the same whether the members go to Delhi or to Simla. It is just Rs. 20 both at Simla and at Delhi. In that case, is the Government in a position to say whether it will give us an extra allowance if we go to Simla?

Mr B. T. Gibson.—I did not know whether it was the same both at Simla and at Delhi. I was under the impression that in Delhi it was Rs. 15, but I have no information on the subject.

Rana Muhammad Jamil Khan (Punjab).—Sir, I humbly submit that at the time we were returned to this Council we did not in the least expect to receive any allowance or railway fare to and from Lahore or some money to pay tonga and motor fares. I therefore suggest that either all the hon'ble members should give up all sorts of allowances or the Government, if it is kind to us, should endeavour to bear all the expenses in this connection. I therefore support the amendment.

Mr. President.—The resolution before the Council is—

"That this Council recommends to the Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15."

To this an amendment has been moved—

"That instead of the words 'Rs. 15' at the end of the resolution the following be substituted—

'Rs. 15 for Lahore and Rs. 20 for Simla.'"

The amendment was lost.

Sardar Dasaurdh Singh.—I would like to ask for a division.

Mr. President.—The hon'ble member should have asked for a division after I had said "I think the noes have it." Once I have declared a motion lost or carried no division can be claimed.

Mr. K. L. Ralla Ram (Urdu).—Sir, I beg to move—

“ That after the words ‘ Rs. 15 ’ there be added the words ‘ and that a motor and carriage allowance of Rs. 5 per day be granted to members who are not entitled to the daily allowance. ”

Sir, what my amendment aims at is quite simple and clear. I think that those local members who do not draw any allowance should receive for motor and tonga fares a conveyance allowance of Rs. 5 per diem, that is, one-third what other members coming from out-stations receive. I think Rs. 5 per diem is not much. I, however, leave it to the House to decide.

Mr. B. T. Gibson.—In the first place, I should like to raise a point of order and ask whether it is really an amendment to the original motion or whether it is entirely a separate motion of its own.

Mr. President.—The amendment is in order.

Mr. B. T. Gibson.—Well, Sir, on its merits I should like to oppose this amendment. It really seems to me that this Council, which is the custodian of the Provincial purse, is descending into rather undignified details in pressing amendments of this sort. The assumption is that hon'ble members who live in Lahore may for some time use their ordinary conveyance like the official members do when coming to the Council. The proposal is not one that has been given effect to, as far as I know, in the case of any other Legislative body in India, and on those grounds I beg to oppose it.

Rai Sahib Lala Thakar Das (Urdu).—Sir, I have been surprised by the amendment moved by my hon'ble friend who, I understand, is also the Vice-President of the Lahore Municipality. I would also like to hear from him what conveyance allowance does he draw from the municipality?

Demands like these take away a good deal from the dignity of the Council. To preserve the honour and good name of our country it is our duty that we should abstain from stooping so low. With these remarks I strongly oppose the amendment.

Maulvi Muharram Ali Chishti (Urdu).—Sir, I shall be brief. My friend Lala Thakur Das has vehemently opposed the amendment and has taken serious objection to the matter. If to-day's session passes in discussion over resolutions and amendments like these it will be considered as merely a day of amusement. Perhaps a few of the members grew tired yesterday and are enjoying to-day. I suggest that this amendment be put an end to, and important business taken up.

Mr. K. L. Ralla Ram (Urdu).—Sir, I am really sorry that Lala Thakur Das has considered it fit to make a personal attack upon me. He ought not to have done this. I withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion now before the Council is—

“ That this Council recommends to the Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15.”

3-11 P.M.

Chaudhri Kharak Singh.—Sir, it is with regret that I have to oppose this resolution. The hon'ble mover has not, before moving this resolution, realised his position which is but that of a custodian of a sacred trust. We are responsible to the public at large for the money spent, and we have to see that strict economy compatible with efficiency is practised in all the departments of Government or at least in all the transferred departments, and

specially as regards ourselves. It looks a little ugly to criticise expenditure in the case of others and in the same breath ask more for ourselves. The services of the members of this Council are purely honorary, and whatever they get is by way of daily allowance and not as a remuneration. Had it been by way of a remuneration, this House could have asked for a far higher sum. But being merely a daily allowance we have to see whether it does cover the daily expenses. If I am correctly informed in none of the Indian hotels the expenses actually come up to Rs. 10 a day. Even in hotels run on European style the daily expenses hardly amount to this sum excepting those in the Nedou's Hotel where Rs. 12 a day are charged. But hardly any of us go to those hotels, hence I do not think that there is any necessity for any increase. It is urged in some quarters that this money does not cover the expenses of *gharris* and motor fares which are over and above the boarding and lodging expenses. As I have said above, for us Indians the allowance is quite sufficient if we live economically, while, Sir, luxury knows no bounds. The other day during the budget debates it was urged that our Ministers, the Deputy President and the Secretaries should work honorarily or at the most should agree to accept nominal salaries. But now we ask more for ourselves. Is it not a self-contradiction? Burden is light on another man's shoulders, but it should be light on our own shoulders too, for example teaches better than precept. Moreover, the public whom we represent is wholly against this increase as all of us might have read in the local press. With these remarks opposing the resolution, I request the House not to press for this increase.

Mr. President.—Does the Council wish to discuss this further?

Diwan Bahadur Raja Narendra Nath.—Sir, I move—

“That the question be now put.”

Mr. President.—The motion before the Council—

“That the question be now put.”

The motion was carried.

3-15 P.M.

Mr. Moti Lal, Kalstha.—So far as the question has been discussed in its different aspects, I submit, Sir, that it is regrettable that Government members have taken part in the discussion of this resolution. It would have been better if the official members had not taken part in this resolution because it was the question of daily allowance for the members of this House. Various members have advanced different arguments, but it is not understood what their criterion has been or what principles they have propounded before this Council. It was a simple question—the question of living, the question of daily allowance. Do the members of this Council want to exist or not? If they want to live then they cannot do so at anything less than Rs. 30 a day, because that is the minimum sum for which it is possible to keep the body and soul together. If the members want to be *mahatmas*, then I should ask them, and particularly the hon'ble member for the Jhelum district, to accompany me to the Himalayan Range where he can enjoy a free atmosphere (laughter).

Once that we have come to this Council we should look to ourselves properly. Through the kindness of the Government I never aspired to come to this Council. I have been a member of the district board, Kangra, for the last 30 years. I have been a member of the municipal committee, Dharamsala, for the last

Mr. President.—The hon'ble member must not give us his life history (laughter).

Mr. Moti Lal, Kalstha (continued).—The sole and simple question before this House is whether we should live or starve (laughter). I find here amongst other things that my daily tonga hire runs away

[Mr. Moti Lal Kaistha.]

with much of my daily allowance. I will not say a word about the laundry bill because I am at this time clad in *wadeshi*. The clothes I am wearing now are of Kangra made *pattu*. The sum of Rs. 30 claimed by me is just to keep the soul and body together. Now some of the members have said that some hotels charge Rs. 12, some Rs. 10 and some Rs. 8 a day. Of course, we must live frugally. I bow to this argument, but thereby my point is admitted that Rs. 10 a day is insufficient. Finally, I submit, Sir, that it is a question entirely resting with the members of this Council. If they agree that Rs. 20 are sufficient.....

Mr. President.—Order, order, there is no question of Rs. 20 now.

3-25 P.M.

Mr. B. T. Gibson.—Sir, it is difficult for me to try to meet the arguments of the hon'ble mover because all the speeches which he has made on the subject of the resolution have been inaudible to me. But I should like to lay a few considerations before the Council before it passes its vote on this resolution. I have already reminded the Council that it is the guardian of the public purse. I would also venture to remind it that ever since the first session there has been a consistent attempt on the part of the Council to enforce economy, and that was apparent not only in the budget session but subsequently when in deference to the wish of this Council a retrenchment committee was formed, and every effort is being made to reduce public expenditure. I would also like to point out that the financial situation is really very bad indeed. It is very much worse than was anticipated earlier in the year. Government has had to incur very high expenditure on loans to agriculturists to repair their losses during the long drought which ended with the

beginning of the last monsoon, and Government is likely to suffer also heavy losses of income, so that it really has to consider carefully every penny of expenditure. I have made a very rough estimate since I came to this Council Chamber of what the proposed increase in daily allowance would amount to. It would not be less than Rs. 25,000, and it might be as much as Rs. 50,000. I would therefore suggest to the Council that when there is such urgent necessity for economy, it should think seriously before recommending to Government this extra daily allowance. There are also a few more considerations which I should like to put before the Council. There always has been, and I think there should be, a distinction between the Imperial Councils and the Provincial Councils. As far as I know (and I have information with regard to the provinces near the Punjab), the rate of daily allowance of members of the other Councils is Rs. 10, the same as ours. We have made enquiries from the United Provinces, Bihar and Orissa and, I think, from the Central Provinces, and in all three cases their daily allowance is Rs. 10 as was originally fixed for the Punjab. If this Council raises its own daily allowance, then it has to consider whether it will not only embarrass the Government of India, but will also embarrass other neighbouring provinces. I do not say that these are reasons for deciding against it, but these are considerations to which this Council should give weight. Well, Sir, I do not wish to take up time of this Council any longer, and with these few remarks I oppose the resolution as amended.

Mr. President.—The motion before the Council is—

"This Council recommends to Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15."

The Council then divided—Ayes 39,
Noes. 14.

AYES.

Chaudhri Ghazi Ram.	Misar Mela Ram.
Khan Sahib Amir Khan.	Nawabzada Muhammad
Chaudhri Ata Ullah	Irshad Ali Khan.
Khan.	Mr. Moti Lal, Kaistha.
Sardar Bakhtawar Singh.	Khan Bahadur Raja.
Sardar Balwant Singh.	Muhammad Akbar
Chaudhri Bans Gopal.	Khan.
Mr. Manohar Lal.	Chaudhri Muhammad
Sardar Dasaundha Singh.	Hayat Khan.
Pandit Daulat Ram,	Sayad Muhammad
Kalia.	Hussain.
Chaudhri Daya Ram.	Rana Muhammad Jamil
Sardar Sahib Risaldar	Khan.
Dilbagh Singh.	Sayad Muhammad Raza
Khan Bahadur Chaudhri	Shah.
Fazl Ali.	Khan Muhammad Saif-
Sardar Sahib Gopal	Ullah Khan.
Singh, Labana.	Mian Muhammad Shah
Captain Sardar Gopal	Nawaz.
Singh.	Mauvi Muharram Ali
Sayad Ghulam Muham-	Chashti.
mad Shah.	Chaudhri Nabi Baksh.
Rai Bahadur Lala Hari	Mr. Nawab Din, Murad.
Chand.	Rai Sahib Lala Panna
Bawa Hardit Singh	Lal.
Edi.	Rai Sahib Chaudhri Buja
Sardar Jamal Khan.	Singh.
Mr. K. L. Ballia Ram.	Sardar Sangat Singh.
Khan Bahadur Sayad	Rai Bahadur Risaldar
Medhi Shah.	Sarnp Singh.
Malik Najabat Khan.	Rai Bahadur Lala Sewak
	Ram.

NOES.

Mr. E. Joseph.	Chaudhri Kharak Singh.
Mr. A. Latifi.	Khan Bahadur Khawaja
Mr. B. T. Gibson.	Yusaf Shah.
Mr. N. H. Preuter.	Rai Sahib Lala Tha-
Mr. P. J. Fagan.	kur Das.
Mr. E. R. Abbott.	Lala Uttam Chand.
Mr. H. W. M. Ives.	Dr. C. A. Owen.
M. C. H. Townsend.	Mr. W. R. Macpherson

The motion was carried.

Mr. President.—I have to draw the attention of the Council to the fact that an hon'ble member claimed a division on behalf of the 'Noes' and then did not vote in the division. Such action is discourteous to the Council, putting it to a great deal of trouble and waste of time, and is not in accordance with the best traditions of the Legislative Council.

RESOLUTION re APPOINTMENT OF A COMMITTEE TO REPORT ON THE EDUCATIONAL NEEDS OF ZAMINDARS.

3-45 P.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).
—Sir, I beg leave to move the following resolution standing in my name :—

"This Council recommends to the Government to appoint a committee consisting of the Minister for Education, the Director of Public Instruction, the Director of Agriculture, seven zamindar members of the Council, and the member to report by next session on the educational needs of zamindars."

At the outset I beg to say that the only object underlying this resolution is, to request the Government to devise some such means, in consultation with the zamindar members of the Council, which may lead to the improvement of facilities for education and consequently its greater diffusion among the zamindars as a class.

Not long ago I had had an occasion of emphasising this point in this House, and to-day I have given it a more tangible form and brought it before the House.

I must confess, Sir, that I have been encouraged to do so because I felt that there was a goodly number of rural representatives in the House, who are of my way of thinking and that Government, too, is alive to the necessity of improving education among the zamindars.

It is a patent fact, Sir, that zamindars of the Punjab are the most backward in education.

They are backward in other walks of life too. They live in sequestered parts of the country, away from the influence of civilising currents and amenities of town life. It is thus imperative that instead of expecting them to migrate to the towns to drink at the fountain of education the torch should be carried to their very doors.

[K. B. Ch. Fazl Ali.]

They form the bulk of the population. It is the man behind the plough who is the bread-giver of the universe, he is the bulwark of King-Emperor's armies, he is the backbone of Government revenues, he is the mainstay of Government in crises, and in spite of all this he is the most neglected of the lot.

Figuratively speaking, he bears the burden of the world on his shoulders and he, of all, is the most step-motherly treated. We have a most apt adage in this connection, i.e., 'The camel carries the burden and feeds upon the thorny shrubs.' The life of a peasant is an object lesson of toil and industry. His simplicity puts in shade the self-denial of an ascetic.

It will be clear by this time that my request is a modest one. It is neither a drain upon the Exchequer nor a twist of policy that I advocate.

I would insist, Sir, that the committee should be composed of as is suggested in the resolution.

There are some amendments on the agenda from other than rural members of the House advocating alteration in the composition of the committee to be appointed, and I must stoutly resist it. My opposition to the proposed alteration is certainly not based on sectarian or communal spirit; I am neither doubtful of their sympathies, nor because I am intolerant of their interference, but because I believe that we alone know where the shoe pinches, and we alone can explore the ways and means.

We have got our needs peculiar to ourselves and towns-people have got their own. We do not want education which will manufacture clerks or as a means of livelihood. There is a saying :—

"If I had not the curse of education I would have lived in a hundred different ways."

Sir, agriculture is not only ploughing the land, but it is a vast scientific subject. It includes in its province horticulture,

sheep-farming, honey-bee rearing, running the studs, dairies and various other things. The education for my class of people will and should thus be conducive in creating interest in us in the scientific pursuits named above. It will add to the slender incomes of the zamindars, and even if a crop or two fail, they will not have to face starvation. Scientific agriculture carried on in the latest scientific manner will double the produce of the land, and consequently it will drive famine out of the land and never a necessity will arise to place embargos on the export of cereals. In that respect the education of zamindars will be distinctly different from the education of towns-people.

Our education should be both secular and vocational side by side, so that on the one hand we learn to wield the pen, on the other we learn to wield the plough in a more scientific manner. This is the sum and substance of what I had in my mind when I put up the resolution. I beg to reiterate, Sir, that a joint committee of rural and urban representatives is the least desirable.

We are 80 per cent. of the population in the Punjab, and the literacy can be safely said to be in decimal percentage. On that score alone, Sir, I urge a separate committee as proposed in the resolution. With these words I commend the resolution to the Council.

8-54 P.M.

Mr. K. L. Rallia Ram.—Sir, with your kind permission I would like to move an amendment to the resolution which has just been moved by my friend Mr. Fazl Ali :—

"That the words following the words 'to appoint a committee' be omitted and the following be substituted in place thereof :—

'to enquire into the condition and prospects of, and to consider the question of, a constructive policy in relation to primary and secondary education in the towns and villages of the province.'

Sir, the question which has been put before the House is much wider than it

is supposed to be. I quite endorse the remarks made by my learned friend that education for the zamindars is very important, but I would like to propose an amendment so that it might take a wider scope. I assure my friend that it includes the needs of the zamindars. In order to appreciate this amendment and the whole resolution it would be necessary for me, Sir, to survey the history of education in this country very briefly. Defining education in its most general terms as a process whereby the individual is prepared for life we have to deal with three types of influences which the child has been subjected to under the system which was in vogue before the advent of the British Rule. In the first place, Sir, the system of mosque and temple schools was in existence under the ancient kings. The schools imparted religious instruction. They had a specific object. ...

Mr. President.—The hon'ble member is hardly speaking to the amendment. He must first speak to the amendment. If that is carried then he can speak again on the motion.

Mr. K. L. Rallia Ram.—Very well. For the present I would only say that this question is a very much wider question, wider than that which has been put by my friend. If he accepts this amendment then I will, with your kind permission, lay before the House a constructive policy and some of the salient problems with which we are faced. I shall reserve my remarks till I am given an opportunity to survey the whole question.

4 P.M.

Sayad Muhammad Husain.—Sir, the demand made by the hon'ble mover, Khan Bahadur Chaudhri Fazl Ali, is a very reasonable one. The zamindars irrespective of their creed and religion are the most backward people of the province. They practically contribute to all the taxation of the province, and it is they

who are neglected the most in their educational requirements. The committee, if appointed as suggested by my hon'ble friend the mover, will suggest measures whereby the educational needs of the agriculturists can be fully met with. If the zamindars are unable to stand upon their own legs and compete equally with their sister communities, it is the bounden duty of the Government to support them and to procure them all sorts of educational facilities till such time as they may be able to walk on equal terms with the other advanced communities of the country.....

Mr. President.—Is the hon'ble member speaking to the amendment?

Sayad Muhammad Husain.—Yes, Sir, I am speaking to the amendment moved by Mr. Rallia Ram and am opposing it. The zamindars are most backward in primary education, notwithstanding the fact that all the money for primary education is realised from the cesses imposed on them. I can assure my brother members that our country cannot possibly attain the goal of success without the united effort of all communities, and that cannot be undertaken unless we educate our masses who are mostly zamindars. It must be our duty to raise our fallen brethren, to break illiteracy, to help those who are unable to help themselves. In the circumstances I whole-heartedly support the resolution as originally moved and oppose the amendment strongly. I do so because the hon'ble mover only wanted that the question of the members of the agriculturist classes be taken into consideration whereas the amendment put forth by Mr. Rallia Ram goes much further than that. No doubt, we all require that the whole country must be educationally advanced, but those communities which require the first and foremost care of the Government, their case must be taken separately, and so long as we are unable to uplift the zamindars no real progress towards

[S. Muhammad Husain] the realization of the goal of self-government can be made. In the circumstances I will ask my hon'ble friend, the mover of the amendment, to withdraw his amendment. The original motion as it stands does not mean anything more than to uplift the zamindars, to give them education which they so badly need, and for doing so we require the whole-hearted support of the whole Council. I hope all the members will give their united support to the resolution as originally moved, and I would again ask my learned friend to withdraw his amendment.

Mr. President. — I wish the Council to understand that the point they are discussing in the first place is whether the resolution is to cover the case of zamindars only or of zamindars and others. This is the first thing to decide. Supposing the Council decides to discuss only the question of zamindars, then if resolution No. 13 on the continuous list, which stands in the name of Mr. Rallia Ram, is reached, he will be in order in discussing the question of non-zamindars. If the amendment of Mr. Rallia Ram is carried, then the question of both zamindars and non-zamindars will be discussed together at once. The point now is: will the Council deal with zamindars or, as the amendment proposes, with zamindars and others.

Sardar Dasaundha Singh. — Sir, I quite appreciate the desire of the hon'ble mover of the amendment to have the scope of the committee widened and to include the educational policy of the towns as well, but I oppose him on principle because the object of the mover of the resolution will not be served if a joint committee is appointed to consider the policy of rural schools and of urban schools. The needs of the zamindars are quite different from the needs of the urban people. Just as the hon'ble mover pointed out, it is mainly with a view to encourage agricultural education among the agricultural classes. There

are subjects like sericulture, horticulture and things like these that the zamindars need learning. Zamindar classes are not only backward in education, but education as it is given in the schools to-day is not popular among the zamindar classes. They do not want to send their children to schools any more because they have come to realise that it is very difficult to get service these days. When an educated boy of a zamindar comes back to his home and he cannot get service the whole family feels disappointed. It is therefore necessary that some vocational education, that is, education which will prepare them for their own vocation should be given. It is for this reason that I submit that a special committee should be appointed which should consider the needs of the zamindars alone. I do not object to a separate committee being appointed to consider the needs of the urban people. With these words I oppose the amendment.

Sardar Bakhtawar Singh (Urdu). — Sir, India is the least educated of all the countries in the world, and the zamindars as a class are the least educated of all the people of India. The reason is not far to seek. The zamindars mainly live in the villages out of the sphere of influence of educational institutions which are mainly located in big towns and cities. The urban people thus can avail themselves of the educational facilities afforded to them and the village people cannot do so unless it be at the cost of more money and the sacrifice of their own particular vocation in life. If the amendment be accepted it will not only add to the labours of the committee, but will import complexities in the problem on account of the divergence of interests. I therefore will oppose the motion.

Chaudhri Ghulam Muhammad (Urdu). — Sir, I am a zamindar and have no pretensions to great learning. I am an inhabitant of Tahail Phalia, which consists of 54 villages, and which altogether pays a sum of twenty lacs of rupees in the

shape of land revenue every year. Now this vast amount of money, which is realised from the poor zamindars, is not spent upon their educational advancement. You will be surprised to hear that there is not even a single Middle or High School in Tahsil Phalia. So far from there being any B.A.'s or M.A.'s the tahsil does not boast of more than two or three Matriculates. The zamindars are extremely backward in the matter of education, and it is the first duty of the Government to remove illiteracy from amongst the dumb rural masses who form the majority of the population of this country. I, therefore, strongly oppose the amendment moved by Mr. K. L. Rallia Ram, and most respectfully urge the Government that, in order to safeguard the interests of the zamindars, some of the zamindar members of this Council ought to be included in the committee proposed by Chaudhri Fazl Ali.

4-15 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, the illiteracy of the country is so great that it attracted the attention of His Imperial Majesty the King, and at the Coronation Darbar at Delhi a grant was announced and has since been made. Now, Sir, the masses of the Indian population consists of agriculturists—of zamindars. The question of removing illiteracy from India is really a question of removing illiteracy from the masses. There can be no special measure devised which would make education attractive short of making free and compulsory education available everywhere in the province. The question therefore of removing illiteracy from amongst the masses of the Indian population resolves itself into the question of considering whether free and compulsory education should be introduced, and what the difficulties are in the way of introducing that policy. I admit that in towns there is more literacy than there is in villages: but the amendment which has been moved by my friend Mr. Rallia Ram covers the case of

towns as well as of villages, and I do not think it is possible to separate the question of the education of zamindars from the education of non-zamindars. There are many matters in which the interests of zamindars are different from those of the urban population, but certainly education is not one of them. I do not understand if the hon'ble mover's resolution means that there is a different algebra for zamindars from that for non-zamindars. If the amendment of Mr. Rallia Ram is accepted it would cover a wider field. It would cover a field of questions which are agitating the public mind at present. There is a great demand for free and compulsory education, but nobody knows how much it will cost, and what are the sacrifices that are required for it. I should like to cover all that field of enquiry, and it can be best done if Mr. Rallia Ram's amendment is accepted. The zamindars forming the majority of the population in this province will naturally derive the largest benefit from a policy of education of the masses. It cannot leave the question of educating zamindars untouched, because they themselves constitute the masses. I see no reason why the hon'ble mover of the resolution and other friends of his are opposed to the amendment.

Chaudhri Ali Akbar (Urdu).—Sir, the only object which the mover of this amendment seems to have in view is to put obstacles in the way of the spread of education in rural areas. We zamindars are not over-fond of English education, which tends to make people discontented. What we want is training in practical agriculture or, in other words, practical and vocational training in addition to a certain measure of general education. We also want religious education to be included in the curriculum of our schools. We are well content with the Panchayats, and we should all be too glad to educate our children in such a way as to raise their economic value and to make them good citizens. With these words I

[Ch. Ali Akbar.]

strongly support the resolution so ably moved by my esteemed friend, Khan Bahadur Chandhri Fazl Ali.

4-30 P.M.

Rai Bahadur Lala Sewak Ram.—Sir, I have got an amendment outstanding in my name, but as I find that it is covered by the amendment of Mr. Rallia Ram I do not wish to move it. I would like, however, to offer a few remarks on the amendment before the Council. The object of this amendment is a very generous one, namely, that education should be for the general benefit and not for the sake of one community. Why should the educational needs of only one community be studied and not those of any other community. The idea of making everything communal in these days should be discouraged. When other communal differences are being got over, my friend the mover of this resolution is introducing another communal difference by bringing in the question of zamindar and non-zamindar education into this province. The Raja Sahib has already said that if there is one algebra for zamindars there is the same algebra for non-zamindars. I do not think therefore that the mover of this resolution is at all justified in moving it only for the sake of zamindars. I think that this resolution should be more broadly worded and all communities should be included irrespective of their occupations. My friend thinks that the zamindars can move on without the help of the commercial community. I think all communities, whether zamindars, non-zamindars or commercial, form integral parts of one complete mechanism, and in order to keep that mechanism in proper order and in order that the whole machinery should move, equal treatment must be given to all communities. Therefore Mr. Rallia Ram's resolution is opportune and to the point, and while requesting the Hon'ble Minister for Education to take into consideration the needs of zamindars it does not exclude consideration of the

claims of other communities. To bring forward only the claims of one community and to overlook the others is not, I think, a broad-minded policy on the part of that particular community. The question of uplifting a certain community is rooted out. Nobody wishes that the zamindars should not get adequate education. They will receive the same education as others, and they will be uplifted in the same way. I think, Sir, that this resolution has not been based on a broad point of view, and the amendment covers all classes and must therefore satisfy all the subjects of His Majesty. The amendment should therefore be accepted by this Council, and I have every hope that even the mover of the resolution will accept it.

Mr. President.—The question before the Council is a very simple one. The arguments have been repeated again and again by members on each side, and I suggest that a decision be come to after hearing the Minister for Education.

The Hon'ble Khan Bahadur Mian Fazl-i-Husala.—Sir, I have listened to a very interesting and instructive debate on the resolution and on the amendment.

Resolution No. 13 on the continuous list covers exactly the amendment which the hon'ble member has moved. There is a distinct resolution on the subject that the whole matter of primary and secondary education be handed over to a committee which will go into the matter and report on it. The second observation to which I want to draw the attention of

Mr. President.—I think the hon'ble member is rather misleading the Council. I have explained to the Council that, if this amendment is rejected, then resolution No. 13 can be discussed only in so far as it relates to primary and secondary education for non-zamindars. We cannot have a second debate about the zamindars. I shall rule out in resolution No. 13 anything relating to zamindars.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—That was really what I myself intended to convey. Resolution No. 13 as well as the amendment comprises the case of zamindars as well as non-zamindars, and what I was thinking was this, that the hon'ble member who later has to move the resolution now comes up and tries to get a committee in order to go into the whole question of primary and secondary education in villages and towns.

Mr. President.—I have already ruled that that will be out of order.

4-38 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Very well. However, as the subject has been mooted, I want to draw the attention of this Council to the proceedings of the Punjab Government in the Education Department published in the Gazette of 21st October, I mean the resolution of the Punjab Government on the subject of an Educational Conference held in Lahore sometime in winter. This resolution is introduced by a few remarks, some of which I will just mention to the Council. Certain important matters discussed in this resolution will be submitted later to a general conference or a special committee for opinion, and the resolution itself will also be placed before the Education Committee of the Legislative Council for general discussion. It is hoped that all this will focus public opinion on a number of important problems which demand attention and thus enable the Minister to have the benefit of the views held by non-officials as well as officials.

So, Sir, it will be seen that this resolution, which comprises I think about fifteen pages, while the appendices comprise another fifteen or twenty pages, covers a fairly large ground and an important part of this resolution deals with expansion of education in rural areas. Another part deals with agriculture and another with vocational training, and so on. Is it not right that the members should go through

this resolution which, I mention by the way, will be duly presented to all the members of this Council for careful study and for such observations as they may be pleased to make in connexion therewith and send them to the Director of Public Instruction. Government has already contemplated appointing several standing committees to advise it. Government also contemplated referring the whole of this resolution to a general conference. "General conference" in educational terminology means a conference consisting of experts and others, officials and non-officials, from all over the province, whether members of this Council or not. I mention this in order to make it clear that Government is already taking a very great and keen interest in the matter of education, in particular the education of the backward classes, that is, the zamindars. I trust that there will be help forthcoming from every quarter possible from officials as well as non-officials, so that the views given may be utilised. Is it necessary under the circumstances that at this stage this Council should pass a resolution or pass this amendment to the effect that Government should appoint a committee.

My last point is this. As is hinted at in this resolution we are going very shortly to have a Standing Committee for Education which will largely be an elective body—a body elected by members of this Council, and it will be the business of that body to advise me in connexion with educational matters that are placed before us and under this resolution the whole of this matter will be referred to that Standing Committee. Is it at all necessary to appoint the sort of committee that the hon'ble member who has moved this amendment desires, because this action is already contemplated. Therefore, Sir, I believe there is really no need for the appointing of a committee to deal with the whole question as the hon'ble member who has moved the amendment desires.

Mr. President.—Do I understand your suggestion to be that the mover of the amendment should withdraw his amendment on the ground that Government is already going to submit the whole educational question to a general conference?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Yes.

Mr. K. L. Rallia Ram.—There is one thing I would like to say. Of conferences we have had enough. We want....

Mr. President.—I do not want a speech.

Mr. K. L. Rallia Ram.—The functions of this committee are different. Therefore I cannot withdraw the amendment unless the House wants to withdraw it.

4-45 P.M.

Mr. Nawab Din, Murad.—Sir, I strongly support the amendment moved by Mr. Rallia Ram, and in doing so I must make myself clear that I am quite aware of the needs of the zamindars as far as education is concerned, but I must point out to this House that when we are considering the question of education we must uniformly impart that education to all classes. We should not make any distinction between one class and another class. A reason has been advanced that zamindar class contribute very much to the revenue of the province. Well, it can be equally said with the same force that the inhabitants of towns also contribute equally in the form of taxes to the provincial funds. Therefore my suggestion is that as far as the need of the country is concerned all classes have got a claim upon Government that they should get higher and efficient education, but we should not create differences between classes.

Mr. President.—As arranged I will now take the opinion of the Council on the question whether there is to be a com-

mittee "to consider the educational need of the zamindars," or, in the words of Mr. Rallia Ram, "to enquire into the condition and prospects and to consider the question of a constructive policy in relation to primary and secondary education in the towns and villages of the province."

The original motion before the Council is—

"That this Council recommends to the Government to appoint a committee consisting of the Minister for Education, Director of Public Instruction, Director of Agriculture, seven zamindar members of the Council, and the mover to report by next session on the educational needs of zamindars."

To this an amendment has been moved—

"That in place of the words following the words 'to appoint a committee' the following be substituted: 'to enquire into the condition and prospects of, and to consider the question of, a constructive policy in relation to primary and secondary education in the towns and villages of the province'."

The question is that the amendment be made.

The Council then divided.—Ayes 8, Noes 42.

AYES.

Mr. K. L. Rallia Ram.	Rai Sahib Lala Panna Lal.
Misar Mela Ram.	Rai Bahadur Lala Sewak Ram.
Maulvi Muharram Ali, Chishti.	Rai Sahib Lala Thakar Das.
Diwan Bahadur Raja Narendra Nath.	Dr. C. A. Owne.

NOES.

The Hon'ble Sir John Maynard.	Mr. N. H. Prenter.
The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.	Mr. E. R. Abbott.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Mr. E. A. Scott.
The Hon'ble Lala Harkishan Lal.	Chandhri Ghasi Ram.
Mr. E. Joseph.	Malik Firoz Khan, Nana.
Mr. A. Latiff.	Chandhri Muhammad Amin.
Mr. B. T. Gibson.	Khan Bahadur Diwan Abdul Hamid Khan.
	Mian Ahmad Yar Khan, Daultana.
	Chandhri Ali Akbar.
	Chandhri Ata-Ullah Khan.

NOES—CONCOLD.

Lala Atma Ram.
Sardar Bakhtawar Singh.
Sardar Balwant Singh.
Sardar Dasandha Singh.
Chaudhri Daya Ram.
Sardar Sahib Raisidar Dilbagh Singh.
Khan Bahadur Chaudhri Fazl Ali.
Sardar Sahib Gopal Singh, Labana.
Captain Sardar Gopal Singh.
Chaudhri Ghulam Muhammad.
Chaudhri Kharak Singh.
Malik Najabat Khan.
Nawabzada Muhammad Ishaq Ali Khan.

Mr. Moti Lal, Kalatha.
Khan Bahadur Raja Muhammad Akbar Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Rana Muhammad Janoll Khan.
Sayad Muhammad Raza Shah.
Khan Muhammad Saif-Ullah Khan.
Chaudhri Nabi Baksh.
Lieutenant Sardar Ragbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Raisidar Sarup Singh.

The amendment was lost.

Mr. Ganpat Rai.—Sir, I beg to move—

"That after the words 'Minister for Education' the words 'Minister for Agriculture' be added."

Khan Bahadur Chaudhri Fazal Ali.—Sir, I accept the amendment moved by Mr. Ganpat Rai.

Mr. President.—The amendment before the Council is—

"That after the words 'Minister for Education' the words 'Minister for Agriculture' be added."

The amendment was carried.

Mr. Ganpat Rai.—Sir, I beg to move—

"That after the word 'seven' the word 'zamindar' be omitted."

Mr. Ganpat Rai (Urdu).—I wish that the mover had moved his resolution without laying down any restriction about zamindars. All the speeches that have been made are for the betterment of the zamindars. Even if more officials had been included I would have expressed agreement with Chaudhri Fazl Ali. For instance, Hon'ble Mr. Latifi, who was Director of Public Instruction in Hyderabad and is an educationist, would have given much help. Similarly other Englishmen, interested in

the education of zamindars, might also have been included. The amendment is a useful one. By taking merely non-officials you will deprive yourself of the benefit of the advice of some of the best educationists.

Maulvi Muharram Ali, Chishti (Urdu).—I support the amendment. In this Council, I have been, as a matter of principle, supporting the cause of the zamindars. We have in the Council a number of capable members representing rural areas, but I should not be justified in drawing distinction between zamindars and non-zamindars, merely to please the rural members. If we back up the zamindars in all matters, what will be the result. We shall have two rival factions, one urban and the other rural, in this Council. Such a contingency is to be deprecated. Yesterday discussion arose here over some religious matter. Difficulties are bound to arise if we favour classes. In no matter should Englishmen, Muhammadans, Hindus, townspeople and village people oppose each other. We are all brothers and should work unitedly for our country. There should be no parties. All that is wanted is the advice of educational experts. Would it be fair to exclude an educationist from the committee for the simple reason that he is a non-agriculturist. It is meaningless to draw any distinction in a matter like this. I, therefore, support the amendment moved by Lala Ganpat Rai. I admit that only those who have sympathy with the zamindars should be appointed to serve on the committee, but at the same time we should not fail to benefit by the advice of Indian and English educationists.

Diwan Bahadur Raja Narendra Nath.—I move, Sir, that the question be now put.

Mr. President.—The question is that the question be now put.

The closure was carried.

Mr. President.—The resolution before the Council is—

"This Council recommends to the Government to appoint a committee consisting of the Minister for Education, Minister for Agriculture, Director of Public Instruction, Director of Agriculture, seven zamindar members of the Council, and the mover to report by next session on the educational needs of zamindars."

To this an amendment has been moved by Mr. Ganpat Rai—

"That the word 'zamindar' be omitted from the expression 'seven zamindar members of the Council.'"

The amendment was lost.

Mr. President.—The motion now before the Council is—

"This Council recommends to the Government to appoint a committee consisting of the Minister for Education, Minister for Agriculture, Director of Public Instruction, Director of Agriculture, seven zamindar members of the Council and the mover to report by next session on the educational needs of zamindars."

5-12 P.M.

Mian Muhammad Shah Nawaz.—Can I, Sir, at this point discuss the principle of free and compulsory education in regard to this resolution?

Mr. President.—Yes, from the point of view of the educational needs of zamindars.

(At this stage Mr. President left the Chair which was taken by Mr. Manohar Lal.)

Mian Muhammad Shah Nawaz. Sir it is very truly said that the progress of education is a question of life and death for society and the individual alike. The well-being of millions of our zamindars' children depends on the right solution of the educational policy. It is admitted on all hands that the acquisition of knowledge is necessary to a successful life. To tell you the truth, Sir, illiteracy is a great disgrace. The efficiency of officials, farmers, merchants, cultivators and zamindars, the higher general level of intelli-

gence built up on good and moral character, cannot be achieved without education. Sir, it is the imperative duty of the Government and of the public to find money for a set of schools for the zamindars in the same way as it is necessary to pay for a regiment. The British Government in this country is pledged to mass education. The despatch of the Directors of the East India Company in 1854 distinctly says that it is the duty of its officers to introduce mass education amongst the whole population of India. Lord Ripon's committee which was to report on the extension and provision of mass education among the people recommended that hitherto inadequate attention had been paid to the education of the masses.....

Malik Firoz Khan, Nun.—Sir, I rise to a point of order. When the President has already ruled that the discussion should be confined to the educational needs of zamindars, is the hon'ble member in order in discussing mass education?

The Chairman.—I do not know that the hon'ble member is discussing mass education. He is just touching on the general question by way of introduction.

Mian Muhammad Shah Nawaz (continued).—The zamindars constitute the bulk of the population. Three-fourths of the population is zamindars in this province, and I can rightly say that the mass education should be introduced in the bulk of the population which consists of the zamindars. Then, Sir, I want to ask one question. Has the Government done its duty or not? What are the ways and means to introduce mass education, say, among the zamindars? I am continually referring to zamindars purposely because the resolution is with regard to the education of the zamindars. What is the situation? We have one school in every four villages. About nine-tenths of the zamindars are illiterate. It is a scandal and a shame to see that a zamindar, an ordinary cultivator, cannot sign a lease, or a deed or a bond. It is more than a scandal; it is the

duty, I say, of the Government and the public to find money for the zamindars and the population in general which consists mostly of the zamindars.

Now, Sir, compared with other countries, the condition of our zamindars is most lamentable. They are groping in ignorance, and the facts which I have stated are absolutely humiliating for which no degree of achievement in the construction of railways, canals and roads, no success in the creation of great and prosperous cities and magnificent halls electrically fitted, no reformed Councils can sufficiently compensate.

My own views I have expressed on more than one occasion. I have always been for free and compulsory education, and it is my firm belief that the progress of education among the zamindars cannot be made without the introduction of free and compulsory education. I am absolutely positive that the zamindars will not send their children to schools unless they are compelled to do so. Their parents are apathetic. They will not send their children; and unless the Hon'ble Minister takes to heart to introduce free and compulsory education among the masses, and particularly among the zamindars, all the extension of the Reform Scheme, all social reforms will end in smoke. Well, Sir, the history of elementary education, and the zamindars' education particularly, throughout the world shows that it cannot be done without compulsion. Even in England Mr. Gladstone in 1872 had to admit the fact that the English people, civilised as they were, would not send their children unless and until they were compelled to do so. He regretted the necessity at the same time of entertaining the idea of free and compulsory education. The idea was put into action by the Government and vigorously pursued. In Japan in 1872 in all the rural areas a Code was prepared by the Government of Japan, and the Government in 1872 said that education was beyond the scope of the zamindars and the women. It was designed that not a single village, not a single family in the village, should re-

main without education, and that not a single member of the family should remain without education.

Sir, the noble example of Ceylon, the Philippines and Baroda is before us. It is time that we should move in the matter, and it is time that the Hon'ble Minister for Education should lay down a definite policy as to what he is going to do for the zamindars who form the bulk of the population of this Province. Is he not going to introduce free and compulsory education? I am a zamindar and I know perfectly well that the zamindars are absolutely illiterate. Unless and until free and compulsory education is introduced, it is no use talking about education. At the last session the Hon'ble Minister raised several objections as to free and compulsory education.

The Chairman.—I did not understand the Hon'ble Minister for Education to wish to oppose the resolution that has been put forward. The speech seems to proceed on the assumption that he is going to oppose it. The resolution proposes to appoint a committee to consider the various needs and, if among the needs primary and compulsory education is one, I have no doubt that that will be duly considered, but I think it is at present premature to start on the assumption that a particular kind of need of the rural population would be in any manner neglected by the committee or by the Government.

Mian Muhammad Shah Nawaz (continued).—I want to say that the Minister said that he could not introduce mass education amongst the zamindars, universal education, as there was a dearth of school buildings and trained teachers. I want to tell him and the members of this Council that the rural areas do not require any trained teachers. Well, I do not underestimate the value of trained teachers at all, but I think we must make a beginning and we must make it with untrained teachers. At the advent of the British there were indigenous schools throughout the length and breadth of India. Large numbers of boys were

[M. Muhammad Shah Nawaz.]

going to school which were carried on by voluntary contribution. I remember well that I was educated in a mosque school. I received my education in a mosque. The Education Member of the Viceroy's Executive Council received his education in a mosque, and so did my late lamented uncle the Hon'ble Mr. Justice Shah Din. I think we have all done very well in life, and I think so far as the rural area is concerned we should not wait for trained teachers. We should at once begin with the education of the masses and compel the parents to send their children to school.

As regards the school buildings we do not require any elaborate buildings at all. We only want to hire a house or the boys can be made to sit under the *bark* tree or other shady trees. I want to lay a great stress on the fact that when compulsory education was introduced in Japan, the boys were given elementary schools in verandahs of private houses. No school buildings were built at all and the beginning was made, and behold Japan has become great and glorious within 30 years, while this land of the five rivers is still groping in darkness and ignorance.

I think, Sir, that the ignorance of the masses, of the zamindars particularly, is one of the greatest dangers to the British connection. It is a very, very dangerous thing indeed to keep the masses, and particularly the zamindars ignorant. A huge mass of ignorant people can readily be excited by inflammatory mischief makers. This has been the case in these days when zamindars being ignorant and not being able to distinguish between right and wrong have been entrapped by mischief-mongers. It is to the interest of the British Government itself that it should look to the mass education and the education of the zamindars and the rural areas.

Well, Sir, it may be objected that if the Government introduces mass education among the zamindars then the cost

would be prohibitive. I do not think so. Anyhow if the scheme may be costly, the object is a worthy one. After all the school-going ages will be from six to ten. Only 10 per cent. of the boys will be going to school and the cost, if calculated, would not amount to eight rupees per head. I do not think it would come to more than 30 or 40 lakhs if we were to introduce compulsory education among the masses.

Malik Firoz Khan Nun.—What is the time-limit for the member?

The Chairman.—The hon'ble member has another minute.

Mian Muhammad Shah Nawaz (continued).—With these remarks, I appeal to the Hon'ble Minister for Education to undo the mischief which certainly has been done, though, of course, he is not responsible for that mischief. He has told us that the Government has appointed a committee to lay down a constructive policy with respect to elementary education, but I appeal to him again that he should go for free and compulsory education as the Hon'ble Mr. Pranjpye has done in the Bombay Presidency. With these remarks I resume my seat, hoping that the Hon'ble Minister will do everything for the zamindars and the urban areas.

Malik Firoz Khan Nun.—Sir, I beg to move—

"That the question be now put."

The Chairman.—The question before the Council is—

"That the question be now put."

The motion was carried.

5-32 P.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—It has been said that we are all brothers, and that we should work unitedly. The fact remains that the zamindar is still most backward in education and this backwardness needs special consideration. As compared with other classes,

the zamindars have done yeoman service to the British Government by supplying recruits and labourers during the War. It is, therefore, fit and proper that their case should be treated as distinct from the others, considering that they are backward educationally. The plea that exclusion of non-agriculturists from the committee would give rise to factions has also no weight. Supposing a hungry man raises the cry that he is hungry. Would it be wise to keep him hungry and tell him that his case would be considered along with others. When we ask for a separate consideration for the zamindars we are told that we are trying to create factions. When the zamindars have to meet their own separate requirements, why should not their case be considered separately from that of the other classes. If the amendment moved by Mr. Rallia Ram should be accepted....

(At this stage Mr. President resumed the chair.)

Mr. President.—The hon'ble member must not speak on the amendments which have been disposed of. He must speak to the resolution.

Khan Bahadur Chaudhri Fazi Ali (continued).—We are not opposed to any class. What we want is that our education should receive a special treatment. Certainly a patient suffering from cholera would require a separate treatment from one suffering from fever. This is no disunion. The resolution should be passed as it stands.

5-40 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I intended as a matter of fact to oppose this resolution on the ground that a committee really is not called for, inasmuch as the Director of Public Instruction and myself are giving our best consideration to the problem of education in rural areas. The result of our deliberations has been incorporated in the Government resolution which is going to be discussed in a general conference and later on by a standing committee of this Council. So it appeared to me

that it would be more or less waste of time and energy, and perhaps money also, if another committee is appointed by this Council to go over the same ground. But in view of a very keen demand, I believe keenly felt by those members of the Council who represent rural areas and rural interests, I have decided not to oppose this resolution. (Hear-hear). I have decided just to leave it for the Council to decide in favour of it or against it—as it likes.

Now there are just a few things which have been said in the course of the debate on this important question—the question of education—which it would not be right on my part to leave unnoticed in view of the possibility of a misunderstanding being created. Now one of the hon'ble members tried to make out that nothing has been done for education in the rural areas. Well, Sir, such wholesale condemnations are the result either of ignorance or of intentional ignoring of facts. In the year 1917, at the time when the famous resolution of the Government of India was passed after the Da bar at Delhi, the number of students in our rural schools was 1,91,747. The Punjab Government took up the work of expanding primary education in rural areas with the result that three years after that time the number rose by nearly 85,000 to 2,56,137. In face of that no critic—no fair critic—can possibly say that nothing was done three years—1917-18 to 1920—the Punjab Government did not do its duty in the way of expanding primary education. Though I have been during that period one of the most vigilant critics of the Punjab Government I must say that recognition for the good work done in this direction must be given to that Government.

Then another point was raised that schools are not available and that Government should make schools available and then the expansion of vernacular education will proceed apace. That again discloses that it is easier to talk of education at random than to know facts

and base allegations on those facts. As a matter of fact even if only this resolution had been studied by the hon'ble member who made these observations he would have seen that the Director of Public Instruction complains that the number of primary schools in existence is sufficient, but the number of pupils in those schools is comparatively small, with the result that the cost of education in primary schools per head is large. What we want is to bring in boys to those schools. Then the question arises, how?—Easy enough!—Compel them. But it must be remembered that compulsion can be exercised only under definite laws. Does our Primary Education Act confer that power on your Minister or even on you to compel boys to attend schools? Certainly not. What is required is enlightened local opinion in rural areas. What we want is that either public opinion in rural areas should be created, or that this Council should amend the Primary Education Act and enable the Government to introduce the element of compulsion in those rural areas. If this is done and yet Government is found wanting in courage to enforce that rule of law, then it could be said that the Government is not doing its duty.

Then again it was said, why is it that primary education is not extended more and more? The reply, is you cannot keep your money and at the same time spend it. Primary education, like every other form of education, needs money. Have we got it? This Council, Sir, was generous enough to vote a small amount of 30 lakhs for that purpose.

A voice.—On paper only.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—At present that little sum of money has not found its way to the hands of the Director of Public Instruction. Simply by passing votes—by this lip loyalty to the cause of primary education—I cannot be expected to do the work. What is wanted is money. Without money it cannot be done. I gave in round figures before what the annual bill for free compulsory primary educa-

tion would come to. It will amount to somewhat like a crore and a quarter a year.

The next point made was, why is it necessary to train teachers? One of the easiest of criticisms that can be made is that it does not matter whether teachers are trained or not. May I mention, Sir, that even an untrained teacher is not prepared to do honorary work. He also desires to be paid; and considering what we pay the primary school teachers—even the trained one—I do not think much saving can be effected even if we were to employ untrained teachers, whose pay ranges between Rs. 18 and 20—an amount on which the members of this Council probably find it difficult to secure even a single domestic servant. And we cannot employ untrained teachers, Sir, because we have not got money for them. There is the further difficulty not fully realized that without your own buildings money has to be spent in hiring buildings. It is clear that you cannot have your teachers without payment and you do require money for that. It is no use being eloquent on the question of primary education and when the time comes to vote money for it—money that will be paid to the Director of Public Instruction—then to appoint a retrenchment committee hoping to save money for education.

Mian Muhammad Shah Nawaz.—I was stopped when I was coming to the question of cost.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I am very glad you were. Well, Sir, it is easy enough to quote instances of countries which the hon'ble member and I have not had the pleasure of visiting, as, for instance, the Philippines. I suppose the population there is as much as that of a single district in this great province of ours. Or again, Japan, where, I suppose, normally speaking, buildings are a luxury. But when it comes to citing the instance of Baroda, then, Sir, I claim that our Director of Public Instruction, if he had not to attend Council meetings and give an account of his stewardship, but his only

work were to turn out a beautiful report showing the great expansion of primary education in his province he could do it better than it is done in Baroda. But has the hon'ble member been to Baroda and seen what that primary education has produced? Can he show that after the great expansion of vernacular and primary education in Baroda during the last 15 years, Baroda has really become a great place as compared with any British territory? Because, as they say in Punjabi, (Drums from afar sound pleasant).

I am afraid I cannot attach any importance to the instances which have been cited by the hon'ble member.

In conclusion, Sir, I wish to assure the Council that the interests of education in rural areas are naturally very dear to me and to the Government, as the rural area, contain at present the backward classes and backward classes have a special claim to the consideration of the Government. It is not right to say that the backward people cannot understand their own interests. I submit that the Director of Public Instruction and others can supply the necessary expert knowledge. I would welcome this committee if this Council

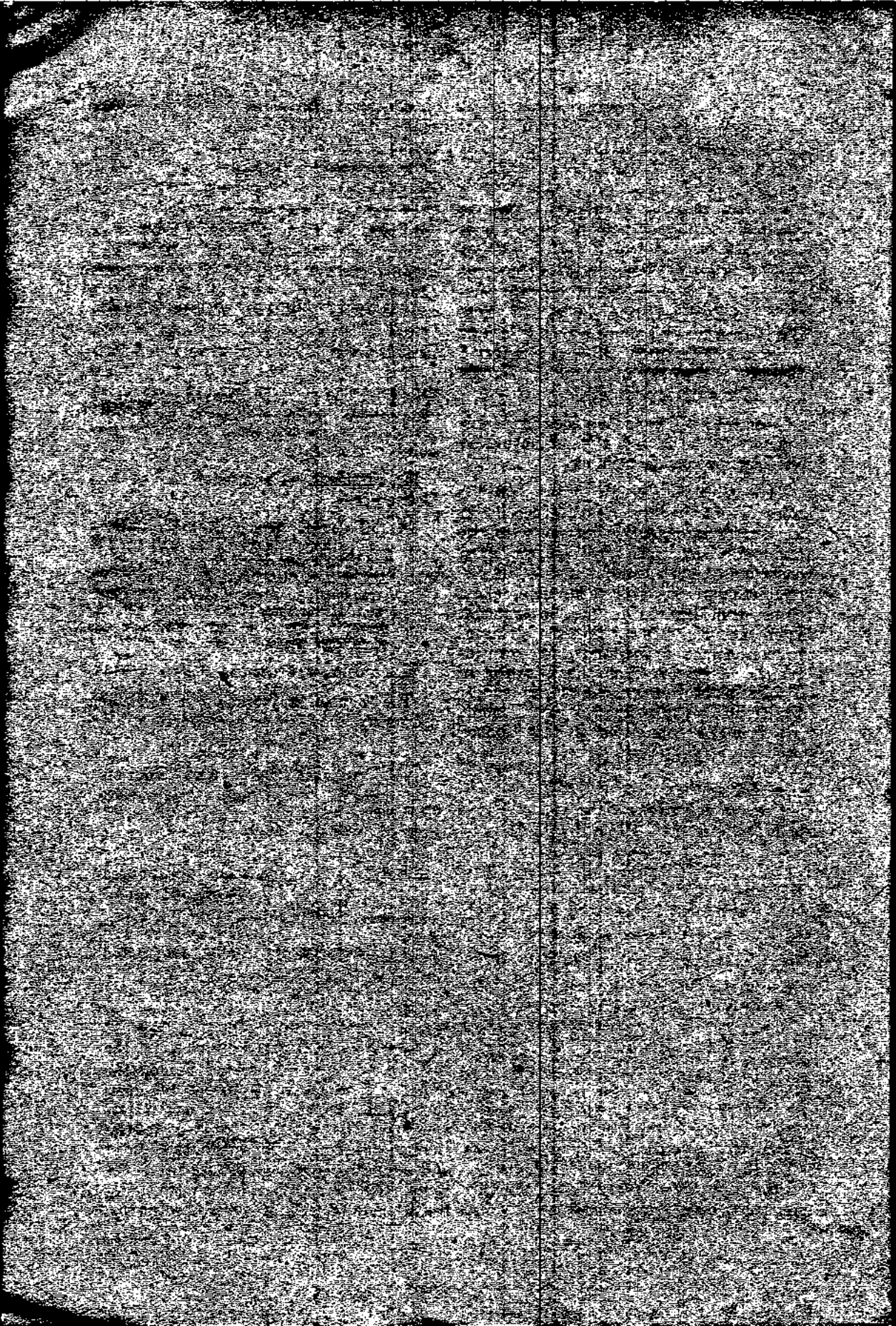
wants to appoint it in order to ascertain what the rural members themselves can urge in regard to the sort of education they want. We are trying to do our best for them, but we would like to know from them their particular local needs. An hon'ble member said he does not want the pupils who come to these schools to imbibe such high-flown notions of their future life as to give up agriculture. That is a very sound observation to make. I trust he will be able to show how that can be done. It is, Sir, in this light that I have decided not to oppose the resolution which has been moved by the hon'ble member.

Mr. President.—The motion before the Council is—

"This Council recommends to the Government to appoint a committee consisting of the Minister for Education, the Minister for Agriculture, the Director of Public Instruction, the Director of Agriculture, seven zamindar members of the Council and the mover to report by next session on the educational needs of zamindars.

The motion was carried.

The Council adjourned till 2 p.m. on Thursday, the 27th October 1921.



PUNJAB LEGISLATIVE COUNCIL.

Thursday, 27th October 1921.

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

ANNOUNCEMENT RE THE VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES.

Mr. President.—The Council will remember that during last session it voted a message of welcome and good will to His Royal Highness the Prince of Wales. I communicated this fact to His Excellency the Governor, and asked him to ascertain whether His Royal Highness would be pleased to receive the Council in deputation to deliver the message. I am glad to be able to inform the Council that His Royal Highness has expressed his wish not only to receive the message, but, if it can be arranged, as I hope it can, to visit the Council Chamber for the purpose. I know that the Council will be gratified by this mark of His Royal Highness' consideration. I shall inform members in due course of what is settled about this matter.

RESOLUTIONS.

RESOLUTION RE SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

2-5 P.M.

Mian Muhammad Shah Nawaz.—Sir, I beg to move the following resolution:—

"This Council recommends to the Government to appoint an expert committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."

Sir, the question of the separation of judicial and executive functions has been before the public and the Government for the last three generations. Indian opinion has been unanimously in favour

of the separation of the two functions. The attitude of the Government of India has not been unfavourable on the whole. In 1792 Lord Cornwallis' Government declared in unmistakable terms that the combination of the two functions was highly objectionable and undesirable. Forty years later the same view was expressed with greater force by Mr. Frederick Holliday, who was the President of the committee that was appointed to inquire into the police organisation, and the same view was shared by his colleagues. Sir, it will be profitable to cite *in extenso* the opinion Mr. Frederick Holliday had expressed in his Memorandum. He says: "The union of magistrate with collector has been stigmatised as incompatible, but the junction of thief-catcher with judge is surely more anomalous in theory, more mischievous in practice. So long as it lasts the public confidence in our tribunals must always be liable to injury and the authority of justice itself must be abused and misapplied, and the power of appeal is not a sufficient remedy. The danger of injustice under such circumstances is not in a few cases, not in any proportion of cases, but in every case. In all the magistrate is constable, prosecutor and judge." The same question came up before the Viceroy's Council in 1860 in connexion with the introduction of the Police Bill which afterwards became the Police Act of 1861. Sir Barnes Peacock, the Chief Justice of the Bengal High Court, who was the Vice-President of the Council, strongly advocated the total and complete severance of the two functions. Sir Bartle Frere while introducing the Bill 'hoped that at no distant period

[M. Muhammad Shah Nawaz.]

the principle of the separation of the judicial and executive functions would be acted upon throughout India.' In 1899 a very important memorial in support of the separation of the two functions was submitted to Lord George Hamilton, the then Secretary of State for India, by several distinguished gentlemen, including Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Raymond West, Sir John Bud Phear, Sir William Markby and Mr. Reynold. The Secretary of State then promised to do the needful, but so far, I am sorry to say, very little has been done in practice. In 1908, Sir Harvey Adamson, the Home Member, made a very important announcement, presumably on behalf of the Government, in support of the separation of the two functions. In the course of his speech he said : " The inevitable result of the present system (combination of judicial and executive functions) is that criminal trials affecting the general peace of the district are not always conducted in that atmosphere of cool impartiality which should pervade a court of justice. Nor does this completely define the evil which lies not so much in what is done as in what may be suspected to be done ; for it is not enough that the administration of justice should be pure ; it can never be the bed-rock of our rule unless it is also above suspicion."

In March 1912 Mr. Surendra Nath Banerji, now Sir Surendra Nath Banerji, Minister for Education, Bengal, moved a resolution in the Viceroy's Council to the effect that the Central Government should make a contribution, to give money to the Local Governments to carry out the reform of the separation of the two functions. It is remarkable to note, Sir, that all the non-official Indian members of the Council supported the resolution. It was lost through the sheer force of the European members who formed the majority in the Council.

Sir, with the introduction of the Reform Scheme the prospect of separating the executive from the judicial function

has indeed become very hopeful. On 9th March 1920 Sir William Vincent, the present Home Member, declared on behalf of the Government of India that the matter in question is a provincial one, but if any Local Government decided to take up this question of separating the judicial from the executive functions, the Government of India will raise no objection, and will proceed to make such legislative changes as may be necessary to give effect to the proposal of the Local Governments. Since then all the Provincial Governments, the Government of the United Provinces, the Government of Bihar and Orissa, the Central Provinces Government, the Governments of Bengal and of Bombay Presidency have accepted the principle of the separation of the judicial and executive functions. His Exalted Highness the Nizam of Hyderabad and His Highness the Maharaja of Kapurthala have also ordered the severance of the two functions in their respective States. The Legislative Assembly has also passed a resolution in favour of the separation of the two functions. It is therefore high time that the Punjab Government should move in the matter and formulate a scheme for the separation of the executive and judicial functions and thus satisfy an old and just demand of the people of this province.

Sir, the question of the separation of the two judicial and executive functions has been thrashed out to the drag by all responsible bodies and the press of India, and needs no new arguments. The trial of the accused person, to say the least, should be held in an atmosphere of 'cool impartiality' and the administration of justice, should be believed to be above suspicion. Sir, I regret to say that a vast number of the people of this province sincerely believe that the accused persons cannot have a fair and impartial trial in the Court of District Magistrate and in those of his subordinates. Undoubtedly there has been miscarriage of justice in several cases, and it is a well-known fact that an over-zealous officer in his anxiety to preserve his good name or to maintain the peace of his district may believe the prosecu-

tion evidence, right or wrong, and disbelieve the defence. As you are aware, Sir, the other magistrates in the district look for their promotion and advancement to the District Magistrate who is interested in revenue matters, in forest matters and in police matters, in excise and various other affairs. It is therefore not reasonable to expect from the subordinate magistracy to approach the cases that come up before them for decision with an independent mind. Sir, the District Magistrate is a very busy person, and it will give him a great relief if the judicial functions were taken away from him properly. He will be able then to mix more freely with the people of the district, consult them in matters of public importance and gauge the feelings of the people of his district. In my opinion, Sir, the District Magistrate should be a mere collector of the revenue and the head of the police. He should have nothing to do whatever with the magistrates of his district. All magistrates of all classes should be subordinate to the Sessions Judge and the High Court.

Sir, on behalf of the Government it may be argued that a complete severance of the judicial and executive functions may result, firstly, in lowering the prestige of the executive officer; secondly, in increasing the expenditure. As regards the worn-out theory of prestige, a convincing answer comes again from Sir Harvey Adamson. On the 29th March 1908, he said in the Council as follows:—"Can any Government be strong whose administration of justice is not entirely above suspicion."

The answer must be in the negative. The combination of functions, in such a condition of society, is a direct weakening of the prestige of the executive. The fetish of prestige in the larger sense has been altogether discarded and no longer forms an operative policy of the Government of India.

Mr. Montagu, the present Secretary of State, while speaking at Cambridge in 1912 made some very pertinent remarks about the prestige of the Government of India. He said: "Oh, India, how much

happier would have been your history if that word had been left out of the English vocabulary. But there you have conservative Imperialism at its worst. We are not there, mark you, to repair evil, to amend injustice and to profit by experience. You must abide by our mistakes, continue to outrage popular opinion simply for the sake of being able to say 'I have said what I have said.' I have in other places and at other times expressed my opinion freely on prestige. We do not hold India by invoking the aid of this well-mouthed word. We must uphold it by just institutions and more and more as time goes on by the consent of the governed."

Surely prestige cannot be a substitute for justice.

As to the plea of increase of expenditure I do not think it would be necessary to make any considerable increase in the total number of the officers employed. The scheme for the separation of judicial and executive functions, in my opinion, would not cost more than three lakhs a year. Anyhow, as remarked by Sir Harvey Adamson, "the experiment may be costly, but the object is a worthy one." This useful reform, Sir, should be given effect to without any further delay.

Sir, I expected it from the Punjab Government that they would accept the principle of the separation of the judicial and executive functions. But I must confess, Sir, that Mr. Connolly's amendment has created a sort of suspicion in my mind. I shall reply to the amendment after it is moved, but I appeal to the members of the Government; I appeal to His Excellency the Governor to carry out this very useful reform.

Mr. President.—The hon'ble member must not refer to His Excellency personally in his remarks.

Mian Muhammad Shah Nawaz (continued).—Very well, Sir. I appeal to the Government to carry out this useful and needful reform. We have had enough of discussion and agitation on this question, and the Punjab Government

[M. Muhammad Shah Nawaz.] cannot but accept the principle of the complete separation of the two functions. In order to formulate a scheme for the separation of the executive and judicial functions Government should appoint an expert committee presided over, if possible, by a judge of the High Court and consisting of a substantial majority of non-officials. It should also prepare an estimate of the cost and lay the scheme before this Council for discussion and approval before it receives the sanction of the Government. I have every hope that the Government will support my resolution. With these words, Sir, I beg to move the resolution that stands in my name.

2-30 P. M.

Mr. Ganpat Rai—This question, as has been said, is as old as the hills. The executive and judicial functions were united by the East India Company before the administration of the Government of this country was vested in the Crown, more on economical than on other grounds. But at the end of 17th century the great administrator Lord Cornwallis discovered that the result of that system was to sacrifice the administration of justice to the supposed fiscal interests of Government. It was he who made a beginning in the separation of executive and judicial functions by making a radical change in the codes of administration of civil and criminal justice. In 1805 it was enacted that the Chief Justice was not to be a member of the Supreme Council. In 1831 Lord Auckland procured the sanction of the Court of Directors to the separation of the office of collector and magistrate. You will thus see that during the time of the East India Company the position of this country in respect of this matter in any case was far better than it is now after the Reforms Scheme. But the forward policy of Lord Auckland received a check in 1858. It was in that year that the offices of collector and magistrate were again re-united; and in 1872 when the matter again came up before the Legislature the provisions were re-enacted in the Code of that year, perhaps having

regard to the political atmosphere of that time, because we find that Sir James Stephen in a minute on the administration of civil and criminal justice in British India expresses the opinion that the maintenance of the position of the district officers, that is, the collector and magistrate, is essential to the maintenance of our British rule, and in order to maintain that position judicial powers in criminal matters must be left in their hands. But this was long ago. If this be the basic principle of the present anomalous, unjust and, I say, oppressive union, then its fallacy has been exploded long ago and admitted by the Government from a long time back. The matter, viewed as an abstract question or with reference to concrete instances, has been threshed out threadbare. It is unjust and oppressive that the catcher of thieves should also be the punisher of thieves.

Mr. President.—I would remind the hon'ble member that he is using almost word for word the arguments of the mover. It is not repetition of argument that is wanted.

Mr. Ganpat Rai.—I may say that I have not been in consultation with the mover. It is just by chance that I may be using the same language. I have been in the profession of law for about 35 years, and I am prepared to affirm, and affirm positively and confidently, that things in this province are very much worse than, I may venture to say, in any part of civilized globe. I do not want to give specific instances; I do not want to mention names; but we all know—(I mean lawyers and laymen who have had anything to do with our courts and the police, and of course it is within the special knowledge of the Government officials)—we all know, no conviction, no promotion in every grade of the Police, of the Magistracy, and even some times of Judges—(we have known of a typical instance of a Judge of this Province not many years ago)—(though recently these restrictions may have been withdrawn on the surface)—we all know how District Magistrates issue private circulars to subordinate

magistrates and often send for them and give them specific instructions with reference to the particular cases pending in their courts. We all know how when some of these subordinate magistrates are not of an obliging species, the cases are transferred from their courts to the courts of subordinate magistrates who are more obliging. We all know how orders and rulings of the High Court are sometimes ignored, and it is only an exceptionally strong District and Sessions Judge who can withstand the magistracy and police, and who can decide cases in the light of his own reason and conscience. In police stations, in circle after circle and town after town, who is the most powerful man? It is the thanadar and the inspector. I believe there is hardly a station in which the Captain Sahib of the Police is not the guide, philosopher and friend of the District Magistrate, and sometimes mentor of the subordinate magistrates. No wonder that the police usually do just whatever they like. In many cases subordinate magistrates fear to run counter to the wishes of the Superintendent of Police who has got the ear of the District Magistrate.

Then, Sir, the power which is vested in District Magistrates is enormous. Sometimes a man is arrested for no ostensible reason, the District Magistrate need not give the reason; the man is arrested and sent to the lock-up, bail application is refused, and when the case comes for trial there is no evidence forthcoming, and the man after being dishonoured and branded with indignity is let off. I need not pursue this aspect of the matter further. The proposition involves a very important administrative principle. It enjoins the severance of two inconsistent functions in one and the same individual which cannot but result in the undesirable miscarriage of justice. But it has been said by some leading Indian: "The strength of the British Raj lies not in its army and not in its long array of bayonets. The army may have been brilliantly disciplined and magnificently officered—this is not the real strength of England so far as India

is concerned. Its strength consists in the warm loyalty of her loyal subjects evoked by their sublime faith in the incorrupt and incorruptible purity of justice. The essential quality of every good Government and the *sine qua non* of a benevolent Government that I, with my countrymen believe and believe devoutly, the British Raj is, is the unshakable faith in the purity of the administration of justice. Sufferings are borne with patience, nay, with cheerfulness if there is in the background the faith of the nation that the fountain of justice is pure and unsullied." Since a short time back, however, the faith of a great portion of, if not all, the people in the purity of administration of justice has been greatly shaken. I hope the Government will not oppose this resolution or bring any amendment to delay it further. The fusion in the same officer of these two incompatible functions has been condemned by Viceroy, Under-Secretaries of State, Chief Justices, Members of the Judicial Committee of the Privy Council, experienced courts, in fact by all persons of light and leading. Lord Dufferin characterized it as a "counsel of perfection," but that counsel of perfection is not being carried into effect. Lord Curzon took up the subject and left it undone after calling for reports from all kinds of quarters, and when accused of delaying this reform could only say that the people must remember that he had a great many other reforms in hand. The people, Sir, believe that with such weighty pronouncements on the side of its abolition, the main if not the only reason why the reform has not been effected is because it is an attack upon the citadel of the vested interests of the bureaucracy and its brotherhood. I think the time has come when they must admit this reform, before it is too late for repentance.

The objection on financial grounds is equally futile. The existing staff of magistrates, additional district magistrate, sub-judges, and magistrates of the 2nd and 3rd class, is sufficient. There are several schemes already out and

[Mr. Ganpat Rai.]

dried, for the separation of the judicial and executive functions and for remodeling the present judicial and executive staffs. With these words I support the resolution moved by my friend.

Rai Bahadur Lala Hari Chand.—Sir, I suggest that as the majority of the members seem in favour of the resolution it would be better and would save time if we heard the members who are against it.

2-45 P.M.

Mr. E. Joseph.—Sir, Mr. Connolly whose name is down as moving an amendment is unfortunately ill and I have been asked by him—I have already sent in a notice to the office to that effect—to move the amendment that stands in his name. The amendment is, Sir, that—

“For the words following ‘officials and non-officials’ substitute the words ‘to examine and report upon the advantages and disadvantages of the separation of judicial and executive functions in the Punjab; to estimate the cost of separation, and to make such recommendations as may appear to be appropriate in the circumstances.’”

That is to say, the whole resolution, if amended in the terms that I propose, would read as follows:—

“This Council recommends to the Government to appoint an expert committee to examine and report upon the advantages and disadvantages of the separation of judicial and executive functions in the Punjab; to estimate the cost of separation, and to make such recommendations as may appear to be appropriate in the circumstances.”

Although, Sir, it seems to me that in the concluding words of his speech the hon’ble and learned member who moved the resolution did not speak exactly to it and seemed to leave a little latitude, the resolution as it stands in his name would commit this Council to recommend to Government that the expert committee should be appointed to work out a detailed scheme and to prepare an estimate as to its cost. The amendment which I suggest would leave the committee with an open mind. It would not receive, that is to say, the instructions of this Council that it is to work out the detailed scheme but the committee would receive instruc-

tions from this Council that it should consider the advantages and the disadvantages of the separation; that it should also estimate the cost of the separation, and after considering all these points—the advantages, the disadvantages and the cost—it should then make such recommendations to the Council as may appear to be appropriate in all these circumstances. I think, Sir, it may be admitted that Government is not hostile to the idea of the separation. Although, Sir, we have the misfortune to live in the most outraged and tormented part of the civilised globe, there is this redeeming feature that the Government has already done a great deal towards the separation of the judicial from the executive functions and has promised to consider how it can further be achieved. But there are certain disadvantages. There are disadvantages possibly besides the expense, and the expense entailed will be undoubtedly considerable. The hon’ble member who moved the resolution thought that at the outside it would not cost more than 3 lakhs. I do not know how far he has been able to calculate the cost. He said there would not be any large number of new persons employed by Government if the separation was effected. He said—I am not quite sure whether that was his own opinion or that of Harvey Adamson, but in either case it is no doubt a good one—he said that although the experiment may be costly, still the object is a worthy one. I quite agree with him that the object is worthy, but there are all sorts of worthy objects, but sometimes they are too expensive, to be adopted, and I think that the examination which has already been conducted by Government would show that the expense of the proposal would be nearer 15 lakhs than 3. I know the Council is extraordinarily generous when it comes to increasing emoluments, but at the same time we have to consider very carefully where this money is to come from, and therefore I beg to move this amendment that this committee should be appointed to examine and report upon the advant-

ages and the disadvantages of the separation, and also to estimate the cost of the separation, and, having gone in detail into all these points, it should then make such recommendations as may appear to be appropriate in the circumstances, and should not proceed, without further thought of all the considerations involved, to work out the detailed scheme.

2-55 P.M.

Chaudhri Kharak Singh.—Mr. President, the separation of executive and judicial functions is a crying necessity for the regeneration of us Indians. The advantages. . . .

Mr. President.—The hon'ble member should speak to the amendment, not on the main resolution.

Chaudhri Kharak Singh.—The amendment says that a committee should be appointed to examine the disadvantages of the separation of judicial and executive functions. I have to say that it has got very few disadvantages, and we need not discuss them. The advantages of this separation are quite evident and have been ably discussed by my friend Mian Muhammad Shah Nawaz. All shades of Indian opinion, whether extremists or moderates, non-co-operators or loyalists, are unanimous for this reform. Ever since the very inception of political awakening in India all sensible people have cried, and cried themselves hoarse against the evils of the amalgamation of both these functions. Even such moderate Indians as Hon'ble Dadabhai Naoroji and G. K. Gokhale and English men of liberal views such as Sir William Wedderburn and Mr. A. O. Hume, not to speak of many others, have unanimously held that this was the most urgent reform, and it is no longer profitable to go over the same ground over and over again.

Mr. President.—The hon'ble member is not speaking to the amendment. He is reading a speech composed about the main resolution.

Chaudhri Kharak Singh.—We have had enough of these committees, and we know what their results are. . . .

The Hon'ble Sir John Maynard.—Not a single committee has reported on the subject at all. I should like to know how the hon'ble member says that.

Chaudhri Kharak Singh.—By appointing these committees, Sir, we lose the very object for which these committees are appointed.

Mr. President.—I want to give the hon'ble member a chance to speak, because it is not often that he speaks in the Council, but he must speak to the amendment. I do not wish to shut him out if he chooses to speak on the resolution, but while the amendment is before the Council the discussion must be kept to the amendment. I think he would do wisely to wait.

3 P.M.

Mian Muhammad Shah Nawaz (Urdu).—Sir, so far as I can understand, the amendment moved by the hon'ble official member to appoint the committee to consider the advantages and disadvantages is a camouflage to postpone this much-needed reform a few years more or to strike a way out for the time being. I once more beg to say that the Legislative Councils of the United Provinces, Bengal, Bombay, Central Provinces, and last but not least the Legislative Assembly have adopted resolutions of a similar nature. Some of the provinces are thinking seriously of actually translating the resolution into practice. It is astonishing, and unfortunate too, that the Government members should have thought fit to oppose the resolution as it stands. Sir, the appointment of a committee is advocated on the ground that it will be able to weigh the advantages and disadvantages, the *pros* and *cons* of the proposed reform embodied in the resolution. I must confess that it is for the first time in my life that I have heard that there are disadvantages consequential to this reform for which the whole of India is crying itself hoarse. There are distinct and manifest advantages in the separation of executive and judicial functions, and I do not know of a disadvantage, therefore I am not convinced of the necessity of a committee to con-

[Mian Muhammad Shah Nawaz.]

sider the advantages and disadvantages. As regards expenditure, it has been estimated by the hon'ble official member that the reform will entail an extra expenditure of fifteen lakhs. I do not know how he has arrived at that figure, but I on my part assure the House that my estimate of three lakhs was arrived at after most careful consideration and consultation with ten lawyer friends of mine.

Mr. President.—I think the hon'ble member must not bring in the question of expenditure. It is common both to the resolution and the amendment. The new point raised by the amendment is that the committee shall examine the advantages and disadvantages. The hon'ble member should confine his remarks to this point only.

Mian Muhammad Shah Nawaz (continued).—A very possible fact was taken into due consideration, and I can vouch for the correctness of the figures I have arrived at. The Government members of the House ought to know that not long ago a circular was issued by the Punjab Government in which the principle of the separation of executive and judicial functions was recognised and affirmed. I did not bring a copy of that to the House because I never expected any opposition from the Government to the resolution as it stood. I would request the Government, with all the emphasis I can command, not to bring odium on their name by opposing this universally accepted principle of reform in the administration, nor to lower us thereby in the eyes of our sister Councils of the other provinces of India, which have already adopted the said resolution. I am a lawyer of more than two decades standing, and on the strength of my experience I can assure the Council, Sir, that there are advantages and advantages alone in the separation of judicial and executive functions. I, with your permission, Sir, will request the unofficial members of the House to reject the amendment as it is likely to postpone this urgent reform and whole-heartedly

support the resolution in its original form.

Mr. K. L. Ralla Ram.—Sir, may I move an amendment to the amendment moved by Mr. Joseph?

Mr. President.—You cannot do that.

3-5 P.M.

Malik Firoz Khan, Nun (Urdu).—The point of difference at the present stage of discussion is that the Government desires to have the question of the separation of executive and judicial functions thrashed out by a committee, and the hon'ble the mover smells evil in it. I do not now know his reasons for it, but it might be that he is afraid of the disadvantages being discovered in the course of enquiry. I am in fact in very great sympathy with the aims and objects of the resolution now before the Council, but at the same time I do not see any reason why the appointment of a committee as suggested in the amendment should be taken exception to. I am in substantial agreement with my friend, the hon'ble mover, and I assure him that the suggested committee will serve a very useful purpose in a variety of ways. There are certain important things which require very careful considerations, and we should not, as if with a stroke of the pen, pass a vote of entire disapproval of the present system.

The hon'ble mover has not clearly stated if he desires the separation of functions only or the creation of two separate services. It will be a fit subject for the committee to enquire into. Under the present system there are certain advantages to the zamindars as a class in the combination of executive and judicial functions. To illustrate the point, if a zamindar, who has mortgaged his land, wishes to release it from the clutches of the *bania*, he will not have to go through the costly litigation of a civil suit.

Under the provisions of the Punjab Redemption of Mortgages Act he has only to file an application on an eight-anna or one-rupee paper in the court of the Revenue Officer, who will call upon the *bania* to receive his dues and release

the land or, by virtue of the executive authority lodged in him, he can have the land released by an executive order. It is a very distinct advantage to the zamindars. Similarly some of the provisions of the Punjab Tenancy Act are such that in order to exercise them to advantage, the Executive and Judicial authority should be vested in one and the same officer. The amendment is neither dangerous nor fatal to the resolution. It rather improves the resolution, and the Government should not be accused of wishing to evade matters in this case.

As regards expenses, the hon'ble mover has not told the House how he has arrived at the figure of 3 lakhs of rupees. It is indeed a measure of reform for which the Council should not grudge expense, but it is at the same time necessary that we should know the exact figure which the separation of executive and judicial functions will involve. We are already under a deficit of one crore of rupees in the finances.

Mr. President.—I have already ruled that the question of expenditure is not to be discussed on the amendment.

Malik Firoz Khan, Nua (continued).—I have nothing more to add to what I have said, except that although we desire the separation from the bottom of our hearts, yet at the same time we desire that a committee should be appointed to investigate the problem. I therefore cordially support the amendment.

3-11 P.M.

Chaudhri Ali Akbar (Urdu).—Sir, The advantages and the disadvantages of the present system have been dealt with at length by the hon'ble mover. The disadvantages are clear as the noon-day sun and the advantages, if any, are known to us as well. There is an amendment put forward to appoint a committee. I ask what has the committee to enquire and from whom? It has been suggested by the previous speaker that zamindars will have much to say in the matter. There are enough representatives of the zamindars in this Council who can claim to be their mouth-piece, and they can express themselves in the Council here to-day.

As regards expenses, three lakhs as estimated by the hon'ble mover is a very modest sum as compared with the advantages, and fifteen lacs of rupees, as estimated by the Government member, is not a large sum at all which we should be afraid of spending. Is it not a fact that Government Engineers spend huge sums in conducting experiments merely which more often than not fail and the entire sum is thus wasted. Let the Government introduce the reform embodied in the resolution tentatively to see its working and ascertain the exact cost. With your permission, Sir, I can enumerate the disadvantages at length. A tahsildar who combines in himself both the executive and judicial functions, fixes the date of the hearing of a case at a distance from his head quarters. The poor litigant has to appear there with his pleader who charges the poor man an extra amount for his journey. The hearing of the case is not certain there, too. The Tahsildar may be too busy in his revenue work to find time for the hearing of the case, and might fix a date for another camp, and so on and so forth. The poor litigant is dragged from place to place. It is a patent fact, Sir, that it is somehow contrived to get a man convicted who has had the misfortune of incurring the displeasure of the head of the district. In most cases the appeal has to be preferred to him, and there is a likelihood of a miscarriage of justice. I say, Sir, that if 50 lakhs instead of 15 lakhs are expended, it is not much, when justice itself is at stake. If, however, Government insists that its officers should unscrupulously wield the rod of authority in purely judicial cases too, I wonder what matters will come to. We should not vote for the amendment because it has been moved from the official benches. We should listen to the still small voice of our own conscience and vote accordingly. I oppose the amendment and heartily support the resolution in its original form.

3-15 P.M.

Mr. Nawab Din, Murad.—Sir, I rise to support the amendment, and in doing so I may point out that I am not opposed

[Mr. Nawab Din, Murad.]

to the principle involved in the original resolution. This amendment concerns only the details to be worked out by the committee suggested in the original resolution. We must keep this fact in view that the resolution, though worded in very simple language, is a matter of the highest importance in the constitution of this province. If this resolution is accepted and given effect to, it means that we are committed to changing the system of administration into quite a new one. It will in fact dispense with the system of administration which has been in operation for the last seventy years in this province. Therefore it behoves us in this Council to be all the more careful in going into the matter and to bestow our best attention on it. It is essential therefore that the committee should not be restricted in its powers, but should be given a wider scope in the terms of the amendment proposed, so that it may go thoroughly into the matter; and we shall then have an opportunity to examine it from all sides after it has been thoroughly threshed out by the committee now to be appointed.

3-19 P.M.

Rai Sahib Chaudhri Raja Singh (Urdu).—

Sir, I beg to oppose the amendment and support the resolution. It is but fair to the dumb masses that the executive and judicial functions should be separated. The revenue officers are not able to dispose of their revenue work on account of the pressure of criminal work, and consequently the zamindars are put to very great trouble. The cases are postponed from one date to another, and so on, without any regard to the stake which the zamindar has in the case, or sometimes the hearing is fixed in the camp utterly regardless of the convenience of the litigant public. If sometimes a member of the public incurs the displeasure of the head of the district he is always afraid that justice will not be meted out to him.

Mr. E. Joseph.—May I ask, Sir, if the hon'ble member is talking on the amendment or speaking on the general advantages of the separation of judicial and executive functions.

Mr. President.—I am watching the hon'ble member.

Rai Sahib Chaudhri Raja Singh (continued).—Sir, the times have advanced, public feelings have been stirred to their depths, it is high time, therefore, that Government should change its attitude and feel the pulse of public opinion in the matter. The present system is most disagreeable to the zamindars and they will welcome the change whole-heartedly. The expenses, small or great, should not stand in our way. We should try to tide over the financial difficulty by economising in various other spending departments of the Government. With these words, Sir, I oppose the amendment and whole heartedly support the resolution.

Mr. C. A. H. Townsend.—I move, Sir, that the question be now put.

The motion was carried.

The Council then divided:—Ayes 39, Noes 8.

AYES 39.

The Hon'ble Sir John Maynard.

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.

The Hon'ble Lala Har- kishan Lal.

Mr. E. Joseph.

Mr. A. Latif.

Mr. B. T. Gibson.

Mr. N. H. Prenter.

Mr. P. J. Fagan.

Mr. E. R. Abbott.

Mr. H. W. M. Ives.

Mr. D. J. Boyd.

Mr. C. H. Townsend.

Mr. E. A. Scott.

Khan Bahadur Diwan Abdul Hamid Khan.

Mian Ahmad Yar Khan, Daultana.

Malik Karim Ullah Khan.

Khan Sahib Amir Khan, Lala Atua Ram.

Sardar Balwant Singh.

Chaudhri Bans Gopal.

Pandit Danlat Ram Kalia.

Chaudhri Daya Ram.

Sardar Sahib Binaldar Dilibagh Singh.

Rai Bahadur Lala Hari Chand.

Bawa Hardit Singh, Bedi.

Sayad Hussain Shah.

Sardar Kartar Singh.

Mr. K. L. Balla Ram.

Khan Bahadur Sayad Mehdi Shah.

Malik Najabat Khan.

Misar Mela Ram.

Nawabzada Muhammad Ishaq Ali Khan.

Khan Muhammad Abd- ullah Khan.

Khan Bahadur Raja Muhammad Akbar Khan.

Chaudhri Muhammad Hayat Khan.

Mr. Nawab Dho, Murad.

Rai Sahib Lala Panna Lal.

Lieutenant Sardar Rag- bir Singh.

Mr. W. E. Macpherson.

NOES—8.

Chaudhri Kharek Singh,
Rana Muhammad Jamil
Khan,
Mian Muhammad Shah
Nawaz,
Maulvi Muhsaram Ali
Chishti

Chaudhri Nabi Baksh,
Dewan Bahadur Raja
Narendra Nath,
Mr. Ganpat Bai,
Rai Bahadur Lala Sewak
Ram.

The closure was carried.

3-35 P.M.

Mr. President.—During the last two days there has been more than one case in which a few members of the Council have taken up nearly a quarter of an hour's time by insisting on a division. I hope that this will not become a practice. There is very little time given in which to discuss resolutions, and, if divisions are taken needlessly, it is a great loss to the House as a whole.

I will now put the amendment. The motion before the Council is —

"That this Council recommends to the Government to appoint an expert committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."

To this resolution an amendment has been moved —

"For the words following 'officials and non-officials' substitute the words 'to examine and report upon the advantages and disadvantages of the separation of judicial and executive functions in the Punjab; to estimate the cost of separation; and to make such recommendations as may appear to be appropriate in the circumstances.'"

Mr. K. L. Rallia Ram.—Am I in order to ask whether there is any time limit as to how long the committee will take to submit this report?

Mr. President.—The amendment has been put to the Council and no further remarks are in order.

Mr. E. Joseph.—I have still to reply.

Mr. President.—There is no right of reply on an amendment.

The amendment was lost.

Mr. President.—The motion now before the Council is —

"That this Council recommends to the Government to appoint an expert committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."

Does any member wish to speak to this motion?

3-40 P.M.

Sayad Muhammad Husain.—Sir, the separation of judicial and executive is a question which has been occupying the attention of the Indian public for the last quarter of a century. The question is of a real importance both from public and Government point of view. If we trace the history of the jurisdiction of the province since the advent of the British rule, we find that in the beginning the Deputy Commissioner and the Commissioner possessed both civil and criminal powers along with their executive functions. In due course the executive work grew so heavy that all civil powers were taken away from them. At present the Deputy Commissioner exercises both the executive and criminal powers. In doing so much of his precious time is spent in disposing of the cases and superintending the criminal side of the work and sometimes there is a miscarriage of justice too. The District Magistrate is both a head of the police as well as the court of conviction. All the District Magistrates are very keen, and naturally they should be so that the offenders be brought to justice and peace, and order should prevail in their districts.....

Mr. President.—Order, order. Rule 16 of the Legislative Council Rules does not seem familiar to members. This runs as follows:—"The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech."

The hon'ble member is repeating the arguments of other speakers, and I feel it

[Mr. President.]

my duty to draw his attention to the rule. I do not wish to find fault with the hon'ble member, as I know he is not familiar with the rules, but he is not in order.

Sayad Muhammad Husain (*continued*)—As the hon'ble the President has ruled that the words which I used in the course of my speech are words which have been used by the other speaker already, I agree to cut short my remarks. I, however, support whole-heartedly the original motion that the judicial and executive functions should be separated as soon as possible. I have no intention of repeating any of the arguments which, in the opinion of the hon'ble the President, have already been put before the Council by the other speakers, I therefore cut short my speech and sit down.

Rai Bahadur Lala Sewak Ram.—I move, Sir—

“That the question be now put.”

The motion was carried.

Mr. President.—Does the hon'ble mover wish to reply?

Mian Muhammad Shah Nawaz.—No, Sir.
3-52 P.M.

The Hon'ble Sir John Maynard.—Sir, I had hoped to support the gentlemen who apparently form a majority of this House. I had believed that those gentlemen who were so eager for the absolute purity and impartiality of justice would also have been pleased to allow the committee which they propose to appoint to look at both sides of the question. But I find, Sir, that they have so little confidence in the justice of their cause that they are not even willing that the objections to their proposals should be examined properly. Sir, I came to this House to-day prepared to find myself in full agreement with the majority of its members. I came to this House prepared to say that the Government will be glad to appoint the committee which they desire. I was looking forward to the possibility of something approaching to complete unanimity on the question which is before us; but I

was not prepared to hear that the committee which is to be appointed is not to be permitted to examine the objections to the changes proposed and should not even be permitted to examine the question whether the cost of each part of this proposal was such as to counterbalance the advantages of it. However, some of the members who have spoken in favour of this proposal have ignored it; yet the fact is that this proposal is not one proposal, but several proposals. It is capable of being broken up into parts. It ought to have been broken up into different parts. The cost of each part should be carefully examined, and it should be clearly determined whether it is worth while to incur the expenditure likely to be involved. Instead of what I expected I find myself forced into a position in which I am compelled to say that although I am virtually in agreement with the hon'ble mover and those who have supported him it is impossible for me to vote for the proposal. This is because the hon'ble mover deliberately declines to take into consideration any of the difficulties or any of the expenditure. That, Sir, is my position. I regard it as most unfortunate that any such position should have been forced upon me by the hon'ble mover and those who have supported him. Now let me point out, in the first place, what has been completely ignored by the hon'ble mover. He said—I took, down his words, so that I might not misquote him—“All these things have been accepted in principle, but nothing has been done in practice.” Well, Sir, that statement is a deliberate ignoring of most important facts. In the first place, this Government has been endeavouring for years past, with due regard to its obligations and with due regard to the reasonable limits of expenditure, to give effect to the principle of the separation of judicial and executive functions. Very recently, only a year or two ago, the whole of the judicial portion of the Punjab Civil Service with which the Munsifs are amalgamated has been completely separated from the executive portion. It will not be recruited in the manner in which the

executive portion of the Punjab Civil Service is appointed. It will be filled entirely upon the advice of the High Court who will select and recommend from among bachelors of law, giving preference to those practising at the bar. That, Sir, is the first part of my reply to the hon'ble mover when he has the audacity to tell the House that practically nothing has been done.

Secondly, Sir, it has recently been decided, and the hon'ble mover and others who are interested in this subject must have known it, that direct appointments to.....

Mian Muhammad Shah Nawaz.—May I know, Sir, if the Government member is in order when replying. I have not availed myself of my right to reply, and I therefore think that the Government member should not be allowed to reply. Such a procedure was adopted on a previous resolution about martial law.

Mr. President.—The hon'ble Finance Member is within his rights.

The Hon'ble Sir John Maynard (continued).—The second point to which I wish to draw the attention of the Council is that it has recently been decided that direct appointments will be made from the bar to District and Sessions Judgeships. In fact two appointments have actually been made, and it is probable that a larger number of appointments will be made ultimately. There is only one limit to such appointments and that is that the vested rights of other services and other persons, principally of the Punjab Civil Service, shall not be ignored. Then, Sir, it has been decided on the report of the Public Services Commission that officers of the Indian Civil Service to be selected for the judicial service should have at least from 5 to 8 years' service, and they will then undergo a special training before they become District and Sessions Judges. That is an important step which has been taken in order to secure for the judiciary members of the Indian Civil Service who have specially undergone training on the side of the judicial work.

Then, Sir, in the High Court, the creation of which is in itself a very great step towards the complete separation of judicial and executive functions which the hon'ble mover desires, it is no longer possible for executive officers to be placed in the position of High Court Judges. The High Court consists of Barrister Judges or of officers who have been at least three years District and Sessions Judges, and its constitution safeguards the restriction of appointments to persons having judicial experience or experience as practising lawyers.

There is another very important question which has also been ignored by the hon'ble mover. It is assumed that the separation of judicial and executive functions is something which can be taken as a complete whole, not involving in any way any doubts as to the meaning of the expression. I do not want to detain the House in explaining the various meanings which may be put on the phrase—separation of judicial and executive functions—but I must point out that there is one very grave doubt as to the precise significance of this expression. This doubt exists in regard to a matter which, I think, may possibly give to the cultivators and zamindars some cause to question the desirability of what is proposed in its present crude form. There is such a thing as revenue law, known in other provinces as rent law. Is it to be understood that those who have moved this resolution desire that every question between landlord and tenant, every question arising out of revenue law which at present is dealt with by persons who have special acquaintance with the needs of the zamindars, every question of determination of the status of a tenant, ejection, calculation of rents and so forth, should be dealt with by Munsifs and by the civil courts? This important question, I think, has not been thought out; and the fact that such an important question has not been thought out and nobody has yet thought fit to bring to the notice of this House this important question shows that something more than a mere direction to the

[Sir John Maynard.]

committee to work out the complete carrying out of this scheme without regard as to what it is and what it will cost, is needed.

Now, Sir, I have gone with some pains into the question of what these various measures, which have all been collected together under the title of the "Separation of executive and judicial functions" are going to cost. I have not calculated what it will cost to make over the whole of the revenue cases to an agency other than the agency which now deals with it. That would mean something additional, but I have calculated what it would cost to make over all the work of the District Magistrate, of the work done by his assistants on the executive side, of work done by tahsildars—to make over all this work to a purely judicial agency. I can assure this Council that it will not be less than 15 lakhs of rupees per annum. This could no doubt be broken up into parts, if the committee is permitted to do what it ought to do. If this committee is permitted to examine carefully every portion of the proposal separately and to consider whether the cost of each portion is worth incurring, then it will be possible to arrive at a reasonable decision showing that such and such a portion might be carried out, that the advantages of doing that will be such and such, that its cost will be so and so, that the cost of doing something else will be so and so, and that the disadvantages are so and so. But this is a course which the committee will now apparently be precluded from following. All that it has to do is to work out a scheme for something which is not defined except in a vague phrase and to put that proposal forward whether it is itself satisfied that every part of the scheme is advantageous or not.

I have just one word more to say, Sir, about a subject which touched me very deeply. I refer to that portion of the speech of the hon'ble mover and of one of his supporters in which it was said that justice is better than prestige. Sir, justice is immensely better than prestige,

but when I remember my own days as a magistrate, remember how I sometimes sat for hours and hours in the hot weather listening to the noisy wrangling of witnesses, of pleaders, enduring the fœtid odours of the enclosed room in which I was working, coming away at the end of it almost staggering with weariness, one's hands tired of writing, one's mind worn out, one's ears deafened with listening to noisy wrangling, I am inclined to smile somewhat bitterly at the suggestion that I did all this for the sake of prestige. Sir, what I did was only a small thing. It is what hundreds of men better than I are doing daily and are enduring for much longer periods because their fortune does not happen to take them to more congenial spheres of work. But, Sir, those men still do that hard work, spend those bitter days in labour—unrequited labour—but they do not do all this for a phantom called prestige; they do it for the sake of their duty; they do it because it is a duty laid upon them by Government—by a Government which, inheriting the past practices of many hundreds of years of indigenous rule, has felt that it is better to have an administration which is not too expensive for the country to which it has to be adjusted.

Mr. President.—The motion before the Council is—

"That this Council recommends to the Government to appoint an expert committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same."

The motion was carried.

RESOLUTION FOR THE PROVISION OF HOUSES FOR OFFICIALS.

4-15 P.M.

Mr. Ganpat Rai.—Sir, I move my resolution as follows:—

"This Council recommends to the Government—(a) to provide residential houses for those gazetted officers who at present are not provided with residential quarters, and for the non-gazetted Indian establishment, on the same terms as those on which such residences and

quarters have been provided heretofore ; and (3) that, until the whole scheme is worked out, emergent provision be made for gazetted and non-gazetted Indian officials drawing a monthly salary of less than Rs. 500."

Mr. Ganpat Rai (Urdu).—Sir, to save time I shall speak in Urdu. My resolution is not one requiring discussion or opposition on behalf of Government. In some places gazetted officers have been provided with residential houses. Increase in rents and scarcity of houses have put non-gazetted Indian officials to great inconveniences. A substantial part of their salaries is spent on house-rent. As compared with them the gazetted officers draw higher pay and give nominal rent to the Government for houses provided for them. The Government are showing such marked kindness to them that 24 more houses on the Multan Road and 9 opposite the Chiefs' College are being built for them, while nothing is contemplated for those who draw smaller salaries. The rich only are invited to live in houses carrying low rent while the poor are being totally neglected. What my resolution aims at is that the non-gazetted Indian establishment should be provided with residential quarters on the same terms as those on which such houses and quarters have been provided heretofore. To carry it out I don't want the Government to expend any sum in this direction out of their own pocket, for I know that the money at their disposal is very little. I suggest that private people be invited to build the residential quarters, and that six or seven per cent. of the salaries of the clerks occupying such quarters be deducted and paid to the proprietors of these houses. I am sure a good many people would be willing to undertake such contracts. So long as the suggestion is not carried out on a commercial basis, it will be very difficult to make adequate provision for a big establishment. The new houses built on the Multan Road have been very much approved of, and a great many clerks personally told me that they are ready to pay for such houses three times as much rent as the Government are charging

from the officers living in them. Unlike Simla, I am sure, no arrangement has been made here to accommodate the low-paid clerks in any quarters. I don't mean that high-salaried officials be deprived of their houses. What I want is that the Government should be more generous towards the poor than towards the rich. The poor low-paid Government servants should also be provided with quarters.

The second part of my resolution is that until the whole scheme is carried out, emergent provision in the form of allowance be made for gazetted and non-gazetted officers drawing a monthly salary of less than Rs. 500.

Rai Bahadur Lala Hari Chand.—Sir, I oppose this resolution. In the first place I do not quite understand the mover's arguments. He said that we should ask the people to build the houses, and, if they refused, then the Government should build them. Does he mean that the Government should ask the people to build the houses? And if they refused, then the Government should build houses for clerks and others?

Mr. President.—There is nothing in the resolution about asking other people to build houses.

Rai Bahadur Lala Hari Chand.—Then, where is the money to come from? We have just now passed a resolution which would cost us about fifteen lakhs. On these grounds I think this is not the time to pass this resolution, and I oppose it strongly.

4-30 P.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, we shall soon be bankrupt. There is little use in carrying such resolutions as simply remain on paper. The Government are already short of money and cannot find funds for such schemes. Officers getting Rs. 500 or less can find out and rent suitable houses for themselves. The non-gazetted officers should not be jealous of the gazetted officers if the latter are provided with residential houses. I am also of opinion that houses provided for non-gazetted Indian establishment do not

[K. B. Fazl Ali.]

always prove suitable and comfortable. A head clerk at Gujrat had to lease another house to accommodate himself comfortably, the one provided by the Government remained vacant, and the poor fellow had to pay rent for it as well. We already know that the Government have no funds. Government servants have been managing to accommodate themselves, happily or unhappily, according to their requirements. We should therefore drop the resolution.

4-34 P.M.

The Hon'ble Lala Harkishan Lal (Urdu)—With the permission of the President I submit that at present it is impossible to carry out this resolution. During the last sessions I was strongly opposed by the hon'ble mover when I made a demand for a similar purpose. To-day I am glad that the hon'ble mover is being similarly dealt with. It is a custom with the hon'ble mover to write out a question or a resolution on behalf of whoever goes to see him. He has no idea of Government's difficulties. The Government provide residential houses to the establishment of the Canal Department and Hospitals, for they see that difficulties encountered by the establishment cannot be remedied otherwise. Similarly Government provide houses to those officers who come from abroad and this facility is afforded to them because they are strangers. If no such provision has been made for officials who are natives of the country Government should not be accused of injustice. The House will at once see that their case is quite distinguishable from the case of officers coming from abroad. In spite of all this the Government are very much in earnest in providing quarters for low-paid servants as well. In some of the new districts, for example, in Lyalpur and Sheikhupura, the Government are building quarters for all Government servants. But I would still adhere to my own opinion that a Government servant who is a native of the place has no claim whatsoever to such quarters. It would be gratifying to the hon'ble mover to learn

that the Government are already making efforts to acquire land for making residential houses for Government servants. In Simla too the Government have been building such quarters and defraying the expenses partly from its revenues and partly through loans. Elsewhere in the province if private people undertake to build such quarters, it would give me the greatest satisfaction. The Government at the same time are building as many houses as the funds at their disposal allow.

There are certain points in the hon'ble mover's resolution which require explanation. He has not specified where such residential quarters are to be built, whether in all the districts from Rawalpindi to Hissar and Ambala to Campbellpore? I think he means throughout the Punjab. Secondly, he demands residential quarters for the non-gazetted Indian establishment on the same terms as those on which houses and quarters have been provided heretofore. I would like to bring home to the hon'ble mover that it is impossible to provide such quarters on similar terms, since the cost of building has multiplied no less than four times. I think therefore it would be unreasonable on the part of the hon'ble mover to expect the rent of such quarters to be fixed according to old rates when they are to be built at enormously high costs.

The second part of the resolution is also not clear. By "emergent provision," does the hon'ble mover mean by the beginning of the next sessions of this Council? I think a period of no less than 20 years would be required for completing this scheme. I would therefore like to hear from the hon'ble mover an explanation of the phrase "emergent provision." In the end I would like to reassure the hon'ble mover that the Government have already been doing a good deal in this respect, and if he is still unsatisfied he must manage to supply funds for the scheme.

May I ask, Sir, if the hon'ble mover is going to press his resolution?

Mr. Ganpat Rai.—Yes, Sir. I want to press it. It is for the Council to accept or reject it.

(At this stage Mr. President left and Mr. Manohar Lal took the chair.)

The Chairman.—The amendment set down in the name of Sardar Dasaundha Singh who is absent drops out. Does the hon'ble mover wish to reply?

4-41 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I am a poor man, and as such at all times accessible to visitors. Any member invoking my help whether for the framing of questions or resolutions will always find me at his service. Of course when I too am made a Minister and given four orderlies I shall be in a position to refuse admission to visitors. The Hon'ble Minister and other members have objected to my resolution on the ground that the Government have no funds to carry out my proposals. I am sorry to say that when it is the turn of the poor the Government treasury is said to be empty. I would once again submit that Government need not expend any sum from their own treasury, and that the scheme can be carried out on a commercial basis. How does the Hon'ble Minister say that it is not possible at present? Has any attempt been made on commercial lines? In Jhelum, Rawalpindi and Sialkot excellent houses were built by private people, but since the Government have ceased to encourage them, the people have grown slack. The Hon'ble Minister has said that gazetted officers who are strangers must be provided with residential houses. Am I not at liberty to ask him whether all the clerks in Government service at Lahore are natives of this place? Are they not strangers here in the same sense? I remember that when Mr. Hallifax was here he promised to undertake a scheme to provide quarters for the low-paid Indian clerks. But more than ten years have passed, and since it was a scheme beneficial to the poor alone, no effort was made to give effect to it. Am I to understand that there is money for the rich and not for the poor? I leave the matter for the House to decide.

The Chairman.—The motion before the Council is :—

"That this Council recommends to the Government—(a) to provide residential houses for those gazetted officers who at present are not provided with residential quarters, and for the non-gazetted Indian establishment on the same terms as those on which such residences and quarters have been provided heretofore; and (b) that, until the whole scheme is worked out, emergent provision be made for gazetted and non-gazetted Indian officials drawing a monthly salary of less than Rs. 500."

The motion was lost.

RESOLUTION RE THE ALBERT VICTOR WING OF THE MAYO HOSPITAL.

4-45 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, the resolution which I am moving before the Council is :—

"That this Council recommends to the Government that all indoor wards in the King Edward Medical College Hospital be laid open to patients of all races and creeds without discrimination, and that the bar to the admission of Indian patients to the Albert Victor Wing of the Mayo Hospital be forthwith removed."

The Wing bears the name of Prince Victor, the elder brother of our present King. The Wing is attached to a hospital which bears the name of King Edward, who was the great leveller of distinctions and a well-known pacifier all over Europe. It was opened in 1890; the money came mostly from Indian Princes and Chiefs. For about 20 years after the opening of the Wing, all the rooms in this Wing were open to all respectable classes of patients, irrespective of caste and creed. Only for the last five or six years Indians have been excluded.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—If I may be permitted to say it, I think the hon'ble mover will perhaps be better advised to define what he means by the words "indoor wards" in his resolution. Does he mean

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

general wards or does he mean private wards?

The Chairman.—The hon'ble mover will no doubt bear this point in mind as he proceeds with his speech.

Diwan Bahadur Raja Narendra Nath.—I will explain everything when the time comes. I mean that the special Wing attached to the Mayo Hospital was open to all classes of patients when the Wing was first erected—that is at least my information. I understand that at the inaugural ceremony in the speech which the Lieutenant-Governor of the time made, it was declared that the accommodation provided in the hospital was meant for all classes of respectable patients. The bar, as I have already said, was placed on the admission of Indians only five or six years ago. To continue it at the present time is an anachronism. We have in these days an Indian Governor of a province; we have Indians in the Executive Council of the Central Government; we have Indian Ministers and members of Executive Councils in all the provinces; we have in the Punjab an Indian Chief Justice; but under the practice which now prevails in the hospital, if any of the incumbents of these high offices were to fall ill he would not get accommodation suitable to his position and suitable to his dignity. He would not get the same conveniences as far as rules go as a person, whatever his descent may be, would get if he only bore an English name. I went to see the hospital a few weeks ago, and the officer in charge was kind enough to show me round. In the general ward I saw a patient who was to all appearances an Indian, but he bore an English name and he got entry into the hospital possibly because he claimed a mixed descent—an Anglo-Indian descent. Well this state of things would naturally be resented by Indians of high position who would be kept out of those special wards simply because they were Indians. I am aware of the fact that wards for Indians have been constructed and are due to the generosity of a local millionaire; but although they were constructed five

or six years ago they have not yet been put into working order: the menial staff does not exist, and there are no nurses up to this time attached to those wards. The result is that its existence is of no use to the respectable classes of Indians. The scale for medical attendance in this new ward, which has not yet been utilized by any person as far as my knowledge goes, is different from the scale provided for the European ward. I understand that there are differences between the customs and the modes of living of Europeans and Indians, but the more you give way to differences and distinctions, the more they grow. Not in this province but in other provinces there are carriages on the railway reserved for Europeans and Indians. In this province that distinction is not observed, yet everything goes on in the best way. Therefore I say that distinction and division is an evil which grows the more you recognize it, and the more you show a yielding disposition the greater becomes the difficulty of eventually surmounting it. When the Indian section of a ward is as well provided as the European ward there will be a natural segregation. Indians are not particularly keen upon claiming entry into the European ward, and *vice versa*; but I see no justification for any distinction being observed in rules. Such a distinction at the present day is creative of extreme discontent and resentment. I have little doubt that my hon'ble friend the Minister in charge of the Medical Department will accept the resolution which hardly admits of any question or dispute. With these words, Sir, I close my speech.

5 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I have felt puzzled since I saw the resolution which Raja Narendra Nath has moved this afternoon. I had expected that his speech on the resolution would be very clear and render intelligible his unintelligible resolution, but I am disappointed. I have tried my very best to understand what he really means by his resolution. I have not succeeded. I even ventured to have recourse to the rather

unusual step of interrupting him in the very beginning of his speech, hoping that he would think over the matter, and in the course of his speech say what he really wanted, and thus enable me either to agree with him or to disagree with him. Now his resolution which has been read to the Council runs as follows:—

"This Council recommends to the Government that all *indoor wards* in the King Edward Medical College Hospital be laid open to patients of all races and creeds without discrimination, and that the bar to the admission of Indian patients to the Albert Victor Wing of the Mayo Hospital be forthwith removed."

The important words in the resolution are "all indoor wards in the King Edward Medical College Hospital."

In the first place, I might say that there is no such thing as King Edward Medical College Hospital. Here I will give to the Council a brief historical sketch of the central institution for medical relief to the poor. The old institution in existence in Lahore for the purpose was styled "Mayo Hospital." In that hospital arrangements were made primarily to afford medical relief to the poor Indian, and there were a few rooms wherein paying patients could also be accommodated. Now, there was no adequate provision for medical relief for the European poor. This state of affairs lasted till the year 1890. Up till 1890 what was in existence? There were general wards, which means dormitories, big rooms like this Council Chamber, where 40 or 50 beds were put. These were "general wards." These were in existence in the old Mayo Hospital before the year 1890, and they were all for the Indian poor. There were none for the European poor. There were rooms like cubicles which were allowed to middle class Indians who could pay Rs. 2 a day or so in order to be accommodated. It was felt that the European poor were also entitled to medical relief. In 1890 in order to celebrate His Royal Highness Prince Albert Victor's visit to Lahore it was resolved (apparently in view of the

fact that Prince Albert Victor was a European), to commemorate his visit by making provision for medical relief to poor Europeans, and here, Sir, my office has done some research work and unearthed the first circular letter of 1890 issued in the month of February; it runs as follows:—

"It is proposed to commemorate the visit of His Royal Highness Prince Albert Victor to Lahore in a manner which will confer a lasting benefit on the station and the province generally, namely by enlarging and improving the hospital accommodation for both Europeans and Natives."

"The necessity for this has long been felt, and as the Mayo Hospital is not merely a local institution, treating as it does the sick from all parts of the Punjab, but also the centre of medical education in Northern India, it is hoped that the public of the Punjab will assist in providing Lahore with a hospital worthy of the capital of so important a Province."

"It is proposed" (this is important) "to effect this object by adding a new wing to the Mayo Hospital mainly for the accommodation of European patients, but also for the better classes of natives. This new wing will have 25 beds, of which some will be arranged in comfortable and well-furnished separate rooms, such as will be suitable for those who may wish to pay a small sum for superior and private accommodation. The present accommodation available for Europeans is in every way unsuitable for this class of patients, never having been intended for them, and by providing for them in the new wing the space available for native patients in the Mayo Hospital will be correspondingly increased."

So, obviously there is no doubt about it that this wing, Albert Victor Wing, was to consist of two blocks, a general ward which was from the very beginning intended for poor Europeans only, and some private wards which were intended, some of them for Europeans, paying Europeans, and others for such well-to-do better class Indians as needed them. Obviously, Sir, the object was to make pro-

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vision for poor Europeans. So far as the poor people of the Punjab are concerned, we all know that the standard of life of our poor Indians is so low that it will have to be considerably raised before it coincides with the standard to which the poor Europeans are used. It is necessary, so far as general wards are concerned, to keep them apart. So far as private wards are concerned, it was intended that the Albert Victor Wing be open to good class Indians as has been suggested by the proposer, on payment, and on such terms on which Europeans are taken. As a matter of fact, so far as the general ward consisting of 25 beds or so is concerned it was never open to Indians. From 1892 right up to now not a single Indian has been admitted to the general ward in the Albert Victor Wing. Now I come from the general ward to the special wards or private rooms, and the stage where growing national aspirations claim certain changes in the administration of hospitals and other things. It was some time after the year 1911 that well-to-do Indians found that they could not be admitted to the private wards of Albert Victor Wing. It was in February 1921, Sir, that I came across a complaint on the subject to the effect that originally the Albert Victor Wing private wards were intended for Indians also and were used by Indians for years, and that now they were not available. I instituted an inquiry into this matter and after a great deal of research work by my office I discovered that what had happened was something like this. Originally intended for Indians as well as Europeans, they were actually used between 1892 and 1911 or thereabout for the purpose and in the way in which they were intended to be used. In 1909 the King Edward Memorial Scheme was set on foot, and in the course of its development it was resolved that the Albert Victor Wing private wards were not numerous enough to satisfy the needs of the Europeans and Indians, and as decided under the scheme a plot of land called Chhajra Bhagat ka Chubara was

particularly acquired for putting thereon private wards for Indians who come from well-to-do classes. Instead of waiting for the time when these Indian private wards would be put up, furnished and actually used, instead of waiting for that time, what happened was that as soon as the resolution was passed, the entry of Indians into the Albert Victor Wing private wards was stopped with the result that complaints grew, and the complaints which reached me were in part justified. As soon as I discovered the true facts of the case I proceeded to take the following action. In the first place, I enquired why the new wards which had been in existence for a number of years and furniture had been ordered and been secured for them, why were they not being used. There were financial difficulties in the way. The budget was not full enough to provide for it, but by a saving here and a saving there, some money was put together to put up ten or twelve wards in order, and as a matter of fact these wards have been actually in use during the past two or three months. Therefore the information that has been received by the hon'ble mover as to their not being in use is not correct. The second action I took, pending the putting in order of these Indian wards, was to open the private wards in the Albert Victor Wing to the Europeans as well as those Indians who live according to the European style, and that is exactly what the hon'ble mover desires. Therefore I have great pleasure in telling him that what he contemplates with reference to private wards had actually been done even before he sent in his resolution. But if he really wishes the general wards of the Albert Victor Wing to be used for Indians as well as Europeans without distinction, then I am afraid I have to oppose him very strongly indeed. I have to oppose him first and foremost on the ground that the Albert Victor Wing was made from funds which were collected as charity. No doubt most of the money for that charity came from Indians, but if Indians of their own free will wish to create a hospital for the use of poor Europeans, it does

not lie in the mouth of any Indian to-day to say that because the money was Indian therefore these wards should be open to Indians as well. This is not fair, this is not just, this is not honest. Therefore, Sir, if I am right in understanding the hon'ble mover's contention to be only about the private wards what he desires has already been done. If he really means thereby that he wants 320 beds in the Mayo Hospital reserved for Indians to be used by Indians and the 80 beds in the Albert Victor Wing reserved for poor Europeans to be used by poor Europeans and poor Indians, I am afraid he will find very scanty support indeed from anyone who is not obsessed with the idea of removing racial distinction even among the sick. With these remarks, Sir, I leave this matter in the hands of the Council. I think that it was right that I should intervene at this early stage of the discussion and place the true facts before this Council. If the hon'ble mover feels satisfied and places the interpretation upon his resolution which I believe he really intended to place, then the matter is absolutely simple. If, however, contrary to my expectations, he means to turn the general ward created and intended for the European poor into one where the Indian poor should also be admitted, then I am afraid, in his attempts to obliterate all distinctions of race, I cannot agree with him as the experiment involves not only the comfort but the lives of the Indian and the European poor.

(At this stage Mr. President resumed the chair).

5-15 P.M.

Dr. C. A. Owen.—I am rather interested in this resolution because I was present at the laying of the foundation stone of this particular building. I know that at that time it was solely intended for European patients. The Hon'ble Mr. Fazl-i-Husain has given us a very clear account of how the hospital came into being and I cannot improve on that; but I would like to point out that the reservation of the Albert Victor Wing for Europeans does not curtail the accom-

modation in any way for Indians. The enlarged Mayo Hospital provides accommodation for 386 beds in the general wards and 26 in the Indian private and family wards. In the Albert Victor we know there is ordinarily accommodation for 80 beds in the general wards and 4 in the private wards. In case of necessity the former can be increased to 36 and the latter to 6, making a grand total of 42 for Europeans against 392 for Indians. I would like to emphasize this important fact that the daily average number of patients, European and Indian, for the year 1920 was 184, so that there were 200 beds available in the general and in the private wards for either Europeans or Indians: which shows that there is no reason why Indians should encroach on the portion reserved for Europeans or the Europeans on that reserved for Indians. The location of the Albert Victor Hospital in the Mayo Hospital compound was due to considerations of economy in staff and recurring expenditure on the maintenance charges. By locating the Albert Victor in another part of Lahore, Government would have been put to the necessity of appointing a separate visiting Surgeon, as the services of the College staff could not possibly have been utilized in connection with an institution away from the centre of their activities without grave detriment to their college duties. Had Government originally fixed the Albert Victor Hospital outside the Mayo Hospital, the present bone of contention would not have arisen. I know from information given me by a well-known member of the Executive Council of Government that there is sufficient accommodation for both Europeans and Indians. If the special Indian wards are not available, I think that is a great mistake and they should be made available at once for patients. There is another thing which strikes me, and that is the differences and distinctions in customs. When an Indian patient, whether Hindu or Muhammadan, goes to the general ward he is catered for specially by a Hindu or a Muhammadan cook, as the case may be. If he was allowed into the general wards

[Dr. C. A. Owen.]

of the Albert Victor Hospital you would have to make that special arrangement for him to suit his special need, and that in itself would dislocate a good deal of the regular work of the hospital. I hope therefore that the hon'ble mover will see his way to withdraw this resolution which at this present juncture is not, I think, suitable.

Mr. President.—Before the debate proceeds further I think it is desirable to clear up the issue involved. In the first place, do I understand correctly that there is no such thing as the King Edward Medical College Hospital?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—That is so, Sir. There is no such hospital. The hon'ble mover has got the name wrong, and undoubtedly this has led to confusion.

Mr. President.—Obviously the Council cannot go on discussing a resolution relating to an institution which does not exist. Before we go any further the issues must be defined more clearly.

(At this stage consultation between the Hon'ble Minister for Education, the mover and Mr. President took place.)

Mr. President.—So far as I understand the case the issue involved may be summed up in a resolution worded as follows:—

"This Council recommends to the Government that to the special ward of the Albert Victor Wing of the Mayo Hospital all Indians of the better classes be admitted and not only those living in European style."

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—That is correct, Sir, except that I prefer to use the words "private rooms" in place of the words "special ward."

Mr. President.—Raja Sahib, do you accept that correction?

Diwan Bahadur Raja Narendra Nath.—Yes, Sir.

Mr. President.—The issue before the Council will then be—

"That this Council recommends to the Government that to the private rooms of the Albert Victor Wing of the Mayo Hospital all Indians of the better classes be admitted, and not only those living in European style."

Sayad Muhammad Husain.—Sir, I give notice of an amendment to omit the words "of the better classes." Will this notice be accepted?

Mr. President.—Certainly. If the wording of the resolution is to be changed it is only reasonable that a simple amendment like this should be put to the Council.

Chaudhri Bans Gopal.—Sir, I would like to add the words "who can pay the fees" before the words "be admitted."

Mr. Ganpat Rai.—Sir, for the words "Indians of the better classes" I wish to propose the words "sufedposhes."

Mr. President.—It is now six o'clock and the Council must be adjourned. Tomorrow as soon as resolutions are reached the resolution I have just read out and the three amendments of which notice has just been given will have to be considered by the Council.

Mr. Ganpat Rai.—I hope, Sir, that some arrangement will be come to before to-morrow. None of us want to show any unfriendly feelings towards our Anglo-Indian brothers who inhabit the same country as we do and belong to India as much as we do.

Mr. President.—There is no longer any racial question at issue. The point at issue has been narrowed down to the single one, as to what classes of Indians the shall be admitted to the private rooms of Albert Victor Wing of the Mayo Hospital.

Before we adjourn I draw the attention of the Council to the revised list of business for to-morrow. The Standing Orders Committee's further report will be presented. It will not be debated or dis-

omitted for another week. Then the report of the committee on the duties and functions of the deputy president will be submitted for approval in order that a decision may be come to before the election of the deputy president takes place.

I also draw attention to the fact that to-morrow is the last day for the nomi-

nation of the candidates for the post of deputy president.

(The Council then adjourned till 2 p. m. on Friday, the 28th October 1921.)

PUNJAB LEGISLATIVE COUNCIL.

Friday, 28th October, 1921.

THE Council met at the Council Chamber at two of the clock.
Mr. President in the Chair.

ANNOUNCEMENT REGARDING THE COURSE OF BUSINESS.

2 P.M.

Mr. President.—Members will receive to-day a further statement of Government business, comprising items 8—27 of the continuous list. It will be observed that items 10—26 cover demands for supplementary grants, framed in the manner prescribed by me on the 24th October in my ruling on the financial procedure to be observed in Council. With the list is circulated a Memo. by the Finance Department giving a detailed explanation of the demands made. It will be noticed that items 10—18 are new demands, the money for which will have to be taken from the Provincial balances. Items 14—26 are what are known in Parliament as demands for "token grant." The money for such grants will be found by transfer from some other grant already voted by the Council as explained in the memorandum. A formal demand for Rs. 10 in each case is made to bring the matter within the cognisance of the Council. Members should send in notice of motions for reduction at least two clear days before each grant comes up. They must make their own calculations as to when the grant will be reached. In the case of the "token grants," if objection is taken to an item in the grant, the motion should be to reduce the grant by one rupee. If that is carried, the Government will consider that the particular item objected to has been rejected. The memorandum is being translated and will be circulated shortly in Urdu. Amendments, if any, to item 27 must also be sent in two clear days in advance.

FURTHER REPORT OF THE STANDING ORDERS COMMITTEE.

2-5 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, I beg leave to present the further report of the Committee on the Standing Orders. It runs as follows:—

We, the undersigned members of the Standing Orders Committee, have continued our examination of the Standing Orders and submit a further report as follows:—

1. Standing Order 5 (1) is clumsily worded, and in view of sub-section (4) should not deal with vacancies. Also there is no need to force the decision as to who shall be Deputy President. The sub-section should run—

"5 (1). The election of the Deputy President shall take place as soon as convenient after the commencement of the first session of each Council."

2. Standing Order 6 is not sufficiently elastic to permit of changes in the time of sitting to suit climatic conditions. It will be better to leave it to the President to fix the times of sitting by an instruction, which can be changed as need requires. Standing Order 6 should run as follows—

"6. Subject to the direction of the Governor, the President shall fix the times at which the meetings of the Council shall ordinarily commence and terminate."

3. If Standing Order 6 is amended as suggested then Standing Orders 24 and 25 will need to be amended as follows:—

(i) In Standing Order 24 for the words "or at 4 P.M., whichever is earlier" substitute the words "or at some other hour on the same date, or on the next day on which the Council sits, whichever is more convenient."

[D. B. Raja Narendra Nath.]

- (ii) In Standing Order 25 for the words "by 6 P. M." substitute the words "within two hours from the time at which it was commenced."

4. Only in certain cases is there any provision in the Standing Orders about the length of notice required for motions. We think it is desirable to make some definite rule. We suggest the following draft of a Standing Order 31-A :—

"31-A. (1) A member who wishes to move a motion (other than a motion for which a period is specially prescribed) shall give in the case of a substantive motion at least seven clear days' and in the case of an amendment at least two clear days' notice in writing of his intention to the Secretary.

Provided that the President may, in his discretion, admit at any time any motion at shorter notice or without notice."

5. We would also take the opportunity to make it clear that a motion like a resolution cannot be withdrawn without the leave of the Council. We suggest to turn the present Standing Order 32 into Standing Order 32 (1) and to add the following as 32 (2) and (3) :—

"32. (2) A motion once moved shall not be withdrawn without the leave of the Council."

"(3) No discussion shall be permitted on a motion for leave to withdraw a motion except with the permission of the President."

6. In the old Council practically all Bills were Government Bills, and the Council was an adjunct of the Government and had as its Secretary the head of the Legislative Department of the Government. These conditions no longer exist and we are impressed by the necessity for strengthening the machinery by which the Council may assure itself that the Bills it passes are technically in a proper form. The President cannot suitably intervene in this matter. The Deputy President is the proper officer or, if he is not a lawyer, then one of the panel of Chairmen to be nominated by the President. We would alter Standing Order 41 so as to make one of these officers, like the Legal

Remembrancer, a member of every select committee. We would also take the opportunity to provide for the filling of vacancies on select committees out of session. We recommend that—

(a) Standing Order 41 (1) should run—
"The member of the Government to whose department the Bill relates, the member who introduced the Bill, the Legal Remembrancer to the Punjab Government, if he is a member of the Council, and a member of the Council who shall be either the Deputy President or a member of the panel of Chairmen, to be nominated by the President, shall be members of every select committee."

(b) Standing Order 41 (2) should be changed by substituting for the second proviso "provided also that, if the Council is not sitting, and the matter appears to him to be urgent, the President, subject to the approval of the Council to be given at its next sitting, may appoint any member to fill any vacancy, which has occurred on the committee through death, resignation, absence from India, inability to attend to duty or otherwise."

7. We would also alter Standing Order 50 so as to allow for an interval for expert examination before a Bill, which has been amended, is finally passed. If this interval is given, there will be no need to keep the existing opening for a dissatisfied member to hold up the proceedings. We advise that Standing Order 50 should run as follows :—

"50. (1) as at present.

(2) If any amendment of the Bill is made, the President of his own motion may, and on the request of any member shall, direct that the Bill be examined by a committee consisting of the member of the Government to whose department the Bill relates, the member who introduced the Bill, the Legal Remembrancer to the Punjab Government, if he is a member of the Council, and the Deputy President or member of the panel of Chairmen nominated by the President under Standing Order 41 (1) to sit on the select committee, 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 shall be presented within such period as the Council may direct.

- (3) When the report has been presented, and the decision of the Council on the amendments proposed has been made, the member in charge may at once move that, the Bill be passed.

- (4) as at present."

8. We also think that the Council will do well to set up standing committees for finance, canals, etc., etc. We have ascertained that the Government would welcome the help of such committees. We advise, therefore, that the following five new Standing Orders numbered 74A, 74B, 74C, 74D and 74E be inserted after Standing Order 74 :—

" 74A. (1) As soon as may be after the commencement of each financial year standing committees of members of the Council to the extent shown in Schedule I shall be constituted for the purpose of advising the Government in such matters as may be referred to them for opinion. The committees shall be known by the names given in column 1 of Schedule I.

" (2) The Committees shall consist of the members shown in columns 2 to 4 of schedule I. The member of Government in charge of the department concerned shall be an ex-officio member of the committee concerned. The elected members shall be elected by the non-official members of the Council according to the principle of proportionate representation by means of the single transferable vote. The nominated members shall be nominated by the Governor.

" (3) The member of Government in charge of the department concerned shall be the Chairman of the committee concerned and in the case of an equality of votes on any matter shall have a second or casting vote."

" 74B. The proceedings of the standing committee shall not be disclosed by any member without the leave of the Chairman, and no reference to the proceedings shall be made in council except in so far as they have been disclosed with the leave or under the orders of the Chairman."

" 74C. The President shall make regulations governing the method of election by the single transferable vote of the members of the standing committees and of the committee on public accounts."

" 74D. The President shall nominate members to fill vacancies as they occur amongst the elected members of the standing committees and of the committee on public accounts. In making his selection the President shall endeavour to give representation to the group previously represented by the member whose place has to be filled."

" 74E. No member elected to serve on the Finance Committee shall be a member of the committee on public accounts, and an elected member of the committee on public accounts shall not be a member of the Finance Committee."

M. S. D. BUTLER, *President*.

FAZL-I-HUSAIN.

E. JOSEPH.

M. SHAH NAWAZ.

NARENDRA NATH.

ABDUL HAMID.

S. MUHAMMAD HUSAIN.

KARTAR SINGH.

Mr. President.—The report of the committee has now been presented and members will have a week in which to consider it. On Friday, the 4th November, the Council will meet at 1-30 instead of 2-0 to consider the report. Diwan Bahadur Raja Narendra Nath will then move that the report be taken into consideration. If this motion is carried, the Council will proceed to consider any amendments which may be put in down to 3-0 p.m. on Tuesday the 1st November. When these have been disposed of Diwan Bahadur Raja Narendra Nath will move that the report be passed.

DUTIES AND FUNCTIONS OF THE DEPUTY PRESIDENT.

2-12 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, I move that the following report of the Standing Orders Committee on the duties and functions of the Deputy President of the Council be approved :—

" We have considered carefully the question as to the duties and functions of the Deputy President of the Council. We are of opinion that, as a salaried officer of the Council, the Deputy President is

[D. B. Raja Narendra Nath.]

in a different position from the chairmen on the panel, who, drawing as they do no salary, are and should be subject to no restriction on their activities as members. We also feel that in a council like the Punjab Council, which from the start has emphasised its independence from the legislative and other departments of the Government, there is need to give to the President the support of a Deputy, who is outside all party strife, and who can advise him without awakening suspicion. We are fortified in this conclusion by the consideration that, in the case of illness or absence on leave of the President, the Deputy President must act for him, a contingency which arose in practice during the last Session of the United Provinces Legislative Council. In the circumstances we advise that, whoever is elected Deputy President, should be expected to forego any active participation in the controversies of the Council. We do not advise that any new standing order be passed to this effect. We think it better to allow a healthy tradition to grow up rather than to lay down any hard and fast rule in this matter.

Our colleague, Sayad Muhammad Hussain, took no part in our deliberations on this point in view of the possibility that he might be nominated as a candidate for the post of Deputy President."

2-16 P.M.

Mr. Ganpat Rai.—Sir, personally I would not have objected to this report, but I think every elected member owes a duty to his constituents and before he accepts these conditions he should resign his membership and offer himself for re-election; and if the electorate, after realizing that he will be a deaf and dumb man, re-elect him; he will then be entitled to stand for and to accept the office of Deputy President. In the absence of such consent on the part of his constituents I do not think any elected member is entitled to offer himself for this office. I submit that so far as the elected members of the Council are concerned they should not give their support to this report.

The Hon'ble Sir John Maynard.—Sir, it is my duty to point out that there is an admirable precedent for this arrangement in the Mother of Parliaments, the House

of Commons of Great Britain. There the Speaker is always an elected member of a particular constituency, but he does not offer himself for re-election when he is appointed to the Speakership. That which is sufficiently good for the House of Commons may I think be regarded as satisfactory for a comparatively young representative assembly such as this.

Rai Bahadur Lala Hari Chand (Urdu).—Sir, I beg to support the report presented by Raja Sahib. The Deputy President ordinarily should not take any part in the discussions of the Council. He certainly should be a non-party man. It has been suggested by a previous speaker that as the Deputy President will be enjoined to be dumb, therefore he who desires to be Deputy President should resign his membership of the Council and offer himself for re-election, since his constituents did not return him to the Council to be a dummy. This argument has no weight in the face of what Sir John Maynard has told the House. If this custom prevails in the Parliament of England, surely there is no reason why it should not suit our provincial council. The report should be accepted as it is.

Mr. President.—If no other member wishes to speak on the motion, the mover should reply.

Diwan Bahadur Raja Narendra Nath.—Hardly any point has been raised to which it is necessary to reply.

Mr. President.—The motion before the Council is—

"that the report of the Standing Orders Committee on the duties and functions of the Deputy President of this Council be approved."

The motion was carried.

RESOLUTIONS.

RESOLUTION RE ALBERT VICTOR WING OF THE MATO HOSPITAL (concluded.)

Mr. President.—It will be within the recollection of the Council that yesterday evening after some discussion it was agreed that the resolution before the

Council was not worded so as to bring out the issue involved, and that certain other words should be substituted for it. It is now necessary to regularize this arrangement. There is no power in the President to change the wording of a resolution without the sanction of the Council. I will therefore ask some member to move that the words which were agreed to last night as embodying the issue between the parties be substituted for those which were formerly before the Council.

2-26 P.M.

Mr. K. L. Ralla Ram.—Sir, I beg to move that after the words "recommends to the Government" the following words be substituted:—

"that to the special rooms of the Albert Victor Wing of the Mayo Hospital all Indians of the better classes be admitted and not only those living in European style."

I think, Sir, the amended resolution will be acceptable to all. In this democratic and advanced age all distinctions should be removed. Although I am willing to admit that I do not think this distinction was made intentionally, yet there has been very strong feeling over the subject. I do not think it is altogether a racial question. The reason why the better class of Indians want to get admitted into these wards is on account of the superior arrangements and better equipments, and it does look very odd that a respectable Indian should be debarred while an Anglo-Indian.

Mr. President.—Order! Order! The hon'ble member has misunderstood the scope of the amendment. There is no question now of Europeans and Indians. The sole question is whether Indians of the better classes generally be admitted, or only those living in European style.

Mr. K. L. Ralla Ram.—Very well, Sir, I think all Indians of the better classes should be admitted. Ten or twenty years ago there were Indians who did not live in European style, but times have changed and there are a number of Indians now, who although they have Indian ways, dress and so on, yet

follow to a large extent, if not altogether, some European ways, and they would like very much to benefit by the advantages which exist in that ward. A number of Indians do not go to the hospital; but now on account of the better arrangements, comforts, attention and thought which are given to the patients in that special ward—we have heard very good reports of it—many Indians will go there now, and I think they will have the benefit of all the arrangements there. In any case this will be a step forward.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, I beg leave to say a few words only. The amendment is to the effect that all Indians, whether they live in European style or not, should be admitted to the Albert Victor Wing. The phrase "European style" is so vague and indefinite that it will leave the admission of an Indian patient to the sweet will of the surgeon-in-charge. One may have adopted the European style in dress, another in diet, a third may be living otherwise in a princely style and may have not adopted European dress or diet. What is it that constitutes "European style" is left to be guessed.

It is therefore desirable that no restriction of the kind should be placed in the very beginning. The other day an Indian Christian friend of mine was telling me that a Christian who may be of moderate means but who keeps a hat has better chances of being admitted in the Albert Victor Wing than a Christian who, although richer in means and higher in status, wears a turban on his head.

In fact, the wing should be thrown open to the better class of Indians without any distinction of European style or otherwise. I had originally accepted the amendment because it aimed as much as the resolution at the obliteration of racial distinctions.

2-35 P.M.

The Hon'ble Khan Bahadur Mian Fazal Husain (Urdu).—Sir, just to save the time of the Council I will speak in

[The Hon'ble K. B. Mian Fazal-i-Husain.]

Urdu. There are only four private rooms in the Albert Wing of the Mayo Hospital. What the Raja Sahib insists upon is that these four rooms should be thrown open to Indians who do not live in European style, provided they are of the better class; as well as to the Europeans and Anglo-Indians for whom they were primarily meant. The Raja Sahib says that it is not possible to comprehend the differentiations of "European style," and it is at best an arbitrary distinction, therefore they should be laid open to "better class" Indians irrespective of European or other styles. The very same difficulty crops up here too. What is a "better class" Indian? What are his distinguishing features? Do they, alone, belong to the better class, who have been mentioned in Sir Lepel Griffin's book? Do they have a special pedigree or else what is it that constitutes a "better class"?

Therefore, I submit, Sir, that "if" "European style" is incomprehensible, the term "better class" of Indians is as much so. There cannot be any cut and dried distinctions.

The fact of the matter is that there are 26 private rooms in the Mayo Hospital and four private rooms in the Albert Wing. Out of the 26 in the Mayo Hospital, four have been furnished and equipped for the special requirements of those Indians who live in European style. It, thus, means, Sir, that eight rooms altogether have been furnished in European style and the remaining 22 rooms are furnished in accordance with the special needs of Indians alone. The Indians and Europeans have got their different requirements for rooms according to their own ways and modes of living, and the distribution of these rooms is based purely on the distinctions of modes of living, the two sets of rooms being adapted to the respective requirements of the communities concerned. If the arrangements in the 22 rooms are not what they should be, they can certainly be improved, and brought on a level with the other set of rooms so far

as convenience and comfort to the patient is concerned. If 22 rooms set apart for Indians are insufficient and the eight rooms for those living in European style too many—which I doubt very much—the distribution can be changed.

As the amendment is being insisted upon, does it mean that all the 30 rooms should be equipped and furnished in one and the same way without due regard to the conveniences of the patients. There are certain portions of the Council buildings here which are adapted to the particular requirements of Europeans; and other portions which have been equipped with due regard to the convenience of Indians. I am not in a position to accede to the wishes of Raja Sahib, because the proposed arrangement will neither do good to Indians nor to Europeans.

There is another complaint, Sir, that nurses do not attend the Indian patients in the private rooms. There is here, it seems, some confusion of thought. We have been brought up in Oriental surroundings and we have adopted some of the European ways of living at the same time, and it is very difficult to reconcile the two ways of living. In the event of myself or the Raja Sahib being confined to bed in those rooms, I wonder if a strict nurse will allow our friends to come and chatter about council affairs. It will be considered a curtailment of liberty by us, whereas a European knows that it is the right thing at the time. I submit, Sir, that the management of the 30 rooms of the Mayo Hospital is in my hands and because of me, it is in the hands of this Council. I can improve upon the existing arrangements at the bidding of the Council. I would request that it is but fair that the amendment should not be pressed. It is not likely to do any good to any of the parties concerned.

2-40 P.M.

Khan Bahadur Chaudhri Fazal Ali (Urdu)—Sir, what I have been able to make out from the speeches delivered on the resolution is that there are 22 rooms furnished

and equipped for the particular needs of Indians and eight rooms are equipped in European style. I cannot understand what the resolution aims at. Twenty-two rooms are quite sufficient for the Indians and eight are not very many for those living in European style. I am sorry, Sir, I have to characterise this undue interference in the due share of conveniences and comforts in a public place like the Mayo Hospital as petty-minded. We should strive to better the arrangements of our rooms, instead of encroaching upon the rooms of others because they are better served. I am afraid, Sir, that those of us who are everfond of European style or removing racial distinctions where none exist, may not put in a claim tomorrow in this Council, that restrictions about the burial grounds of Europeans should be forthwith removed, and it should be thrown open to every section of the public because it is more neatly kept and better arranged. Personally, if I were to be thrust into a room furnished and equipped in foreign style I would feel ill at ease. There are only eight rooms furnished in European style, and if these were to be thrown open to Indians, it will be a constant source of friction between the two.....

Mr. President.—There is now no question of Europeans and Indians. The hon'ble member should speak strictly to the amendment.

Khan Bahadur Chaudhri Fazal Ali.—I beg to say, Sir, that there should be separate accommodation for Europeans and Indians and I cannot support the amendment.

Diwan Bahadur Raja Narendra Nath.—I beg to move, Sir, "That the question be now put."

Mr. President.—The motion before the Council is that the question be now put.

The motion was carried.

Mr. President.—The motion is that—

"This Council recommends to the Government that all indoor wards in the King Edward Medical College Hospital be laid open to

patients of all races and creeds without discrimination, and that the bar to the admission of Indian patients to the Albert Victor Wing of the Mayo Hospital be forthwith removed."

To this an amendment has been moved—

"That after the words 'to the Government' the following be substituted:—

'That to the special rooms of the Albert Victor Wing of the Mayo Hospital all Indians of the better classes be admitted and not only those living in European style.'

The question is that the amendment be made.

The motion was lost.

Mr. President.—The motion now before the Council is the original resolution:

"That this Council recommends to the Government that all indoor wards in the King Edward Medical College Hospital be laid open to patients of all races and creeds without discrimination, and that the bar to the admission of Indian patients to the Albert Victor Wing of the Mayo Hospital be forthwith removed."

Diwan Bahadur Raja Narendra Nath.—I ask for leave to withdraw the resolution.

The motion was by leave withdrawn.

RESOLUTION RE THE SUMMER SESSION OF THE LEGISLATIVE COUNCIL AT SIMLA.

2-45 P.M.

Sayad Ghulam Muhammad Shah (Urdu).—Sir, I beg to move the resolution standing in my name which runs as follows:—

"That this Council recommends to his Excellency the Governor that the next summer session of the Punjab Legislative Council be held at Simla."

Sir, I do not desire to inflict a long and reasoned speech on the House on this question. I will draw the attention of the House to three outstanding points in this connection. The first is that a certain period is fixed for the summer session of the Council and the work is

[S. Ghulam Mubammad Shah.]

rushed through. If the business on the agenda is not completed in that fixed period it has to be postponed to the next session, as the summer session cannot be prolonged. We had of course an experience of this sort of thing in the last summer session. The second point worthy of your attention is, Sir, that some of the members complain that on account of the heat they cannot work hard. The third point is that the expenses incurred by the official members and their staffs in coming down from Simla are more than the expenses which will be incurred by the unofficial members in going to Simla. It will thus be a great economy in the expenses incurred on the summer session. Economy in public expenses is necessary now-a-days when other expenses are soaring high. I leave it to the members to decide what course is best from the public point of view.

2-49 PM.

Mr. E. Joseph (Urdu).—Sir, I will define the attitude of the Government at the very outset of the discussion for the benefit of the council. The Government is neutral in this matter and leaves the unofficial members of the Council to decide what is best for them. The Government will not have any objection to any decision the Council may arrive at. But members of the Council should know first what is possible in the way of accommodation at Simla. I have enquired from the Secretary of the Legislative Assembly whether some satisfactory arrangements cannot be made for holding the summer session of the Punjab Legislative Council at Simla, in the event of the Council agreeing to to-day's resolution. He writes back to say that the use of the Legislative Assembly chamber cannot be promised, as no date has as yet been fixed for the session of the Assembly and very likely it will be after the middle of July. The Punjab Legislative Council holds its summer session after the 15th of July, too.

He could lend us for use the Committee rooms attached to that chamber

provided no committee of the Legislative Assembly is holding its sittings during those days. He is uncertain on both the points and accommodation for the Council session cannot be promised definitely by the Government.

As regards the accommodation for the members of the Council, it is as undecided and uncertain as the former. The Government of India requisitions the use of Longwood Hotel for the members of the Legislative Assembly and the Council of State. Accommodation in that hotel cannot be allowed to the Punjab Legislative Council if the Assembly or Council of State or the committees of the Houses are holding their sittings. I have explained the condition of affairs to the House at length and now the Council can decide for itself.

Rai Bahadur Lala Sewak Ram.—Sir, may I move the amendment of which I have given notice.

Mr. President.—The hon'ble member has given notice of an amendment to add the words "provided that the expenditure does not exceed that which is now incurred in holding the session at Lahore." Standing Order 34 (2) says:—"An amendment may not be moved which has merely the effect of a negative vote." Before I decide whether I shall admit this amendment I should like to hear from the Hon'ble Member for Finance whether it is possible to have the session at Simla without involving extra expenditure.

The Hon'ble Sir John Maynard.—No, Sir. It is impossible to have the session of the Council at Simla without extra expense. It is quite certain that a certain amount of extra expenditure will be entailed by having the session at Simla.

Mr. President.—Do I understand that the Government would regard the carrying of the amendment as negating the resolution.

The Hon'ble Sir John Maynard.—Yes, Sir.

Mr. President.—Then I rule that the amendment is out of order.

2-55 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, in view of what the Hon'ble Finance Member has told the House just now, the amendment which I had given notice to move is ruled out as expenses will increase if the session is held at Simla. I elect to speak against the resolution.

It was only the other day that we increased our daily allowance which will be a not inconsiderable drain on the public funds, and to-day again we have got a proposal which will result in a very great increase in expenditure. On the one hand we are trying that some of the offices of the Punjab Government should not go to Simla, and on the other we are trying unabashed to go to Simla ourselves at the public expense. If expenses will go on increasing at this rate, the Government will be driven to the necessity of enhancing taxation or shall have to find some other sources of income. The Financial Commissioner is overwhelmed with petitions if there is a slight increase in the assessments in the areas under settlements. If we must appropriate the public money in this way then we should not grudge the Government a slight increase in land revenues. We are born and bred in the plains under the scorching heat of the sun. We are not Europeans—who hail from colder climates—that we must ascend to the hills for the summer. I oppose the resolution on the above grounds. The consideration of expenditure should weigh most with us; we are in a way the custodians of the public purse.

Mr. Ganpat Rai (Urdu).—Sir, as the Hon'ble Finance Member has removed our doubts as to the relative expenses which are incurred in holding the summer session at Lahore and what will be incurred in holding the same at Simla, I beg to oppose the resolution. The public has been persistently demanding that the Government should not go to the hills with all its paraphernalia, because it is very expensive and the public money is wasted year after year. Public men have been opposing this exodus to the hills in the interest of the administration too,

which is conducted for a portion of the year from the hill tops. The Sanitary Commissioner and the Inspector-General of Civil Hospitals should not move because they are intimately concerned with the public health. Cholera or fever is raging in the plains and they are sitting on the hill tops and issuing circulars about the distribution of quinine.

Mr. President.—We are not discussing now the distribution of quinine.

Mr. Ganpat Rai.—In short we should oppose the summer move of the Government rather than go ourselves at public expense.

With these words, Sir, I beg to oppose the resolution.

Syad Ghulam Muhammad Shah.—As the sense of the House seems to be against the resolution, I should like to withdraw it.

Mr. President.—Do you ask for leave to withdraw the resolution?

Syad Ghulam Muhammad Shah.—Yes, Sir.

The resolution was by leave withdrawn.

RESOLUTION RE THE SALARIES OF MUNSIFS.

3 P.M.

Mr. Daulat Ram Kalla.—Sir, I beg leave to move the following resolution:—

"This Council recommends to the Government that all Munsifs and ex-Munsifs already promoted to the Punjab Civil Service be permitted to count their service towards increments under the newly sanctioned time-scale from the date of their appointment as Munsifs; and further that this scale be brought into effect from 1st December 1919."

I think, Sir, I do not owe an apology to the honourable members for moving this resolution which is equally important for the judiciary of this province as well as for the general public as a whole. This is essentially the same as was moved by the Hon'ble Khan Bahadur Mian Fazl-i-Husain on the 8th March 1920 in this Council regarding the status and emoluments of the Punjab Munsifs. Perhaps, I may not be able to put my

[Mr. Daulat Ram Kalia.]

case as strongly as was done by the Hon'ble Minister for Education, but I feel encouraged by the fact that the same hon'ble member is sitting quite close to the Executive Councillors and other official members who are to give final effect to the resolution if passed by this Council and hope that he will come to my rescue, if I leave anything which ought to have been said. I have every hope that notwithstanding his transfer to Official Benches he is as anxious as before to secure "contentment, satisfaction, and freedom from financial worry" to those whom he was pleased to describe as "low paid, hard worked and considerably efficient and intelligent officers" of the Government. Not only did he do so, but the Hon'ble Mr. French, whom we miss so much in this Council to-day, frankly admitted that the "Munsifs were able, industrious and inadequately remunerated body of Public servants" and that the work done by them was not meeting the recognition it deserved. When the Hon'ble Mr. French on behalf of the Government uttered these encouraging words and told the members that although no action had been taken for four and a half years since the Royal Commission of which you, Sir, were the worthy Secretary, made its recommendations, yet the public servants need not lose faith in the saying of the Hebrew sage quoted by him inasmuch as the bread cast by the Royal Commission for them had not in fact been carried away by the flowing waters and that the delay in taking action was due to the long weary days of war. It gave some satisfaction to those who were becoming impatient by the pinch of high prices and consequent poverty. He too also said that Punjab Government had submitted its proposals in connection with the amelioration of the pay and prospects of the Provincial Civil Service and Munsifs in July 1919 and that the sanction of the Secretary of State had been received in general terms as regards the improvement of the pay and prospects of the Provincial Civil Service, and that orders regarding

Munsifs were expected shortly. My thanks are due to the Hon'ble Mr. Fazl-i-Husain for getting it cleared that the recommendations were based largely on the recommendations of the Public Services Commission.

The honourable members will like to know what were the recommendations of the Public Services Commission with regard to the Munsifs in the Punjab and what were the special reasons for making the Commission to take a special notice of the Punjab Munsifs. In their tour throughout India the Royal Commission found to its great surprise that the Munsifs (judicial officers deciding civil cases up to the pecuniary value of Rs. 1,000 or less) were members of the Provincial Civil Services in Madras, Bengal, Bihar and Orissa, Assam, Bombay and the United Provinces but were included in a subordinate service in only two provinces, namely, the Punjab, and the Central Provinces. They were possessing the same powers and doing similar work. This was most unfair and unjust and accordingly in order to remove this anomaly the Royal Commission recommended, as far back as August 1915, that all the First Class Munsifs in the Punjab and the Munsifs doing similar work in the Central Provinces be given similar status. When the Hon'ble Mr. Fazl-i-Husain made his admirable speech 75 out of 90 Munsifs were exercising first class powers and since then almost all have been invested with first class powers. Not only this, but about 1/4th of them have been invested with specially enhanced powers to try cases up to the value of Rs. 2,000. In other words a quarter of the number of the Munsifs are exercising higher powers than exercised by the Munsifs in other provinces where they are already members of the Provincial Civil Service. So naturally, the Right Honourable the Secretary of State has sanctioned the inclusion of all the Munsifs in the Provincial Service as an act of justice long overdue. He has done the same thing in the Central Provinces where all the Munsifs have been included in

the Provincial Civil Service, and I say this on the authority of official publication which I have got at this time in my hands.

Now, Sir, I will show to the hon'ble members that in building in the details in the frame-work given by the Secretary of State, the Punjab Government has meted out a step-motherly treatment both to the Munsifs and *Ex-Munsifs* who have put in a considerable number of years in service as Munsifs. It has done a thing which is wholly indefensible and unjustifiable, and the sooner the mistake is rectified the better it is. The Central Provinces Government was faced exactly with the same problem as the Punjab Government and it has acquitted itself honourably and well. They published the newly sanctioned scale—

1st year.	2nd year.	3rd year.	4th year.	5th year.
Rs. 300	Rs. 325	Rs. 350	Rs. 390	Rs. 410
6th year.	7th year.	8th year.	9th year.	10th year.
Rs. 440	Rs. 470	Rs. 500	Rs. 580	Rs. 590
11th year.	12th year.	13th year.	14th year.	
Rs. 590	Rs. 620	Rs. 650	Rs. 690	
15th year.	16th year.	17th year.	18th year.	
Rs. 780	Rs. 770	Rs. 810	Rs. 850	

just about the time when the Hon'ble Mr. French made his speech in the Council, i.e., in the beginning of March 1920. The special features of the scale are :—

1. That it comes into effect from 1st December 1919.

2. That all the Munsifs who were members of the subordinate service were included in the Judicial Branch of the Provincial Service with effect from 1st December 1919.

3. They got the same increment as the members of the Provincial Civil Service (Judicial Branch) and were permitted to count their service as Munsifs towards increments from the date of their appointment as Munsifs.

It is provided that the maximum to be drawn in the above scale will be Rs. 650

and that a Munsif who is not considered fit to exercise the powers of a Sub-Judge will be stopped at the first efficiency bar of Rs. 500, which will be the maximum pay for a Munsif. This scale has been acted upon and all the Munsifs who were getting Rs. 175 like our 3rd grade Munsifs and Rs. 200 like our 2nd grade Munsifs and Rs. 250 like our 1st grade Munsifs are all taking pay over Rs. 300, Rs. 400 and Rs. 500 respectively. Out of the 72 Munsifs 20 are getting Rs. 650, 38 Rs. 500 or more, 55 Rs. 400 or more and all Rs. 300 or more and this is a province which cannot boast of a High Court like us. The action taken by our Government stands in strange contrast to all this. Our Government published the Provincial Civil Service scale just after the Central Provinces scale in 1920, but kept the case of the Munsifs and consequently the question of permitting the Munsifs promoted to Civil Service to count their service towards increments, under consideration, for the time being. The publication of this incomplete scale made the position of *ex-Munsifs* very anomalous as the years of their service spent as Munsifs were ignored quite contrary to what had been done in the Central Provinces in similar cases and in all other provinces of India where Munsifs had become Sub-Judges by promotion. I will show this by specific instances : Lala Niranjan Das, Sub-Judge, has got his name as *third* in the Civil List of January 1921 "heading Sub-Judges." He is drawing Rs. 580. His juniors, Diwan Som Nath, and Khan Zaka-ud-din, fourth and seventh men, who have put in much less service as judicial officers, are drawing Rs. 660 and Rs. 620, respectively, and Lala Niranjan Das is drawing the same pay as Lala Munshi Ram, the fourteenth man in the list, is drawing. Lala Jaswant Rai Tanija, M.A., LL.B., promoted Munsif sixth on the list meets with the same fate. Pandit Kundan Lal Bashisht, No. 8 in the list, is getting Rs. 509, while six men below him are getting Rs. 580 and the seventh man Rs. 540. I can multiply any number of instances.

[Mr. Daulat Ram Kalia.]

In the Central Provinces things are different. Mr. Ganpat Mahadeva Pandekar, who joined as Munsif in the Central Provinces in July 1904 (after Lala Niranjana Das, Lala Jaswant Rai and Pandit Kundan Lal in the Punjab) and in the Subordinate service just like them, is now getting Rs. 770—*vide* Civil List, Central Provinces, 1st July 1921, which I can show to any member who cares to see it. Messrs. Vishnu Krishna Deek Pandey, Kanshi Nath Gunjan Kothe, Sheo Ram Krishna Karmakar promoted Munsifs who were acting as temporary Sub-Judges on Rs. 300 when the new scale came into force and who joined later than several promoted Munsifs of the Punjab, who are now Sub-Judges, are getting Rs. 650 according to the length of their service. Is this not shocking to the promoted Munsifs who are now doing the work of Sub-Judges and still are being paid Rs. 300 or a little more? Is there any Sub-Judge in any of the other provinces of India who is getting less pay than the maximum of over Rs. 500 or so allowed by all the Governments to the Munsifs. The promoted Munsifs in the Punjab lived in the hope that Munsifs' scale will be published shortly as foreshadowed by the Hon'ble Mr. French, and the wrong done to them will be righted when they will get permission to count their service spent as Munsifs towards increments. Our Government did not publish the Munsifs' scale until recently on 24th August 1921, when in the last Legislative Council Mr. Chishti had a passage at arms with Mr. de Montmorency, Officiating Chief Secretary to the Government. Government of India letter No. 1221-C.S.R., dated 24th January 1921, which gives a reference to the Home Department letter No. 1108, dated 3rd June 1920, shows that the Punjab Munsifs had been included in the Provincial Civil Service long before 1st April 1921 and a period of three months was given to them from the date of the letter in which to exercise their option for getting the benefit of the new pension rules. Unfortunately this letter, the copy of which has been communicated

to every Munsif in the Punjab by an oversight, remained lying in the Punjab Civil Secretariat till about the 9th June 1921, when the period of exercising option had expired. Our Government has at last published the Munsifs' scale by notification No. 21709, dated 24th August 1921, and has ignored the well-known maxim that two wrongs do not make one right. When the Munsifs in the Central Provinces whose names were linked together with Punjab Munsifs in the recommendations by the Royal Commission were included in the Provincial Civil Service from 1st December 1919 and the Government of India letter referred to above shows that the Punjab Munsifs were similarly included in the Provincial Civil Service (Judicial) at some similarly earlier date it is quite unreasonable and indefensible to include them in the Provincial Service from 1st April 1921, an arbitrary date. Mistake after mistake has been committed and the result is that we have got any number of anomalies before us. The Punjab Government did not take a bold stand when pressed by the Supreme Government about the reduction of Rs. 40 annual increment scale to Rs. 30 annual increment. A glance at the Madras Civil List, 1st July 1921, which I have also got in my hands (page 135) shows that the Madras Government did not feel nervous in giving Rs. 40 annual increment even to the Munsifs and was not brow-beaten by the Supreme Government to reduce the scale. For reasons better known to

Scale.		the Punjab
Munsifs Rs. 300—40—500—50—		Government it
600.		published a
Sub-Judges Rs. 650—50—850		Rs. 30 an-
Selection grade Rs. 1,000—100—		nual incre-
1,200.		ment scale by
		notification No. 10242,
		dated 1st April 1921, for new entrants to
		the Provincial Civil Service. Is it fair
		that two persons who are members of
		the same service and are doing similar
		work should draw pay according to two
		different scales?

However I need not raise my voice at this time against this and I accept this

as a settled fact in deference to the wishes of the Supreme Government. If this action was not taken deliberately with a view to starting all the Munsifs from Rs. 275 or Rs. 300 as has been the practical result, I conjecture that this reduction was made to bring it into conformity with the scale of neighbouring provinces, e.g., the United Provinces and Central Provinces. Something can be said in favour of it as it is desirable and expedient that the orders of the Secretary of State should be uniformly interpreted in all the Provinces. It is very peculiar that even this wholesome principle has been violated by the Punjab Government in denying the Munsifs and *ex-Munsifs* the right to count the years of service spent by them as Munsifs towards increments. If the United Provinces Government and Central Provinces Government and Bihar and Orissa Government and Assam Government and Governments of Bombay and Bengal have allowed the Munsifs and *ex-Munsifs* working as Sub-Judges to do so, is there any earthly reason that the same rule should not be applied in this Province? The existing Munsifs and Munsifs now acting as Sub-Judges in this Province were certainly not servants of any private company before 1st April 1921. When our own Government like all other Local Governments has recognised this principle in dealing with the case of all other services, for instance, Punjab Civil Service, the Medical Service, Punjab Engineering

Service, Punjab Educational Service, that the delay in dealing with the recommendations of the Royal Commission shall not deprive them of the bread cast for them by the Royal Commission. It is very strange that the Munsifs and promoted Munsifs have been singled out for reckoning their service for increment from an arbitrary date. The Deputy Superintendents of Police are also getting increments from 1st November 1919. I will show by reading out a comparative table of the Munsifs of the Punjab and Central Provinces how the new scale has affected the members starting together in both the Provinces.

The Punjab Government will perhaps be glad that they have saved some money by depriving their "inadequately remunerated servants" of their legitimate dues, but I must frankly say that this misdirected economy has caused keen resentment and placed the Punjab Government in a very regrettable and ridiculous position. The 1st grade Munsifs were already getting Rs. 300 and will even now get the same, and so the new scale brings them no increment for some time to come.

The following table prepared by the Police association of the United Provinces which met the Hon'ble Home Member of that Government only on the 12th instant is very instructive and shows the extraordinary rise in the prices of all the necessaries of life mentioned therein during the last 18 years :—

Articles.	1903.	1915.	1920.	1921.
RATE PER RUPEE.				
Wheat	17 seers	10½ seers	7 seers	5 seers
Gram	19½ "	14 "	8 "	6 "
Rice	9 "	5 "	4 "	3 "
Dal	16 "	10 "	4 "	3 "
Indian Sugar	4 "	2½ "	1½ seer	1 seer
Ghi	1 seer	12 chataks	6 chataks	9 chataks
Cotton	2½ seers	2 seers	1 seer	1½ seer
Fuel	100 "	60 "	40 seers	35 seers
RATE PER YARD.				
Long cloth	4 annas	9 annas	13 annas	1 rupee

[Mr. Daulat Ram Kalia.]

These figures seem to have been compiled very carefully and tally with the prices which have been ranging in this province also during the aforesaid period.

What is the use of convening corruption committees and devising measures to combat it if the Government is not prepared to pay the Government servants and particularly the judiciary as much as will keep them in the words of the Royal Commission "in such a degree of comfort and dignity as will shield them from temptations" during these hard times when the prices of necessities of life, house-rents, expenses of education of children and wages of servants have gone up 400 per cent. as indicated above. I need not repeat the warning given by the Hon'ble the Education Minister in 1920, namely, "that unless judiciary is satisfied, well paid and contented it cannot be expected to do that amount of work which it is expected to do and in a manner satisfactory both to the people as well as to the Government."

Can you, Sir, expect the Munsifs and promoted Munsifs acting as Sub-Judges to be satisfied and contented when they

are being denied even bare justice and that their whole past service is being ignored with one stroke of the pen and without paying any regard to precedents in all other parts of India. Is it not astonishing to see that a Munsif who has won his promotion to the Provincial Civil Service by putting in many years of meritorious and approved service should be practically brought in one and the same level with a young man who has only a few months' service at his back. The Senior Munsifs do not grudge the new Munsifs their start at Rs. 275, but what they feel mortified at is their own ill luck in having been born in this Province. The senior Munsifs have unlike the new entrants got children to support and educate. They have to meet the expenses of their marriages. Their retirement is staring them in the face and the new scale as announced by the Punjab Government does not give them an expectation to earn an increased pension; if the Government grudges them their legitimate dues, the judiciary of the Province cannot be expected to have that purity and strength which is the basis of all purity and strength in an Empire.

Table showing the pay of Central Provinces Munsifs before and after introduction of the new Time-Scale.

Name.	Date of first appointment in Government Service.	First appointment as Munsif.	Pay—1st December 1919.	Pay—1st July 1921.
			Rs.	Rs.
Kashi Nath Khanderi Garde...	1-9-05	1-9-05	300	650
Mul Chand Suhel	1-10-06	1-10-06	300	650
Satish Chandra Chakravarti...	16-10-06	4-4-07	300	650
Narhari Ragnath Kelo	17-9-08	17-9-08	300	620
Gopal Ragnath Pandharkar...	14-3-10	14-3-10	250	590
Ram Chandra Shrauti	19-1-05	16-10-09	300	590
Hari Shankar Dadaji Kawale	28-2-10	28-2-10	250	500
Vishwa Nath Lakshman Khare	8-1-10	8-1-10	250	500
Joseph Eleazar Solomon	17-1-12	17-1-12	250	500
Vinayak Narain Dev	2-1-14	2-1-14	200	470
Karuna Shanker Dev	1-8-14	1-8-14	200	470
C. M. Sita Ram Mudaliyar	17-2-16	17-2-16	200	410
Vasudev Sita Ram Jak	1-2-17	1-2-17	175	325
Manhar Balkrishan Paranjpe	22-1-18	22-1-18	175	300
Hafiz Muhammad Yasin	1-12-19	1-12-19	175	300
Ragnath Bendre	10-3-20	10-3-20	...	300 } Officiating

Name.	Date of first appointment in Government Service.	First appointment as Munsif.	Pay 1st December 1918.	Pay—1st July 1921.
EX-MUNSIFS.				
Ganpat Mahadev Bhandarkar	30-7-06	30-7-04	Ra. 300 Temporary Sub-Judge.	770
Mahadev Abaji Vaidya	29-1-97	7-2-99	300 Ditto	650
Vishnu Krishna Deshpande	1-8-05	1-9-05	300 Sub-Judge	650
Kashi Nath Ganjan Kothé	6-7-04	6-7-04	300	650
Sheoram Krishna Karmakar	17-6-04	17-6-04	300	650
Gashit Beharide	1-9-05	1-9-05	300	650
Sidhashan	18-7-05	18-7-05	300 Munsif.	650
T. D. Dharmadikari	2-9-05	2-9-05	300	650
Gopikrishna Agarwal	5-9-05	5-9-05	300	650

Pay of Punjab Munsifs before and after introduction of new Time-Scale.

Name.	Date of joining serv. co.	As Munsif.	Old pay.	New pay.
			Ra.	Ra.
Udhe Ram	5-12-90	18-8-93	300	300
Daulat Ram	30-11-95	30-11-95	300	300
Devi Das	8-2-96	8-2-96	300	300
Deeki Nandan	25-4-97	15-1-01	300	300
Abul Hassan Khan	5-12-07	5-12-07	300	300
Ala Yarkhan	16-1-85	18-1-09	300	300
Ishar Singh	9-11-89	4-10-11	240	275
Fazalul Rehman	19-12-87	23-4-12	240	275
Sawan Mal	16-9-93	13-2-13	240	275
Besdeo Lal	1-4-90	18-1-14	240	275
Bannerji, C. L.	6-7-05	26-9-15	210	275
Zulfkar Din	17-1-16	17-1-16	210	275
Ram Rang	9-1-15	2-8-16	210	275
Har Saroop	11-7-01	29-1-17	210	275
Sukka Nand	2-8-18	2-8-18	210	275
Miran Bax	9-10-19	9-10-19	210	275
Jagjit Singh	4-11-05	19-1-20	210	275
Ahmad Khan	...	20-10-20	125	275

EX-MUNSIFS.

	As Munsif.	As P. O. S.		
			Ra.	Ra.
Twarka Parshad, M.A.	14-10-04	3-11-19	250	340
Muhammad Bagir, B.A.	27-6-07	1-12-19	250	300
Chaudhri Nismat Khan, B.A.	25-5-05	1-12-19	250	300
Said-ud-Din	14-6-08	6-5-20	200	300
Aldul Samad	9-3-09	14-9-19	200	340
Onker Nath	1-5-03	27-11-19	200	340

3-25 P.M.

Mr. E. Joseph.—Sir, I am at a disadvantage in speaking as the hon'ble member read out his speech so rapidly that I was not able to follow it. I had hoped to be able to master it by reading it when it was being translated, but there is going to be no translation either. But here and there I managed to pick up points. At the same time I might say that a very great deal of the speech was not really germane to the resolution. The resolution, Sir, was "That all Munsifs and ex-Munsifs already promoted to the Punjab Civil Service be permitted to count their service towards increments under the newly sanctioned time-scale from the date of their appointment as Munsifs; and further that this scale be brought into effect from 1st December 1919."

A considerable part of the hon'ble member's document was devoted, as far as I could follow it, to the suggestion that the scale of pay fixed for Munsifs was insufficient to enable them to live as respectably as they should live, and he suggested that it was absurd for the Government to appoint committees to consider how corruption could be stopped if Government did not pay its servants enough. There is no question what the future entrants to the Munsifs shall draw. The only point at issue is at what point in the scale the existing Munsifs or ex-Munsifs shall commence. We are not concerned with the scale of pay as such or with the question whether that scale of pay is adequate to enable Munsifs to support their dignity and honour.

I now come to the next point he raised about ex-Munsifs. I won't say that the point has been raised, but it has been mentioned as "all ex-Munsifs" in the resolution. I do not think that he has defined ex-Munsifs, but I understand that what he perhaps means is this. There were—before the amalgamation of the Munsifs' pay with the scale of the Punjab Provincial Civil Service—certain Munsifs who were candidates on the High Court Register for the post of Extra Assistant Commissioner. In those days the Munsifs

were paid greatly less than the Extra Assistant Commissioners although they are now paid the same. Very much to their advantage Government had appointed them as temporary Additional Extra Assistant Commissioners and they have not yet been made permanent Extra Assistant Commissioners. Those men were, even before the application of the Provincial Service scale of pay to the cadre of Munsifs, all Extra Assistant Commissioners. If these men—ex-Munsifs—are going to be allowed to count their service as Munsifs towards their pay as Extra Assistant Commissioners the result of that would be that they will get—now that they are Extra Assistant Commissioners—a great deal more pay than men who have been Extra Assistant Commissioners for years and years. That I think the Council would consider unjust. There are men who really are Munsifs who have been temporary Extra Assistant Commissioners. They have not yet been promoted to the permanent Extra Assistant Commissionership. If they are going to get the advantage of all their service, they would be on the top of the Combined List of the Provincial Civil Service and would draw far more pay than those who have for years and years been Extra Assistant Commissioners. Whatever we are to understand by this, we have come to the conclusion that the pay of the Munsifs should be brought on to the scale of the Provincial Civil Service and that they should draw their emoluments at the bottom of the scale and no better than their brothers who have been confirmed as Extra Assistant Commissioners.

Now, Sir, the next question as I gathered is that the stern stepmother is as usual very much to blame, but let us see what really has been done for the Munsifs. One would think from the hon'ble mover's speech that nothing has been done for them at all. The real facts are these. There were previously three grades of Munsifs. The pay of the first grade was Rs. 250 per month, the pay of the second grade was Rs. 200 per month and the pay of the third grade was Rs. 175 per month. When prices rose very high at the end

of the war, during the latter part of the war, their pay was permanently revised. They had received certain temporary allowances, and with these allowances added to their pay they received—1st grade Rs. 300, 2nd grade Rs. 240 and the 3rd grade Rs. 210. Now, Sir, these gentlemen who had prospects up to about Rs. 300 have at last found themselves members of a Service which is paid on a high scale of pay beginning in the case of probationers with Rs. 275 and beginning otherwise with Rs. 300 and rising up to Rs. 850. Their minimum pay is Rs. 300 and their maximum pay is Rs. 850. The question is whether they should count their service in the past years as Munsifs towards service as Provincial Civil Service officers instead of beginning at the bottom, *i. e.*, they should get the advantage of accumulated years of service and go on the top. Government, Sir, did not consider this necessary. It did consult the High Court on the point. There was a good deal of discussion as to what should be done, but it came to the conclusion that because of the enormous advantages that had accrued to the Munsifs and also because of the very considerable financial increase involved Munsifs should not get this advantage, and it determined the date from which the new scale should take effect. The hon'ble mover of the resolution has complained, I understand, a good deal of the delay in bringing out the scale of pay and, I think, he laid great emphasis on the fact that the annual increment is not as great as it should have been, that is, instead of being Rs. 40 it is Rs. 30. The real fact of the matter is, Sir, that the Punjab Government fixed the scale of pay for the Provincial Civil Service which came into effect on the 1st of April 1920. This scale rose from Rs. 300 to Rs. 850 by annual increments of Rs. 40. The Government of India, Sir, if I recollect aright, objected to this scale of pay as being too generous and as likely to inconvenience other provinces in India. Therefore it was altered and a new scale of pay for future entrants was introduced in April 1921, a year later, which begins on Rs. 300, rising by annual increments of Rs. 30 to Rs. 850. The

difference, Sir, is that the annual increment instead of being Rs. 40 is Rs. 30, that is to say, it takes longer to reach the maximum. It is to this new scale that the Munsifs have been admitted. That is the explanation why the increment is Rs. 30 and that is the explanation of the delay. The Government of India objected to the Provincial Civil Service scale of pay, and as that objection had been under discussion with the Government of India, we had to hold up the announcement with regard to the scale of Munsifs until we got the new scale out. The hon'ble member has referred to the fact that the Munsifs amalgamated with the Provincial Civil Service would have to wait a long time until they got their next increment. If he had read the Punjab Government notification he would have surely noticed that they have not very long to wait. Even the men who got Rs. 300 including temporary allowance before the 1st of April will get Rs. 330 next year.

Now, Sir, I will lay emphasis on the financial considerations. Here I appeal to those gentlemen especially who have this afternoon shown an encouraging economic tendency by opposing the resolution about holding the summer session of the Council at Simla, I appeal to those also who only two days ago proposed to raise the daily allowance of members from Rs. 10 to Rs. 15 instead of to Rs. 30; I appeal to them all to consider the increase in expenditure by this proposal. If the scale is to be introduced from the 1st of December 1919, instead of the 1st of April 1921 as it has been introduced, a lump sum of arrears of pay amounting to Rs. 3,72,508, or roughly speaking 3½ lakhs, will have to be paid. That is not all. If the new scale is introduced from the 1st of December 1919 and the Munsifs are allowed to count their past service towards their service as Extra Assistant Commissioners, then, Sir, in addition to the lump sum of 3½ lakhs, it will cost every year another 2½ lakhs. The figures according to my calculation come to Rs. 2,71,900. If we are going to include their past service as Munsifs into their service in the

[Mr. E. Joseph.]

Provincial Service, the annual extra cost to this House will be Rs. 2,71,920 ; and, as I have already stated, if we give effect to the new scale of pay from the 1st of December 1919 instead of the date fixed by Government, a lump sum of Rs 3½ lakhs will be necessary. Well, Sir, it is time that this Council should really consider the financial aspect of the resolutions which it so gayly adopts. The Council should consider that the day of reckoning must come also ; and it would be no use passing a resolution against which the Council might have to go on the day of passing the budget.

Lastly, Sir, there is one other consideration which I would bring to the notice of the Council. I do not want to draw any invidious distinction between the executive and the judicial services, but members of this House and particularly the rural members, will, no doubt, think that Tahsildars have some claim to consideration. Tahsildars, Sir, have always been thought in the past to be at least as good a class of men as Munsifs. They drew in the past the same rate of pay as Munsifs. Just as there were three grades of Munsifs, i.e., Rs. 250, Rs. 200 and Rs. 175, there were three grades of Tahsildars, Rs. 250, Rs. 200 and Rs. 175. There were Naib-Tahsildars who had three grades : Rs. 70, Rs. 85 and Rs. 100. The pay of the Tahsildar has been revised too, but it has not been revised on as generous a scale as that of the Munsif. The Tahsildars have not become members of the Provincial Civil Service. Instead of starting on Rs. 300 and going to Rs. 850 as the Munsif now does, a Tahsildar will start on Rs 180 instead of Rs. 175 on which he used to do and he will go up to Rs. 285 instead of Rs. 250 as he used to, with a selection grade of Rs. 300. The Naib-Tahsildar instead of rising from Rs. 70 to Rs. 100 will rise from Rs. 80 to Rs. 140 with a selection grade of Rs. 150. Now, Sir, we may as well say that the increase in the case of Tahsildars and Naib-Tahsildars has been insufficient and therefore we should raise their pay too. I will be very glad if their pay is raised too, if money is forthcoming. But I shall urge this House to think twice before

they decide to spend a further sum of money to improve the pay of the Munsifs who have benefited to a degree that no other service in the Punjab has benefited. 3-45 P.M.

Rai Bahadur Lala Hari Chand (Urdu).—Sir, not long ago a motion regarding the holding of the next summer session of the Council at Simla was withdrawn by the hon'ble mover of the resolution. All the members of the Council are, I believe, against the resolution moved by Mr. Daulat Ram Kalia. It will, therefore, save much time if the question be now put.

Mr. President.—Before I put the closure I wish to know if any member wishes to support the resolution.

3-48 P.M.

Maulvi Muharram Ali Chishti (Urdu).—Sir, my learned friend Rai Babadur Hari Chand has concluded beforehand that the House is against the motion moved by Mr. Kalia. But I believe that the House is just and it will do justice, especially in the case of the Munsifs. Mr. Joseph has in his very instructive speech given no reason as to why a Munsif who has twenty to twenty-five years of approved service at his back be paid the same salary as a new entrant into the service.

Mr. E. Joseph.—I think, Sir, the hon'ble member has not quite understood what I said. The new scale starts at Rs. 275 and goes up to Rs. 850, but the Munsifs who were already enjoying Rs. 250 plus a temporary allowance of Rs. 50, they begin at the Rs. 300 stage and rise to Rs. 850. They do not begin at Rs. 275.

Maulvi Muharram Ali Chishti (continued).—Sir, my point is that it is unjust to give Rs. 300 to new recruits as well as to Munsifs who have grown grey in the service of the Government. Such treatment is positively ridiculous and unfair as it ignores the claims of the older servants of the Crown. Another point which I wish to emphasise is this : that the pay of all Provincial services was revised with retrospective effect from the date of the Secretary of State's sanction, and they were given

the benefit of the newly sanctioned time-scale pay according to the length of their service. But as ill-luck would have it the total past service of the Punjab Munsifs has not been allowed to count towards increment according to the newly sanctioned time-scale pay with retrospective effect from 1st December 1919. The pay and the status of the Munsifs of the Central Provinces were exactly the same as those prevailing in the Punjab and they were allowed to count their total past service towards increment, but in the case of the unfortunate Punjab Munsifs this concession has been denied. It was as far back as 1915 that the Public Services Commission recommended the inclusion in the Provincial Civil Service of Munsifs employed on superior work in the Punjab, and the Government of India informed the Punjab Government in the middle of 1920 that the Secretary of State had sanctioned the inclusion of Munsifs in the Provincial Civil Service, but the scheme was shelved by the Punjab Government, and when an outcry was raised it was pointed out that the scheme had been delayed by an oversight in the Secretariat.

Mr. E. Joseph.—Sir, the hon'ble member has said something about a failure in the Secretariat. I did not quite catch what. I want him to repeat what he said.

Maulvi Muharram Ali Chishti.—I will read the letter. . . .

Mr. President.—The hon'ble member's time is up. I understood him to say that owing to an oversight the file about the Munsifs had been laid up for four months.

Chaudhri Ali Akbar (Urdu).—Sir, the Munsifs have already been very liberally treated and they should consider themselves fortunate. The Tahsildars, however, are still badly off as regards pay and prospects. As I have said, the Munsifs have got substantial increase of pay. Do they want to plunder the administration? Surely these Munsifs do not stand in need of more loaves and fishes. My

friend, Maulvi Muharram Ali Chishti, has got offended at what has been said in favour of the rural population. Seeing that the townspeople advocate the cause of Extra Assistant Commissioners and Munsifs, we will speak in the interests of the rural population who fill the pockets of these Munsifs. I strongly oppose the resolution.

Rana Muhammad Janil Khan (Urdu).—Sir, the Tahsildars have to do Civil, Criminal and Executive work. They also have to work at night. On the other hand the Munsifs have comparatively less work to do. I support the resolution, but I would urge at the same time that the tahsildars also be borne in mind.

4.10 P.M.

Mr. Daulat Ran, Kalla (Urdu).—Sir, Mr. Joseph has raised the question of economy. Orders were issued in August that the new scale of pay for Munsifs will take effect from 1st April 1921. On the other hand the Deputy Superintendents of Police got promotions with retrospective effect, i.e., from 1.1.19, and they thus got arrears. There is no reason why the Munsifs too should not be similarly treated, especially when the case of the Munsifs came up first for consideration. Considering that no economy was observed when increase of pay was given to the Police, Munsifs should not be debarred from promotion for considerations of economy. The Munsifs in the Madras and Bombay Presidencies are better off than their compeers of the Punjab. Money provided for giving promotion to the Munsifs will be well spent and will conduce to the efficiency of the administration. I would cite just one concrete instance to show how unfavourably the Munsifs in the Punjab compare with the Munsifs of other Provinces. Mr. Kanshi Ram, whose name will be found among the senior Munsifs in the Central Provinces Civil List for 1919, got at once a lift from Rs. 300 to Rs. 600 under the scale of promotion given in the Central Provinces. The Munsifs in the Punjab should also be similarly treated. Now let us see what is the state of things in the Punjab, Agha Muhammad

[Mr. Daulat Ram Kalia.]

Ibrahim, in spite of the fact that he is a Munsif of very old standing, is drawing the same pay as he drew formerly. In case Government has decided that old Munsifs should not receive promotion that is another matter. The fact, however, remains that they deserve well of Government.

4-14 P.M.

Mr. E. Joseph.—The hon'ble mover who has spoken again has, I think, felt that it was primarily on economic grounds that I opposed his resolution. My objection primarily is not that we cannot afford it, although it is a very strong objection because I object on principle to this House committing itself to undertaking things it cannot afford to do. But even if the House could afford it, I would still object to its being done. The Munsifs have been treated extraordinarily well. There is no other service, as far as I know, in the whole of the Punjab which has prospered as much as the Munsifs. They used to end at Rs. 300 and now they begin at Rs. 275 or Rs. 300 and go on by annual increments of Rs. 30 to Rs. 850. I know no other service of which the prospects have been improved so much, and to improve them still more is to treat them too generously. It seems to me that this disproportionate treatment emphasises still more strongly the disadvantage which other services are in as compared with Munsifs. Now, Mr. Daulat Ram Kalia, talking of the economic question said, "Now compare it with the Police. Only last August the scale of Deputy Superintendents of Police was revised and the effect of that revision was given from the year 1919. Why should you then revise the pay of Munsifs from 1921 when the original orders were passed in December 1919." Now, Sir, the case of Deputy Superintendents of Police was not in quite the same position. It was a re-adjustment, a re-revision. A revision had been made and found inadequate in 1919, it was then found that it had to be revised again. Naturally effect to that was given

from the date of the original orders. That is rather a different question from an entirely new revision as was the case with Munsifs.

Now, Sir I admit that it is perfectly true that some of the Munsifs will not get an advantage in pension from this revision. That is true, Sir, but surely that is incidental in every service. Supposing the pay of any service, where pension is calculated on the number of years' service, is increased during the last period of the service of a man; naturally he will get less advantage in pension. Supposing he has only one year more to serve, he will naturally have less advantage. If we are going to treat the Munsifs with that *munsif mizaj* which the learned member opposite desired then why not go a step further and say that the Munsifs who retired last year should also get the advantage? They are Munsifs who retired immediately before the introduction of the revision; if we are to be really just why should we limit the advantages of the revision to one who had one year, one month, or perhaps one day, to serve as Munsif when the new scale was introduced? Why not go on to the men who retired a day, a month, a year, two years or even 20 years before and give them the advantages of the enhanced pension? The only alternative is to neglect the age of the individual at the time the re-organisation takes effect.

Then, Sir, the argument of comparison with other provinces does not appeal to me very greatly. I think, the learned member opposite asked what I would say if my pay had been different to what men of my position had been drawing in other provinces. It has been so for the last 20 years! I have served for many years in the Punjab and seen men of the same number of years' service as myself, men doing the same work as myself,—but of course doing it much less well,—serving in other provinces of India and getting much more pay than I got myself. I never made a memorial or attempted to move a motion in the House of Commons. I have noticed the fact

but I have come to the conclusion that there were compensating advantages in serving in the Punjab and that it is impossible to ensure that men serving in every part of India should get exactly the same pay for doing the same work, at the same time. Nor do I think, Sir, that a sudden increase of pay, as Pandit Daulat Ram said Pandit Kanshi Ram or some one got in the Central Provinces from Rs. 300 to Rs. 650 is not justifiable. This, I think, is entirely a disproportionate rise in pay. Had I been asked whether I would recommend the adoption of the Central Provinces scale, I think, if I had discovered that certain Munsifs suddenly jumped from Rs. 300 to Rs. 650, I should have said *taubah! taubah!*

Then, Sir, it is said by Maulvi Muhammarram Ali Chishti that dissatisfaction (*narazgi*) was felt when we did not pay our servants well. I grant it, but, I say, there are others who deserve a rise far more than the Munsifs. Now take the case of the Tahsildar who, as I have pointed out, has improved his prospects by Rs. 15 while the Munsif has improved his prospects by Rs. 550!

It has been said again, Sir, that the Public Services Commission reported as early as 1915 that the pay of Munsifs should be raised, and it is asked why then did the Munsifs not get an increment then. 'Faislah kya' were the words used, but the Commission made no decision. It made a recommendation and recommendations take a long time to examine. I am not familiar with the whole history of the case, but I think there are still some of the recommendations made by the Public Services Commission which are even yet less well advanced than the question of the pay of Munsifs. I do not think we need go into that question, Sir. The real point is that the Munsifs' pay has been revised and that they have done exceedingly well in comparison with others.

Finally, I would say I did not catch exactly what the hon'ble member opposite said about oversights. I plead guilty if there has been any oversight on my part.

I do not deny there may have been, though I am not aware of what he is alluding to. There are oversights in the office too. All I can say is that if the learned member had to work from 7 A.M. to 7 P.M. with the staff with which we are provided—a staff whose numbers or emoluments he has not yet proposed, so far as I know, to increase—he would probably be prepared to take a more indulgent view of the case.

Mr. Daulat Ram, Kalia.—Sir, I beg to apply for leave to withdraw the motion.

The motion was by leave withdrawn.

RESOLUTION RE NON-OFFICIAL
CHAIRMEN OF DISTRICT
BOARDS.

4-28 P. M.

Sardar Kartar Singh.—Sir, I beg to move the resolution standing in my name, which runs as follows:—

"That this Council recommends to the Government that non-official chairmen be given to District Boards."

(At this stage Mr. President left the chair, which was taken by Mr. Manohar Lal.)

In moving this resolution I need not make a lengthy speech. The resolution is a simple one and it does not require lengthy arguments on my part to convince the hon'ble members of the Council of the need for change. Every one of us knows that the need for this healthy change has long since been keenly felt, not by Indians alone but by the Government also. In 1882 Lord Ripon attempted to give reality to the District Boards instituted in the sixties, and ever since then the Local Boards have been looked upon as a training ground for teaching the Indians the management of public affairs. No doubt this principle was recognised long ago but it was not acted upon. "In practice the District Boards have become Government institutions. Their work is done by the official element within the Boards themselves or by other Government agencies at the expense of the Boards, their proceedings are subject to excessive outside control; and in the present circumstances they can never

[Sardar Kartar Singh.]

become, as Lord Ripon intended them to be, effective instruments of local self-government." In paragraph 124 of the Report on Indian Constitutional Reforms its authors have very candidly admitted that the avowed policy of directing the growth of local self-government from without, rather than from within, has, on the whole, been sacrificed to the need of results, and with the best intentions the presence of an official element on the Boards has been prolonged beyond the point at which it would merely have afforded a very necessary help to a point at which it has impeded the growth of initiative and responsibility. After this candid admission of the authors of the report on Indian Constitutional Reforms it is quite unnecessary to keep official presidents. Their time is gone. They should be relieved of their duties as presidents of the District Boards.

Now that local self-government is a transferred subject under the control of a popular Minister it should be made a living reality. But this cannot be done by issuing notifications and executive orders, nor by amendments of the District Boards Act nor by the passing of a new District Boards Act. This can only be done by bidding the district officer to step aside from his position as executive officer of the Board and assume for the future the roll of an onlooker and friendly advisor. The work of the Boards should be left in the hands of non-official members so that they may learn something in the way of self-government. The non-official members of the Board cannot act independently in the presence of the official members. They have often to act according to the wishes of official members as they don't want to displease them in any way.

The formula laid down by the authors of the Reforms Scheme concerning the District Boards is this; "There should be as far as possible complete popular control in local bodies and the largest possible independence from them of outside control." Now, Sir, could there be complete popular con-

trol so long as non-official elected chairmen are not given to District Boards? Can the members exercise their power freely as long as the official members are there? Can the largest possible independence for them of outside control be possible so long as the presidents are officials? The authors of the report on Indian Constitutional Reforms have recommended that the election of chairmen will be a general rule in future. In 1917 the Government of India recommended the extension of local self-government to District Boards and advised the appointment of non-official chairmen in all District Boards. The Government of India again on 16th May 1918 passed the following resolution:—"The duties of local bodies cover most of the activities upon which the welfare of the country depends. They have the care of public health and all the circumstances upon which that health depends; they control elementary education; they construct and maintain local buildings and communications, and they touch the life and convenience of the people at every point. In the development of their interests and the extension of their responsibilities the self-government of the country will secure a very real and important advance, and it is on the increased experience to be gained in the administration of local civic affairs that the country must to a large extent rely for the expansion of its self-dependence in the sphere of central government." In pursuance of the above resolution non-official chairmen have been given to District Boards in Bengal, Madras and Bombay. The experiment of placing the District Boards under non-official chairmen by relieving the official ones has been successfully tried there. The work of the District Boards has been carried out very satisfactorily. I fail to understand why the Punjab (which was called the sword hand of India and which has done so much for the Government in the recent great war both in men and money) has been deprived of that privilege. Is the Government not aware that nowadays the District officers are so much

over-worked that they are constantly applying to the Government to give them more officers to cope with the work of this district? They have to do a lot in the way of talking to the people and hearing their complaints.....

The Hon. Mr. Khan Bahadur Mian Fazl-i-

Husain—Sir, I rise to a point of order. The meeting should be adjourned as there is no quorum.

The Chairman—Order! order! Under Rule 13 it is necessary that at least 15 members be present to constitute a meeting of the Council for the exercise of its powers. There are less than 15 members present and I therefore declare the Council stands adjourned till Monday, the 31st October, at 1-30 P.M.

The Council then adjourned accordingly.

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PUNJAB LEGISLATIVE COUNCIL.

Monday, 31st October 1921.

The Council met at the Council Chamber at half-past one of the clock. Mr. President in the Chair.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President.—I have received the following nominations for the office of Deputy President :—

- (1) Mr. Manohar Lal—proposed by Chaudhri Baus Gopal and seconded by Sardar Sahib Risaldar Dilbagh Singh ;
- (2) Sayad Muhammad Hussain—proposed by Chaudhri Atta Ullah Khan and seconded by Khan Muhammad Abdullah Khan ;
- (3) Mr. Ganpat Rai—proposed by Mr. K. L. Rallia Ram and seconded by Lala Uttam Chand.

Mr. Ganpat Rai.—Sir, I want to say a word. I am very grateful for the letter which was sent to me enclosing a copy of the resolution debated by the Council as to the functions and duties of the Deputy President. In that I find that the committee which was appointed sent in their report and on that report it was decided by the Council, notwithstanding my humble opposition, that it was expected that the member who was elected Deputy President should forego any active participation in the controversies of the Council. Personally

Mr. President.—I do not want any argument from the Hon'ble member. If he wishes to withdraw his candidature, it is open to him to say so. There is nothing in the Standing Orders to permit of a speech. It rests with the Hon'ble member to stand or to withdraw.

Mr. Ganpat Rai.—With your permission, Sir, I withdraw my candidature, and I take this opportunity of expressing my obligation to the gentlemen who proposed my name.

Mr. President.—There are now two names before the Council, those of Mr. Manohar Lal and Sayad Muhammad Hussain. As there is more than one candidate the Council under Standing Order No. 5 (3) will proceed to vote on the question by ballot.

(At this stage a Ballot was taken.)

Mr. President.—On the ballot there appear for Mr. Manohar Lal 38 votes, for Sayad Muhammad Hussain 29 votes. Mr. Manohar Lal having obtained the majority of votes, I declare him duly elected. Under sub-section (2) of section 72-C of the Government of India Act I shall submit the name of Mr. Manohar Lal to His Excellency the Governor for his approval.

1-50 P.M.

Mr. Manohar Lal.—Permit me, Sir, to offer my grateful thanks to the House for the honour which they have done me in electing me to the office of the Deputy President of this Council. I appreciate the honour highly, but I am only too conscious of my own shortcomings, and if I venture to undertake the duties of this responsible office, it is because I feel assured, by the spontaneous and voluntary support that I have received to-day, that in the discharge of my duties I shall meet with considerate courtesy and even kindly indulgence from every part of this House, and, if I may say so, Sir, it is no less because I regard it a privilege to start on my new duties under your very wise, able, friendly and

[Mr. Manohar Lal.]

firm guidance. On my own part, Sir, I would assure the House that it will be my earnest endeavour in the performance of my functions to place all the zeal and ability at my disposal at the service of this House, and I trust that this House will not find me unworthy of their confidence. I thank this House once again.

**THE PUNJAB TOWN IMPROVEMENT BILL,
1921.**

1-55 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to move—

"That the Punjab Town Improvement Bill, 1921, be referred to a Select Committee composed of the following members of the Council:—

The Hon'ble Lala
Harkishan Lal,
Mr. Ganpat Rai,
Mr. K. L. Rallia
Rao,
Maulvi Muharram
Ali Obaidi,

Mian Muhammad
Shah Nawaz,
Dr. C. A. Owen,
Mr. A. Latifi,
Mr. N. H. Prenter,
and
The Mover."

It will be remembered, Sir, that it was in the last session that I introduced this Bill to the Council and at the time it was resolved that it be circulated for opinion. That circulation did take place and sound opinions have been received. Now, I just want to mention, Sir, a few things in connection with legislation on this subject. As early as 1898 in Bombay the City of Bombay Improvement Act was passed. It was in 1911 that the Calcutta Improvement Bill was passed, and it was last year that our neighbouring province, the United Provinces, passed the Town Improvements Act; and a similar measure, called the Bengal Town Improvement Act, was passed in 1920. Our Bill is framed after the United Provinces Town Improvement Act of 1920. As for its scope, from the statement of objects and reasons already circulated amongst the members, it would appear that its object is to remove existing congestion in the big towns and cities of this province. It is further

intended to make provision for expansion of towns. It is thus obvious that the work involved is of colossal magnitude and requires very large funds. Therefore, it is found necessary to create trusts for individual cities or towns which need a measure like this. When trusts are created in particular cities, then a number of things can be attempted; for instance, a general improvements scheme or a street scheme, or a development scheme, or an expansion scheme, or a house accommodation scheme, and so on. Now, work of this sort is of such great magnitude that ordinarily one cannot expect a Municipality to undertake it. Therefore, whether in Cawnpore, Lucknow or Allahabad it has been found necessary to create trusts. One part of the Bill deals with land acquisition for the purposes of this Act and the procedure and the principles are a little different from those which are involved in the ordinary law of land acquisition. I do not think it is necessary for me to take up any more of the time of the Council, inasmuch as the motion is that the Bill be referred to a Select Committee wherein all the opinions received will be fully considered and necessary amendments effected. With these remarks, Sir, I therefore leave the Bill in the hands of the Council.

Mr. President.—Has the Hon'ble Minister obtained the consent of the gentlemen whose names he has proposed as members of the Select Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Not specifically, Sir.

Mr. President.—I have previously ruled that that is a necessity. I shall be obliged if the Hon'ble Minister will in future observe this ruling. The point is not merely technical, as a member who has agreed to serve has placed his services at the disposal of the Council, and is expected to continue to give them until the duty imposed upon him has been discharged. Will the Hon'ble Minister please obtain their consent now?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(After consulting the members concerned.) Sir, your ruling has been complied with. All the gentlemen have consented to serve.

Mr. President.—The motion before the Council is—

"That the Punjab Town Improvement Bill 1921, be referred to a Select Committee."

The motion was carried.

Mr. President.—I will now put the rest of the motion giving the names of the members proposed for the committee and anybody who wishes to do so may speak with regard to the constitution of the committee.

Maulvi Muharram Ali Chishti.—Sir, I suggest that the committee should include the name of Diwan Bahadur Raja Narendra Nath, who is one of the oldest residents of the city and will be very useful on the committee. I hope the Hon'ble Minister will accept this addition.

Mr. President.—An amendment has been moved—

"That the name of Diwan Bahadur Raja Narendra Nath be added to the committee."

Does anybody wish to speak to this amendment?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—All I wish to say is that I have no objection to the name being added.

Mr. President.—The motion before the Council is—

"That the name of Diwan Bahadur Raja Narendra Nath be added to the committee."

The motion was carried.

Mr. Ganpat Rai.—Sir, I would like to raise a point as to whether the Legal Remembrancer should not be nominated to the committee by the title of his office and not by name. I do not know whether the mistake is intentional or not, but in place of Mr. N. H. Prenter the Legal Remembrancer to the Punjab Government should be nominated.

2-10 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I have no wish, Sir, to oppose the amendment if you think it necessary. The question is which is the correct procedure, to put down the name of the Legal Remembrancer or the title of his office? I understand that if the office is put down it means the person who at the time is holding the office and has taken the necessary oath to become a member and can act on the committee. If so, the mere fact of putting down the Legal Remembrancer does not meet the situation. Some time back, Sir, it was at your suggestion that it was ruled that these proposals be drafted by the Legislative Department of the Punjab Government, who are, I suppose, experts in that line. This proposal has been in accordance with that direction drafted by the Legislative Department and I am not sure whether the Hon'ble member who has raised this point has studied it carefully as an expert and has come to the conclusion that this proposal drafted by the Legislative Department is not in accordance with law. If so, I have no objection to its being accepted, but if he has not studied the point then I presume, Sir, it will be for you to rule whether it is in order or not.

Mr. Ganpat Rai.—In my humble opinion I submit the Legal Remembrancer should come in by virtue of his office and not by name for this reason. Supposing the Legal Remembrancer for the time being is nominated by name, he may have to absent himself from his duty for one reason or another, for instance, in case of illness, and the Government appoint another gentleman in his place, then it will be necessary to come to the Council before he can be a member of the committee. That is the obvious difficulty which might take place. Therefore, I would submit, under Standing Order 41, that the Legal Remembrancer should be named as such and not by name.

Mr. President.—I think the Hon'ble Minister is correct in his interpretation. Standing Order 41 says that the Bill

[Mr. President.]

should be referred to a Select Committee composed of such members of the Council as the Member in charge may name in the motion. It is not possible to appoint the Legal Remembrancer as such because, unless he is a member of this Council and has taken the Oath, he cannot be a member of a Select Committee. The mere fact of putting down the "Legal Remembrancer" does not meet the situation.

Mr. Ganpat Rai.—In view, Sir, of what you say I ask leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion before the Council is that—

"The Hon'ble
Lala Harkishan
Lal,
Mr. Ganpat Rai,
Mr. K. L. Rallia
Rao,
Maulvi Muharram
Ali Chishti,

Mian Muhammad
Shah Nawaz,
Dr. C. A. Owen,
Mr. A. Latifi,
Mr. N. H. Prenter,
Diwan Bahadur Raja
Narendra Nath
and
the Mover

constitute the Select Committee."

The motion was carried.

THE PUNJAB VILLAGE PANCHAYAT BILL.

2-20 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the Punjab Village Panchayat Bill was referred to a Select Committee in the last session of this Council. The Select Committee have submitted their report. It has been duly circulated amongst the Hon'ble members. It will be noticed, Sir, that in the report all the points which were raised in the discussion on my motion to refer the Bill to the Select Committee have been taken up, considered and decided. There are eight such points. It will be noticed that section 5 of the amended Bill provides for the introduction of panchayats on a basis which is not compulsory. The second point taken up was whether the members of the panchayat

were to be elected or otherwise. The amended Bill makes it clear beyond the least shadow of doubt that they are to be elected. The third point taken up in the Council was the power of suspension or dismissal of panches. It was left in the original Bill with the Deputy Commissioner. The Select Committee has changed it and has given the power to the Commissioner. The fourth point is that the sarpanch was to be for three years. The Select Committee has made it clear that he shall only be for one year and that every year the election of the sarpanch by the panches will take place.

The fifth point is as to the engagement of the staff. The previous sanction of the Deputy Commissioner was necessary. In the amended Bill that provision—the previous sanction of the Deputy Commissioner—has been removed, thus reducing any possible interference by the executive in the working of the panchayat. The sixth point was if some panches were interested in a particular case, whether they should sit on the panchayat or not. It was in the Bill provided that the Deputy Commissioner will decide that point. The Select Committee have ruled that the matter should rest in the hands of a person elected by the elected members of the District Board to perform this duty. The seventh point was that in section 29 of the original Bill it was the Deputy Commissioner whose sanction was needed in order to impose taxation and so forth. Under the revised section 34 or amended section 34 that power has been given to the Collector and not the Deputy Commissioner, again reducing the power of the executive. The eighth point was the appellate or revisional authority. It will be seen that this point has been dealt with separately.

Now I come to those points which are additions to the Bill as it was presented in this Council. The first addition is to be found in section 19 of the amended Bill and consists in the power given to panchayats to supervise patwaris so far as they come in contact with the villagers,

and section 20 gives certain powers to the panchayats over petty officials in the matter of reporting their conduct to their superior officers. Therefore sections 19 and 20 coupled with section 21 (A) give to the panchayats ample powers over chowkidars, patwaris and others and give administrative control to a certain extent over all these petty officials who work in villages and come in contact with the villagers. The next addition is section 22 of the amended Bill which consists in reducing or specifying the period of limitation over certain simple suits which are liable to come within the jurisdiction of the panchayats. The next one is that inasmuch as these panchayats are not expert judicial bodies, it has been found necessary to make it clear that any one who is convicted by the panchayats for such trivial offences as fall within their jurisdiction does not by that fact become a "criminal" in the ordinary sense of the word and none of the disqualifications which follow a conviction would be attached to him. The man could stand for election, could get employment and the conviction would not in any way be a blot on his character. So you will see that if he has got convicted by a panchayat there is nothing very serious to follow that conviction. The next is the suggestion that has been incorporated in the report of the Select Committee with reference to excise, whether exciseable articles should be sold in the villages. The Select Committee wanted that to be incorporated, but we have left it to be dealt with separately in the Council.

We considered the matter of the appointment of revisional authority or appellate authority so far as the decisions of the panchayats were concerned. At page 5 of the Select Committee's report it will be noticed that a good deal of discussion on the subject took place inasmuch as the Government of India wanted the Select Committee to take particular notice of this point and come to a decision. The committee considered the suggestions and was of opinion that it is inadvisable to do so and with the

limited judicial powers given to selected panchayats it will be unnecessary to provide for any further supervision. That is the point on which we have many doubts, and in due course we will have to consider it.

With these observations I present the report of the Select Committee.

(At this stage the report was presented.)

Mr. President.—The report having now been presented a member of the Government will move—

"That the Punjab Village Panchayat Bill, 1921, as reported by the Select Committee be taken into consideration."

On this motion the general principle of the Bill as reported by the Select Committee can be debated. If this motion is carried, the Council will then proceed to consider the amendments.

The Hon'ble Khan Bahadur Mian Fazl-Husain.—Sir, I now beg to move that the Punjab Village Panchayat Bill, 1921, as reported by the Select Committee be taken into consideration. In doing so, I just beg to invite your attention, Sir, to a few observations concerning the principle underlying this Bill. It is obvious, Sir, that so far as the Punjab is concerned, on the authority of scholars like Sir Louis Tupper, we have it that the village community as such existed in all its strength in the Punjab, and that this village community was a unit of political life in the country. It was almost complete in itself and the village community discharged the ordinary functions of administration and of judicial decision as well. Now unless we revive this village community, which does not exist in the strength which it at one time possessed, I do not see how the rural population in the Punjab can be so organised as to start upon its course of progress and development, and unless this unit of political life, the village community, comes into being how the various reforms which have been the crying need of India and of the Punjab can meet with any success. I claim, Sir, that the Punjab Village Panchayat Bill is not only a

[The Hon'ble Khan Bahadur Mian Fazl-i-Husain]

measure to make provision for sanitation and a few other things but it is a measure which is calculated to develop real political life in the country, a healthy political life which in course of time will knit together the rural population of the Province and will raise them up to the political platform where their urban brethren are, in order to share on a fair basis in the political advantages that, as time goes on, are bound to accrue.

Now we all recognise that while the British Government brought many a blessing to India, it has also entailed certain disadvantages, and one of those disadvantages consists in the weakening of village communal life. Perhaps that was inevitable inasmuch as the old state of affairs came into contact with a more advanced civilisation and therefore could not survive. Whatever the reason may have been, it has been the firm conviction of a very large number of people interested in the development of their country who have worked for the political emancipation of their country that the one thing which is absolutely necessary for sound advancement, and healthy advancement, is the revival of the panchayat system throughout India. One of the crying needs of the day is to save the rural population from the ever-increasing disease of litigation. Some have felt that the thirst and hunger for litigation takes hold of its victim to a greater extent than the medical authorities consider, cocaine is able to take hold of its victims. Therefore it seems to me obvious that any step taken with the object of getting rid of this disease, of curing the village community of this cancer, is well worth taking.

I think it was a very high authority, no other than our eminent countryman, Mr. Ranade, who said that it is absolutely essential that in village communities we should have not only the ordinary administrative functions but also judicial functions. With your permission, Sir, I will just read a quotation from him.

The late Mr. Justice Ranade said :—

"There can be no doubt that the local Government limited to conservancy and charitable functions is more or less a misnomer and is doomed to inevitable failure; for it will never secure the same enthusiastic support by the population which would have been enlisted if local bodies had been organised on the English plan of appointing representatives of the local gentry, preservers of peace and guardians of law and associating with them representatives of rate-payers in every local board. It will be found that in no single self-governing country of Europe or America has the power and responsibility of magisterial and police functions been denied to the local bodies." So it will appear, Sir, from this quotation from such a high authority as Mr. Justice Ranade that not only ordinary municipal functions, like conservancy and charitable things, have to be entrusted to these panches but much more than that is to be entrusted to them in order to make them enthusiastic about their work. Therefore, Sir, this principle that has been worked into this Bill, that is to say, giving judicial functions to selected panchayats when they have started upon their ordinary municipal work, has the highest authority in support of it. I hope, Sir, that in course of time these panches will tend to develop that solidarity in village life which has been lacking in the past. It will save the people living in rural areas from the tyranny of petty officials. It will also go further and save them from the ruinous results of litigation. I claim, Sir, that these objects are such that they justify the experiment which I want to make, and I think that the faith we have in the soundness of the rural population will be justified in course of time. I also claim, Sir, that the political education of the rural people cannot be properly effected in any way better than the one I have proposed, that is to say, by making them responsible for the administration of their municipal and judicial affairs on a small scale. It will be noticed that the functions of these panches are laid down in the chapter beginning with section 14 on—

wards and they are graduated. There are the compulsory functions and the optional functions. Then there are the functions which can be entrusted to them by way of canal administration, or of looking after their own education, or by way of civil and criminal administration. The sections as to taxation are fair and equitable and at the same time likely to raise such funds as may be necessary to carry out the duties imposed upon them. The responsibility of these panches will be to the rate-payers. That is one point and an important point which I want to emphasise, Sir, inasmuch as there is a great principle underlying it. The power to be given to panches is really power to be given to the rate-payers who can call upon any panch to render account. So really there is decentralization of power in the highest significance of that expression. There is decentralization from the paid official agency to the panches, the elected representatives of the people themselves. Then there is further decentralization inasmuch as each rate-payer is a person who can take any panch to task regarding money matters. That is the principle which underlies section 33 of this bill. With these observations, Sir, I trust that this Council will proceed to take this Bill into consideration.

2-40 P.M.

Mr. Ahmad Yar Khan, Daultana (Urdu).—Sir, the able Hon'ble Minister for Education has treated the House to a very illuminating discourse on the Village Panchayat Bill. It does not now, therefore, require many more words for its real value to be appreciated. I will however make a few observations. Since the Bill intends to devolve the control of village affairs upon the panchayats which may be constituted of *lamins*, it is therefore commonly considered to be fatal to the prestige of the Rases and Zamindars. It is not correct to say so. There are three main classes in which the people of the province can be grouped on a political basis. The Government itself, the zamindars and the agriculturists. The political relations and considerations which bind the zamindars to the Govern-

ment are identical with those which bind the agriculturists to the zamindars. The agriculturists form the bulk of the country people and it is but a truism to say that they are the real power in the land. We should concede to them their due rights and privileges, before they get discontented or exasperated. The Bill purports to give them the right of governing their own affairs and it is exactly what they want.

The Reform Scheme has done a great deal in the way of bettering and improving the relations, both political and social, too, between the big zamindars and the middle class rural people, because the former depend for their elections to the Council on the votes and good will of the latter. This has removed much of the arrogance of the former. The Bill will in a similar way improve and better the relationships of the higher and lower orders of the rural people, because the former will have to beg votes for the election to the panchayat, at the doors of the latter. This is a very direct advantage the Bill will confer upon the people. Its advantages to the Government are not inconsiderable. It will result in better administration, and better dispensation of justice. Much of the irksome procedure and conventions of the law which are the bane of the agriculturists' life, will be done away with. The ideals of liberty and equality are penetrating even to the sequestered villages and it is the most opportune time for the Government to establish panchayats, before the enemies of the Government disturb the placid contentment of the villages. It will train the people in constitutional self-government; therefore its educative value in that direction will be unlimited. It will very much diminish litigation. The course of litigation is ruinous to the litigant agriculturists. The panchayats being more familiar with the local conditions will arrive at sounder decisions without the help of "vakil" or "dalil" which might otherwise warp the judgment of panches uninitiated in the intricacies of law. The Bill as it has emerged from

[M. Ahmad Yar Khan.]

the labours of the Select Committee is a more acceptable and popular measure than before. The powers of executive officers have been either eliminated or curtailed, by the provisions of the Bill. Another step in the right direction was to give some control to the panchayats over village officials. This will be very effective in stopping corruption and bribe taking among the village officials. There are some doubts expressed that it will not be possible for the panches to remain above temptation. This objection will not hold water in face of the fact that the panches will be from amongst the people who can watch the panches. Besides the panches will live amongst their constituents who will take them to task for any abuse of power or biased actions in a variety of ways, after their term of authority is over. Another good feature of the Bill is that no hard and fast rules have been laid down for the election of the panches. These rules have been left to be framed according to the local conditions. It is gratifying to learn that the Select Committee has enhanced the criminal judicial powers given to the panchayats. It will save the people from costly litigation and a variety of troubles.

The only thing left to be desired in the Village Panchayat Bill is that some control over the very frequent disputes in the distribution of canal water should have been given to the panchayats. The panchayats have, also, no powers to control illicit distillation. Save these two points it is a measure of reform of the highest importance to the rural people. I thank the Hon'ble Minister for his labours in the cause of the country in general and the rural people in particular.

2-50 P.M.

Maplvi Muharram Ali Chishti (Urdu).— Sir, the Bill has reached a stage where we may legitimately criticise the principles on which it rests. As regards the principle kept in view while framing this Bill I think no regard has been paid to the political and general condition of the country. We are pass-

ing through a transition period and as such we should walk warily. I appreciate the intelligence and wisdom of the Hon'ble Minister and pay a tribute to him in framing this Bill, but I perceive a lack of foresight in framing it. Many papers have severely criticized it and they presage that it will still further fan the flames of agitation and add to the present troubles of Government. A fallacy underlying this Bill is that it will not serve the desired purpose. The Government are already being accused at every turn. People blame Government for want of rain and outbreak of plague. If the Bill affects the people injuriously I think the Government will lose much of their reputation. I do not like the Government to be blamed if the Bill fails. I will appeal to the House to save the good name of the Government by not allowing the Bill to be passed. The Civil Procedure Code is already with us. It contains provisions which allow parties to refer their suit to arbitration. But even in such cases complaints are always made about the misconduct of the parties as well as the arbitrators. I would ask the Hon'ble Minister to withdraw the Bill and save the fair name of Government from being tarnished; for I am of opinion that the Bill will fall short of the expectations of the people.

There is still another fallacy. The Hon'ble Minister affirms that since the Bill empowers the panchayats to settle petty disputes, it will result in decreasing litigation. Well, the panchayats have been empowered to entertain suits up to the value of Rs. 50. and I doubt very much whether anything in the Bill will prevent people from resorting to judicial courts.

A friend of mine has tried to assure me that this Bill shall restore to life again the old panchayat system once prevalent in the villages. But I differ from him when he says that the old system is dead. That system does exist even now. In every village the parties to a dispute select some wise and just man to settle their dispute and then abide by his decision. I myself have decided a large number of cases referred to me for

arbitration. Even Hindu parties have referred their cases to me and I have decided them. Just at present Raja Narendra Nath and myself have been appointed as arbitrators in a case and I hope it will be decided on principles acceptable to the parties.

I have always been a sympathiser of the villagers and therefore I warn them that this Bill is a chain forged to encompass their destruction. I have said what I wanted to say about principles. Justice Ranade is a learned personality no doubt. But since he has not lived among the Punjabis, our Hon'ble Minister, I think, will derive very little benefit from his advice.

The Bill again is a strange combination. It accords with neither English institutions nor Indian institutions. This strange mixture is not at all desirable. On the one hand the Bill has fostered among the villagers a general prejudice against the Government, for they think that the Government desires to exercise, by virtue of this Bill, full control over the panchayats dismissing them whenever they like. The Government should not give the people any opportunity for harbouring such prejudices. On the other hand the villagers fear that if the panchayats also may exhibit high handedness, such as displayed by the Lahore Municipality in the boycott of the Prince's visit, they will not tolerate any such thing.

Again, it is alleged by the supporters of this Bill that it will put an end to useless and expensive litigation among the villagers. Well, Sir, it is only a dream. I will therefore warn the Hon'ble Minister that he would be aggravating the difficulties of the Government if the Bill is allowed to pass. With these remarks I oppose it.

8 P.M.

Chaudhri Ali Akbar (Urdu).—I wonder what these agitators are doing. Formerly they were agitators for establishing panchayats in villages and now when a Bill has been framed for this purpose, they have begun to agitate against it. I

do not understand why these people are frightening us by imaginary fears with regard to this Bill. I do not know why Maulvi Muharram Ali Chishti has now changed his views, seeing that in March last he spoke in the Council in a strain quite different from the present. These people are in vain throwing obstacles. The papers affirm that the Bill is contaminated with matter injurious to the well-being of the villagers. We cannot see anything of this kind. On the other hand we find that it aims to remove poisonous matter. It has been framed with a view to put an end to bribery and to educate the villagers. Mr. Chishti has just now said that he is working himself as an arbitrator. Why should he then deprive us of the benefit of village panchayats. Of course the touts and other people who incite villagers to litigation to earn their own livelihood entertain such suspicions. The introduction of this Bill makes us believe that self-government has only now come into existence for us. Whatever opinion against the Bill the educated class and the newspapers express is totally wrong. In conclusion, I express my deep gratitude to the Hon'ble Minister for this Bill.

Rai Bahadur Lala Hari Chand (Urdu).—Sir, this is a Bill which should not be allowed to pass in this way. It has started widespread agitation; in the Multan Conference it met with strong opposition. We must seek advice from district boards and tahsils. We have not received any opinion from the tahsils. If the Bill is allowed to pass the entire blame will be thrown on the shoulders of the Government. The Hon'ble Minister has not displayed foresight. I remember Sir Louis Dane also proposed a Bill of this kind, but it was dropped. I would, therefore, propose that the Bill be dropped for the present.

3-12 P.M.

Mian Muhammad Shah Nawaz (Urdu).—I will be very brief. The principle on which this panchayat system rests is all right. There were good panchayats in the past and they worked well. They

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are still working well in their private capacity. The Government are not responsible for the destruction of the old panchayats. Since a settled Government has come into existence it should establish its own Judicial Courts. These Judicial Courts are really doing good work. The time has now come when it is thought expedient that petty suits should be decided by panchayats. I neither agree with Mr. Chishti that the Bill is a curse, nor with Chaudhri Ali Akbar that it is a great blessing. I would advise that we should proceed with great caution. I had once the opportunity to convene a meeting of zaildars and other villagers to ascertain their opinion about this Bill. The intelligent people opposed it while others liked it. I thought the Hon'ble Minister would proceed on a voluntary basis and that panchayats would be established only in the villages which unanimously decided to have them. We must make the experiment, but we must be very cautious. Agitation will certainly ensue.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, when the Bill was at first introduced its principles were discussed and it was proposed to publish it to ascertain the opinion of the public. Even after its examination by the Select Committee it is full of many defects. I agree with Mr. Chishti. It is useless to bring to life the old panchayats, because the people would not like them any longer. The people have made a great advance and are no longer desirous of that crude system.

3-24 P. M.

Mr. Nawab Din, Murad (Urdu).—Sir, the Bill aims at giving the villagers a sort of "Swaraj." The panchayats are to look after the village sanitation, repair of roads, to have Civil and Criminal jurisdiction to a certain extent, and to put an end to the evil practices of the patwaris and similar things. To say that there would be widespread agitation if the Bill is passed is not correct. Perhaps the poisonous effect of that agitation may be felt in towns, but I am sure the villages will remain unaffected. Certain

members have taken exception to the use of such panchayats when the Civil Procedure Code provides for reference of a suit to arbitration. Well my reply to this is that the villagers never willingly refer their suit to anybody if they have once started litigation.

Khan Muhammad Abdullah Khan (Urdu).—Sir, it was proposed that copies of the Bill would be sent to all the district boards for their opinion. Our district board got only one copy in English. My father is a member of the district board. The translation of the Bill was read out to certain people, but they refused to give their opinion unless they were able to study the Urdu translation. I propose the Bill in its amended form be sent to the people for their opinion and for the present it should be dropped.

3-32 P. M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, I shall be brief; the apparent result of the Bill will be that the Government will hand over to us the jurisdiction of certain petty suits.

Without going into any discussion, I want to know whether or not it is a good thing that we may be empowered to settle our disputes ourselves. At the same time I submit that by the present system of litigation the villagers are ruining themselves. One of the various causes of their poverty is useless and expensive litigation. In a case under section 170, Indian Penal Code I have seen no less than 80 persons going to attend courts at Gujrat. Neglecting altogether the loss they suffer by absenting themselves from their work, they have to spend large sums for their travelling expenses. It would be a real blessing if they are allowed to remain in their own villages for settling their disputes. In answer to the charge that the Bill will not reduce litigation, I would ask the Hon'ble member to compare the number of suits now pending in courts with those of 35 years before when there were panchayats. In spite of so much education and law, litigation has increased. I wonder why the members returned from rural areas are hesitating to support

this Bill unanimously, which I am sure will be for the welfare of the rural population. A friend of mine has just now mentioned that in a District Board the Bill has not been approved of. Well I too got a copy of a District Board resolution to the effect that people will accept the Bill gladly and thankfully.

It has been alleged by the agitators that the villagers would not be able to settle their disputes by these panchayats. I am surprised to hear it. If 80 per cent. of the population of this province are unable to settle their disputes themselves, where lies the need of agitating for complete self-Government for India? How would then India be able to discharge those higher responsibilities when 80 per cent. of the population are unable to settle their own disputes? Those who are against this Bill appear to be very selfish.

There is another misconception that if the Bill is allowed to pass, the well-to-do zamindars would lose their influence over the ordinary low class villagers. I will say that a true zamindar is he who looks more to the amelioration of the condition of those who are of low birth. He will be more and more respected by them if they become better off. In a meeting at Gujrat I asked the people whether they were willing to have panchayats in their villages. They welcomed the idea and supported the Bill. Again the Sansi tribes have their own panchayats and settle their disputes themselves. I am sorry that when a neglected class is capable of doing so we are regarded as incapable of settling our disputes. With these remarks I support the Bill.

3-40 P.M.

Khan Muhammad Saifullah Khan (Urdu).—Sir, studying the report of the Select Committee I have arrived at the result that the Panchayat Bill will not accomplish those results which we had in view. I am afraid that the labour of the Select Committee will prove useless. The chief defect is that those means have not been adopted which may lead us to the right path. It was expected that the Bill will give the rural population complete self-Government. But this Bill has proved that it is useless to expect any

such thing. I sought the advice of my constituents about this Bill and I might tell the House they were not willing to accept such a Bill. The circumstances obtaining in Mianwali District and the tract round it urge that the Bill may not be enforced in that part of the country. It would be better if the Bill is postponed for the present. Even if the Bill is passed and given effect to, I would like to have the semi-frontier districts exempted from its operation because the people there do not stand in need of it. Since the people are not capable of wielding powers given by this Bill, I do not think that even a better Bill can bring about any good result. I, therefore, oppose it.

3-45 P.M.

Chaudhri Nabi Bakhsh (Punjabi).—Sir, when I mentioned in my district that a Panchayat Bill was being framed, the people expressed their whole-hearted support for such a measure. Perhaps there may be opposition from those parasites who live upon inciting people to litigation, but from no one else, I support it.

Rai Sahib Lala Thakar Das (Urdu).—Sir, every question has two sides. We must view it both ways. I have heard speeches for and against the Bill. It is unfair to criticise anybody. Maulvi Muhammad Ali Chishti does not wish that there should be no panchayats at all, what he aims at is that the villagers should be vested with such powers as may prove conducive to their well-being. He would not like to see the Bill failing and the people accusing the Government for it. I oppose this Bill.

Sardar Gopal Singh (Urdu).—Sir, I went round several districts and asked the opinion of the villagers as regards this Bill. They are all welcoming it. The panchayats will certainly prove useful to the rural population. It will put an end to bribery. I would like the Bill to be passed at once.

3-55 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, I think that the Hon'ble Minister's

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labour will go for nothing. There is no need of such a Bill. It has been said by Chaudhri Fazl Ali that the Sansis settle their disputes themselves. But then I don't think the Government has by legislation made them settle their disputes themselves. Why should the Government by legislation force these panchaya's upon the rural population? Are we ourselves so helpless that we cannot settle our disputes without Government legislation? The Multan Conference has strongly opposed this Bill. It is no time for such legislation. I am afraid the people will be more irritated if the Bill is passed. The Hon'ble Minister therefore will abstain from pressing it further against the wishes of the public. The panchayats have been vested by this Bill with criminal jurisdiction also to a certain extent. But no vakil is to appear on behalf of the accused, nor is there any appeal against the judgment. What I desire is that the accused must at least have the benefit of revision, and I think that without revision great injustice may be done to the accused. Again if a certain innocent person is not in the good books of the members of the panchayat, the panchayat is at liberty to punish him or fine him and there is no appeal or other remedy open to that person. So if the Bill is allowed to pass, it would work out and out injustice in such cases. I, therefore, would not like the panchayats to be vested with criminal jurisdiction. There is no harm if they have power to try civil suits alone. Even if the Bill is allowed to pass, it should not be enforced compulsorily upon the rural population. It would be better if it is left to their option. Of course if the rural population of a few villages desires that panchayats be established in them, the Government may do so, but it would be bad if panchayats are thrust upon them against their wishes. This is a very important matter and will be more fully discussed at a later stage.

Khan Bahadur Rai Wali Muhammad Khan (Urdu).—Sir, in the Ludhiana district people have expressed their will-

ingness to welcome the Bill. It has been urged by some member that Government should not thrust the panchayats upon us by legislation, and that people should establish panchayats themselves. But I differ and beg to submit that villages will never be able to do it by themselves.

Malik Firoz Khan, Nun.—Sir, I beg to move 'that the question be now put.'

Mr. President.—The motion before the Council is—

"That the question be now put."

The motion was carried.

Mr. President.—The motion now before the Council is—

"That the Punjab Village Panchayat Bill, 1921, as reported by the Select Committee, be taken into consideration."

The motion was carried.

Mr. President.—The Council will now proceed to take the Bill into consideration. I shall first put the clauses and end with the preamble, the reason being that, if any change is made in the clauses and if the preamble is passed first, an awkward situation would arise. It is therefore customary to deal with the preamble last.

Mr. President.—I put the motion—

"That clause 1 stand part of the Bill."

The motion was carried.

Mr. President.—Notice of an amendment to clause 2 has been given by Pir Akbar Ali which runs:—

"In clause 2 (2), line 1, after '1912' insert the words 'and Punjab Village and Small Towns Patrol Act, 1918' and substitute the word 'are' for the word 'is' in the second line."

If any objection is to be taken to this, as I understand is the case, it should be taken at once.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I take objection to this amendment being moved on the ground that this involves the repeal of an Act, the Punjab Village and Small Towns Patrol Act, 1918. This is a substantive legislative measure whose repeal is sought by virtue of this amendment.

Mr. President.—Pir Akbar Ali, have you anything to say on this point of order?

Pir Akbar Ali.—Sir, under section 14 (2) (a) of this very Bill the Act under discussion which I want to be repealed has been amalgamated with this Act in a way and as this Act of 1918 does no good to the zamindars, I think it should be repealed. Therefore I have put it in as an amendment to section 2 of the Bill that the Act of 1918 should be repealed.

Mr. President.—There is also a reference in the Bill to the Indian Penal Code. Do you claim that on this account the repeal of that Code could be considered on an amendment to this Bill?

Pir Akbar Ali.—No, Sir, the Indian Penal Code does not create the same difficulties. The Punjab Village and Small Towns Patrol Act of 1918 requires the poor zamindar, when he comes back from his fields after doing his day's work, to watch and patrol for the sake of the villagers who remain idle throughout the day.

Mr. President.—I was not considering the merits of the Act you wish to repeal.

Pir Akbar Ali.—Sir, I have been advised to bring forward a separate Bill to repeal the Punjab Village and Small Towns Patrol Act, 1918. I therefore do not move my amendment to clause 2.

Mr. President.—The motion before the Council is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President.—To clause 3 of the Bill, notice of an amendment has been received from Diwan Bahadur Raja Narendra Nath.

4-14 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, I beg to move the following amendment to clause 3:—

"For clause 3 (1) substitute 'Village means any area including the abadi

comprised within an estate as defined by section 3 (1) of the Land Revenue Act (XVII of 1887), but not including a part or the whole of any notified area established under section 241 of the Punjab Municipal Act, 1911, of any cantonment, or municipality."

Sir, as this Bill concerns the zamindars the definition of the term "village" in the Bill is objectionable. I therefore move this amendment. The maximum number of panches as provided by this Bill is five and the minimum three and the number to be fixed again rests with option of the Government. It is objectionable that Government should have the sole power with regard to these matters, and I am of opinion that Government officials will use these powers in any way they like. I do not appreciate this system.

Again, generally disputes between different villages are about the distribution of water. Sometimes the cattle go into the field of another zamindar and thus a quarrel ensues. Old disputes too sometimes become the cause of future quarrels between neighbouring villages. Joining two or three villages therefore into one for the purpose of this Bill is not expedient.

By clause 16 (a) it has been provided that the distribution of water will rest with the panchayats. If there is one panchayat for three or four villages it would create troubles. It is very difficult for villages to agree and abstain from fighting over the question of distribution of water. Another question which would involve trouble if several villages are combined together is that some zamindars are the sole proprietors of the whole village. They would not like to be combined with two or three other villages for the purpose of this Bill. Perhaps all those who have studied history know that it had never been the system in this country that several villages were combined into one to form a panchayat village. It is necessary that villages may remain independent.

Another difficult question is about the protection of minorities. The Christians

[Diwan Bahadur Raja Narendra Nath.]

are the smallest community. If there is a village exclusively inhabited by Christians it would not be wise to join such a village with others inhabited by non-Christian villagers. Again in the eastern Punjab the majority is that of the Hindus. It would be absurd to combine there one Muhammadan village with two or three Hindu villages. Again it would be equally absurd to combine two or three Muhammadan villages with one Hindu village in the western Punjab where the majority of the population is Musalmans. Hence the combination of several villages into one is not expedient.

4-26 P.M.

Chaudhri Muhammad Amin (Urdu).—Sir, "Village" should be defined in such a way that there may be no necessity hereafter for altering the definition. The amendment moved by Diwan Bahadur Raja Narendra Nath amounts to this. The definition should be on the lines of the definition already embodied in the Bill. There are villages and villages. There are villages which are uninhabited (be-charagh). Those acquainted with village life know that the tenants, landlords and agriculturists of such villages do not live in the village itself, but in some other village in their neighbourhood. In consequence of the amendment moved by Raja Narendra Nath the uninhabited villages will remain without panchayats. Only one panchayat will not be sufficient for a village, because sometimes more than one panchayat will be necessary. The section as it stands in the Bill is appropriate. I should like to point out that the Raja Sahib's amendment will preclude the formation of more than one panchayat for a village. It is a question whether it would be feasible to constitute one panchayat for a number of small villages, where the circumstances permit of two or three panchayats being created by splitting one village into two or three parts. It will be, therefore, seen that the amendment, if carried, will give rise to difficulties. The Raja Sahib has

said that more than one village should not be included, because sometimes one village has its disagreements with the other. He has, however, said nothing about uninhabited villages and about small villages. It would be inadvisable to give powers to Government, whose power of interference should be restricted as far as possible. Nor do I think that it is necessary to leave it to Government to decide what should be the definition of "village," for if two villages happen to be at enmity with each other, Government cannot compel them to join together. Definitions should always be comprehensive. If the amendment is carried, our hands will be fettered. Neither Government nor the village people will have power to do anything. I oppose the amendment.

Diwan Bahadur Raja Narendra Nath.—I wish to say a few words in reply.

Mr. President.—You have no right to reply on an amendment. I will now put it to the Council.

The amendment was lost.

Mr. President —The motion before the Council is—

"That clause 3 stand part of the Bill."

The motion was carried.

Mr. President.—I now put the motion—

"That clause 4 stand part of the Bill."

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the amendment of which Mr. Ganpat Rai has given notice as an amendment to section 5 is really speaking an amendment to section 4.

(At this stage consultation took place between the Hon'ble Member in charge of the Bill and Mr. Ganpat Rai.)

4-42 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I beg to move the following amendment to clause 4:—

"After clause 4 add 'provided that if the majority of rate-payers of any estate as defined by Land Revenue Act, VII of 1887, object to have a panchayat for their estate, the Local Government shall exempt such estate from the provisions of this Act.'"

Mr. President.—Before you go any further I should like you to make your amendment clearer. My difficulty is that the word "rate-payer," used in the amendment, has a technical meaning under this Bill. It means any person assessed to the village rate under section 35 of the Bill but if the village is exempt from the Act, how can any one be assessed under it.

(At this point consultation took place between the member in charge of the Bill and the mover of the amendment.)

5-8 P.M.

Mr. Ganpat Rai.—Sir, I now wish to move my amendment in the following form:—

"Provided also that, if the majority of the revenue-payers of an estate, as defined by the Land Revenue Act, XVII of 1887, object to being included in such area, the Local Government shall exclude such estate from the provisions of this Act."

Sir, what I originally wanted was that if a panchayat is created for more than one village and the majority of the members of any one village who are rate-payers object to being included in such village, it will be open to the Local Government to exclude such village. Out of deference for the opinion expressed by my friends, I have revised my amendment. Although our tenants have no land of their own, they should have a voice in the constitution of the panchayat. I accordingly put forward my revised amendment to meet the wishes of Raja Sahib. In the event of objection being raised by the sole proprietor of a village, his village will be excluded. What I had meant to say was that all the people, without distinction of caste and creed, should be able to raise their voice for or against the panchayat.

Diwan Bahadur Raja Narendra Nath (Urdu).—I am sorry that Mr. Ganpat Rai has thrown the burden of the amendment partly on me. In places where the landlords enjoy full influence, and where tenants have not a permanent tenure, the latter cannot do anything without the approval of the former. This would have led to a crop of eviction suits. I would

like to say that the rights of tenants would not in any way be usurped.

Maulvi Muharram Ali Chishti (Urdu).—I am opposed to the amendments moved by Lala Ganpat Rai. We always bear a great deal of democracy and aristocracy. The explanation given by Raja Sahib is not satisfactory. If tenants happen to disagree with us, it is not freedom of opinion to prevent them from having a voice. It is the same thing as if Government were to suppress freedom of opinion by means of a penal enactment. The amendment is inappropriate inasmuch as it encroaches on the liberty of the tenant. The amendment moved by Mr. Ganpat Rai, in the first instance, was suitable to some extent. There are two alternatives, either the rights of the tenants should be safeguarded, or ignored altogether, as already pointed out by Chandhri Fazal Ali.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—I agree with Maulvi Muharram Ali Chishti. It is neither just nor expedient to enslave one class. If the tenants happen to hold a different opinion from their landlords, it does not mean that they should have no voice? Why should not the opinion of all, high and low, receive consideration? The amendment is detrimental to freedom of opinion. If it is carried, the panchayat will be used by the influential people just as they like. The panchayats should neither be opposed nor friendly to any class. Some middle course should be adopted.

Rana Muhammad Jamil Khan (Punjab).—In a village there are tenants as well as landlords. If the former's voice is ignored the question arises who will redress their complaints. The tenants are already a much oppressed class. Should they have no voice? The people of the upper classes think that they are entitled to all the good things. Where will the poor people go? The law should govern all classes equally.

5-30 P.M.

Mr. President.—I do not feel that the Council has yet got to the point at issue. This amendment has been

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discussed as if the only point at issue was whether when two or more estates are included in a village, one estate should not be able to get itself excluded. But the amendment, as actually worded, seems to me to provide that, when the Local Government constitutes a single estate into a village, then the majority of the land revenue-payers on any estate can get their estate excluded. This is a totally different thing.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I think, Sir, that your view is correct.

Mr. Ganpat Rai.—My intention is, Sir, that if the Local Government constitutes a 'village' which includes more than one estate, then any one estate in the event of its objecting to have a panchayat may be exempted from the provisions of this Act.

Mr. President.—My feeling is that a provision for the exclusion of one out of two or more estates from a village should come under section 4, but that a provision to enable any inhabitants of any one estate to refuse to have a panchayat should come under section 5. Section 4 deals with the demarcation of villages, and section 5 with the establishment of 'panchayats' once a village is formed. I am not satisfied that the amendment as drafted gives the desired meaning.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The amendment, as it is put, is full of difficulties and its insertion would lead to endless trouble. I am sorry I cannot agree to accept it.

Mr. President.—I understand that you join issue on the amendment? I understood that it had been framed in consultation with you.

5-40 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, there seems to be a difference of opinion on the subject in the Council. I shall therefore oppose the amendment. Section 4 of the Panchayat Bill provides that for the purposes of this

Bill any area can be called a village. If on the score of affinity, contiguity, and common brotherhood, more than one village is joined together, there is no reason why one panchayat should not be created in the circumstances. The amendment just moved is open to objection on the following grounds. It has not been stated at what particular time the revenue-payers shall raise objection. The amendment does not specify any limit of time for raising objections, nor is it clear in what manner the objection will be raised, whether through the Deputy Commissioner or Commissioner? Also each village has its own different conditions. In some villages the proprietor and the cultivator is one and the same person, while in others the cultivator and the landlord are two different persons. If later on, the sections of the Bill are objected to in the shape of a resolution, etc., the matter can, without difficulty, be discussed in the Council. The amendment should be rejected.

Mr. Ganpat Rai.—Sir, my request is that my amendment may be taken as an amendment to section 5.

Mr. President.—In that case I will advise you to ask leave to withdraw it, and let Raja Narendra Nath's amendment be taken up. It covers very nearly your point.

Mr. Ganpat Rai.—No, Sir, I am not prepared to do this.

Mr. President.—The motion now is that clause 4 be amended as follows:—

"After section 4 add 'provided also that, if the majority of the revenue-payers of any estate, as defined by the Land Revenue Act, XVII of 1887, object to being included in such area, the Local Government shall exclude such estate from the provisions of this Act.'"

The Council then divided: Ayes 24,
Noes 16:—

Ayes 24.

Malik Firoz Khan,
Nas.

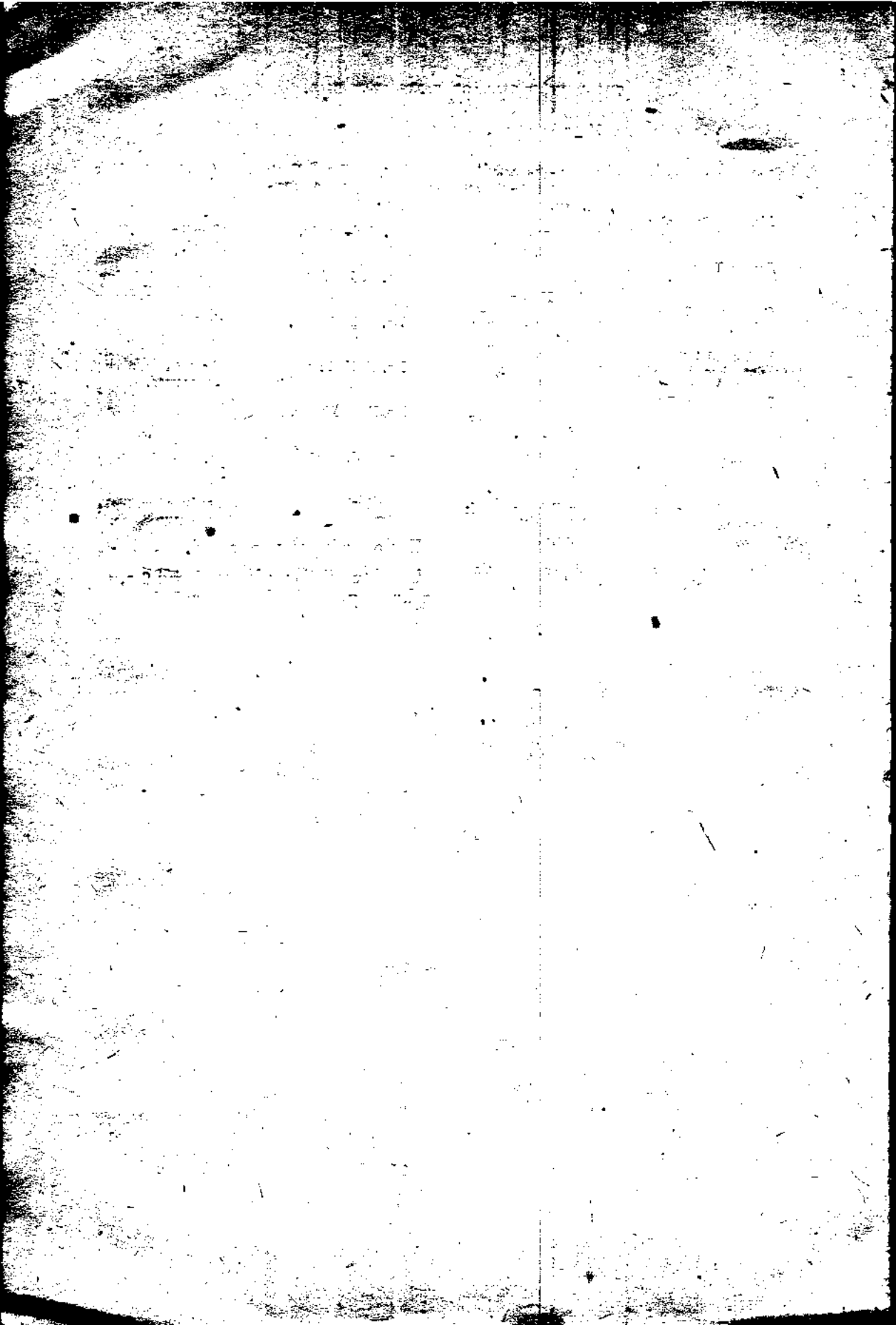
Pir Akbar Ali.

Sardar
Singh.

Randhir

Malik Karim Ullah
Khan.

Khan Sahib Amir Khan.	Misir Mela Ram.	Noes 18.	
Lala Atma Ram.	Nawabzada Muham- mad Ishaq Ali Khan.	The Hon'ble Khan Bahadur Mirza Faez- ul-Husain.	Chaudhri Ali Akbar
Mr. Manohar Lal.	Sayed Muhammad Husain.	Mr. F. Connolly.	Chaudhri Hans Gopal.
Sardar Dasayudha Singh.	Mian Muhammad Shah Nawaz.	Mr. A. Latif.	Khan Bahadur Chaudhri Faez Ali.
Chaudhri Daya Ram.	Diwan Bahadur Raja Narendra Nath.	Mr. R. T. Gibson.	Sardar Sahib Gopal Singh, Labana.
Sardar Sahib Hissu- dar Dilbagh Singh.	Mr. Ganpat Rai.	Mr. N. H. Prenter.	Chaudhri Ghulam Muhammad.
Rai Bahadur Lala Hari Chand.	Rai Sahib Chaudhri Raja Singh.	Mr. E. R. Abbott.	Rana Muhammad Jamli Khan.
Sardar Kartar Singh.	Rai Bahadur Lala Kewak Ram.	Mr. D. J. Boyd.	Mr. Nawab Din Munad.
Chaudhri Kharak Singh.	Khan Bahadur Malik Muhammad Amir Khan.	Chaudhri Muhammad Amin.	Rai Bahadur Khali- dar Sarup Singh.
Khan Bahadur Sayad Mohdi Shah.	Rai Sahib Lala Thakur Das.	The amendment was carried.	
		The Council then adjourned till 2 p.m. on Tuesday, the 1st November 1921.	



PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 1st November 1921.

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

QUESTIONS AND ANSWERS.

PROFESSIONAL TAX IN AMBALA DISTRICT.

999. Mr. Ganpat Rai.—Will the Government be pleased to state—

- (a) whether a professional tax was levied on the Homeopathic Dispensary opened by the Vidya Sabha, Punjab, Rupar, in village Khant, Tahsil Rupar?
- (b) whether the dispensary was opened for the purpose of distributing medicine in the country free of charge?
- (c) whether a warrant of arrest was issued against Udho Dass, doctor in charge of the dispensary, and whether he made a report that the tax should be realised from the Secretary of the Vidya Sabha who had started the dispensary?
- (d) whether Dr. Udho Dass was arrested on or about the 16th September 1921, was kept in custody in the Ambala City Central Kotwali till the 26th September 1921 and released by the order of the Deputy Commissioner, Ambala, on 26th September 1921, and if so, on what grounds?
- (e) whether it is a fact that the said doctor was the Secretary, Congress Committee, Khant?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It is regretted that the reply to question No. 999 is not yet available. The information is being collected and will be supplied to the hon'ble member as soon as received.

1000. Mr. Ganpat Rai.—Will the Government be pleased to state the number of warrants of arrest issued for the realisation of the Professional Tax in the Ambala District, giving the following details for each tahsil :—

- (i) The total number of persons on whom the tax was levied and for what amount.
- (ii) The total number of warrants of arrest issued.
- (iii) The total number of persons who paid the tax on receiving the warrant of arrest.
- (iv) The total number of persons actually arrested for non-payment of the tax.
- (v) The total number of warrants of attachment issued.
- (vi) The total number of appeals filed and accepted.
- (vii) The total number of attachment warrants resorted to before issuing warrants of arrests.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It is regretted that the reply to question No. 1000 is not yet available. The information is being collected and will be supplied to the hon'ble member as soon as received.

Mr. Ganpat Rai.—Sir, I have a complaint to make against the Hon'ble Minister for Education. The questions which I put during the first two or three days and the questions which have been put to-day were sent in long ago, I should say not less than a month before the Council session began, and the only answer I am getting is that the answer is not yet ready. I hope, Sir, you will see that answers to the questions are given soon as they are very important questions.

(*Mian Beli Ram being absent, questions Nos. 1001 and 1002 were not put.*)

ASSESSMENT OF INCOME-TAX IN RAJANPUR.

1003. Rai Bahadur Lala Sewak Ram.—(a) Has Government received any complaints alleging that the assessment of income-tax made in the current year in the sub-division of Rajanpur in the Dera Ghazi Khan District was unduly heavy and was in many cases far in excess of the statements furnished by the assesses and the reports made by the Local Commissioners.

(b) If so, what action has Government taken or will it take in the matter?

The Hon'ble Sir John Maynard.—The information is not yet available, but will be furnished as soon as possible.

SESSIONS COURT, DERA GHAZI KHAN.

1004. Rai Bahadur Lala Sewak Ram.—(i) Is it a fact that in the Dera Ghazi Khan District the headquarters of the district are at one corner and that there is only one grand trunk road which is flooded with water for a considerable part of the year and that a major portion of the district is not served by railways?

(ii) If so, will the Government be pleased to issue instructions to the effect that the District and Sessions Judge should hold his Court for a brief session at regular intervals at some central place in the district such as Rajanpur or Jampur?

The Hon'ble Sir John Maynard.—

(i) The position of the headquarters of the Dera Ghazi Khan District is very incorrectly described in this question. It is centrally situated. The district is not well served by railways.

(ii) The Hon'ble Judges will be consulted as to the feasibility of the hon'ble member's suggestion.

Rai Bahadur Lala Sewak Ram.—Will Government see the desirability of giving a grant in the next Provincial Budget for this road?

The Hon'ble Lala Harkishan Lal.—How can I give that assurance?

Rai Bahadur Lala Sewak Ram.—I mean, will the Government take the matter into consideration?

The Hon'ble Lala Harkishan Lal.—Yes.

TALAI EMBANKMENT.

1005. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that owing to floods during the last rainy season the Talai embankment in the Rajanpur Tahsil of the Dera Ghazi Khan District was breached and that the same embankment was breached some 10 years ago?

(b) If so, will the Government be pleased to lay on the table a statement showing the cropped area which was damaged and the loss of life and other property caused by floods on both occasions and to take special measures for the strengthening of the said embankment?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

DERA GHAZI KHAN INUNDATION CANALS.

1006. Rai Bahadur Lala Sewak Ram.—(a) Will the Government be pleased to lay on the table a statement showing—

(i) the area of land commanded by each of the inundation canals in the Dera Ghazi Khan District?

(ii) the area cultivated on these canals during the last 10 years?

(iii) the area which matured and the area which failed on account of scarcity of water or failure of the canals?

(b) Will the Government also be pleased to consider the feasibility of a scheme of perennial canals for the Dera Ghazi Khan District?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The information asked for is being collected and will be supplied to the member as soon as ready.

IMPROVEMENT OF ROADS IN DERA GHAZI KHAN.

1007. Rai Bahadur Lala Sewak Ram:—

(a) Is it a fact that during the last rainy season the entire grand trunk road in the Dera Ghazi Khan District was under water and remained so for several months?

(b) Is it a fact that the same condition is repeated almost every year during the rainy season?

(c) Will the Government be pleased to make a special grant to the Dera Ghazi Khan District for improving the condition of the roads in the district?

The Hon'ble Lala Harkishan Lal.—Torrential rain having fallen in the Dera Ghazi Khan District this year and owing to this and partly due to the breaching of certain bunds of Inundation Canals the Draman-Rakhni road was damaged and portions between Dera Ghazi Khan and Draman were flooded.

(b) Such conditions are not repeated every year, so far as is known.

(c) The road from Draman to Rakhni (i.e., up to the Baluchistan border) is in the charge of the Public Works Department who are repairing the damage done. The question of a special grant for improving the roads in the Dera Ghazi Khan District is a matter which the District Board should refer to Government through the Commissioner.

STEAMER SERVICE ON THE INDUS.

1008. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that during summer the breadth of the river Indus at the Kot Mithan Ferry in the Dera Ghazi

Khan District is about 10 miles and that it is very dangerous to cross it during that season?

(b) Will the Government be pleased to consider the feasibility of starting a steamer service at the said ferry?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It is regretted that the reply to question No. 1008 is not yet available. The information is being collected and will be supplied to the hon'ble member as soon as received.

(Lieutenant Sardar Ragbinder Singh being absent questions Nos. 1009 and 1010 were not put.)

ADMISSION TO THE QUEEN MARY'S COLLEGE, LAHORE.

1011. Mr. Daulat Ram, Kalia.—Arising out of the answer given to my question No. 611, will the Government be pleased to state—

(a) the number of Christian students also?

(b) the castes and sub-castes of the 18 Muslim and 12 Hindu and Sikh girls?

(c) whether any reference was made in 1920 by the Principal and the district officers regarding the status of any police officer who sought the admission of his daughter?

(d) how many police officers applied for the admission of their daughters to the boarding house and the college and how many of these applications were accepted and how many rejected?

(e) if any gazetted officer, who is a title-holder, Fellow of the Punjab University and member of the Punjab Text Book Committee personally presented and recommended to the Principal the application of a police officer's daughter?

(f) if the reply to (e) is in the affirmative what were the reasons for rejecting the application?

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain.—

(a) One.

(b) Muhammadans—

Shaikh Qanungo	...	4
Arain	...	6
Mian	...	1
Waraich Jat	...	1
Bhatti	...	1
Jat	...	1
Moghal	...	2
Rajput Manj	...	1
Shaikh Kakazai	...	1

Total 18

Hindus—

Kashatriya	...	4
Khatri	...	4
Sikh	...	1
Arora Thuksal	...	1
Jain Aggarwal	...	1
Utui Puri	...	1

Total 12

(c and e) The answer is in the affirmative.

(d) Three ; two being accepted.

(f) Applications are considered by a Committee which in this case held that two of the three applications were stronger than the third and be granted.

UNDER-TRIAL PRISONERS IN THE FEROZPORE JAIL.

1012. Mr. Daulat Ram, Kalia.—Is it a fact that the number of under-trial prisoners at the Ferozepore Jail is more than double that which can be put

in the Havalati Barracks ? If so, is this overcrowding due to the facts that there were frequent transfers of Magistrates in the District and that the present staff is quite inadequate ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The reply to the first part of the question is in the affirmative. The overcrowding in this jail is due primarily to very heavy increase of crime. The staff of the district has already been increased and is now being increased further.

MEETING OF THE LAHORE LIBERALS.

1013. Mr. Daulat Ram, Kalia.—Is it a fact that at a meeting of the Lahore Liberals recently held outside the *Mochi Gate* the Liberal platform was usurped by extremists who attacked in a large number ? Did the Government take any action to enforce the ordinary law of the land ?

The Hon'ble Sir John Maynard.—At a public meeting of the Liberal League of Lahore outside the *Mochi Gate*, a number of persons who were not in sympathy with the League joined the meeting and outvoted the members of the League in the choice of a chairman. As soon as the dispute appeared to threaten a breach of the public tranquillity, the meeting was dispersed. Government is not aware that any violation of the law occurred upon the occasion.

HEAD VERNACULAR CLERKS.

1014. Khan Muhammad Abdullah Khan.—Arising out of the reply to my question No. 671 (e) will Government kindly direct that proposals regarding appointments of their establishment should be submitted to Deputy Commissioners by the Superintendent in consultation with the Head Vernacular Clerk ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Government do not consider it necessary to issue any directions on the subject.

STATUS OF VILLAGE CHAUKIDARS.

1015. Khan Muhammad Abdullah Khan.—Will the Government be pleased to state whether the chaukidars of villages are Government or public servants? If they are Government servants, why is their pay collected from the zamindars by way of *Khana shumari*, and is the Government ready itself to bear the cost of maintaining them?

The Hon'ble Sir John Maynard.—The position of the village chaukidar as defined by the rules under the Punjab Laws Act is that of a village servant.

(Captain Sardar Gopal Singh being absent question No. 1016 was not put.)

COMPULSORY PRIMARY EDUCATION IN DISTRICTS.

1017. Sardar Kartar Singh.—Has any District Board in the Province considered the question of introducing compulsory primary education and with what results?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Yes; a certain number of district boards are considering whether compulsion can be introduced in certain portions of their areas. Information has already been requested on this point, and will be compiled as soon as it has been received.

PROFESSIONAL TAX IN AMBALA DISTRICT.

1018. Diwan Bahadur Raja Narendra Nath.—Is it a fact—

- (a) that the last date fixed for the payment of the professional tax in the Ambala District was the 15th of August and that a Revenue Officer of Rupar about the 7th of August while recovering the tax put in custody ten persons of the village of Bela and attached their properties with the help of the *sufedpash* and *zaildar* without legal warrant of attachment?

- (b) that in the village of Mustafabad in that district the tax was realised from the *lambardars* and not from the *assesseees* and that out of 171 tax payers the properties of 110 were attached and 61 were found to be so poor as to possess no attachable property?

- (c) If so, does Government propose to direct local bodies to fix a minimum limit of income on which the tax should be levied, and to call for an explanation from the officer referred to?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It is regretted that the reply to question No. 1018 is not yet available. The information is being collected and will be supplied to the hon'ble member as soon as received.

SUSPENSION OF THE ENHANCED REVENUE IN MULTAN DISTRICT.

1019. Diwan Bahadur Raja Narendra Nath.—Will Government be pleased to state whether it is proposed to postpone in the Multan District the recovery of the enhanced portion of the revenue pending the report of the Committee appointed to enquire into the working of Inundation Canals?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The new assessments were introduced in the *Kabirwala* and *Mailsi* Tahsils in *kharif* 1919 and *kharif* 1920, respectively. They will not be introduced in the *Multan*, *Shujabad* and *Lodhran* Tahsils till *kharif* 1922. It is not proposed to postpone the introduction of the new assessments in these tahsils after the date specified.

NEW INCOME TAX DEPARTMENT.

1020. Diwan Bahadur Raja Narendra Nath.—(a) Has Government received any complaints about the manner in which recruitment for the new Income-tax Department was made. Will

Government be pleased to state why officers selected from the Provincial Civil Service and appointed as Deputy Commissioners of Income-tax, were allowed to retain their lien on the general line, while this privilege was denied to officers of the Provincial Service appointed as Collectors?

(b) Were the emoluments of Income-tax Collectors selected from the Provincial Service and fixed in July varied at the end of August, and was their right to get the annual increment up to the date of transfer first denied and then recognised? If so, will Government be pleased to state whether the members of the Provincial Service who were Income-tax Officers were given due notices of these changes and allowed sufficient time to decide whether they would like to remain in the Income-tax Department or revert to the general line?

(c) Will Government be pleased to state the principle on which direct appointments were made: was any Selection Board appointed or any advertisement issued inviting applications and stating the terms of salary offered?

The Hon'ble Sir John Maynard.—

(a) No complaints have been received. Not only those members of the Punjab Civil Service who were appointed Deputy Commissioners of Income-tax were allowed to retain their lien on the general line but also all those who joined the department for the first time. The privilege of retaining a lien on the general line was denied only to those officers who were already serving as Special Income-tax Officers. It is obvious that those who were already in the department know the conditions and in their case it was unnecessary to prescribe the period of one year in which they should declare their final decision. Out of eleven Special Income-tax Officers only six expressed their willingness to be definitely transferred to the Income-tax Department without retaining any lien on the Punjab Civil Service from the 1st September 1921. Only these six officers were taken into the new

Income-tax Department and the other five who did not accept the condition reverted to the general line.

(.) Yes. Due notice was given.

(c) No Selection Board was appointed, nor was any advertisement issued. A very large number of applications were received and selections were made by the Financial Commissioner on the recommendations of local officers.

PERIOD OF CANDIDATURE OF NAIB-TAHSILDARS.

1021. Diwan Bahadur Raja Narendra Nath.—Will Government be pleased to state in how many years on the average a Naib-Tahsildar candidate enlisted in each division of the Punjab can expect to be confirmed as a Naib-Tahsildar? If the period is particularly long in any division will Government be pleased to adopt measures to relieve the congestion?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The periods to which the question refers cannot be stated with precision; but approximate averages of such periods by divisions appear to be as follows:—

<i>Division.</i>	<i>Average number of years.</i>
Ambala ...	14
Jullundur ...	11
Lahore ...	11
Rawalpindi ...	12
Multan ...	10

The desirability of shortening the periods as far as is practicable has on several occasions received the attention of the Financial Commissioners and such measures as are possible have been taken. The matter will continue to receive due consideration.

CLERICAL ESTABLISHMENT OF THE PUNJAB CIVIL SECRETARIAT.

1022. Diwan Bahadur Raja Narendra Nath.—Is it a fact that

the clerical establishment of the Punjab Civil Secretariat is divided into three classes :—

	Rs.
(1) Junior Clerks ...	45—20/3—105
(2) Senior Clerks ...	75—15/5—150
(3) Assistants ...	120—18/10—300

Will Government be pleased to state what difference there is in the duties of (2) and (3) justifying the marked difference between the grades of salaries? Is it a fact that duty allowance of various amounts were sanctioned for (2) and (3)? If so, will Government be pleased to state whether all these allowances have been allotted?

Mr. E. Joseph.—The clerical establishment of the Punjab Civil Secretariat is divided into the three classes shown in the hon'ble member's question. With the addition of two grades of Superintendents on—

2nd grade Rs. 350—20/5—450.

1st grade Rs. 500—20/5—600.

The difference between the work of Assistants and Clerks is that the former do noting and drafting while the duties of the latter are generally confined to routine work with some noting and drafting on easier cases. These clerks are eligible for promotion to the grade of Assistants. The duty allowances mentioned are only admissible in the case of specially arduous duties, or of increased work or responsibility or of discharge of duties not properly belonging to the appointment. Four of the seven duty allowances admissible to the Senior clerks have already been allotted, and others are under consideration. No duty allowances have yet been allotted to an Assistant as no one is considered to have satisfied the conditions stated.

SESSIONS JUDGESHIIPS IN THE PUNJAB.

1023. Diwan Bahadur Raja Narendra Nath.—Is it a fact that Government originally decided to select

three men from the Bar for three Sessions Judgeships in the Punjab? If so, will Government be pleased to state why only two appointments have been made so far, and if no third appointment is now to be made what are the circumstances under which the previous decision has been altered?

Mr. E. Joseph.—The answer to the first part of the question being in the negative the second part does not arise.

RENT OF SHOPS AND HOUSES IN AMRITSAR.

1024. Sardar Bakhtawar Singh.—

(a) Is it a fact that the inhabitants of Amritsar City have presented a memorial to the Minister in charge praying that Government will take steps to stop the rise in the rents of shops and houses in the city?

(b) If so, will the Government please state what has been done in the matter?

The Hon'ble Lala Harkishan Lal.—The Hon'ble Minister for Agriculture has the matter under his consideration.

COMMUNAL REPRESENTATION IN THE MEDICAL COLLEGE, LAHORE.

1025. Pir Akbar Ali.—(a) Will the Government be pleased to state the number of students admitted to the first year class in the Medical College, Lahore, this year, and the number of Muhammadans amongst them? Will Government be pleased to give the number of Muhammadan students who applied for admission and had passed the Matriculation Examination with medical course in the Second Division, and were refused admission on account of want of accommodation?

(b) Will Government be pleased to state whether it is a fact that a number of Muhammadan students were refused admission to the Medical School, Amritsar, though they had passed the qualifying examination?

(c) Will Government be pleased to consider the advisability of admitting all Muhammadan students who are eligible for admission to the School and College under the University Regulations as long as their number does not exceed 56 per cent. of the total admissions?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—

(a) 1. Total number of students admitted to the King Edward Medical College 103

Total number of Muhammadan students (including those from North-West Frontier Province) 33

Punjab 30

North-West Frontier Province 3

2. Total number of Muhammadan students who had passed the Entrance Examination in Second Division and were refused admission to the Medical School, Amritsar, this session 5

(b) The answer is in the affirmative but a larger number of non-Muslim students were refused admission.

The question of admission to the Medical College, Lahore, has been engaging the attention of Government. It has been felt that admission to the Medical College should not be by way of competition which may result in the practical exclusion of Muhammadans and Sikhs from the profession of Medicine. At present although all the students who have passed the F. Sc., with the Medical Group, are eligible for admission, only those who have passed the examination in the Second Division obtain admission. It is felt that from the Punjab, Muhammadans and Sikhs and others for the present be admitted in the proportion of 40, 20 and 40, provided that their qualifications do not fall below Second Division. Under this arrangement the percentage allowed to Muhammadans is 40 and not 56, and as Government considers that for the present 40 per cent. is reasonably sufficient, it does not contemplate raising it.

Medical School.—It is arranged that admission of Muhammadans, Sikhs and others to the Medical School, Amritsar, be in the proportion of 40, 20 and 40 respectively, provided they are eligible for admission under the rules. Under this arrangement the percentage allowed to Muhammadans is 40 and not 56.

COMMUNAL REPRESENTATION AMONGST ASSISTANT AND SUB ASSISTANT SURGEONS.

1026. Pir Akbar Ali.—(a) Will Government be pleased to state the number of permanent and temporary Assistant and Sub-Assistant Surgeons in the medical service in the Punjab and the number of Muhammadan permanent and temporary Assistant and Sub-Assistant Surgeons amongst them?

(b) Will Government be pleased to state whether Muhammadans who have passed the medical examination and are qualified for employment as Assistant Surgeons are not available, and if they are available will Government be pleased to employ them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The information asked for is given below:—

	CIVIL ASSISTANT SURGEONS.		CIVIL SUB-ASSISTANT SURGEONS.	
	Total number	N. of Muham. madans.	Total number	N. of Muham. madans.
Permanent	91	20	463	105
Temporary	185	14	140	27

(b) Up to and including the year 1920 all available Assistant Surgeons irrespective of communal considerations were recruited for employment in the Punjab. In consequence of the reversion of Civil Assistant Surgeons from Military duty it became necessary to dispense with the services of ten temporary Assistant

Surgeons. As more Assistant Surgeons revert from Military, the services of the extra temporary staff entertained will be dispensed with. In consideration of the great paucity of Muhammadan medical men in the Punjab, Government has decided not to dispense with the services of any Muhammadan Civil Assistant Surgeons.

COMMUNAL REPRESENTATION IN THE PROVINCIAL EDUCATIONAL SERVICE.

1027. Pir Akbar Ali.—(a) Will Government be pleased to state the number of posts in the Provincial Educational Service in the Province and the number of posts held by Muhammadans and Sikhs?

(b) Will Government be pleased to state whether this proportion is not the same as existed in 1910 and 1905. If not, what was the proportion during the said years?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) At present the number of posts in the Provincial Educational Service in the Province is 74. The number of posts held by Muhammadans and Sikhs is 19 and 7 respectively. The respective percentages are 25.7 and 9.5. (b) The proportion is not the same. Details are given below:—

In 1905 Muhammadans held 24 per cent. and Sikhs 4 per cent.; while in 1910 Muhammadans held 21.9 per cent. and Sikhs 6.2 per cent. of the total appointments in the cadre.

COMMUNAL REPRESENTATION IN THE SELECTION GRADE OF THE PROVINCIAL EDUCATIONAL SERVICE.

1028. Pir Akbar Ali.—(a) Will Government be pleased to state the number of posts in the Selection Grade of the Provincial Educational Service?

(b) Will Government be pleased to state whether it is a fact that not a single post in the Selection Grade is held by the Muhammadan or a Sikh?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—

(a) Seven.

(b) Yes.

M. Sher Muhammad who held one of these posts retired in July last.

THE PUNJAB VILLAGE PANCHAYAT BILL.—CONTINUED.

Mr President.—The Council will now proceed with the Government business noted in the separate list. The motion before the Council now is—

“That clause 4 as amended stand part of the Bill.”

2-10 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu)—Sir, all that I wish to say at this stage is that the amendment moved by Mr. Ganpat Rai does not make sense so far as section 4 is concerned, inasmuch as this section relates to the definition of a ‘village.’ The latter portion of the amendment means that if the Local Government constitutes a ‘village,’ which includes more than one estate, then any one estate in the event of its objecting to have a panchayat may be exempted from the provisions of this Act. The amendment as it is put is full of difficulties and its insertion will lead to endless trouble. I, therefore, request Mr. Ganpat Rai to further amend his amendment.

Mr. Ganpat Rai.—Was not the amendment carried yesterday?

Mr. President.—The amendment was carried and it cannot be altered now. What has been done has been done, whether it expresses the intention of the mover or not. Does the Hon'ble Minister oppose the passage of the clause?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I have explained, Sir, the reason why I rose. My only reason is that in the last clause the provisions of this Act really do not make sense so far as this section is concerned, as this section

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

relates to the definition of 'village.' It has certainly been carried by this Council and the mover meant that the estate objecting shall not form part of the village. I say that that has already been decided by the Council and it must remain so, but if it is contended that the Council decided that any part which has been excluded from the village is outside the purview of the Bill altogether, then I urge that that to my mind is a separate matter; and this is a matter on which the ruling of the Chair is binding on me as well as on everybody else.

Malik Firoz Khan, Nun.—Supposing, Sir, that clause 4, as the Minister wishes, is rejected, will that mean that the Bill will be passed without section 4?

Mr. President.—If the Council chooses to retain section 4, then section 4 will form part of the Bill. If not, not.

Malik Firoz Khan, Nun (Urdu).—Sir, I am surprised to find the Hon'ble the Minister for Education laying stress upon the fact that clause 4 should be omitted from the Bill. The amendment in question was carried in the Council yesterday, and since the House decided to include the amendment in the Bill, the decision of the Council should remain inviolate, and section 4 should form part of the Bill.

2-15 P.M.

Mr. A. Latifi.—So far as I understood, Sir, the amendment as it was proposed and passed yesterday was meant to cover the persons responsible for the greater part of the land revenue of a village. The amendment as now passed does not meet the object in view. I mean, Sir, that supposing there is a village which pays land revenue amounting to Rs. 1,001. Out of this revenue one man is responsible for Rs. 1,000 and two persons are responsible for Re. 1, that is to say, they pay eight annas each, it will be in the power of these two men paying Re. 0-8-0 each to go against the will of . . .

Mr. President.—The hon'ble member is not speaking to the clause as it stands.

Mr. A. Latifi.—I am explaining, Sir, that the intention of the House in passing the amendment was that it should be the greater part of the land revenue . . .

Mr. Manohar Lal.—Sir, may I know if it is open to any member to question the wording of the amendment which has already been passed by the Council. I think it is not open to the House to discuss the wording of the amendment which has been carried already. So far as the intention of the wording goes, it is for courts of law to go into it when applying this section.

Chaudhri Kharak Singh (Urdu).—Sir, the amendment you have read just now was proposed and carried yesterday, and in my opinion it is not open to any member of the Council to question the wording of the amendment. I am wholly unable to understand what the Hon'ble the Minister for Education means by discussing the wording of the amendment which was carried yesterday. Whatever has been done has been done and it should not be questioned by any member of this Council.

Mr. President.—The motion before the Council is—

"That clause 4 as amended stand part of the Bill."

The motion was carried.

Rai Bahadur Lala Hari Chand (Urdu).—Sir, I beg to move my amendment to clause 5 which runs as follows:—

"In clause 5, sub-section 2, after the words 'the Local Government shall take his objection into consideration' add the words 'and if half the inhabitants of the village object, a panchayat shall not be established in the village.'"

Sir, my amendment is to the effect that if half the inhabitants of the village object a panchayat shall not be established. I mean that Government should be bound not to establish a panchayat in a village where half the inhabitants are against it.

2-21 P.M.

Malik Firoz Khan Nun (Urdu).—Sir, I shall be brief. I request my hon'ble friend to withdraw his amendment for the present. He shall have an opportunity to discuss it fully at the time when Raja Narendra Nath moves his amendment. I think the aim of my friend in moving this amendment can well be illustrated by the following example. If in the Western Punjab where the majority of the population consists of Musalmans, a panchayat be established in some village, it may perhaps affect injuriously Hindu interests. I really agree with him that in such a village a panchayat should not be established. The condition about the population of a village taking exception to the establishment of a panchayat is not very sound. I would therefore suggest him to withdraw his amendment.

Sardar Randhir Singh (Urdu).—Sir, there are two principles underlying this amendment. We must have regard for others as we have for ourselves. If every man be allowed to raise an objection against a panchayat it will greatly add to the work of a Deputy Commissioner and it would become extremely difficult for him to attend to those objections and give a decision. Hence the amendment should be passed.

Mian Ahmad Yar Khan Daultana (Urdu).—Sir, I cannot understand the aim of the hon'ble mover of the amendment. How can it be ascertained that exactly half the inhabitants have objected against the establishment of a panchayat. I would ask the hon'ble mover to withdraw it.

2-26 P.M.

Chaudhri Muhammad Amin (Urdu).—Sir, the procedure for establishing a panchayat as laid down in the Bill is that in a village where the local conditions permit, or if the local officials recommend it, the Government shall make known its intention to establish a panchayat by proclamation or by beat of drums. The Government would also give a time limit within which the objections should reach the Local Government through the Deputy Commissioner. On the expiry

of that period Government would decide whether or not a panchayat should be established in that area. We must not distrust the Government. I think Government will establish panchayats only in those villages where they will think them to be necessary. Government is certainly not going to thrust these panchayats on each and every village. We should let the Bill remain as it is and no more amendments should be moved. I would have supported Rai Bahadur Lala Hari Chand's amendment but I am sorry it seems to be impracticable. The wording of the amendment is not clear. It is not clear whether or not among the inhabitants of a village who raise objection, females, minor boys and girls are to be included. The meaning not being clear I would ask him to withdraw it. The aim of his amendment, I think, has already been achieved by the amendment moved by Lala Ganpat Rai. With these remarks I oppose the amendment.

Rai Bahadur Lala Hari Chand.—Sir, I beg to withdraw my amendment which is covered by the amendment of Diwan Bahadur Raja Narendra Nath.

Mr. President.—The hon'ble member applies for leave to withdraw his amendment.

The amendment was by leave withdrawn.

2-35 P.M.

Mr. President.—I now call upon Diwan Bahadur Raja Narendra Nath to move his amendment, namely:—

"In place of clause 5 (2) and (3) substitute 'Provided that the Local Government shall not establish a panchayat in a village (1) in which the land-owners responsible for more than half the revenue of the village object to the establishment of the panchayat or (2) in which the population being of a mixed character consisting of Hindus, Muhammadans and Sikhs, more than half the male adult members of a community which comprises not less than one-fifth of the population object to the establishment of the panchayat.'"

I shall confine the discussion to the first part of the amendment, namely, "in

[Mr. President.]

which the land owners responsible for more than half the revenue of the village object to the establishment of the panchayat."

2-39 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, the word "substitute" used in the amendment is a clerical error and I wish to use instead the words "to add." Also I do not wish to move the first part of the amendment but only the second. In the second part I wish to include "Christians" along with the other communities enumerated.

Mr. President.—I see no objection to the words "to add" being used in place of "substitute." Whether the hon'ble member may add the word "Christians" depends on whether objection is made. Is any objection taken to the addition of the word "Christians"?

(There was no dissent.)

Mr. President.—The amendment will now run:—

"To clause 5 add: Provided that the Local Government shall not establish a panchayat in a village in which the population being of a mixed character consisting of Hindus, Mahomedans, Sikhs and Christians, more than half the adult male members of a community which comprises not less than one-fifth of the population object to the establishment of the panchayat."

Diwan Bahadur Raja Narendra Nath (continued).—When I sent in my amendment I forgot that the rights of the Christian population are to be protected as well. There are difficulties which impede our progress towards self-government. Among them are our own differences. Ignorance and the remedy for it are two different things. It is a good thing to infuse national ideas into the minds of the people but it requires time. We must, however, find some way to remove our differences. This does not mean that we must forget the existence of differences. We must first admit their existence and then try to remove them. Demand for self-government is being made for a long time past. It has been

fully discussed in the sessions of the Indian National Congress. The National Congress has its own constitution which renders impossible to carry out any proposal to which any community may object. In the same way we should not do any such thing in our self-government scheme whereby the interests of any community may be affected injuriously. It is rather necessary that in the scheme of self-government regard must be had for the different customs of the different communities. We must specially endeavour to protect the interests of minorities. The majority must be conscious of the fact that unless it has the support of the minority it will be useless for it to try to attain self-government. The Christians and the Sikhs are the minorities. In Eastern Punjab the majority of the population consists of Hindus, while in the Western Punjab the majority is that of Mussalmans. The Hindus in the Eastern Punjab and the Mussalmans in the Western Punjab must both safeguard the rights and interests of the minorities living with them. I think the Hon'ble Minister should accept this amendment without any objection.

2-45 P.M.

Sayad Muhammad Husain (Urdu).—Sir, the principles discussed by the hon'ble mover of the amendment are no doubt commendable. But we have to see whether they are practicable. Means should be devised for the smooth working of panchayats. In a village where the majority consists of Hindus nothing should be done which may affect injuriously the interests of the Mussalmans. If we desire to establish a panchayat in a certain rural area we should see whether it would work there or not. If a part of a village population objects we ourselves and not the Local Government should decide about it. If the amendment moved by Raja Sahib be accepted we shall scarcely be able to establish a panchayat in any village. Another safeguard provided by the Bill is that even if an executive officer makes a mistake in establishing a panchayat in a village, the objections of the villagers

against it should be decided by the Minister. I think it would be better to let the safeguards provided by the Bill itself remain as they are. I oppose the amendment.

2-50 P.M.

Sardar Dasaundha Singh (Urdu).—Sir, I understand and appreciate the principle on which the panchayat system rests. The panchayat is the root of self-government, and as such should be established in a village where people welcome it and try to make it successful. This can only be done if we keep in view the principle of option. Such villages where people may unanimously accept panchayats will be very few. But still we must establish them only in places where they are likely to prove successful. If an experiment in one village succeeds the people of the neighbouring villages will themselves express their desire to have a panchayat established in their villages as well. When the followers of any religion and the members of any community can object to a panchayat being established I think the majority who desire to have the panchayat will have to make peace and fraternise with the minority objecting to it. Panchayats must be established on the principle of option. I, therefore, support the amendment.

2-55 P.M.

Chaudhri Ali Akbar (Urdu).—Sir, I oppose the amendment and support Sayed Muhammad Hussain Shah. In villages mischief-mongers have gained an ascendancy, since the officials neglect to keep an eye over the actions of their subordinates, who receive bribes. Decent people and gentlemen do not like to displease them much less oppose them. Since there is no panchayat to deal with these mischief-mongers, the genary feel their helplessness. I doubt very much the capacity of even regular courts to punish these mischief-mongers. The amendment is not based on judicious principles. One-fifth of the population objecting is not a good criterion for annulling the establishment of a panchayat. It would become very difficult then to establish a panchayat anywhere.

I cannot understand what is "swaraj," although we are told every now and then that it is being given to us. Perhaps, it may mean that whatever good measure the Government may propose, "swaraj" lies in opposing it indiscriminately. I oppose this amendment. It is a custom with the villagers that they seldom willingly accept any innovation or new measure even though it may be useful for them. Vaccination was introduced with great difficulty. So were the zamindar banks. In the same way this Bill is being opposed by these amendments. I cannot understand why these obstacles are being thrown in its way. I therefore oppose the amendment.

3 P.M.

Sardar Kartar Singh.—In my opinion this amendment is absolutely necessary to safeguard the interests of minorities. The Government has all along recognised this principle and they have always been safeguarding the interests of minorities. There is no reason why we, who are the representatives of the people, should depart from that principle. We should not make these panchayats an instrument of repression to the minorities. Due regard should be paid to the interests of minorities and I think that the fact that one-half of a minority does not want a panchayat should be recognised by the Minister as an important thing. I think, Sir, that a panchayat should not be given where the minorities object to it.

Mr. President.—I wish to remind the Council that there are eleven pages of amendments and that in the course of a day we have not got through more than one-and-a-quarter. It is likely, if we discuss every amendment at such length, that we shall be here until December. It rests with the Council to curtail the discussion.

3-5 P.M.

Chaudhri Muhammad Amin (Urdu).—Sir, from its very beginning the Bill has been opposed and criticized. It was opposed when it was first introduced. Yesterday it was opposed again. By the Grace of God

[Ch. Muhammad Amin.]
it has successfully passed these stages. Now it is being opposed by these amendments. What we shall gain by this Bill is that we shall in future settle our disputes ourselves. The Government are to give, the villagers to receive, but there is a third party representing people living in towns, who merely for the sake of making mischief, are opposing this Bill. We, the villagers, are too simple and are often deceived by these clever and selfish people. I would ask the Government to pay no heed to their opposition. We are being told that panchayats would throw us into a dark well, wherefrom it would become difficult to escape. I am glad we, village people, do not anticipate any such thing. Experience has proved that these people have always been deceiving us. In 1899 they similarly frightened us when the Land Alienation Act was going to be passed. We now appreciate the value of that blessed Act. If it had not been passed, to-day half of our landed property would have imperceptibly gone out of our hands.

Mr. President.—The hon'ble member has strayed a good deal from the amendment. He is making a long speech. I asked him to be brief.

Chaudri Muhammad Amin (continued).—If this amendment were allowed it would render the whole Bill useless. There are defects in this very amendment. The hon'ble mover says that there can be only three communities in a village. Well there may be Buddhists and Jains besides. How shall we provide for them. Again, according to the amendment in a village having two hundred inhabitants, if forty persons out of two hundred vote against it, a panchayat shall not be established. Well this is wrong. For out of two hundred inhabitants one hundred will be women, and out of the remaining one hundred, fifty may be supposed minor boys and girls and out of the remaining fifty the community not desiring the panchayat may possess only four or five persons. That means that out of a population of two hundred people, if five or six people object, a panchayat shall not be es-

tablished. This is ridiculous. In establishing municipalities there is no such rule. I wonder what is the use of this amendment to this Bill.

3-10 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, we are not making mischief at all. We are only expressing our opinion. I wonder how Chaudhri Muhammad Amin has worked out five or six persons only out of a population of two hundred people according to this amendment. One-fifth of two hundred is clearly forty. Chaudhri Muhammad Amin has included women in two hundred whereas the words male adults are quite clear in the amendment. On the one hand they are making so much of panchayats and on the other hand they have no regard for the interests of minorities. Panchayats will be successful only where there are no differences between the minority and majority. I support the amendment.

3-12 P.M.

Mr. E. R. Abbott.—Sir, I apologize for interfering in this debate; but I should like to draw the attention of the Council to the actual wording of the amendment. The amendment says: 'in which the population being of mixed character consisting of Hindus, Muhammadans, Christians and Sikhs.' Well, Sir, as far as I know, the number of villages in the Punjab in which the population consists of Hindus, Muhammadans, Sikhs and Christians, is exceedingly limited and the scope of this amendment which has been moved by Raja Narendra Nath actually applies not to the whole of the Punjab but to a very small number of villages, if at all. I do not know whether my interpretation is correct. If this is so, probably the members of the Council are not aware of the extremely limited scope of the amendment as moved.

3-15 P.M.

Diwan Bahadur Raja Narendra Nath.—May I explain, Sir, what my view is. I do not mean that only that village has a right which contains all these sects—Hindus, Muhammadans,

Christians and Sikhs. I mean a combination of any two of them, or any three of them or any four of them.

Mr. President.—The Council is new to legislation, so perhaps I may point out that it is not what a member means which the courts will interpret but what he says.

Diwan Bahadur Raja Narendra Nath.—Can I amend it?

Mr. President.—I am afraid not. We have eleven pages of amendments to go through. I allowed time last night with unfortunate results. I will now put the amendment to the Council.

The amendment was lost.

Mr. President.—There are now two amendments, one by Sardar Bakhtawar Singh and the other by Lala Atma Ram, relating to the number of panches.

Sardar Bakhtawar Singh.—Sir, I do not wish to move my amendment and will lend my support to Lala Atma Ram's.

Mr. President.—Lala Atma Ram's amendment is—

"That in the last line of clause 5 (3) the word 'five' be substituted for the word 'three' and the word 'seven' for the word 'five'."

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—May I venture, Sir, to suggest that the two portions relative to the minimum and the maximum be dealt with separately.

Mr. President.—Lala Atma Ram, will you move the portion with reference to the minimum being five and not three first. I will put that to the Council separately.

3-20 P.M.

Lala Atma Ram (Urdu).—Sir, the object of my amendment is to provide for an increase in the number of panches on the panchayats. The Reform Scheme has brought about an increase in the representation of various interests, classes and communities in the Legislative Council. It will not be a misnomer to call the panchayats village councils in miniature, wherein the village affairs and class and sectional interests will be

discussed, it is therefore fitting that the number of the panches should be increased, in order to make it a more representative deliberative body. Besides this, the criminal and civil judicial powers entrusted to the panchayats will not be inconsiderable. In order to guard against bias or corruption of one or two panches an increase to the number of five becomes essential so as to leave a majority of three or four to decide the case on its merits. The word "panchayat" itself means a council of five. I hope that the Council will agree that our panchayats should consist of at least five panches.

3-24 P.M.

Sardar Dasaundha Singh.—I do not wish to oppose this amendment, but so far as it will operate in practice I do not think it should be carried. We discussed it in the Select Committee and it was found that there would probably be great difficulty in securing members for the panchayat. It will not be easy to get willing and capable workers in every village to serve as panches. People will not come forward in large numbers and especially in small villages it will be very difficult to secure so many as five or seven panches. In small villages it will only be possible to secure three and that is a number which is very appropriate. It may be said that in the case of small villages they will be grouped with others, but that too may not be possible at certain places because such grouping may give rise to other difficulties. I therefore submit it is not practicable to have a large number of panches at every place and I oppose this amendment.

Mr. President.—Lala Atma Ram, do you press your proposal that the minimum number of panches shall be five and not three? If you do not, you can still deal with the other point, that the number of panches shall not be more than seven.

Lala Atma Ram.—Yes, I will drop the first part of my amendment.

Mr. President.—The hon'ble member asks leave to withdraw the first portion of his amendment.

[Mr. President.]

The amendment was by leave withdrawn.

Mr. President.—The discussion will continue on the proposal to change the maximum number from five to seven.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I feel, Sir, that there is a fairly strong demand that the number of panches be raised from five to seven and I do not therefore oppose it.

Mr. President.—The motion before the Council is —

"That in the last line of clause 5 (3) the word 'seven' be substituted for the word 'five'."

The amendment was carried.

Mr. President.—The motion before the Council is that clause 5 as amended stand part of the Bill.

The motion was carried.

Mr. President.—I call upon **Sardar Bakhtawar Singh** to move the amendment to clause 6 of the Bill of which he has given notice.

Sardar Bakhtawar Singh.—Sir, the words "as may be prescribed" are not quite clear. Are any definite rules going to be brought before the Council making the matter quite clear. If so, I will not move the amendment which stands in my name.

Mr. President.—There is nothing in the Act to provide that the rules made under the Act will be brought before the Council.

3-30 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The rules that will be framed under this Bill when it has passed into an Act will be laid on the table for a period of not less than three months seeing that the period covers the time when the Council is sitting. It will be open to any member of the Council to move any resolution concerning the rules, and if any member wishes to alter the rules he can bring up a resolution and if such a resolution is carried the rule shall be altered in pursuance of that resolution.

Sardar Bakhtawar Singh.—In that case I will not move my amendment.

Mr. President.—I now call upon **Diwan Bahadur Raja Narendra Nath** to move the first part of the amendment standing in his name and which runs as follows:—

1. "In clause 6, before the words 'The panches' add the words 'Different interests and communities in a village shall be represented in such proportion as the Deputy Commissioner may fix.'"
2. "After the word 'elected' add the words 'by mixed electorates, election being by ballot. The panches so elected shall hold office for three years,' and delete the rest."

3-34 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, all that concerns the how and the wherefore of the election of the panches has been left over till the rules on the subject are framed. The Hon'ble Minister in charge of the Bill has given an undertaking to the House that the rules for election which may be prescribed will be laid on the Council table for a period of three months and that it will be open to any member to move resolution to amend those. In spite of all this, as the issue involved in the amendment proposed by me is of far-reaching consequence and paramount importance, I, therefore, avail myself of this opportunity to have it discussed in the House. The amendment purports to make secure the representation of the minorities in a village on a panchayat, irrespective of their belonging to any religion or profession. It is equally good for all the communities concerned, since there are districts in Eastern Punjab in the villages of which Hindus are in a preponderating majority and there are western districts of the Punjab, in the villages of which the Muhammadans have overwhelming majorities. It will be merely conceding a point of equity to the minorities, whether of community or profession. If you will do a good turn to the Hindus who are in a minority in a village you can likewise expect a good turn from the Hindus where the Muslim interests are in jeopardy, and

so on and so forth with the other communities, i.e., Sikhs and Christians. The Deputy Commissioner as the head of the district can be expected to be fairly acquainted with the local conditions and he can therefore be reasonably expected to fix the proportions of representations that will suit a particular village. The mode of representation should not be left to the arbitrary will of the Deputy Commissioner, but should be made a part of the law. I hope this amendment will be agreeable to the House.

Malik Firoz Khan, Nun (Urdu).—Sir, it is simply astounding that the hon'ble mover of the amendment should have thought fit to embody a proposal in his amendment which will increase the powers of the Deputy Commissioners. On the one hand he is collaborating with us in our efforts to curtail the control of the officers of the districts over the panchayats, on the other he has moved such a retrograde amendment. It is really unfortunate that the Deputy Commissioner should be authorised by the provisions of this Act to make nominations. I oppose the amendment.

3-38 P.M.

Maulvi Muharram Ali Chishti (Urdu).—Sir, the previous speaker on the amendment has not understood aright the scope and significance of the amendment so ably moved by Raja Sahib. It does not intend to confer the powers of nominations on the Deputy Commissioners as is alleged by my friend. It proposes that the Deputy Commissioner will fix the proportion of the representation according to the prevailing sectional class or communal interests. The elections of the panches to the panchayats will take place as will be prescribed in the rule. There will be no nominations and nothing else of the kind either. I will briefly touch upon the communal rights and privileges of my co-religionists in regard to the panchayats. Those of us who have grown gray in the service of the country and our community have been opposing the so-called *Swaraj* because we believed that it meant the substitution of a Hindu Raj for the British Raj.

The Muhammadans are in a very great minority in India and under *Swaraj* the Muhammadans will not be able to maintain their political entity let alone equality. The Hindu-Muslim unity or the so-called *entente cordia* forms the chief plank of the national platform at the present time. The Hindus and Muslims are brothers and should live as such, but at the same time we must not close our eyes to facts nor deliberately deceive ourselves about the real condition of affairs. The Katarpur affair is an ugly reminder of the frailty of this unity. Human nature being what it is, communal controversies and disputes do arise and will arise everywhere under the sun. I have been a member of the National Congress for a number of years and broke off my connections with it lately along with the moderates when the extremists reached the point where sense and nonsense meet. It was at the instance of the Muhammadans that it was agreed upon by the National Congress that no such matter as has been objected to by any one community should come before the Congress.

Mr. President.—Order, order. The hon'ble member is not discussing the constitution of the village panchayat. He must keep to the constitution of the village.

Maulvi Muharram Ali Chishti (continued).—There are thousands of villages scattered all over the province, and in order to avoid daily troubles, it is most essential to avoid the total disregard of or imposition on the minorities by the majorities. Just as we will treat the minority of a certain community in a village where we form the majority we should naturally enough expect to be treated or ill-treated, as the case may be, in another village where the other community is in the majority. I have been, during the last years, receiving constant complaints of the Muslims having been subjected to an indignity here or their religious liberty having been restricted there by the other communities who happened to be numerically superior. The principle of communal representation

[M. Muharram Ali Chishti.]

has been accepted by the national leaders and the Government has also accepted it, the result of the latter acceptance being that there is a reasonable number of Muhammadan councillors in the Council. The address presented only the other day at Simla.....

Mr. President.—The Hon'ble member has again strayed away from the amendment.

Maulvi Muharram Ali Chishti (continued).—I beg to say, Sir, that communal representation is a sound principle and should be adopted in the constitution of the panchayats. I therefore cordially support the amendment.

Pir Akbar Ali (Urdu).—Sir, I cannot understand why the time of the Council should be taken up in discussing meaningless things. The first part of the amendment emphasises the virtues of communal representation on the panchayats and the second part of the amendment advocates the election of panches by mixed electorates. It is difficult for me to reconcile the two points of view.

Mr. President.—Will the hon'ble member confine his remarks to the first part of the amendment which alone is before the Council.

Pir Akbar Ali (continued).—The question of representation *inter alia* will be dealt with in the rules of elections which are yet to be framed and discussed. I beg to oppose the amendment.

3-45 P.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, if I understand aright the amendment purports to secure some representation of the minorities in the panchayats to be established under the provisions of this Act. It is a most laudable desire and perfectly innocuous too. I have no desire to rake up the Hindu-Muslim question. We should learn to give in to the due rights and claims of others. We should learn to be scrupulous enough not to devour the weaker because of its weakness. I support the amendment most cordially.

3-48 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, we should go a bit deeper into the matter covered by the amendment in order to be able to appraise its significance or its workability when incorporated in the provisions of the Act. The amendment proposes that different interests and communities in a village be represented, etc. "Different interests" include the landlord, the agriculturists, the shop-keepers, the carpenters and the village blacksmiths, and the "communities" means Muhammadans, Hindus and Sikhs, Christians and others if any. I therefore conclude that it is desired that the panches should not only be elected by the different communities but by the different professions too, as their separate representation has been urged in the amendment. So the feasibility of this amendment should be borne in mind by the Council before it arrives at any decision in regard to this amendment. It is stated that the Deputy Commissioner should fix the proportion. The panchayats are to be established all over the province and the principles which will govern the representation of communities and professions in one district cannot necessarily be identical with those which might be found suitable to govern the communal and professional representation in another district. I must confess, Sir, that I have not as yet finally made up my mind as to the best way of representation in the panchayats. I cannot at this stage say with any positive certainty whether communal representation will be adopted and, if so, on what principles and under what regulations it will be adopted. I can assure the Council, however, that the points of view which have been advocated by Raja Sahib and Maulvi Sahib will not go absolutely unheeded. I have got very great sympathy with the object of the amendment, but I am not prepared to accept it as I have not as yet decided upon the final plan of representation. It is not necessary that the amendment should be or must be opposed. I would entreat the Raja Sahib to withdraw it.

and in the event of his not complying with my request, I would request, Sir, that the amendment should not be agreed to by the House.

Mr. President.—The amendment before the Council is that at the beginning of clause 6 the following words be inserted:—

“Different interests and communities in a village shall be represented in such proportion as the Deputy Commissioner may fix.”

The amendment was lost.

Diwan Bahadur Raja Narendra Nath.—I do not move the second part of my amendment. It naturally falls to the ground.

Mr. President.—I call upon Mr. Ganpat Rai to move the amendment of which he has given notice:—

“That after clause 6 the following words be added ‘provided all panches shall be literate.’”

3-53 P.M.

Mr. Ganpat Rai (Urdu).—Sir, the aims and objects of this amendment are as clear as the noonday sun. There is no tactical manoeuvre or hidden strategy about it that my zamindar fellow-councillors should take umbrage at. I do not mean that the much-maligned educated classes should alone be eligible to the membership of the panchayats. I do not mean that the panchayats should be constituted of graduates or undergraduates or men of letters. That is far from my wish. All that I seek is that a panch should be, at least, capable of joining the letters of any one alphabet of any language of the province. If he is a Muhammadan it is enough that he knows to read and write Urdu. If he is a Hindu it is adequate for the purposes of this amendment that he knows a little Hindi or if he is a Sikh it will do for our purpose if he knows Gurmukhi. Is it not ridiculous that the panchayats composed of illiterate panches should be entrusted with the exercise of certain sections of the Indian Penal Code? Will it not be comical that the proceedings should be conducted verbally and orders given by mere word of mouth and that they should

not be perpetuated in writing for record? I believe we have advanced far enough not to tolerate things of this type. We have already had sufficient experience of the ludicrous ways of the unlettered honorary magistrates. It is the reader of the honorary magistrate who is the master of the situation, it is he who can make or mar the case. We should profit by the experience thus gained in the working of honorary magistrates and should provide in the Act as suggested in the amendment. I would, Sir, suggest to the zamindar members to take a wider view of the situation, and vote accordingly.

3-58 P.M.

Rana Muhammad Jamil Khan (Punjabi).—Sir, if the amendment which is before the House is carried the Act will defeat its own ends. The literate people are few and far between and it is rarely that you come across a literate man in the villages. Does the hon'ble. mover mean that the capacity for administering affairs and dispensing justice lies in a head which has crammed a few books. Should those who have grown grey in the village of their birth be excluded, because in the earlier part of their lives they did not receive education. There were panchayats in the villages in olden times too, and I wonder if they were composed of literate men alone. The more you labour upon a point of law the more complicated it becomes. Therefore the experienced and old men of the village should be left severely alone to simplify the law and the ‘educated’ should not please take the trouble of improving them.

Mr. President.—The motion before the Council is—

“That after clause 6 the words ‘provided all panches shall be literate’ be added.”

The amendment was lost.

Mr. President.—I will now put the motion—

“That clause 6 stand part of the Bill.”

The motion was carried.

Mr. President.—The next amendment stands in the name of Mr. Ganpat Rai.

Mr. Ganpat Rai (Urdu).—Sir, I move that—

"In clause 7 (2) the words 'Local Government' be substituted for the word 'Commissioner.'"

4-2 P.M.

Sir, the sense of the House as judged by previous discussions seems to be in favour of the abolition or curtailment of the powers of the district officers in regard to the panchayats. With that point in view I propose the amendment that instead of a Commissioner, the Local Government may suspend or remove the panch as the case may be. Some of the sister provinces have already taken up in their respective Councils the question of the abolition of the Commissionerships. We might come to that decision some day in the future. It will, therefore, be in the fitness of things that we should agree that the panches should be removed or suspended by the Local Government. I believe, therefore, that there will not be any objection to the passage of this amendment.

4-4 P.M.

Mr. Nawab Din, Murad (Urdu).—Sir, I oppose this amendment. There should be something like division of labour in the working of the Panchayat Bill. If every petty matter was to come to the Local Government, I am afraid, Sir, the Council will have to give sanction for the creation of another Ministership ere long. The Commissioners will do quite well as final authorities in matters pertaining to the removal and suspension of panches. I, therefore, oppose the amendment.

Mr. President.—The motion before the Council is—

"That in clause 7 (1) the words 'Local Government' be substituted for the word 'Commissioner.'"

The amendment was lost.

Mr. President.—There are now two amendments of Diwan Bahadur Raja Narendra Nath and Sardar Bakhtawar Singh having much the same intention, but Sardar Sahib's amendment has the

word "inhabitants" which includes women and children. Do you wish to press it?

Sardar Bakhtawar Singh.—I will not move my amendment.

4-6 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, I move that—

"In clause 7 (1) after the word 'may' the words 'on the complaint of the electors in a village and after such enquiry as he deems fit' be added."

Sir, the proposal embodied in the amendment takes us a step further towards 'self-determination.' We should not leave the removal or suspension of a panch to the absolute and arbitrary will of the Commissioner, but his removal or suspension should be subject to a complaint being preferred against him by the electors. As the Bill gives the villagers control over their affairs through the panches elected by them, it is but fair that the panches so elected to govern the affairs of their constituents should be removable on their complaint and not on some exterior or ulterior grounds. The times have much advanced and we should be very cautious not to touch the susceptibilities of the excited public mind by any real or virtual interference in the legitimate functions of an electorate. The Deputy Commissioner or the Commissioner cannot be expected to read the mind of an electorate in regard to the suitability or otherwise of a particular panch. They will have, as in most other cases, to depend upon the reports of their subordinates who more often than not will form not an altogether unbiassed or disinterested clique, in favour of or against any one panch. I have provided a safeguard in the amendment that 'such enquiry as he deems fit' will be made on the complaint before any action is taken against the panch. It will give some basis to the Commissioner to proceed upon and it will be conceding a legitimate desire to the electorate. It is thus doubly good.

4-9 P.M.

Malik Firoz Khan, Nun (Urdu).—Sir, I am in hearty agreement with

Raja Sahib in regard to the amendment just now moved by him, so far as the objects and ideas underlying it are concerned. I feel that there are some drawbacks in the wording of the amendment, which defeat the very object it is sought to serve. The amendment will amount to this, that a panch shall not be removed unless it be on the complaint of his constituents. Those who are familiar with village life know that some persons from amongst themselves assume inordinate powers and become a terror to their co-villagers by sheer dint of their hardihood and unscrupulousness. If such a man is elected to the panchayat, it will indeed require a bold man or men to set his authority at naught. I know of men of the blackest dye who hold sway over the villagers and nobody dares to defy them. I therefore, think, Sir, that to restrict the removal or suspension of a panch a complaint only will rather be a grave disadvantage. I believe that we should not restrict the authority or limit the discretion of the Commissioner by accepting this amendment. I accordingly oppose it.

4-12 P.M.

Sayad Muhammad Husain.—Sir, the amendment proposed by my hon'ble friend Diwan Bahadur Raja Narendra Nath should be accepted and I hope that the Hon'ble Minister for Education will have no objection to accepting it. This will make the position of the panches secure. I think the Commissioner should have something on which to proceed. This will curtail his power. The panch will only be responsible to the electors, and I think that unless the electors submit a report against him saying that his conduct is not good power should not be given to the Commissioner or to any other authority to dismiss the panch. So in my opinion this amendment will have a very good and far-reaching effect and the acceptance of it will not in any way affect the Bill as it now stands. I therefore wholeheartedly support the amendment put forward by my hon'ble friend.

4-15 P.M.

Chaudhri Muhammad Amin (Urdu).—Sir, I wholeheartedly appreciate the spirit of the amendment but I cannot reconcile myself to its wording, more particularly take exception to the words 'the electors' because it means all the electors in a body should prefer a complaint against a panch before the higher authorities take any action. It might not in fact, in practice, ever be found possible that all 'the electors' in a village are unanimous in their disapproval of a certain panch. If Raja Sahib can see his way to changing the wording of the amendment I, as well as those who are of my way of thinking, are prepared to support the modified amendment.

I anticipate the hon'ble mover of the amendment will find it possible to reconcile the two opposite interests by a change in the wording of the amendment. The Commissioner should not have absolute power of suspension or removal, but at the same time it should not be made impossible to remove a panch unless all the electors in a body prefer a complaint.

4-19 P.M.

Sardar Dasaundha Singh (Urdu).—Sir, even those who are opposed to the amendment have frankly acknowledged the soundness of the principle represented therein. My hon'ble friend who has just concluded his speech believes that the 'electors' means the whole body of the electors in their collective capacity and not as individuals. I beg to differ from the view taken by him. It can mean and perhaps does mean that electors in a body or some of them can complain as to the unsuitability of a panch. A panch should not be removed from the panchayat without any reasonable complaint or without due enquiry into the complaint. I consider, Sir, that the amendment is quite properly worded and should be agreed to by the House. I support the amendment.

4-22 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, we should carefully consider the *pros* and *cons* of the amendment proposed by Raja

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

Sahib before we record our final opinion in regard to this. I understand it to mean that the Commissioner will not have any power to dislodge a panch from the panchayat unless he has been complained against. It is intended to limit the powers of the Commissioner, although the Bill already has limited his authority in that direction.

The Commissioners can remove or suspend the panches but they cannot nominate other panches in their place so that in fact the electors will once again be called upon to elect a panch or panches of their own liking in place of the panch removed by the Commissioner. This is the point which should be borne in mind. The second point I beg to urge upon your attention is that the words "the electors" are liable to be so interpreted that unless the majority, a substantial majority, prefers a complaint no action can be taken. We should see if it is exactly what is intended. It can be put in a better form by a slight change in the wording. I should not have any objection if the words "the electors in a village" be omitted and the amendment be allowed to run as follows "on a complaint being made and after such enquiry as he may deem fit." These words will convey the spirit of the amendment.

Mr. Ganpat Rai.—Sir, I beg to move an amendment to this amendment to substitute the words "any elector" for the words "the electors."

The amendment to the amendment was carried.

Mr. President.—I will now put the amended amendment—

"That in clause 7 (1) after the word 'may' the words 'on the complaint of any elector in a village and after such enquiry as he deems fit' be added."

The amendment was carried.

Mr. President.—I now call on Diwan Bahadur Raja Narendra Nath to move the following amendment—

"That in clause 7 (2) before the words 'The Local Government' the words 'Should a panchayat be incompetent to perform or persistently make default in the performance of a duty imposed on it by or under this or any other Act

or exceed or abuse its powers' be added."

4-30 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—I got these words from the Municipal Act and I trust that no discussion will take place regarding them. My object is that the words "Local Government" should be clearly explained. In the Bill the Local Government means the Minister, who will always find himself in an awkward position. The addition proposed by me should, therefore, be inserted, and it should be specified in what circumstances a panchayat might be abolished by the Local Government.

4-33 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I heartily approve of the principle underlying the amendment that has been moved by Raja Sahib. So far as the existing draft is concerned it has always been intended that it would be under such circumstances that local self-government would act. I am much obliged to Raja Sahib for so very kindly thinking of the difficulties in which I may be landed if the clause remains as it is without the explanatory addition that he has so kindly offered. I am quite prepared to adopt it.

The amendment was carried.

Mr. President.—The motion now is that clause 7 as amended stand part of the Bill.

The motion was carried.

Mr. President.—The motion before the Council is—

"That clauses 8 and 9 stand part of the Bill."

The motion was carried.

Mr. President.—I now call on Pir Akbar Ali to move his amendment to clause 10 which runs as follows:—

"That in paragraph 2 of clause 10 the words 'in writing' after the word 'required' and the words 'for a week' after the word 'fails' be inserted."

4-38 P.M.

Pir Akbar Ali (Urdu).—The amendment standing in my name is that in the second line of paragraph 2 of section 10 the words "in writing" should be inserted after the word "required" and that in the third line of paragraph 2 c₂

clause 10 the words "for a week" should be inserted after the word "fails." My object in moving this amendment is that the panch and the sarpanch may be prevented from giving dissident decisions against each other, which might lead to trouble. I have no objection to substitute "three days" for "a week" in the amendment.

4-40 P.M.

Maulvi Muharram Ali Chishti (Urdu).—I oppose the amendment moved by Pir Akbar Ali. Considering that the appointment of literate panches will not be essential, it is meaningless to insert the words "in writing." I was opposed to the Bill itself but I now oppose the amendment because the draft Bill is being made inconsistent. The panchayat's decision will be final and when no appeals are to lie against their decision, where is the necessity for this amendment, and especially when the panchayat will not draw up a record.

4-43 P.M.

Chaudhri Ali Akbar (Urdu).—I support the amendment. All the panchayats will not consist of illiterate persons. Possibly there will be illiterate panchayats as well. This is immaterial. What will be the remedy if in the absence of the sarpanch, a panch acts arbitrarily? A record will certainly be kept. I would therefore urge that the amendment moved by Pir Akbar Ali should be passed.

Mr. President.—The amendment is that—

"In the second line of paragraph 2 of clause 10 the words 'in writing,' after the word 'required' be inserted."

The amendment was carried.

Mr. President.—Will you now move the addition of the words 'for a week' after the word 'fails'?

Pir Akbar Ali.—I would ask permission to move for a certain number of days instead of for a week, say for three days.

Mr. President.—Very well, move then "for three days."

Pir Akbar Ali (Urdu).—Sir, I move that—

"In the third line of paragraph 2 of clause 10 the words 'for three days' after the word 'fails' be inserted."

If the word week is allowed to stand, the village people will waste their time over ordinary matters, to the detriment of other work. If such matters, as calling of meetings, etc., are left for Government, the panchayat's unity will become a mockery. I would therefore urge that the business of the panchayat should be carried on without doing anything inconsistent.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I accept the amendment.

Mr. President.—The motion is that—

"In the third line of paragraph 2 of clause 10 the words 'for three days' after the word 'fails' be inserted."

The amendment was carried.

Mr. President.—The motion is—

"That clause 10 as amended stand part of the Bill."

The motion was carried.

Mr. President.—The motion now is—

"That clauses 11, 12, 13 and 14 stand part of the Bill."

The motion was carried.

Pir Akbar Ali.—Sir, I move that—

"In lines 4 and 5 of clause 15 the words 'and when the Local Government so directs shall' be omitted."

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—On representation being made to me by a number of members of this Council I have decided to accept this amendment much against my own personal inclination.

Mr. President.—The amendment is—

"To omit the words 'and when Local Government so directs shall.'"

The amendment was carried.

Mr. President.—I now put the motion—

"That clause 16 as amended stand part of the Bill."

The motion was carried.

Mr. President.—Rai Bahadur Lala Hari Chand will move an amendment to clause 16 standing in his name and which runs as follows:—

"That clause (a) be omitted in section 6 and the other clauses relettered."

5-2 P.M.

Rai Bahadur Lala Hari Chand (Urdu).—I think that the panchayats should have no power in the matter of water supply. A large number of proprietors holding colony lands live in cities, and in the event of powers being conferred on panchayats in the matter of water supply, their interests will suffer. This question of water-supply to lands leads to bloodshed and murder. By investing panchayats with powers in this matter, animosities will be accentuated. The panchayats will give water to their own lands by injuring the interests of urban landowners, or it is just possible that they will fall out among themselves, and break one another's heads.

5-5 P.M.

Mian Ahmad Yar Khan Daultana (Urdu).—Sir, I oppose the amendment moved by Rai Bahadur Lala Hari Chand. Quarrels over water always take place among the zamindars. We want to put an end to bribery and litigation through the panchayats. Unless panchayats are invested with powers in the matter of water supply, they will have no status. Quarrels over supply of irrigation water occur in consequence of the corruption of canal officials. If the panchayats get the power of regulating water-supply, bloodshed and litigation will come to an end.

5-7 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, The object of Lala Hari Chand's amendment is that panchayats should have no power in the matter of supply of irrigation water. I have already pointed out that it would be sheer injustice to empower panchayats in respect of villages other than their own. Disputes over supply of water will frequently occur

in the surrounding villages, because some villages get sufficient water, others not. Those who get sufficient water are always keen about getting turns constantly, with the result that villages which get insufficient water complain that water is being supplied to the detriment of their rights. This state of things leads to violence. In order to save ourselves from this, I would urge that the amendment should be passed. I support the amendment wholeheartedly.

5-10 P.M.

Chaudhri Ali Akbar (Urdu).—I oppose the amendment. Irrigation disputes always occur. If the panchayat has not the ability to decide these small disputes, how will it be able to decide important matters. The system under which water is supplied at present is much more dangerous. It is much better to invest a panchayat with powers than to allow zamindars to go to the patwari, zilladar and the Executive Engineer. We should not look to our own personal interests and we are here considering the interests of the whole population. Can it be reasonably contended that because a certain measure is not calculated to serve our own personal interests, it should not be passed, though the bulk of the agricultural population will be benefited by it?

5-13 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, I regret that the rural members should be unable to pass such an ordinary amendment. I say that if these irrigation cases go to the panchayats, endless bloodshed will result. It is quite possible that the panches themselves will succumb to the temptation of serving their own personal interests. We should also safeguard the interests of those landowners who live in towns a long distance away from their lands. The work of regulating supply of water should continue to be done by the canal officials. The amendment should be passed.

Mr. President.—The motion before the Council is:—

"That sub-clause (a) of clause 16 be omitted."

The amendment was lost.

Mr. President.—Mr Ganpat Rai will now move that—

"In clause (a) of clause 16 the words 'the order in which' and the words 'and the extent to which' be omitted."

5-16 P.M.

Mr. Ganpat Rai (Urdu).—Sir, when we had an informal talk in the room of the Hon'ble Minister for Education, I said that all that we wanted was that there should be no interference with rights of irrigation. Chaudhri Muhammad Amin said that a land, situate two miles from the *moga*, gets a turn of four *pahars* while a land situate two miles from the *moga* also gets four *pahars*. The man whose land is situate far off will get less water, because the water will take a long time to wind its way to his land. You are ignoring the Canal Act of 1873, and taking away the powers of officials. On the other hand you are giving power to panchayats to supply water at their own sweet will. These panchayats will benefit their own relatives. This will be detrimental to the interests of the zamindars and foster litigation.

5-20 P.M.

Sayad Muhammad Husain (Urdu).—Sir, Lala Ganpat Rai's amendment is well meaning but he has no experience of agricultural matters. I am glad that he has spoken on behalf of zamindars. The panchayats will try to put an end to litigation. I can say with confidence that the panchayats will give very useful help in disputes connected with the supply of water. The Canal Department are contemplating measures whereby the zamindars will be saved from the hands of patwaris and other officials. I do not think the Canal Department can do anything effective. The effective remedy lies in the panchayats which will consist of persons, who are the pick of the village. Bloodshed will be ended through panchayats, because it is the zamindars who possess all local knowledge. Regulation of the supply of water is the only useful and important function that the panchayat will have to perform. Similar objections

were raised at the time when the Punjab Land Alienation Act was on the anvil. I trust that Lala Ganpat Rai will withdraw his amendment.

5-26 P.M.

Malik Firoz Khan Nun (Urdu).—Sir, only one part of Lala Ganpat Rai's amendment is useful, where he says that the words "the extent to which" should be omitted. It would be extremely injurious to empower the panchayat to decide whether a person should get two or three turns. The turns are at present given by the Executive Engineer and if the panchayat is given powers about turns of water the well-to-do will benefit at the expense of the poorer people. The amendment, in so far as it suggests the omission of the words "and the extent to which" from clause (a) of section 16, is useful.

5-30 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, Mr. Ganpat Rai's amendment is divided into two parts, *i.e.*, the extent to which and the order in which water should be taken. As regards the former point, I was of the same opinion as expressed by Malik Feroze Khan in this Council. I had an informal discussion with a number of the rural members of the Council. There was certainly some difference of opinion among them, but the majority of them were in favour of giving power to panchayats to regulate supply of water to agricultural lands. Even now, informal settlements are made in villages with regard to disputes over water. I am inclined to think the power which I wish to delegate to panchayats is already exercised by informal panchayats. Even if the majority of the members of this Council are opposed to power being given to the panchayats to regulate supply of water, I for one would like to give them this power.

5-34 P.M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, all the speeches excepting that of Sayad Muhammad Hussain Shah have been made by members who have not with their own eyes seen how water

[K.J.B. Ch. Fazl Ali.]
supply is regulated. The practice at present in vogue is that the lands situate near the *Rajbaha* get water one after another. Only the rural members are, therefore, in a position to express an accurate opinion as to whether the panchayats should be empowered to deal with the supply of water. By divesting the patwaries of their present powers, irrigation rights can be safeguarded. It is these canal officials who by indulging in bribery cause bloodshed among the rural population. In the event of powers being conferred on panchayats corruption and bloodshed will be put an end to, and influential and well-to-do people will be prevented from taking water illegally. Wastage will be prevented at the same time. The Canal authorities are themselves contemplating allotting one *Rajbaha* to each village. This being the case, it is in the fitness of things that the panchayat should get powers for regulating the supply of water. I support Sayad Muhammad Hussain and oppose Lala Ganpat Rai's amendment.

5-40 P.M.

Chaudhri Ghulam Muhammad (Punjabi).—Sir, I belong to Bhalwal, Tahsil Sargodha, where I have established a panchayat of some illiterate zamindars, who supervise the turns of taking water. No complaints have ever been made with regard to water supply. The patwaries are at the bottom of all the mischief. A panchayat of zamindars will prove very useful so far as the question of taking turns of water is concerned. The zamindars are well-principled people. I oppose the amendment.

5-42 P.M.

Sardar Dasaundha Singh (Urdu).—Sir, one or two members have related their personal experiences but this does not refute the amendment. The practice at present followed with regard to the extent and quantity is suitable. Chaudhri Fazl Ali has said that the practice at present in vogue is that the lands situate near the *Rajbaha* get water, one after another. To give the panchayat powers against this practice will lead to litigation. It

is premature to say that the Canal Department are going to enforce certain changes with regard to water-supply and that in view of the contemplated change, the panchayats should be vested with powers. We are not aware when the new system will come into force. I support the amendment moved by Lala Ganpat Rai.

Mr. President.—I think the Council will now wish to get a decision. I shall put these two points separately. The first portion of the amendment is—

"In clause (a) of clause 16 the words 'the order in which' be omitted."

The amendment was lost.

Mr. President.—I will now put the second portion that—

"In clause (a) of clause 16 the words 'and the extent to which' be omitted."

The Council then divided: Ayes 12; Noes 24.

AVES 12.

Malik Firoz Khan, Nun.
Sardar Dasaundha Singh.
Chaudhri Daya Ram.
Sardar Sahib Rissalder
Dilbagh Singh.
Rai Bahadur Lala Hari
Chand.
Sardar Kartar Singh.
Chaudhri Kharak Singh.

Misar Mela Ram.
Dewan Bahadur Raja
Narendra Nath.
Mr. Ganpat Rai.
Rai Bahadur Lala
Sewak Ram.
Chaudhri Shafi Ali
Khan.

NOES 24.

The Hon'ble Sir John
Maynard.
The Hon'ble Khan
Bahadur Mian Fazl-i-
Husain.
The Hon'ble Lala Har-
kishan Lal.
Mr. V. Connolly.
Mr. A. Latif.
Mr. B. T. Gibson.
Mr. N. H. Prenter.
Mr. E. R. Abbott.
Mr. H. W. M. Ives.
Chaudhri Ghazi Ram.
Chaudhri Muhammad
Amin.
Mian Ahmad Yez Khan,
Daultana.
Pir Akbar Ali.

Chaudhri Ali Akbar.
Malik Karim Ullah
Khan.
Chaudhri Bans Gopal.
Khan Bahadur Rai Wali
Muhammad Khan.
Khan Bahadur Chaudhri
Fazl Ali.
Sardar Sahib Gopal
Singh, Labana.
Chaudhri Ghulam Mu-
hammad.
Chaudhri Muhammad
Hayat Khan.
Sayad Muhammad
Husain.
Mr. Nawab Din, Murad.
Rai Bahadur Rissalder
Sarup Singh.

The amendment was lost.

Mr. President.—The motion now before the Council is—

"That clause 16 stand part of the Bill."

The motion was carried.

Mr. President.—The motion is—

"That clause 17 stand part of the Bill."

The motion was carried.

Mr. President.—Mr. Ganpat Rai will now move the amendment which runs as follows:—

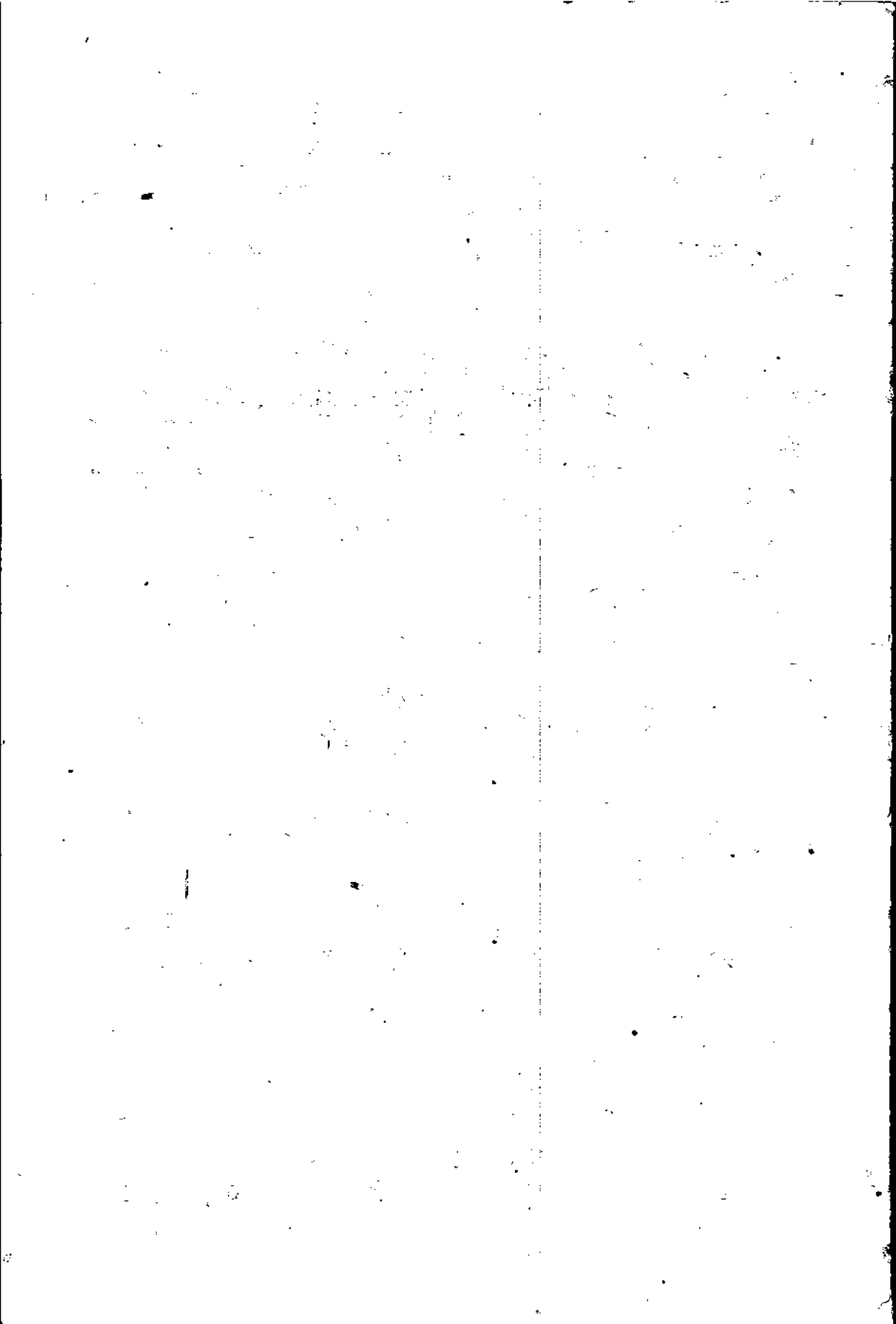
"That in section 18, clauses (f) to (s), both inclusive, be omitted."

Mr. Ganpat Rai (Urdu).—Sir, the next amendment standing in my name is that clauses (f) to (s), both inclusive, should be omitted in section 18. The object of clause (f) is to prevent the steeping of hemp within 440 yards of the village *abadi*. Now, all the zamindars, who own lands within a radius of 440 yards, will

be prevented from steeping hemp, required for making ropes, on their own land. If they cannot steep hemp in their own land, the question is where should they go? This restriction of 440 yards is very inconvenient. In the same way, dyeing and tanning of skins has been prohibited in clause (g). Where will the poor shoemakers and leather-workers clean their leather? Leather workers do not even now wash their leather in the village *abadi*.

Mr. President.—Order, order. It is now 2-0 p.m. and the Council will adjourn.

The Council then adjourned till 2 p.m. on Thursday, the 3rd November 1921.



PUNJAB LEGISLATIVE COUNCIL.

Thursday, 3rd November 1921.

THE Council met at the Council Chamber at two of the clock.
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION IN THE IMPERIAL EDUCATIONAL SERVICE.

1029. **Pir Akbar Ali.**—Will Government be pleased to state the number of Indians in the Imperial Educational Service in the Province and the number of Muhammadans amongst them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Ten posts in the Indian Educational Service are held by Indians of which three are held by Muhammadans. A fourth Muhammadan also is in that service in an officiating appointment.

COMMUNAL REPRESENTATION IN THE TRAINING COLLEGE.

1030. **Pir Akbar Ali.**—Will Government be pleased to state the number of students in the Training College and the number of Muhammadans amongst them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The total number on the rolls of the College is 204 of whom 55 are Muhammadans.

MUHAMMADAN HEAD ASSISTANT IN THE DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

1031. **Pir Akbar Ali.**—Will Government be pleased to state whether in the Director of Public Instruction's Office there is any Muhammadan Head Assistant; and whether it is not a fact that the demand for a Muhammadan Head Assistant in the office of the Director of Public Instruction has been persistently

represented to the Government during the last 15 years and an early redress promised by the Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—There is no Muhammadan Head Assistant at present; the answer to the rest of the question is in the affirmative. The matter is under consideration.

COMMUNAL REPRESENTATION AMONG HEAD CLERKS TO DIVISIONAL INSPECTORS.

1032. **Pir Akbar Ali.**—Will Government be pleased to state the number of Head Clerks to Divisional Inspectors in the Education Department in the Punjab and the number of Muhammadans amongst them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Of the five Head Clerkships, one is at present held permanently by a Muhammadan; while a second permanent Muhammadan Head Clerk is on leave; a third Muhammadan is officiating as Head Clerk.

Sayad Muhammad Razi Shah being absent, questions Nos. 1033, 1034, 1035 and 1036 were not put.

KITCHENS IN DISTRICT JAILS.

1037. **Pir Akbar Ali.**—Is it a fact—

- (a) that in almost all district jails there is only one kitchen for all prisoners of all communities, and that in consequence meals are not well cooked;
- (b) that some Muhammadan prisoners object to their food being prepared by non-Muhammadan prisoners;

- (e) that prisoners prefer oven baked loaves;
- (d) if so, what action will the Government take in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The reply to the question is as follows:—

- (a) Paragraph 943 of the Punjab Jail Manual.—“There shall be only one cook-house in the criminal prisoners' division of each jail. When the proportion of Muhammadans is small, all the cooking may be done by Hindu prisoners, but when there is a large number of Muhammadans and eligible Hindu cooks are not sufficient, the cook-house should be partitioned off into two compartments—one for Hindu and the other for Muhammadan cooks.....” This rule is complied with, and meals are well cooked.
- (b) Recently one Muhammadan prisoner objected on the ground that it was against his religion to eat food cooked by Hindus. This is the only recorded case in the history of the Jail Department.
- (c) Oven-made bread was given up many years ago on account of the expense in fuel. Stoves burning coal have been found to be more economical and the time taken in cooking has been reduced by their use.
- (d) It is not proposed to take any action.

SIKH AND NON-SIKH PRISONERS.

1038. Pir Akbar Ali.—(a) Will the Government be pleased to state whether it is a fact that all non-Sikh prisoners in jails are forced to have their beards and heads shaved;

(b) that non-Sikh prisoners are not supplied with oil, and that Sikh prisoners are.

If so, will the Government change the regulations and introduce uniformity of treatment?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The reply to the question is as follows:—

- (a) The reply is in the negative. Attention is invited to paragraphs 601 and 602 of the Punjab Jail Manual.
- (b) All prisoners, Sikhs and others, who are allowed to retain their hair are supplied with soapnuts and oil once a week.

CRIMINAL AND REVENUE WORK IN FEROZEPUR DISTRICT.

1039. Pir Akbar Ali.—Is it a fact—

- (a) that there is a large accumulation of criminal and revenue (judicial) work in the Ferozepore District;
- (b) that there is a large number of under-trial prisoners whose cases have not been heard for more than six months?

If so, what action is Government prepared to take in the matter?

The Hon'ble Sir, John Maynard.—

- (a) There is a considerable number of criminal and revenue judicial cases pending in the Ferozepore District.
- (b) The hon'ble member is referred to the replies that will be given to parts (b) and (d) of question No. 1049 to be asked by Sardar Kartar Singh.

MURDERS IN THE PROVINCE.

1040. Pir Akbar Ali.—Is it a fact that recently many murders have been committed in some districts of the Province simply for the reason that the murderers expected that they or their descendants would inherit the property left

by the deceased? If so, will the Government consider the advisability of legislating in the matter?

The Hon'ble Sir John Maynard.—One of the motives which leads to the commission of murder is the hope of inheriting the property of the person killed. It is understood that the hon'ble member wishes to suggest that when a person is murdered the person who is convicted of murdering him, and every other person deriving his title from the murderer, should be debarred from succession to the murdered person's property. This question will be examined.

ASSESSMENT OF INCOME-TAX.

1041. Pir Akbar Ali.—Is it a fact that in cases of objection applications to the assessment of income-tax objectors are not allowed to inspect files or have copies of papers on the file on payment? If so, will the Government be pleased to give the reasons for these orders?

The Hon'ble Sir John Maynard.—It is not a fact that no copies of papers on an income-tax file are allowed nor is it a fact that inspections are disallowed.

Copies of depositions of witnesses heard under section 18 (3) of the Income-tax Act are supplied, inspection by the assessee or by his duly authorised agent is also permitted. The reason why copies of income-tax proceedings cannot be given is because there does not exist a confidential copying agency. It cannot therefore be ensured that there will not be a breach of section 42 of the Income-tax Act. Inspection of that part only of an Income-tax file is prohibited which contains confidential reports, but if the substance of any such report is incorporated in the proceedings subsequent to the issue of a notice under section 17 (2) of the Income-tax Act, it is formally proved before the Collector and this formal proof forms part of the file which is open to inspection by the assessee or his duly authorised agent.

DISTRICT AND SESSIONS JUDGE, FEROZEPORE

1042. Pir Akbar Ali.—Will the Government be pleased to lay on the table a statement showing—

- (a) the number of session trials disposed of by the Sessions Judge, Ferozepore, in August 1921;
- (b) the number of session trials now pending in the Ferozepore District;
- (c) the number of cases awaiting commitment with the probable number of witnesses in each case in the Ferozepore District;
- (d) the number of Civil and Criminal appeals decided by the District and Sessions Judge, Ferozepore, in the months of August and October and the number of appeals now pending?

The Hon'ble Sir John Maynard.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

APPOINTMENT OF AN ADDITIONAL DISTRICT AND SESSIONS JUDGE AT FEROZEPORE.

1043 Akbar Ali.—Is it a fact—

- (a) that the practice of transferring appeals from one district to the District Judge of another district is inconvenient and costly to the litigants;
- (b) that the appellate and original work in the Ferozepore District is becoming too heavy to be disposed of by a single District and Sessions Judge;
- (c) if so, will the Government consider the advisability of giving an additional District and Sessions Judge to the Ferozepore District?

Mr. E. Joseph.—(a) This practice is no doubt somewhat inconvenient and costly to litigants, but care is taken to transfer appeals from localities most conveniently situated with reference to the districts to which the appeals are transferred.

(b) The present pending file is too heavy to be disposed of by one Judge.

(c) The Judges already have this point under consideration.

APPOINTMENT OF PERSONAL ASSISTANTS TO DEPUTY COMMISSIONERS.

1044. Pir Akbar Ali.—Will the Government be pleased to state if it is a fact—

(a) that there are in the Province districts which cannot be managed by a single Deputy Commissioner owing to the amount of work ;

(b) if so, will the Government consider the advisability of appointing Personal Assistants to Deputy Commissioners in such districts and giving them an extra allowance to make their position better than that of Sub-Divisional Officers ?

Mr. E. Joseph.—The Government will consider the adequacy of existing district staffs in the light of modern conditions and will take such steps as the result of its enquiry may show to be required, with due regard to financial considerations.

CAPS PROVIDED FOR PRISONERS IN JAILS.

1045. Pir Akbar Ali.—(a) Has Government received complaints about the appearance and nature of the caps provided for prisoners in jails ?

(b) Will the Government consider the advisability of providing turbans in place of caps ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The answer to both parts of the question is in the negative.

GRANT OF FARMS AND STUDS IN THE PROVINCE BY GOVERNMENT.

1046. Sayad Muhammad Husain.—(a) Will the Government please lay on table an abstract of the conditions on which the various special farms and studs in the Province were granted by the Government ?

(b) Will the Government further be pleased to state whether the objects aimed at by these grants have been fulfilled ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) As asked for the abstract would probably include a good deal of information which the hon'ble member does not really require. It would entail a very great amount of work at a sacrifice of valuable time. If therefore the hon'ble member will specify more particularly the grants which he has in mind the necessary informations will be collected and laid on the table.

(b) This can be answered when the above information is available.

RESUMPTION OF MILITARY FARMS.

1047. Sayad Muhammad Husain.—Will the Government be pleased to state whether there is any proposal to resume the Military farms in view of the fact that the Government of India is responsible for the entire military expenses of the country ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—Owing to the abolition of the Silladar system of supplying remounts for Indian Cavalry, the Military authorities have taken from Silladar Cavalry regiments the farms which were leased to them by the Punjab Government for the improvement of young stock and of the supply of indigenous horses. The question of the return of these farms to the Punjab Government is at present the subject of correspondence between the Local and Imperial Governments.

SUPERSESSION OF MR. B. P. VARMA OF THE P. W. D.

1048. Sayad Muhammad Husain.—

(a) Is it a fact that Mr. B. P. Varma was the first Indian to hold temporary post of Superintending Engineer, and that he was superseded by Mr. Hadow, who was Junior to him?

(b) If so, will the Government kindly state its reasons for the supersession?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply is in the affirmative.

(b) Paragraph 31 of the Public Works Department Code directs that "the greatest care should be exercised in the choice of officers to hold the important office of Superintending Engineer and accordingly permanent promotion to this rank should invariably be made by selection from the most competent and otherwise suitable Executive Engineers." The Qualification Reports of Mr. Varma and of Mr. Hadow were fully considered before the latter was finally selected.

ACCOMMODATION IN THE FEROZEPUR JAIL FOR UNDER-TRIAL PRISONERS.

1049. Sardar Kartar Singh.—(a) Is it a fact that in the Ferozepore jail there is accommodation only for 180 under-trial prisoners, and that in that jail there were 315 under-trial prisoners on 24th September 1921 and 288 on 1st October 1921?

(b) How many of these under-trial prisoners had been in the lockup for more than six months on the 1st October 1921?

(c) Has the Deputy Commissioner, Ferozepore, made any representation in the matter to the Government, and if so what was the recommendation?

(d) What has been the cause of the increase in number of under-trial prisoners and what action does Government propose to take to secure a more speedy trial for them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) There is accommodation for 90 under-trial prisoners only in the Ferozepore jail. The answer

to the latter part of this question is in the affirmative, the additional number of under-trial prisoners being accommodated in tents.

(b) Thirteen.

(c) The Commissioner has represented the matter to Government and recommended an increase in the prosecuting agency and in the magisterial staff.

(d) The increase in the number of under-trial prisoners is due primarily to the very heavy increase of crime, the staff of the district has already been increased and is now being increased further.

SUPPLY OF COPIES OF THE PUNJAB LEGISLATIVE COUNCIL DEBATES TO DISTRICT COURTS.

1050. Rai Bahadur Lala Sewak Ram.—Will Government be pleased to supply the libraries of all District Courts with copies of the Punjab Legislative Council Debates free of charge?

Mr. E. Joseph.—Owing to an abnormal rise in the price of paper and the necessity for the most stringent economy in the use of stationery, it is not, at present, contemplated to supply the libraries of District Courts with copies of the Punjab Legislative Council Debates. But Commissioners are sent a complete set of the Debates for circulation among the Deputy Commissioners in their respective Divisions and ultimate return to their offices for record. Commissioners will be asked to allow the loan of them freely if there is any demand for them for reference.

HIGH SCHOOLS IN THE KANGRA DISTRICT.

1051. Mr. Moti Lal Kaistha.—Will Government kindly open one High School at Palampur and one at Hamirpur and more Anglo-Vernacular Middle Schools at Haripur, Nagrota and other suitable centres in the Kangra District?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The suggestion will be duly considered.

INCLUSION OF WEAVING IN THE CURRICULUM OF MIDDLE SCHOOLS IN THE KANGRA DISTRICT.

1052. Mr. Moti Lal Kaistha.—Will Government be pleased to include the theory and practice of weaving in the curriculum of all Middle Schools in the Kangra District?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The proposal will be considered.

DHARAMSALA MUNICIPAL COMMITTEE.

1053. Mr. Moti Lal Kaistha.—Will Government be pleased to consider the desirability of increasing the number of the elected seats in the Dharamsala Municipal Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The present arrangement under which there is an equal number of elected and nominated members on the Dharamsala Municipal Committee is due to the predominance of military interests in Upper Dharamsala, and of the Civil interests in Lower Dharamsala. Government are prepared to consider the desirability of increasing the elected element in consultation with local Officers, the municipal committee and the rate-payers of Dharamsala.

FEE FOR INSPECTING RECORDS IN KANGRA.

1054. Mr. Moti Lal Kaistha.—Is it a fact that in the High Court the fee for inspecting files is Re. 1 while in the Kangra District it is Rs. 2 for the first hour and after that Re. 1 per hour? If so, will Government take steps to reduce the Kangra rate?

The Hon'ble Sir John Maynard.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

BEGARS IN THE KANGRA DISTRICT.

1055. Mr. Moti Lal Kaistha.—Are the following Begars in force in the Kangra District: (a) taking of manual labour, (b)

taking of bullock carts and bullocks and mules loaded, (c) taking away articles like utensils, earthen pots, fodder and fuel, etc. If so, will Government abolish the same?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—It is regretted that the material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the hon'ble member as soon as available.

CONTRACTORS FOR SUPPLYING PROVISIONS IN THE KANGRA DISTRICT.

1056. Mr. Moti Lal Kaistha.—Will Government be pleased to lay on the table a statement showing the places where contractors for supplying provisions have been or are to be appointed in the Kangra District, and what emoluments have been fixed for them.

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The question of appointing salaried contractors for supplies to officers on tour is still under consideration.

NON-OFFICIAL CHAIRMAN FOR THE KANGRA DISTRICT BOARD.

1057. Mr. Moti Lal Kaistha.—Does the Government intend to appoint a non-official chairman to the Kangra District Board? If so, when?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The hon'ble member's question is not quite clear. Does he favour nomination in preference to election?

The whole question of non-official chairmen for District Boards will come very soon before the Council in the form of a Resolution to be moved by Sardar Kartar Singh and in the light of the decision and debate suitable action will be taken.

JUDICIAL LOCK-UPS FOR UNDER-TRIAL PRISONERS IN KANGRA, ETC.

1058. Mr. Moti Lal Kaistha.—Will the Government be pleased to state whether there are judicial lock-ups for under-trial

prisoners in the following places in the Kangra District: Palampur, Nadaun, Nurpur, Bijapur, Kangra, Hamirpur, Dada Siba and Kotlehr? If not, will Government be pleased to construct them?

The Hon'ble Sir John Maynard.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

ANNOUNCEMENTS BY MR. PRESIDENT.

THE DEPUTY PRESIDENT.

2-6 P.M.

Mr. President.—I have to inform the Council that in virtue of the powers conferred upon him by section 72-C. (2) of the Government of India Act, His Excellency the Governor has been pleased to approve the election by the Council of Mr. Manohar Lal as its Deputy President.

Mr. Manohar Lal, you were elected after a keen contest by a narrow majority of the votes of the members of this Council. But now that you have been elected, I know that the Council will recognise you as its sole choice, and will support you with unanimous good will. You, on your part, will, I am convinced, manifest a similar good will in serving the interests of the Council as a whole and not of any section of it. Of your personal qualifications I need not speak. You have filled for long a distinguished position in the intellectual life of this Province. There lies before you now in the political field the task of assisting me so to develop the constitutional machinery of this Council as to make it serve the needs and fulfil the hopes of the members of this Council itself and of the people of this Province. In so doing believe me you will be serving your constituents and your country no less fully, though perhaps with less fame, than if you were taking an active part in the controversies of the Council. There is room in this Council both for those whose voices are heard frequently and for those whose

work is done in silence. Neither can do without the other and neither should belittle the work of the other. There is much for us to do together and I welcome you as my colleague in the doing of it. I call upon you to assume your seat.

(At this stage the Deputy President assumed his seat).

2-10 P.M.

Sayad Muhammad Husain.—Sir, I rise to congratulate my hon'ble colleague, Mr. Manohar Lal. I feel really proud of being defeated by so able and eminent a man as Mr. Manohar Lal whose literary and legal qualifications are beyond any doubt. Being a martial law convict like our Hon'ble Minister for Agriculture he possesses the confidence of the people as well as of the Government. He is liked by all, Muham nadans, Hindus and Sikhs, and I can say with confidence that he has always been above any party struggle and I hope he will fulfil the confidence of the Council in his ability and qualification. I wish him all success in life. I also congratulate the Hon'ble the President and all the members that they have elected a man who is so able, and so qualified in his legal and other qualities. The Council should really be proud to possess a Deputy President of the ability and qualification of Mr. Manohar Lal. Before I resume my seat I once again congratulate Mr. Manohar Lal as I am really proud that Mr. Manohar Lal has been elected as our Deputy President.

The Hon'ble Sir John Maynard.—Sir, on my own behalf and on behalf of the official members of this Council I express my and their cordial satisfaction at the choice which this Council has made. We know that Mr. Manohar Lal has that intellectual grasp of principles and that high-mindedness and sense of justice which we desire to see in the Deputy President of this House. We recognise in him a man of intellect and above all a just and honourable gentleman. We have perfect confidence that in him as our Deputy President the honour of this House is in safe keeping.

2-15 P.M.

Mr. Manohar Lal.—Sir, I have already had the privilege of tendering my thanks to this House for the honour they did me in electing me to the Deputy Presidentship of this Council and now that the seal of approval by His Excellency has been placed on that selection I may be permitted, Sir, to say one or two more words. I may once again assure this Council that such zeal and ability as there may be at my command will be freely placed at the service of this House. And I feel sure, Sir, from the kind way in which you have introduced me to this Council and still kinder language, if I may say so, that has been used by my friend Sayyad Muhammad Husain this morning, that in the discharge of the duties of my office as Deputy President I shall encounter no difficulties whatsoever. I would, Sir, through you ask Sayyad Muhammad Husain to accept my deepest thanks for the very kind language he has been pleased to use towards me. I wish that I were worthy of even a small portion of the kind things he has said. If I possess in any measure the ability which has been ascribed to me I have no doubt the work which I have to do in this office will be easy for me. May I also thank my friend Sir John Maynard for the very kind way in which he has referred to me. It is obvious that in the discharge of the duties of the Deputy President, or of any one who may be called upon to take the Chair on any occasion, certain qualifications are absolutely necessary: and the main qualification, if I may say so, is that of impartiality. I may assure the Council that whenever it will call upon me to perform the duties of the Chair that one requirement will stand out in my mind as the chief necessity for the occupancy of that Chair. From the co-operation that has been extended to me from all parts of the House to-day and the very spontaneous manner in which I was elected to my office, and the kind words which the members have said since then to me, I have no doubt I shall receive every possible co-operation in the discharge of

those duties. Sir, I thank you again for the kind words you have used and I thank my friends Sayyad Muhammad Husain and Sir John Maynard for the way in which they have referred to me to-day.

APPOINTMENT OF CHAIRMEN.

Mr. President.—I have to announce that I have added the following names to the panel of Chairmen:—

Sardar Kartar Singh.
Sayad Muhammad Husain.

OFFER OF HIS EXCELLENCY THE GOVERNOR TO PRESENT A MACE TO THE COUNCIL.

2-20 P.M.

Mr. President.—I have received the following letter from His Excellency the Governor offering to present a mace to this Council. His Excellency writes:—

"One of the cherished symbols of the power and authority of the House of Commons is its mace, which is placed upon the table of the House whenever it is sitting. Its present mace dates from the year 1649, but the practice of having one goes much further back, certainly into the 14th Century. Other legislatures all over the world also have their maces and attach importance to them. There is in Lahore now a massive battle mace of antique design known as the Rustam Mace, which I think, with some decoration and embellishment, would serve the purpose of a Council mace. It would form a link between the past and the present and would remind succeeding generations of how in the East as in the West arms have yielded to the processes of law. If you think the Council will welcome such a mace I shall be happy to present it as a sign that I am not unmindful of my Council's dignity."

I feel that the Council will be touched by this fresh mark of His Excellency's interest in our fortunes. The mace in every country is the emblem of strength and will typify for us the power and force of the popular will. If the Council

approves I will convey the thanks of the Council to His Excellency and will take the mace into use.

2-25 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, I move that the gift of His Excellency the Governor be gratefully accepted. All State functions are accompanied with due dignity and form and this, the highest deliberative assembly of the Province, must have its forms and emblems of dignity. Personally I should like to add some other tokens of dignity too, but I think as it is we must be grateful for what has been given and wait for some similar gifts of this nature for the future.

2-27 P.M.

Malik Firoz Khan Noon.—I have the greatest pleasure in seconding the motion of Raja Narendra Nath. Sir, the Council will be pleased if you will kindly convey to His Excellency the Governor our grateful feelings on the occasion of his kindly offering to present the Council with a mace. We not only feel delighted but we shall feel flattered every morning when we see the mace ushering in our President with pomp and glory during every session of this Council. It is no doubt the custom in all the big institutions in England whenever there is a State function to have some sort of emblem to usher in the President. This Council certainly required some such emblem and we really feel grateful to His Excellency for having made up this shortcoming.

2-30 P.M.

Sayad Muhammad Husain.—Sir, we are and ought to be very thankful to His Excellency the Governor for presenting us the symbol of power. It is a sign that the Council is powerful and it will become all powerful in the near future. We are gratefully aware of the fact that His Excellency the Governor takes so much interest in the Council. In accepting this gift we are very thankful to him for it. We are fully aware of our responsibilities. We have to look after everything and along with the power we should also look to the responsibility that we have to face. I am sure His Excel-

lency the Governor will have an implicit faith in us. We shall serve our country to the best of our ability and as far as we can possibly do, and I am sure that he will have complete confidence in us as those who will do their best to discharge their duties.

The Hon'ble Sir John Maynard.—I also desire to support the motion of acceptance which has been moved by my friend Raja Narendra Nath. It is most fitting that this Council should possess in the retinue of its President's office this emblem of dignity and strength which His Excellency the Governor proposes to bestow upon it.

Mr. President.—I will now put to the Council the motion.—

"That this Council gratefully accepts the offer of His Excellency the Governor to present it with a mace and directs Mr. President to take the same into use."

The motion was carried.

THE PUNJAB VILLAGE PANCHAYAT BILL—CONTINUED.

Mr. President.—The Council will now proceed with the consideration of Government business at the point at which it left off last night. The motion then before the Council was that—

"From clause 18, sub-clauses (f) to (i) inclusive be omitted."

2-36 P.M.

Mr. Ganpat Rai (Urdu).—Sir, what my amendment aims at is this. In villages, zamindars have kamins who carry out menial works. They are very useful to them. Among them are rope-makers, potters and cobblers. The Bill empowers a panchayat to forbid a rope-maker to prepare his hemp for rope-making near any well or pool of the village but must go out for this purpose to any place at a distance of 440 yards from the village. I doubt if any zamindar is going to allow him to do that anywhere else. If he is turned out of the village, the result will be that villagers will not be able to derive any benefit from his services. Similarly a cobbler is prohibited from

[Mr. Ganpat Rai.]

tanning hides within a distance of 440 yards from the village. A poor cobbler seldom possesses any land and nobody else is going to give him land outside the village for tanning hides. Again, the Bill invests the panchayat with power to forbid people from taking earth, for the purpose of getting their houses plastered, from a place within 440 yards of the village. It is a custom with the women-folk to take mud from the village pool for this purpose. No other zamindar will be generous enough to allow them to take earth from his arable land for this purpose. Again, the panchayat has power to remove kilns from the village. Well, I am not particular about a brick kiln, but a potter's kiln must remain in the village. It would be very difficult for a potter to acquire land outside the village at a distance of 440 yards from it. I therefore move this amendment that in clause 18, clauses (f) to (i) be omitted.

2-40 P.M.

Sayad Muhammad Husain (Urdu).—Sir, Lala Ganpat Rai has no doubt most sincerely moved this amendment, but he seems to be ignorant of the fact that the existence of a tannery in a village is very injurious to public health. In Sialkot District zamindars had to give their own lands in exchange and expel the tanneries outside the village. It does not matter if in changing the locality the villagers or these tanners will be put to inconvenience. If they go out it would improve the village sanitation and thus have a marvellous effect upon the villagers' health. To save a patient's life, the doctor cuts a limb sometimes, so in order to improve our health we can afford to separate our kamins and accommodate them outside the village. I oppose also the suggestion that villagers be allowed to take earth from a place near the village. Although this practice affords great convenience to women-folk, yet constantly digging up earth from the same place would turn it into ditches wherein rain water would stagnate and create malaria, which is a great evil. The clauses which the hon'ble

mover of the amendment desires to be omitted, have been inserted with great foresight. The kilns, the tanneries, and the ditches, should no longer remain near a village, for their existence would have a very baneful effect upon its sanitation. No doubt their removal will cause considerable inconvenience, yet to start a regeneration we shall have to face difficulties and troubles. If we desire that India may rise to a high position in the civilized world, it is impossible unless we improve the condition of our villages too. We, the village people, alone can estimate the value of these clauses and I therefore oppose the amendment.

Malik Firoz Khan, Nun.—May I bring about a compromise between the two parties—between the hon'ble mover and the Minister for Education. If the figure "220" is put down instead of "440", I think that would be acceptable to both parties. So I beg to move "that in sub-clauses (f), (g) and (h) instead of the figure '440' the figure '220' be substituted."

Mr. Ganpat Rai.—I have no objection to the suggestion. I therefore beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Malik Firoz Khan, Nun.—Sir, I beg to move the following amendment:—

"That in sub-clauses (f), (g) and (h) of clause 18 for the figure '440' the figure '220' be substituted."

The amendment was carried.

Malik Firoz Khan, Nun (Urdu).—Sir, I beg to move—

"That in sub-clause (i) of clause 18 the words 'or other' be deleted."

Since Mr. Ganpat Rai affirms that a potter's kiln in the village is essential, I think, his aim will be realized if the words "or other" are deleted.

2-48 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, these clauses do not imply that a panchayat shall necessarily prohibit the existence of kilns

and other things, and that there will be no other alternative. The words used are that a panchayat shall have power to prohibit or regulate them. So a panchayat has the alternative to make suitable arrangements for them elsewhere if they are removed from the village. I think a panchayat will exercise this power with the consent of the village. Hence there is no danger if these clauses remain as they are.

2-51 P.M.

Chaudhri Kharak Singh (Urdu).—I support Malik Feroz Khan's amendment, for if the words "or others" be not omitted they would cover a potter's kiln too. Since a potter's kiln neither makes ditches, nor its existence near the village proves injurious to public health, a panchayat should not be invested with power to prohibit it. Hence the words "or other" should be deleted.

Mr. President.—The amendment before the Council is—

"That in sub-clause (i) of clause 18 the words 'or other' be deleted."

The amendment was carried.

Chaudhri Ali Akbar (Urdu).—Sir, I beg to apply for permission to move the following amendment:—

"That at the end of clause 18 (5) the following words be added:—'Provided the panchayat make suitable arrangement for the establishment of the same in a place which is at a distance of 440 yards from the village abadi.'"

Mr. President.—Two clear days' notice of this amendment has not been given. Does any one object to its being moved?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I object to it, Sir.

Mr. President.—As objection has been taken I disallow the amendment.

Mr. President.—The motion now before the Council is—

"That clause 18 stand part of the Bill."

The motion was carried.

Mr. President.—I will now take up clause 19. To this clause Khan Bahadur

Chaudhri Fazl Ali wishes to move an amendment which is as follows:—

"In clause 19, after the words 'Naib Tahsildar' the following words be added: 'or a canal officer not below the rank of a Deputy Collector.'"

Two clear days' notice of this amendment has not been given. Does any member object to its being moved?

Chaudhri Bans Gopal.—I object to its being moved, Sir.

Mr. President.—As objection has been taken I disallow the amendment.

Mr. President.—The motion before the Council is—

"That clause 19 stand part of the Bill."

The motion was carried.

Mr. President.—I now call upon Sardar Bakhtawar Singh to move the following amendment:—

"That in clause 20 after the word 'Constable' the words 'Chaukidar, Patwari' be added."

2-56 P.M.

Sardar Bakhtawar Singh (Urdu).—Sir, clause 20 enables a panchayat to report any misconduct on the part of a vaccinator, etc., to his superior authorities. By this amendment I desire to add the words "chaukidars and patwaris." We must not omit to insert these words since the patwari and chaukidar are persons against whom the villagers have often to complain. A village chaukidar seldom cares for the village people, although he is their servant and is paid by them. This amendment will therefore bring him under the authority of the village people. The same will be the case with a patwari if his name too is added. A panchayat will have no more power than to report his misconduct to the revenue authorities, and it will rest with them to make enquiries and punish him. I don't think this procedure will do him any injustice. It will make him work more honestly and with greater zeal.

Malik Feroz Khan, Nun.—Sir, may I make a suggestion. I think that as this is a very reasonable amendment I think

[M. Firoz Khan, Nun.]

the Hon'ble Minister will probably wish to accept it and we need not take up further time in discussion.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Yes, Sir, I accept it.

Mr. Ganpat Rai (Urdu).—I object to the word 'patwari' being included in clause 20.

Chaudhri Kharak Singh (Urdu).—Sir, I support the amendment. The patwaris in spite of so many measures already taken against them, have not stopped their evil practices. I think the amendment will prove useful.

The amendment was carried.

Mr. President.—Khan Bahadur Chaudhri Fazl Ali has given notice of an amendment in section 20 to add the words "pansal navis" after the word "constable." Two days' clear notice has not been given of this amendment. Does any member object?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I take objection.

Mr. President.—Objection having been taken I disallow the amendment. The motion before the Council is—

"That clause 20, as amended, stand part of the Bill."

The motion was carried.

Mr. President.—I call upon Sayad Muhammad Husain to move that the following clause be inserted as clause 20-A :—

"20-A. Notwithstanding any provision of the law to the contrary, no license for the sale of any excisable article within the meaning of clause 3 (6) of the Punjab Excise Act, 1914, shall be granted within any village if the panchayat prefers objection to the grant of the license. Provided that such license may be granted, notwithstanding such objection, if the Collector, for reasons to be recorded in writing, finds that illicit distillation within the village has been connived at by any section of the residents of the village, and such finding of the Collector shall have effect for three years from the date thereof."

3-10 P.M.

Sayad Muhammad Husain (Urdu).—Sir, I want that clause 20-A be inserted between clauses 20 and 21. I think there was a defect in the Bill without it. Wine, opium, bhang, etc., are the greatest evils in this country. They have proved fatal to our religious spirit. My friend, Mr. Nand Lal, Secretary, Temperance Society, told me the other day that Jahangir ordered the excise revenue not to be received in his treasury. So prohibiting the sale of wine is our old tradition which we must try to maintain. In Europe the use of wine may be considered compatible with the climate of those countries, but in India wine has proved itself the mother of all evils. Its use in India often results in consumption and tuberculosis. It turns a moral being into a brute. It is destructive to the peace and order of the country. In these days public opinion is dead against it. Religious preachers, Hindus and Muslims alike, condemn its use. Hence no license for the sale of any excisable article should be granted if the panchayat prefers objection to the grant of the license. I think there should be no objection to it on behalf of the Government or by any member. I assure the House that if the use of wine is prohibited, our national degeneration will stop. Mr. Johnson (Pussyfoot) has been specially deputed for this reform. The Americans have totally prohibited its use. Blessed will be the day when we too succeed in this direction. The Hon'ble Minister for Agriculture must not be anxious for the loss of his revenue.

A note has just been handed over to me to the effect that Government are ready to accept my proposal if the following words be added after the words "panchayat": by a resolution confirmed by a two-thirds majority of the adult male rate-payers of the village voting in a meeting. Well I have no objection if it be accepted with this amendment.

(The Council granted leave to amend the amendment accordingly.)

Rai Sahib Chaudhri Raja Singh (Urdu).—Sir, I support Syed Muhammad Hussain Shah. Wine is indeed a great evil, it has

proved destructive to health as well as to wealth. Its use demoralizes a man.

3-17 P.M.

The Hon'ble Lala Harkishan Lal (Urdu).—Sir, I am not going to advocate the use of wine. Since excise is a subject transferred to me, I desire to make mention of those difficulties which Government will have to face in carrying out this proposal.

On the south-east of Punjab lie some Native States where wine is distilled. Neither in the North-West Frontier Province nor in United Provinces has any legislative measure been passed prohibiting its use or sale. If this Council today prohibits its use or sale people who are addicted to it will easily get it from these States or from the United Provinces. So our efforts will prove useless and at the same time Government will suffer a loss of revenue.

I have had a talk with persons specially interested in this subject and we arrived at the conclusion that as yet it is not time for total prohibition. We may begin this work on what is commonly known as the principle of option. Unless the Native States and other provinces join with us, total prohibition is useless. Hence Sayad Muhammad Husain's proposal is impracticable.

3-22 P.M.

Mian Muhammad Shah Nawaz (Urdu).—Sir, I support Sayad Muhammad Husain Shah's proposal. Even if total prohibition is impossible we should do it slowly and steadily. Mr. Harkishan Lal has shown his inability to undertake this scheme because the distilleries in Native States would render their efforts in this direction useless. I think we should, for the present, begin to reduce the number of wine shops as much as possible. The fewer the shops, the less will be the number of drunkards. If two-thirds inhabitants of a village object to the grant of a license, panchayat should have power to prohibit the sale of wine in that village. The circumstances for undertaking this scheme are very favourable at present. There is a strong movement against the use of wine. So we have every hope of succeeding. Perhaps other provinces may follow us.

3-27 P.M.

The Hon'ble Sir John Maynard.—Sir, I believe that most of the members of this Council are aware of the fact that I am myself not in sympathy with the practice of drinking liquor. I might as well say that I am almost as much opposed to it, so far as the practice of personal drinking is concerned, as "Pussy foot" Johnson. But the members who have just spoken have really ignored one point. The point is this; we all desire that the practice of drinking liquor should cease, but those of us who have attempted to study the subject believe that although it is quite easy to destroy the revenues of a Province, it is by no means so easy to put a stop to the actual drinking of liquor. Most of those gentlemen who have travelled outside the limits of the town are aware of the fact that in a large portion of this Province sugarcane is cultivated on a very large scale. Every field of sugarcane is a potential place of distillation. Even now with all care and all arrangements which are made by the Excise administration, illicit distillation flourishes and inasmuch as it is not felt by the majority of the rural population that there is anything particularly bad about this distillation it is almost impossible for the authorities to obtain information regarding one-tenth of the cases which actually occur. The fact that a case is or is not discovered or successfully prosecuted is no evidence that distillation does not exist.

Now, Sir, there is one more point to which I must draw the attention of the members. It is apparently assumed that the desire in any particular area to stop the sale of liquor there is entirely due to the desire for the abandonment of drinking. That, Sir, is not the actual fact. The motive which prompts people to desire to get rid of the liquor shop from a village, the real reason which makes people desire to get rid of a liquor shop is not in the majority of cases the objection to drink but the objection to the unpleasant results accruing from the consumption of liquor in a particular locality, such as the collection of drinkers there from other places. You will find in every

[Sir John Maynard.]

village that the people do not wish the liquor shop put in their own village, they always want to put it in the next village. They all wish to pass on the discomfort to their neighbours. They do not desire the discomfort themselves. Therefore the result of this amendment, if it is carried, will be this that in a village which has been fortunate enough to have a panchayat established in it the liquor shops will certainly be removed, and inasmuch as in a circle of 4 or 5 miles there will possibly be a village where no panchayat exists, the liquor shop will be opened out at that place. That only means that the discomfort and inconvenience of a liquor shop will have been removed from the village in which the shop formerly existed to its neighbouring village, that is to say, the evil will have been passed on elsewhere.

There is one more thing that I have to say to this Council. I have said it before and I must repeat it again that this Council shows a considerable disregard to the financial aspect of the different questions. This Council without the least hesitation adds almost weekly large sums to the expenditure of this province and almost with equal recklessness, though not quite the same regularity, it strikes blows at the sources from which the revenues of this province are derived. The excise revenue during the last year has already sunk by a sum which at present I calculate at 40 lakhs. It was estimated to be 1½ crores, but now it is estimated to be 1,10,00,000, that is to say, it is reduced by 40 lakhs. Now if this decrease really meant diminution in the consumption of intoxicating liquors it would be a matter of sincere congratulation: but, Sir, this decrease in the revenue does not mean any diminution in the consumption of liquors but what it does mean is a diminution in the effectiveness of the measures which are taken to secure the excise administration. If this Council continues its present practice of adding to the expenditure and diminishing the revenues it will find not within a long time but within a very short time, probably within the next year,

that it has landed the province in a condition from which recovery will be difficult.

Mr. President.—The motion before the Council is—

"That a new clause be inserted between clauses 20 and 21:—

"20-A. Notwithstanding any provision of the law to the contrary, no license for the sale of any excisable article within the meaning of section 3 (6) of the Punjab Excise Act, 1914, shall be granted within any village if the panchayat by a resolution confirmed by a two-thirds majority of the adult male rate-payers of the village voting in a meeting prefers objection to the grant of the license: Provided that such license may be granted, notwithstanding such objection, if the Collector, for reasons to be recorded in writing, finds that illicit distillation within the village has been connived at by any section of the residents of the village, and such finding of the Collector shall have effect for three years from the date thereof."

The motion was carried.

Mr. President.—I call upon Rai Bahadur Lala Hari Chand to move the following amendment:—

"That chapter IV be omitted from the Bill."

3-40 P.M.

Rai Bahadur Lala Hari Chand (Urdu).—

Sir, the chapter IV of this Act confers Criminal and Civil Judicial powers upon the panchayats. So far as I know every well-informed person takes exception to criminal judicial powers being given to such inexperienced bodies as the village panchayats. I have been a member of the Legislative Council of the province for a number of years, and I very well remember that during Sir Louis Dane's Lieutenant-Governorship, a bill giving criminal powers to panchayats was brought forward. It was circulated for opinion in the length and breadth of the province and did not find favour with any one and therefore had to be dropped. The Punjab Village Panchayat Bill has not been sufficiently circulated and therefore every section of the public has not been able to record its considered opinion on its merits and demerits. I have been able to gauge and gather the desultory opinions of both the educated few and the unlettered many and I find them

unanimous in their verdict to eliminate the criminal judicial powers from the panchayats. The reasons are at once obvious and forceful. Every village has got its parties and factions, warring against each other. The numerically stronger party will be able in most cases to elect the panches of their choice who, if invested with criminal powers, may abuse the same for the benefit of the party in power and thus might in a variety of ways subject the minority to unfairness. A man has got his friends as well as enemies in the place he lives he has got his prejudices and bias, he has to show favour to some. I therefore think, Sir, it is unsafe to endow a man with criminal judicial powers in the place of his near and dear, friends and foes. It is on that account that the Government judicial and executive officers are not placed on duty in their native districts or tahsils as the case may be. It is proposer to confer such large powers upon the panchayats and yet vakils are not allowed to appear. As regards the civil judicial powers, they are not so very necessary or will not be so very useful. In the civil case the parties concerned either compromise or submit to an arbitration. The circumstances explained above are sufficiently cogent and I hope the House will adopt this amendment.

3-45 P.M.

Chaudhri Ali Akbar (Udhn).—Sir, I beg leave to say a few words in regard to the amendment. The Bill has been fully discussed in the House, and it has been admitted on all hands that it is a measure of far-reaching reform. Chapter IV of the Act, which it is sought to omit, is one of the most, I might say the most, important portion of the Bill. It is the very life blood of the Bill without which the Bill is as good as dead. The hon'ble mover of the amendment desires that the rural people should remain the dumb-driven cattle they have been and that such a sacred thing as the administration of justice is not to be contaminated by their touch. The attitude of the hon'ble mover in the affairs which concern the welfare of the rural people is far from desirable. We have been elected to the

Council to look after the interests of our electorates and in the event of a conflict occurring between the interests of our constituents and the interests of those whom we deeply regard, it is the interest of the electorate that triumphs over the personal interest. Similarly if the panchayats have been constituted of panches elected by the people, I think, Sir, they will look to the interest of the people as a whole and not to the personal or the party interests. The cases under section 202 of the Indian Penal Code are sometimes referred to the arbitration of the local headmen. The witnesses, although tutored and bribed, have invariably to speak the whole truth under the very eyes of their co-villagers. The panchayats will be able to decide the cases better and to the satisfaction of the parties concerned. I oppose this amendment therefore. I forgot to say that the Bill has been very well circulated, therefore this objection that the Bill has not been sufficiently circulated is not valid.

3-52 P.M.

Rai Sahib Lala Thakar Das.—Sub-clause 1 of clause 21 gives very wide criminal powers to the village panches, whose competence to discharge them is questionable. I do not think it is a right policy to make the panches take the place of the magistracy by entrusting them with wide criminal powers, at least so long as illiteracy reigns supreme among the villagers. The exercise of criminal functions always calls for the highest attainments of heart and mind, and so long as it is not easy to secure many of the best men, who being intelligent and well read can rise above personal and petty prejudices, it would be as unsafe to entrust the panches with such powers as it is to give matches to children to play with. With these words I support the motion.

3-56 P.M.

Chaudhri Kharak Singh.—Sir, if the Panchayat Bill is for training us in local self-government in the country, it will be necessary to give the panchayats some powers, otherwise there can be no training. I admit that there may be mistakes and failures in the beginning, but the art of government can only be acquired by governing. No book-

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training can impart it. When the cry from house to house is that India should be given self-government, it is meant that individual and corporate bodies should be given powers for the same. It is useless on the one hand to ask for powers and when these are being given then to say that we are unfit to use them properly. If we are unfit for simple work, I am at a loss to understand why all this fuss is made about self-government. If we ask for ourselves, we should at the same time repose some confidence in others who are in every way our equals. The Reform Scheme was not meant for the advanced classes only; it was meant, Sir, to educate all those who are unfit in the art of self-government. Hence I think that this amendment is detrimental to the Reform Scheme and I oppose it.

4 P.M.

Manvi Muharram Ali Chishti (Urdu).—Sir, the amendment has not been properly understood by the rural members of the Council. They consider this amendment as a slur on their capacity to decide their cases. They think that their honesty has been traduced and their capacity doubted. It is not so. The amendment invites an honest expression of opinion as to whether there is or there is not any correlation between the men and the gift. Will criminal judicial powers suit the panchayats? The powers intended to be conferred are not inconsiderable. Will the panchayats, composed as they will be of unlettered panches in some cases and of panches ignorant of law in almost all cases, wield their newly acquired authority impartially and judicially? The decisions of the panchayats will be final and not open to appeal in a higher court. A European if fined one penny or detained judicially for an hour for some offence, has the fullest liberty to appeal against that nominal conviction, but, on the other hand, we are not to appeal against the decisions of such inexperienced bodies as the panchayats are likely to be. Sir, we should learn to value the privileges of

individual liberty. Even men abler than our would-be panches should not be given so much powers. There will be greater likelihood of miscarriage of justice, or of justice being sold or authority being exercised in favour or against one party or another. There seems to be some intolerance exhibited by the rural representatives in the Council of the suggestions and views of the urban representatives. We are, Sir, prepared to forego our rights and privileges of discussing any affair which intimately or remotely concerns the rural people, to avoid unpleasantness amongst ourselves. It is in the capacity of well wishers and fellow members that we offer our suggestions and they should be received in the same kindly spirit.

Mr. President.—There is no question of any difference between urban and rural members. The only question before the Council is whether judicial functions should be denied to panchayats.

Manvi Muharram Ali Chishti (continued).—I bow to your ruling on the point, Sir, I was just telling the rural members the disadvantages of the operations of chapter IV. I have been a Vakil for a number of years and I have had ample occasion to know intimately the conditions of the village life. Family feuds are the order of day there and they are handed over from generation to generation like family traditions. It will be a dangerous and an unstatesmanlike action on the part of the Government to grant and on the part of the Council to acquiesce in criminal judicial powers being given to the panchayats.

I more particularly object to the criminal powers being granted to the panchayats and I leave grant of the civil judicial powers to be decided by the Council as it pleases best. I support the amendment most cordially.

4.8 P.M.

Mr. Nawab Din, Murad (Urdu).—Sir, in every nook and corner of the country, in public and in private, here in Council and outside it, there is a cry and clamour for self-government. It is strange, that urban members who are supposed to be in touch with advanced public opinion

should be loud in their protestations against the grant of a genuine instalment of reform which takes us a step towards the goal. If our countrymen in the villages are not capable, as is alleged, to take cognizance of simple cases and decide them impartially, it would be most deplorable. Shorn of their criminal judicial powers, the panchayats will be nothing else than sanitary boards and will not be able to command respect from the villagers.

It has been urged repeatedly that on account of partisanship, a panch will yield to party feeling and will not thus bring an impartial mind to bear upon the case. It should be borne in mind at the same time that he will be a local man and by the pressure of public opinion he can be set right. In short, Sir, the advantages outweigh the disadvantages and I oppose this amendment accordingly.

4-12 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—Sir, I consider that the amendment that has been just moved in favour of the exclusion of Chapter IV if accepted by the Council will practically do away with the Panchayat Bill. In order to demonstrate, Sir, that this amendment is in no way justified, I just want to touch upon those points which Chapter IV deals with.

There are two points dealt with in this chapter—the criminal powers and the civil powers. So far as the criminal powers are concerned they are but few and not of a very important nature. As for the civil powers, they are given less importance than the criminal powers which have been given to these panchayats.

The second point is that every panchayat—by coming into existence does not begin to wield these powers. That is an important point. It will be noticed that section 21 makes it clear that it is only in those cases where the Local Government issues a notification on the subject that a panchayat can exercise these powers. So it will be seen that even the small powers that are being given cannot be exercised by any panchayat until the Local

Government has issued a notification investing a panchayat with these powers.

Then the third point is this. Several speakers this afternoon and on a previous occasion during this session of the Council have practically said that this idea of giving judicial power to the panchayat is the creation of the brain of a revolutionary who wants to revolutionise the government of this country. As a matter of fact I will be able to show that about a quarter of a century, perhaps more than that, ago the idea that panchayats should be established originated and it was asked that those panchayats should have judicial powers conferred on them. This was more than a quarter of a century ago. I mentioned the other day the authority of the late Mr. Justice Ranade—an authority which admittedly stands supreme in matters national. If so, Sir, may I say that as a matter of fact it is admitted on all hands that in the Punjab the village community is stronger than in any other part of India and therefore it follows that in the Punjab there is greater chance of the panchayat with their judicial powers being a success. Years ago we had a Decentralisation Commission, Sir, and that Commission went into the matter very closely and came to the conclusion that the country was being staffed by a paid agency, which perhaps was not suited for its requirements and that it would be advisable to go into the question of panchayats and invest them with judicial powers. Then we come to the time about ten years ago as mentioned by the hon'ble mover of this amendment. At that time the Lieutenant-Governor of this Province wanted panchayats to assume criminal power or to start panchayats with criminal powers, but we have been told that at the time the feeling in the province was against it and therefore the Government for the time being was persuaded to drop it. That was in the year 1912. Eventful ten years have passed since then. Since then we have had two instalments of reform and surely today it can hardly be said by any one who professes to possess any political ideas whatsoever as to the

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progress of his country, that criminal powers should not be given to the panchayats. It is, Sir, my misfortune to be at this time under a cross fire. On the one side there are the public press and political leaders who want political progress to take place with great rapidity and are bombarding me saying: 'You have not given sufficient criminal or civil powers to these panchayats. You must give them both criminal powers and civil powers if you really want to do good to your country.' This is the view taken by the Congress and this is the view that is taken by the Liberal League and, as a matter of fact, I do not happen to know a single political institution of any account that has put forward the proposition that they do not want panchayats to possess judicial powers. There is not a single political institution and not a single national leader who has the heart even to say: 'we want to remain as we are, we want the judicial court to go on, we want the disease of litigation not to be checked.' Under the circumstances, Sir, I am justified in saying that the opposition to this proposal of mine that there should be judicial powers given to these panchayats, coming as it does from some members of this House, makes me think that the opposition in this House does not consist of any liberal section of the political thinkers, but on the other hand, there are hon'ble members who want to obstruct the political development that I want to bring about in this Province.

What is it after all, the worth of the political development of this Province if the rural population (which constitutes very nearly 80 per cent. of the entire population) is to be left out of it? To my mind the reforms would be useless if they are not to include the development of rural areas in which this Bill when enacted will take effect. Similarly, Sir, the future of our aspirations is practically ruined when we say that 80 per cent. of the Punjab is not good enough to have the small powers that are being given to it. Therefore, Sir, with your permission I beg the Council to throw out the amendment which has been moved.

(While the speech of the Hon'ble Minister for Education was being interpreted to the Council he left the Council Chamber.)

Mr. President.—I have ruled on a previous occasion that a member who wishes his speech to be interpreted must not leave the Council Chamber. As the Hon'ble Minister for Education has left the Chamber I cannot allow the interpretation to go on.

The motion before the Council is

"That Chapter IV be omitted."

The motion was lost.

Mr. President.—The next amendment is to be moved by Rai Bahadur Lala Sewak Ram. I do not quite understand it. Is it meant to raise the question of criminal powers?

Rai Bahadur Lala Sewak Ram.—Yes, Sir.

Mr. President.—The Council has just decided not to omit Chapter IV which grants both criminal and civil judicial powers. Now the hon'ble member asks that criminal powers only be not granted. The matter has been very fully discussed on the wider amendment and I must ask Rai Bahadur Lala Sewak Ram to note this fact.

4-20 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—I will be very brief, Sir; I beg to move—

"That sub-clause (1) of clause 21 be omitted."

Sir, the amendment I have proposed has many important bearings. I consider it extremely unsafe to grant the panchayats criminal judicial powers. I shudder to think that the power to decide on offences falling within sections 389, 426, 352, 358 of Indian Penal Code, should be placed in the hands of panchayats. The panches in almost all cases will have no legal training and thus judgment of a case will be arbitrary, and to crown this their decisions have been made absolute. The case under section 389 of Indian Penal Code can be easily concocted by placing or getting placed an article in the house of a man it is intended.

to involve. The panch might be interested in his conviction, the poor fellow will be convicted and there is to be no appeal against the conviction. The Lyallpur District is notorious for the concoction of false cases of petty thefts. I live in a village and I can vouch to the Council from my own experience of village life that it is the most ordinary thing to involve a man in one false case or another. At present there is a little relief and satisfaction to the victim thus involved in the fact that the case is to be heard by a disinterested Magistrate. But by the creation of the panchayats that little relief, too, will fail him. I, therefore, take this opportunity of requesting the Council and the Hon'ble Minister, through you, Sir, that some limitation and restrictions should be placed on the authorities of the panchayats to safeguard the interests of the party in a minority in a village. I will welcome any way out of this genuine difficulty which would serve the purpose in view without very much impairing the judicial powers to be entrusted to the panchayats.

Mr. President.—The hon'ble member is repeating arguments previously used. I must ask him to come to the point.

Rai Bahadur Lala Sewak Ram (continued).—I have nothing more to say. I have explained the case and conditions fully and I only wish that they may find some consideration with the members.

Mr. President.—The motion is—

"That sub-clause (1) of clause 21 be omitted."

The motion was lost.

Mr. President.—Chaudhri Ali Akbar wishes to move the following amendment—

"That in chapter IV, clause 21 (1) (d), after the words '358' add the words 'and section 447' and add the following proviso after the words 'Indian Penal Code' at the end of clause (d) 'provided that if the panchayat is not competent to take cognizance of the above-named offences it should refer the complaint after enquiry to the Magistrate of the ilaqa who shall thereupon

be competent to take cognizance of the offence and to dispose of the complaint."

Two clear days' notice of this amendment has not been given. Does any member raise objection?

Mr. A. Latif.—I object, Sir.

Mr. President.—As objection has been taken the amendment is disallowed.

Chandhri Bans Gopal.—With your permission, Sir, I beg to move—

"That from clause 21 the words 'exercise the following powers, namely, (1) to' be omitted."

Hon'ble members will notice that this is merely a matter of drafting.

The motion was carried.

Mr. A. Latif.—With your permission Sir, I move the following amendment—

"That in sub-clauses 21 (a), 21 (b), 21 (c) and 21 (d), respectively, the words 'punishable under' be substituted for the words 'defined in.'"

This amendment is purely a matter of drafting and no explanation is necessary.

The motion was carried.

Mr. President.—The motion now is—

"that clause 21, as amended, stand part of the Bill."

The motion was carried.

4-30 P.M.

Diwan Bahadur Raja Narendra Nath (Urdn) —Sir, I move that—

"In clause 22, after the words 'section 323' add the words 'section 352, section 358, section 426, when the value of the property affected does not exceed Rs. 50, section 379, when the value of the property stolen does not exceed Rs. 50.'"

Sir, I have not been able to make out the meaning of clause 22 of the Bill. The Select Committee has not furnished us with the reasons for putting a restriction on the sections 323 and 504 of Indian Penal Code. Cases under these two sections are to be placed before a panchayat through a Magistrate. The object of my amendment is that cases under sections 352, 358, 379, 426 of the

[D. B. Raja Narendra Nath.]

Indian Penal Code, should also come for hearing before a panchayat through a Magistrate. The proposal is absolutely innocuous and will materially improve the Bill. I believe it will meet the approval of the House.

4-35 P.M.

Mr. Nawab Din, Murad (Urdu).—Sir, the amendment moved by Raja Sahib lays the axe at the root of the direct powers which a panchayat will be invested with under the provisions of the Bill. It is tantamount to absolutely curtailing the competency of a panchayat to take cognizance of any offence whatsoever unless it please the Magistrate of the Ilaga to send it to the panchayat for disposal. The hon'ble mover has failed to understand the significance of not giving the panchayats direct powers to deal with cases falling under sections 504 and 323 of the Indian Penal Code. I undertake to explain it, Sir. It has been often noticed that a certain person is very cruelly beaten but still it does not amount to grievous hurt. In spite of the fact that the said person has been so mercilessly belaboured, if he were to be tried by a panchayat, he will get a fine only whereas in order to meet the ends of justice it is necessary that he should be imprisoned for some period, a punishment which only a Magistrate is competent to award. As regards section 504 of the Indian Penal Code, the defamation may be of so libelous a nature that in order to redress the wrong nothing short of imprisonment will suit the case. It has been thus provided that a Magistrate may judge the points and refer the complaints to the panchayats if they do not require stricter notice. The sections mentioned in the amendment deal with petty offences which a panchayat should be competent to take direct cognizance of. It will be seen that the value of the property affected by the sections, mentioned in the amendment, is not to be more than Rs. 50. I wonder if there is any necessity at all for such small offences as these coming through a

Magistrate. I oppose the amendment accordingly.

Mr. President.—The motion now is that—

"In clause 22, after the words 'section 323,' add the words 'section 352, section 358, section 426, when the value of the property affected does not exceed Rs. 50,' section 378, when the value of the property stolen does not exceed Rs. 50."

The amendment was lost.

Mr. President.—The motion now is that—

"Clause 22 stand part of the Bill."

The motion was carried.

Mr. President.—I now put the motion that—

"Clauses 23 and 24 stand part of the Bill."

The motion was carried.

Mr. President.—Khan Bahadur Chaudhri Fazl Ali has given notice of an amendment that in clause 25 the word 'hundred' be substituted for the word 'fifty.' Two clear days' notice has not been given.

Diwan Bahadur Raja Narendra Nath.—I object, Sir.

Mr. President.—The objection is allowed.

Pir Akbar Ali has given notice of an amendment that—

"In the last line of paragraph 1 of section 25 after the word 'situated' add the words 'provided that in case of suits for the recovery of money advanced to farm labourers for securing their services as such the amount does not exceed three hundred rupees' and in the last but one line substitute the word 'district' for the word 'Tahsil.'"

Has the hon'ble member obtained the sanction of the Governor-General for increasing the powers of these courts?

Pir Akbar Ali.—I have not got any sanction.

Mr. President.—The sanction of the Governor-General is necessary before powers can be given to any civil court. I must disallow this amendment. Your second amendment, Pir Akbar Ali, being

consequential falls to the ground. I now put the motion that—

" Clause 25 stand part of the Bill."

The motion was carried.

4-42 P.M.

Diwan Bahadur Raja Narendra Nath (Urdu).—I move, Sir, that—

" Clause 26 be deleted."

Sir, clause 26 of the Bill provides that where the panchayat with judicial powers has been established, no court shall take cognizance or entertain any claim triable by the panchayat under some of the sections of the Indian Penal Code. It introduces an element of compulsion. The complainant will be forced to bring his complaint to the panchayat even if he is certain that in that particular case he stands no chance of obtaining justice. It is inadvisable and unfortunate that a man should be compelled to seek his redress, may be, in the court of his opponents. The other day we have been advocating with vehemence the separation of executive and judicial functions. Although they are Deputy Commissioners, Extra Assistant Commissioners and other Government Officers of the highest education and undoubted character, who combine both the functions, yet it was considered objectionable. If it is possible that the above named officers are liable to abuse their power, is it not a hundred times more likely that the illiterate and those unacquainted with the ethical beauties of truth, character and principle will misuse their powers? Can anybody vouch that they will be angels in the land. The panches and their associates of the party in power will be a terror to the minority. The latter will always stand in fear of the former because they cannot take their complaint to the law courts of the Magistrate. This clause should therefore be deleted.

4-48 P.M.

Khan Bahadur Chandhri Fazl Ali (Urdu).—Sir, I am thankful to the urban members of the Council who are evincing so keen an interest in the Bill. It is not for me to say that their zeal is misplaced. If the zamindars of a village take excep-

tion to the establishment of a panchayat, their objection will be taken into consideration by the Local Government. It is a provision which very much leaves the establishment of a panchayat to the will of the villagers concerned. If they will scent dangers in its establishment it is surely open to them to object. It has been repeatedly urged by the several speakers that false accusations will be instituted against the innocent and the weak. Is it not being done now-a-days also?

Besides, Sir, the panchayat can award slight punishments which will not be considered any disqualification in any way. If an option was to be allowed either to bring their case before a panchayat or to go to the Magistrate of the Ilaga, it will be next to impossible to stamp out the terrible evil of litigation. I know of petty cases being taken to the High Court at an expense which far exceeded the value of the property under dispute. When once the passion for litigation is aroused, both men and money are exhausted. It is not the merits of the case but the cleverness and volubility of the pleader that carries the case through. The panchayats alone will dispense unalloyed justice. The panchayats in this respect will prove a great blessing. I oppose the amendment most strongly.

4-53 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, why should there be any difficulty in passing this ordinary amendment. It should be open to an accused person to take his complaint either to a panchayat, or anywhere else. It is really not for us to fetter his discretion by compelling him to go to a panchayat.

Mr. President.—The motion before the Council is —

" That clause 26 be deleted."

The amendment was lost.

Mr. President.—The motion now before the Council is —

" That clause 26 stand part of the Bill "

The motion was carried.

Mr. President.—Mr. Ganpat Rai will now move—

"That the following new clause be added after clause 26:

" 26-A. If any party to any proceedings or suit relating to any offence or claim pending before any panchayat applies for transfer of such proceedings or suit, the panchayat shall transfer such proceedings to the District Magistrate or District Judge of the district in which the panchayat is situated and such District Magistrate or District Judge shall dispose of the proceedings or suit himself or send it for trial to any court subordinate to such District Magistrate or District Judge."

Mr. Ganpat Rai (Urdu).—The amendment standing in my name is to the effect that if any party to a civil suit or an accused person in a criminal case desires transfer of his case from the panchayat, provision should be made therefor.

Mr. A. Latif.—This amendment seems to me to concern a matter of civil and criminal procedure and as such refers to a 'reserved' subject. That being the case the clause cannot be inserted without the previous sanction of the Governor-General.

Mr. Ganpat Rai.—When a man tells a panchayat that he does not wish to be tried by that panchayat and asks the panchayat to transfer his case to the District Magistrate or the District Judge, it is after the transfer that the civil and criminal procedure will come into force.

Mr. President.—Your amendment lays down not only what the panchayat shall do but what the District Magistrate and District Judge shall do. The amendment is out of order.

Mr. Ganpat Rai.—I ask that the latter portion be omitted and the first portion be allowed to remain.

Mr. President.—I am afraid it is rather too late to suggest that. I call upon Mr. Ganpat Rai to move the following amendment standing in his name:—

"In section 27 add the words 'except in criminal cases falling under the sections of the Indian Penal Code'."

Mr. Ganpat Rai (Urdu).—Sir, I now beg to move the amendment that in criminal cases legal practitioners should be allowed to appear before the panchayat. This amendment may be passed if it is considered suitable.

Sardar Bakhtawar Singh (Urdu).—Sir, the mover and a few other members of this Council have been trying to curtail the panchayat's powers and now that they have failed in their efforts, they desire that legal practitioners who often instigate suits and actions should be allowed to appear in criminal cases before panchayats.

Mr. President.—I remind the hon'ble member that there are several Vakils present in this Chamber and that expressions such as "mukadma-bazi karate hain," and so on, are likely to be offensive to them. He should choose his words remembering that it is not right to offend the feelings of any member.

Sardar Bakhtawar Singh (continued).—If the amendment now moved is passed, litigation will increase. The panchayat will decide cases in accordance with local conditions.

Mr. Ganpat Rai.—Sir, I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion before the Council is—

"That clause 27 stand part of the Bill."

The motion was carried.

Mr. President.—In clause 28 there is an error of drafting and in order to set it right the Hon'ble Minister for Education will move an amendment.

5-2 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I beg to move—

"That in clause 28 the word 'non-official' be substituted for the word 'elected.'"

Sir, clause 28 of the Bill, as it has come out of the Select Committee, lays down that no person, who is personally

interested in a case, shall be allowed to serve as a panch. The present section 28 was section 23 in the Bill as originally drafted. The question which panch should be debarred from sitting on the panchayat will now be decided by the district board and the Deputy Commissioner will not be put to trouble. Some district boards have no elected members. I should like to substitute the word 'non-official' for the word 'elected.'

Mr. Ganpat Rai (Urdu).—Sir, I agree with the Minister for Education, but I would like to make a verbal change so as to provide that where there are no elected members in a district board the non-official members should decide the question, and that where there are elected members non-official nominated members would not be called in.

Chaudhri Kharak Singh (Urdu).—I am quite in agreement with Mr. Ganpat Rai, Sir, that only elected members should vote where elected members are available.

Mr. President.—Mr. Ganpat Rai, if you wish to press any amendment to the amendment moved by the Hon'ble Minister for Education you should put it in writing.

Mr. Ganpat Rai.—I do not press it, Sir.

Mr. President.—The motion before the Council is—

"That in clause 28 the word 'non-official' be substituted for the word 'elected.'"

The motion was carried.

Mr. President.—The motion now before the Council is—

"That clause 28 as amended stand part of the Bill."

The motion was carried.

Mr. President.—I call upon Mr. Ganpat Rai to move—

"That clause 29 of the Bill be omitted."

Mr. Ganpat Rai.—Sir, may I enquire whether to this new clause the sanction of the Governor-General has been obtained.

Mr. President.—Will you see the preamble. It clearly says "whereas the previous sanction of the Governor-General has been obtained under section 80-A (3) of the Government of India Act." I can hardly go beyond this statement.

Mr. Ganpat Rai.—Sir, I want to enquire whether as a matter of fact the sanction has been obtained to the inclusion of clause 29. If it has been obtained, let the hon'ble member in charge of the Bill say so. I say that this sanction has not been obtained
5-7 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, in the Bill as it was introduced in the Council before it was referred to the Select Committee it was not stated that the previous sanction of the Governor-General had been obtained. But in the Bill after it emerged from the Select Committee these words have been inserted. The question is when the sanction of the Governor-General was obtained and to what clauses.
5-10 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, it is impossible for me to state the date. But so far as the question of obtaining sanction is concerned, sanction is obtained before the introduction of the Bill and it was in this case obtained actually before the introduction of this Bill in this Council. So far as the second point is concerned whether sanction to clause 29 of the Bill, as reported by the Select Committee, is obtained, I should like the hon'ble member to refer to the rules or standing orders according to which sanction of the Governor-General is necessary for any provision of the Bill being considered by the Council. So far as I have studied this point it is not necessary that separate sanction for each clause added by the Select Committee be obtained.

Mr. President.—Will you also explain why the schedule specified in this clause has not been attached to the Bill.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I have already noticed, Sir, that the schedule specified in this clause has not been attached to the Bill, but if

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there are any defects an amending Bill can be introduced later. I do not, however, oppose the omission of the clause.

Mr. President.—I understand you to admit that without an amending Bill to enact a schedule clause 29 is meaningless. I will in the circumstances advise the Council to reject this clause.

The motion before the Council is—

“That clause 29 of the Bill be omitted.”

The motion was carried.

Mr. President.—**Diwan Bahadur Raja Narendra Nath** will now move that—

“In clause 30 the words ‘and of the Evidence Act, 1872,’ be omitted and after the words ‘save to the extent that’ the words ‘the Local Government may, after the approval of the High Court, prescribe’ be added and the rest be deleted.”

5-16 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, in view of the discussion that has taken place about clause 29 I am not sure that the same objection does not apply to this clause, namely, that it alters Acts of the Indian Legislature and alters them in very important particulars, especially the Indian Evidence Act. The first section of the Indian Evidence Act lays down that the Act will apply to all courts, even to Martial Law Courts. The only proceedings that are exempted from the operation of the Evidence Act are proceedings before an arbitrator. There is this difference between section 1 of the Evidence Act and section 1 of the Criminal Procedure Code. In the Criminal Procedure Code certain proceedings are referred to as being exempt from the operation of the Indian Penal Code, but section 1 of the Evidence Act covers a wider field. Therefore I think that the objection in regard to the absence of the Schedule of Acts which the present Bill proposes to repeal has a very important bearing on this clause also.

Mr. President.—I see no point of order.

Diwan Bahadur Raja Narendra Nath.—After the discussion on clause 29 that clause was not allowed to remain as part

of the Bill for the reason that there is no schedule attached to the Bill of enactments repealed.

Mr. President.—I gave no ruling on the point. I advised the Council to cut out the clause. There has been no decision except to cut out the clause. The position was that doubts were raised; the Hon’ble Minister in view of the doubts agreed to drop the clause and I advised the Council to accept the suggestion that the clause be dropped.

Diwan Bahadur Raja Narendra Nath (Urdu).—Then, Sir, I will confine my remarks to the amendment itself.

In the first place it would be desirable to apply the Civil and Procedure Codes to panchayats, or if this is not possible, they should, at any rate, be bound by some kind of procedure, with the approval of Government and the High Court.

Sayad Muhammad Husain (Urdu).—Sir, I regret to say that the Raja Sahib is trying to take the substance out of the Panchayat Law. The panchayat will be bound only by one law and that is justice. They should not be bound by any procedure. I cannot help saying that if the panchayats are to work successfully we should not bring pressure on illiterate panches in the shape of restrictions of procedure. They are already doing very well without these procedures. I oppose the Raja Sahib’s amendment.

5-28 P.M.

Mian Muhammad Shah Nawaz (Urdu).—The charge hurled against the Raja Sahib is not justified. The opinion that the Evidence Act should be made applicable to panchayats is irrefutable. Certainly the panchayat should be bound by some procedure. It is possible that the panchayat may arrive at a decision without taking evidence in a regular way. We should give some weight to a lawyer’s advice. We need not necessarily apply the Civil or Criminal Procedure Code, but there ought to be some procedure.

5-31 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I rise to remove misunderstandings. The first point under discussion is that the Evidence Act should not apply to panchayats. The Government of India have already cancelled its application to panchayats. The second point under discussion is that the panchayats will work without following any procedure. It is laid down in the Bill that the provisions of the Codes of Civil and Criminal Procedure shall not apply, save to the extent prescribed. Some procedure will certainly be prescribed for taking evidence. We are out to save the Panchayat Act from the ordinary procedure of courts, but you want us to lay down a procedure, with the sanction of the High Court. This will mean reversion to the old order of things. I will hold a consultation separately with the members of the Council and frame rules.

Rai Sahib Lala Thakar Das (Urdu).—The Raja Sahib has pointed out that no Acts have found a place in the Panchayat Bill. The Hon'ble Minister for Education has said that he would frame separate rules. No reply has been given to the Raja Sahib's contention. Such an attitude has never been adopted in connection with any previous legislation. I support the amendment.

Mr. President.—The motion before the Council is that—

"In clause 30 the words 'and of the Evidence Act, 1872' be omitted."

The amendment was lost.

Mr. President.—The motion before the Council is that—

"After the words 'save to the extent that' the words 'the Local Government may, after the approval of the High Court, prescribe' be added and the rest be deleted."

The amendment was lost.

Mr. President.—The motion now is—

"That clause 30 stand part of the Bill."

The motion was carried.

Mr. President.—Mr. Ganpat Rai will now move the following amendment:—

"Add the following new clause to the Bill:—

'30 A.—(1) The proceedings of all meetings of the panchayat shall be kept in writing.'

(2) Any person on application and on payment of actual expenses shall be entitled to get copies of such proceedings attested by a panch or an officer appointed by the panchayat."

Mr. Ganpat Rai (Urdu).—Sir, I rise to move a supplementary amendment to the effect that the panchayat's award or decision should be reduced to writing, if not the entire proceedings, and that a copy of the decision should be given on application, on payment of a fee.

Sayad Muhammad Husain (Urdu).—The suggestion, Sir, is not a good one. Seeing that it has already been decided that the members of the panchayat will be illiterate persons, the proceedings cannot be in writing. The proceedings of illiterate panchayats can be in writing only if they are provided with a Munshi. I oppose the amendment, because it is calculated to hinder the panchayat's work.

The motion was lost.

5-45 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, I beg to move that—

"In clause 31 the word 'revision' be omitted and at the end the words 'but an application for revision to the High Court shall lie on the ground that the panchayat has exceeded its jurisdiction' be added."

The amendment is an important one, inasmuch as there ought to be some kind of restriction on the panchayat's powers of jurisdiction.

Mr. Ganpat Rai (Urdu).—When there will be no record and the entire proceedings will be in the air, the panchayat should have power to do anything it likes. I, therefore, oppose the amendment.

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Milan Muhammad Shah Nawaz (Urdu).—Sir, this Bill is a mockery, unless some rules are framed. Heaven knows what this Bill is and what is the debate that is going on over it. There ought to be some rules, so that if the panches exceed their powers a check may be exercised over them.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, I can give illustrations. Supposing the panchayat makes section 323 applicable for an offence of grievous hurt, or in the event of a theft of Rs. 50 it commences hearing the case on being told that only Rs. 49 was stolen.

5-55 P.M.

The Hon'ble Khan Bahadur Milan Fazl-i-Husain (Urdu).—Sir, from the speeches made by some members of the Council and their supporters, I gather that they have not carefully read the Panchayat Act. Sections 21-22 say that a case under section 323, Indian Penal Code, will not be triable without the permission of a Magistrate. The Raja Sahib has either not read the Act carefully, or if he

has read it, he has not digested it. The object is to save people from annoyance and not to add to the annoyance which they already are put to.

Mr. President.—The motion before the Council is—

"In clause 81 the word 'revision' be omitted and at the end the words 'but an application for revision to the High Court shall lie on the ground that the panchayat has exceeded its jurisdiction' be added."

The motion was lost.

Mr. President.—The motion before the Council is—

"That clause 81 stand part of the Bill."

The motion was carried.

Mr. President.—I wish to remind the Council that we meet to-morrow at 1-30 to consider the report of the Committee on standing orders.

The Council then adjourned till 1-30 P.M. on Friday, the 4th November 1921.

PUNJAB LEGISLATIVE COUNCIL.

Friday, 4th November 1921.

The Council met at the Council Chamber at half past one of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

M. Moti Lal Kaistha being absent, questions Nos. 1059, 1060 and 1061 were not put.

Bawa Hardit Singh Bedi being absent, question No. 1062 was not put.

Sardar Dasandha Singh being absent, questions Nos. 1063, 1064 and 1065 were not put.

COMMUNAL REPRESENTATION AMONG MEDICAL OFFICERS IN THE LYALLPUR DISTRICT.

1066. **Malik Karim Ullah Khan.**—Will Government kindly lay on the table a statement by religion (Sikh, Hindu and Muslim) showing the names of the Civil Surgeons, Assistant Surgeons, Sub-Assistant Surgeons, Compounders and Dressers

working in the various hospitals in the Lyallpur District, and the office establishment of the Civil Surgeon at Lyallpur giving the salary of the officer in each case?

(b) What percentage of the total population of the district do the Muhammadans represent? If it exceeds 50 per cent, do not Government consider it advisable to post a larger number of Muhammadan medical officers in that district?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) A statement is laid on the table:—

(b) Sixty per cent. This question and the answer given to it will be sent to the Inspector-General of Civil Hospitals for such action as may be reasonable under the circumstances.

Statement showing command representation among Medical Officers in the Lyallpur District.

Community.	Civil Surgeons.	Assistant Surgeons.	Sub-Assistant Surgeons.	Compounders and Dressers.	Clerks in the office of Civil Surgeon, Lyallpur.
Mohammedan	...	...	Second class Senior Munshi Siroj-ud-din at Rs. 150 per mensem. Munshi Ghulam Muhammad, Munshi Habib-ullah and Munshi Muhammad Nazam-ud-din at Rs. 108 per mensem each. Munshi Muhammad Ramzan at Rs. 94 per mensem. Munshi Amir Khan at Rs. 70 per mensem.	Niaz Muhammad and Ghulam Muhammad at Rs. 30 per mensem each. Taj Muhammad, Altaf Hussain, Nur Elahi, Manzurul Haq and Barkat Ali at Rs. 25 per mensem each.	M. Vahid Bakht at Rs. 35 per mensem.
Hindus	...	Major George Bishan, L.M.S., at Rs. 450 per mensem. Lala Dewar Ram Bhalla at Rs. 235 per mensem.	First Class Senior Lala Hari Ram at Rs. 175 per mensem. Second Class Senior Lala Sham Lal at Rs. 150 per mensem. Lalas Narain Das, Mela Ram, Diwan Chand and Shiv Ram at Rs. 122 per mensem each. Lalas Dhani Ram, Manohar Lal, Jaswant Das, Mathura Das, Narayan Das, Diwan Chand Chopra, Lachmi Narain, Thakur Das and Diwan Chand at Rs. 106 per mensem each. Chandhari Havias Ram Datt at Rs. 94 per mensem.	Mathura Das and Ram Ditta Mal at Rs. 40 per mensem each. Dial Chand, Galada Ram, Kala Ram and Hans Raj at Rs. 35 per mensem each. Anant Ram, Chaman Das, Ramji Das, Radua Kishan, Nand Lal, Gang Ram, Sohan Lal, Sakb Dayal and Chuni Lal at Rs. 30 per mensem each. Nareng Das, Teakur Das, Balak Chand, Sunder Das, Gauri Shankar, Des Raj, Khushi Ram, Milkhi Ram, Jai Chand, Dandil Ram and Manohar Lal at Rs. 25 per mensem each. Anar Nath and Sardari Lal at Rs. 20 per mensem each.	Lala Nathu Ram, Head Clerk, at Rs. 100 per mensem. Lala Girdhari Lal, Assistant Clerk, at Rs. 50 per mensem. Lala Sunder Lal, Ks-per, at Rs. 31-8-0
Sikhs	Sardar Bahadur Diwan Singh, Duggal, salary Rs. 1,210 per mensem.	...	First Class Senior Bhai Gurdit Singh at Rs. 175 per mensem. Bhais Kabeel Singh and Ishar Singh at Rs. 108 per mensem each. Basis Udham Singh and Salteen Singh at Rs. 94 per mensem each. Bhais Udham Singh and Harnam Singh at Rs. 70 per mensem each.	Shamsher Singh at Rs. 35 per mensem. Mokham Singh at Rs. 30 per mensem. Balwant Singh at Rs. 25 per mensem. Nasib Singh and Pardhan Singh at Rs. 20 per mensem each.	

COMMUNAL REPRESENTATION AMONG TAH-SILDARS AND NAIB-TAH-SILDARS IN THE LYALLPUR DISTRICT.

1067. Malik Karimullah Khan.—Will Government kindly state the names of the Muslim and non-Muslim Tah-sildars and Naib-Tahsildars working at present in the Lyallpur District?

(b) What is the proportion of the Muhammadan zamindars to the total zamindar population of the district?

(c) Do not Government consider it advisable to post a larger number of Muslim officers to this district?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—It is regretted that the material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the hon'ble member as soon as available.

COMMUNAL REPRESENTATION AMONG DISTRICT INSPECTORS OF SCHOOLS IN THE LYALLPUR DISTRICT.

1068. Malik Karimullah Khan.—Will Government kindly lay on the table a statement showing the names of the District Inspectors of Schools who have worked in the Lyallpur District ever since it was first constituted, giving the period of time for which each of them served?

(ii) Is it a fact that the Mussalmans of the Lyallpur District constitute more than 60 per cent. of the total population and have from time to time made representations to the Educational authorities to appoint a Muslim District Inspector in Lyallpur, and that so far nothing has been done to meet their wishes?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) The statement is laid on the table:—

	From	To
Lala Khazan Chand	31-12-04	25-3-07
	26-11-07	27-10-08
	25-11-08	9-5-12
	10-7-12	2-3-17
	15-6-17	Up till now except as shown below.

	From	To
Bhai Bhagwan Singh	26-8-07	25-11-07
Mufti Ahmad Said	28-10-08	26-11-09
Mufti Muhammad Husain	10-5-12	9-7-12
M. Ashraf Ali officiated	8-3-17	14-6-17
Bhai Harnam Singh and M. Ashraf Ali	} Officiated for few months in 1919-20.	

(ii) It is a fact that during the last two years the Secretaries of certain Anjuman have made representations on the matter.

The statement shows that in four out of five leave vacancies a Muhammadan officer was appointed to officiate.

COMMUNAL REPRESENTATION AMONG SUPERINTENDENTS OF HOSTELS, GOVERNMENT COLLEGE, LAHORE.

1069. Malik Karimullah Khan.—Is it a fact that the Superintendent of the old main Hostel attached to the Lahore Government College is a non-Muslim?

(i) Is it also proposed to give the new post of Superintendent of the recently built hostel to another non-Muslim?

(ii) Does not Government consider it advisable to put a Muslim in charge of one of the hostels?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) Yes.

(ii) A non-Muslim was appointed to this post.

(iii) The candidate appointed was considered after careful examination of all applications as by far the most suitable man.

Muhammadan candidates were among those whose applications were considered.

COMMUNAL REPRESENTATION IN THE STAFF OF THE EDUCATION DEPARTMENT IN THE LYALLPUR DISTRICT.

1070. Malik Karimullah Khan.—With reference to the answer given to question No. 665, asked in this Council on the 28th July 1921, will Government kindly answer the following further queries:—

(i) What is the aggregate of the monthly salaries received by the Muslim

teachers as compared with the non-Muslim teachers in the Lyallpur Government High School?

(ii) Is it a fact that nearly all the non-Muslim Headmasters of District Board Vernacular and Anglo-Vernacular Middle Schools are in charge of well-established schools with good Board buildings and adequate equipment while nearly all the ill-housed and ill-equipped schools are given to the Muhammadan Headmasters to manage?

(iii) Is it also a fact that non-Muslim Headmasters are working in some flourishing Middle and Primary Schools in villages having a purely Muslim population, while capable Muslims are available whose requests in this behalf are disregarded by the District Inspectors?

(iv) What is the method of recruitment of the new District Board teachers followed in the Lyallpur District? Have any junior or senior posts ever been advertised and applications invited?

(v) What is the number of applications received by the District Inspector of Schools from qualified Muhammadan B.T.'s, S.A.'s, J.A.-V.'s or S.V.'s during the last five years who were refused appointment in the district?

The Hon'ble Khan Bahadur Mian Fazal Husain.—(i) The aggregate of the monthly salaries received by the Muslim teachers as compared with the non-Muslim teachers in the Lyallpur Government High School is shown below:—

	Rs.
(a) Muslim teachers ...	723 per mensem.
(b) Non-Muslim teachers ...	1,016 per mensem.

(ii) Apart from Lyallpur where the Government High and the District Board Industrial Middle Schools are under Muslim Headmasters and the M. B. Middle School under a Hindu Headmaster, there are 5 Market Towns in the district having very flourishing and well-established secondary schools. Of these, three are under Muslim and two under Hindu Headmasters. As regards other schools Muslim Headmasters are ordinarily put in

charge of schools in Muhammadan *ilaga* and Hindu or Sikh Headmasters in non-Muslim *ilagas*, irrespective of the fact whether there are adequate or inadequate buildings.

(iii) The answer is in the negative.

(iv) As regards recruitment of new D. B. teachers, J. V. teachers come chiefly from Lyallpur Normal School and some candidates from other Normal Schools as well, such as Multan, Rawalpindi, Gurdaspur, Jullundur, etc. Senior Vernacular teachers join the district after training in the Lyallpur Training College and Multan Normal School.

As regards English teachers, B. T.'s or S. A.-V.'s are ordinarily sent by the Principal, Central Training College, Lahore, while J. A.-V. teachers are secured through the Principals of Central Training College, Lahore, and Khalsa and Islamia Colleges at Amritsar and Lahore, respectively, where such classes are maintained. Some appointments are directly made by the Divisional Inspector.

(v) There is not a single qualified Muslim B. T., S. A.-V., J. A.-V., or S. V. who applied and did not get an appointment. There have, of course, been some cases in which appointments were made but the applicants having secured better jobs elsewhere (chiefly in Islamia Schools) did not join the posts offered to them in the district.

COMMUNAL REPRESENTATION IN THE DISTRICT BOARD AND DISTRICT CIVIL OFFICES STAFF IN THE LYALLPUR DISTRICT.

1071. **Malik Kartmullah Khan.**—Will Government kindly lay on the table a statement showing the number of Muslims and non-Muslims in the District Civil offices and under the District Board, Lyallpur District?

The Hon'ble **Sardar Bahadur Sardar Sundar Singh Majithia.**—Statement giving the required information is laid on the table:—

Statement showing the number of Muslims and non-Muslims in the District Civil offices and under the District Board, Lyallpur District.

	Muslims.	Non-Muslims.
1. District Board, Lyallpur	15	15
2. District Civil offices	80	52

COMMUNAL REPRESENTATION AMONG HEADMASTERS OF HIGH SCHOOLS.

1072. Malik Karimullah Khan.—Will Government kindly lay on the table a statement showing the names of the Headmasters appointed permanently to the various high schools in the province provincialised during the current year, and state how many of them are Muslims and how many are non-Muslims?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—(1) The names of the Headmasters appointed are given below. They have not yet been confirmed in their appointments and are still on probation:—

1. Thakar Rama Nand Singh, Headmaster, Government, High School, Gurgaon.
2. Lala Banwari Lal, Headmaster, Government High School, Jagadhri.
3. Lala Sunder Das, Headmaster, Government High School, Fazilka.
4. Lala Mohan Lal, Headmaster, Government High School, Rahon.
5. Lala Diwan Chand, Headmaster, Government High School, Kasur.
6. Chaudhri Mubarak Ali, Headmaster, Government High School, Pasrur.
7. B. Bishen Singh, Headmaster, Government High School, Pind Dadan Khan.
8. Mian Ghulam Husain, Headmaster, Government High School, Talagang.
9. Lala Dhanpat Rai, Headmaster, Government High School, Kamalia.

10. Lala Asu Ram, Headmaster, Government High School, Kahror.

11. Lala Raushan Lal, Headmaster, Government High School, Jampur.

All were in Board service before the provincialisation of the above-named schools.

(2) Two are Muslims and nine are non-Muslims.

VICE-CHAIRMEN OF DISTRICT BOARDS.

1073. Malik Karimullah Khan.—Will Government kindly lay on the table a statement showing for each district board in the province the number of Vice-Chairmen and whether they are official or non-official and elected or nominated?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain—It is regretted that the reply to question No. 1073 is not yet available. The information is being collected and will be supplied to the hon'ble member as soon as received.

COMMUNAL REPRESENTATION IN THE LAHORE CENTRAL TRAINING COLLEGE.

1074. Malik Karimullah Khan.—(a) Will Government kindly lay on the table a statement showing the number of Hindu, Sikh and Muhammadan students admitted to the J. A.-V., S. A.-V., and B. T. classes in the Lahore Central Training College this year?

(b) What is the proportion of the Muhammadans to the total number admitted?

(c) On what basis are such admissions decided by the Principal of the College?

(d) Will Government kindly consider the advisability of fixing a definite proportion for each community according to which students may be admitted, and will Government kindly lay it down for the guidance of the Principal that at least half the number admitted to the various classes should invariably be Muslim?

The Hon'ble Khan Bahadur Mian Fazl-Husain.—(a) to (c) — Yes.

(d) Government has this matter under consideration, and orders thereon will be passed before the next session.

Below is the statement giving the number of Muslims, etc., admitted to the College at the commencement of the session 1921-22.

Statement showing communal representation in the Lahore Central Training College.

Class.	Hindus.	Sikhs.	Christians.	Muslims.	Total.	Percentage of Muslims.
B. T.	27	8	3	12	50	24
S. A.-V.	34	6	..	2	46	13
J. A.-V.	23	19	..	18	49	26
Total	84	27	3	31	145	68+3 =21%

(c) In deciding admission consideration is given to the previous qualifications of the applicants (including academic attainments, teaching experience, and character), with some relaxation in the case of backward communities.

COMMUNAL REPRESENTATION AMONG SCHOOLS AND TEACHERS, ETC., IN THE LYALLPUR DISTRICT.

1075. Malik Karimullah Khan.—Will Government kindly lay on the table a statement showing for the Lyallpur District the following:—

- (i) The names of middle schools which are housed in District Board buildings and how many of them are situated in the Muhammadan and how many in the non-Muhammadan *ilaga*?

- (ii) The number of primary schools with District Board buildings situated in the Muhammadan as compared with those in the non-Muhammadan *ilaga*?

- (iii) The number of vernacular middle schools that have been converted into Anglo-vernacular ones and how many of them are in the Muhammadan and how many in the non-Muhammadan *ilaga*?

- (iv) How many applications for District Board buildings are still pending in the office of the District Inspector of Schools?

- (v) Number of District Board teachers who receive a postal allowance, and how many of them are Muhammadans and how many non-Muhammadans?

- (vi) The number of Superintendents of Boarding Houses attached to the Board Middle Schools and how many of them are Muhammadans and how many are non-Muhammadans?

The Hon'ble Khan Bahadur Mian Fazl-Husain.—The information asked for is not available and is being collected.

CONTROL OF HIGH SCHOOLS.

1076. Malik Karimullah Khan.—With reference to the answer given by the Hon'ble Minister for Education to question No. 10 asked on the 23rd February 1921 and question No. 688 asked on the 29th July 1921 by Mr. K. L. Rallia Ram, will Government kindly state if it has re-examined the question of the control of the high schools by District Inspectors?

If so, what are the conclusions arrived at?

The Hon'ble Khan Bahadur Mian Fazl-Husain.—The matter is still under consideration.

COMMUNAL REPRESENTATION IN THE CIVIL MEDICAL DEPARTMENT IN THE PUNJAB.

1077. Malik Karimullah Khan.—(i) Will Government kindly lay on the table a statement showing the number of Sikh, Hindu, Muslim and Christian Civil Surgeons, Assistant Surgeons, Sub-Assistant Surgeons and Clerks employed in the Civil Medical Department in the Punjab?

(ii) Is Government satisfied that the present representation of the Musalmans in the Medical Service of the Province is adequate?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) The information asked for is given below :—

Community.	Civil Surgeons.	Assistant Surgeons.	Sub-Assistant Surgeons.	Clerks.
Sikhs ...	1	37	72	11
Hindus ...	5	152	398	58
Muslims ...	2	34	132	18
Indian Christians ...	1	4	1	...

(ii) Government are not satisfied that the present representation of Musalmans in the Medical Service of the Province is adequate and as a remedy they have taken the measures indicated in their reply to question No. 993.

COMMUNAL REPRESENTATION IN THE EDUCATIONAL SERVICE.

1078. Malik Karimullah Khan.—(i) Is it a fact that there is a paucity of Muhammadans in the higher branches of the Educational Services of the province?

(ii) What steps do Government propose to take to increase the number of Muhammadan District Inspectors of Schools and Headmasters of High Schools?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(i) The number of Muhammadans in the higher branches of the Educational Services are given below :—

Name of service.	Number of appointments.	Number held by Muhammadans.
(a) I. E. S. ...	34	3
(b) P. E. S. ...	74	19
(c) S. E. S. (Class I) ...	32	7

(ii) Out of 30 District Inspectors of Schools 11 are Muhammadans. Out of 40 Headmasters of Government High Schools 11 are Muhammadans.

(iii) The matter is under consideration.

COMMUNAL REPRESENTATION IN THE LAHORE GOVERNMENT COLLEGE.

1079. Malik Karimullah Khan.—Will Government kindly state the number of the Muslim and non-Muslim Professors and Lecturers in the Lahore Government College?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The number of Professors and Lecturers in the Government College is 23. Of these 3 are Muslims, 12 Hindus, 1 Sikh and 7 Christians.

STATUS OF HEADMASTERS OF GOVERNMENT HIGH SCHOOLS.

1080. Malik Karimullah Khan.—Will Government kindly consider the advisability of putting all the Headmasters of Government High Schools in the Provincial Educational Service, or at least as a preliminary step in the highest grade of the Subordinate Educational Service so as to raise their pignity and status?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :—There are at present 5 Headmasters in the Provincial Service. There are 18 in grade I of the Subordinate Educational Service (Rs. 200—250) and 5 in grade II (Rs. 140—190).

The question of improving the position of Headmasters in the Subordinate Educational Service will receive consideration, so far as financial conditions permit.

**DIRECTOR OF PUBLIC INSTRUCTION AND
A GARDEN PARTY AT JULLUNDUR.**

1081. Malik Karimullah Khan.—(2) Is it a fact that a garden party was arranged some time ago at Jullundur in honour of the Director of Public Instruction Punjab?

(ii) Is it a fact that a large part of the expense of the party was borne by the teachers employed in the Jullundur Division?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The information asked for is not at present available, but it can be gathered if the hon'ble member so desires.

**INTRODUCTION OF *ZARIKHI KAHANIAN*
IN SCHOOLS OF THE JULLUNDUR
DIVISION.**

1082. Malik Karimullah Khan.—Will the Hon'ble Minister for Education kindly state if it is true that Sardar Bahadur Bishan Singh's book *Zarikh-i-Kahanian*, Urdu, was introduced as a supplementary reader in the schools of the Jullundur Division long before it was approved by the Punjab Text-Book Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It was on the approved list from August 1918 to September 1919 and has been on the approved list since September 1920. During the interval September 1919 to September 1920, it may have been used by some schools or teachers on account of their ignorance of the circular removing the book from the list of authorised books, but it was not at the instance or with the connivance of Sardar Sahib Sardar Bishan Singh.

**COMMUNAL REPRESENTATION AMONG
DEPARTMENTAL EXAMINERS.**

1083. Malik Karimullah Khan.—(1) Will Government kindly lay on the table a statement showing the number of Muhammadan and Non-Muhammadan Examiners in the Departmental Examinations of Vernacular Final, Middle School Examinations for girls, Junior Vernacular, Senior Vernacular, Junior Anglo-vernacular and Senior Anglo-vernacular and languages for 1921?

(ii) Who is responsible for the selection of such examiners?

(iii) Will Government kindly lay it down for the guidance of the officers concerned that at least half the number of such examiners should invariably be Muhammadans?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(2) The following statement indicates the number of Muhammadan and non-Muhammadan Examiners in the various Departmental Examinations held in 1921 :—

Name of examination.	Number of Muhammadan Examiners.	Number of non-Muhammadan Examiners (Hindus, Sikhs and Christians).
1. Vernacular Final Examination.	19	35
2. Middle Standard Examination for Indian girls.	3	14
3. Junior Vernacular Certificate Examination for Women Teachers.	4	13
4. Senior Vernacular Certificate Examination for Women Teachers.	4	14
5. Junior Vernacular Certificate Examination for men.	5	18
6. Senior Vernacular Certificate Examination for men.	3	13
7. Junior Anglo-vernacular Certificate Examination for men.	2	13
8. Senior Anglo-vernacular Certificate Examination for men.	1	9
9. Oriental Teachers' Certificate Examination.	3	3

(ii) The arrangements for the appointment of Examiners were as follows :—

(a) Each Divisional Inspector recommended five Examiners for the Vernacular Final Examination.

(b) The Chief Inspector of Schools submitted her recommendations for the appointment of Examiners connected with the Middle Standard Examination for Indian girls, and the Women Teachers' Certificate Examinations.

(c) The Principal, Central Training College, Lahore, made similar recommendations for Examinerships for the Men Teachers Certificate Examinations.

Appointments as a rule are confined by the Department to these recommendations. The Department is responsible for the final selection.

(iii) No hard-and-fast rule can be laid down, but the question of increasing the number of Muhammadan Examiners for the various examinations will be borne in mind.

TEACHING OF SPINNING AND WEAVING IN SCHOOLS.

1084. **Rai Bahadur Lala Hari Chand.**—

Will the Government be pleased to say what steps have so far been taken to teach spinning and weaving in various Government and aided weaving schools of the province, and also what further steps it proposes to take in this direction?

The Hon'ble Lala Harkishan Lal.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

Pir Akbar Ali being absent, question No. 1085 was not put.

Sardar Sangat Singh being absent, questions Nos. 1086, 1087 and 1088 were not put.

REPORT OF THE STANDING ORDERS COMMITTEE.

Diwan Bahadur Raja Narendra Nath.—Sir, the report of the Committee on the Standing Orders was laid before the Council a few days ago. I hope the members have gone through it and have formed some opinion about it. I move that the report be now taken into consideration.

Mr. President.—The motion before the Council is—

"That the report of the Standing Orders Committee be taken into consideration."

The motion was carried.

Diwan Bahadur Raja Narendra Nath.—Sir, I move—

"That the report of the Committee on the Standing Orders be passed."

Mr. President.—The motion before the Council is—

"That the report of the Standing Orders Committee be passed."

The motion was carried.

1-50 P.M.

Mr. President.—His Excellency the Governor has to-day informed me that if the Council should be pleased to pass the report of the Standing Orders Committee his assent may be assumed to the changes made. This decision makes it possible to get on at once with the election of the Standing Committees. These will be 12 in number and with the following number of elected members :—

Finance	...	3	Local Self-Government.	...	6
Canals	...	3	Public Health	...	6
Jails	...	5	Agriculture	...	5
Industries	...	5	Education	...	3
Co-operative Societies.	...	5	Land Revenue	...	7
Excise	...	5	Police	...	4

[Mr. President.]

Nominations of candidates for each committee should be handed in at latest by 3 P.M. on Tuesday next. Nominations must be made in writing to the Secretary and be signed by not less than two members, and the member nominated must signify his readiness to serve. Such elections as may be necessary will be held at a special meeting of the Council to be held at 10-30 A.M. on the morning of Thursday, the 10th. The members elected will serve until the end of the financial year.

I draw special attention to new Standing Order 74-E. An elected member of the Committee on Public Accounts is not eligible to serve on the Finance Committee. If any such member desires to do so he must first resign his membership of the Public Accounts Committee.

I may add that the setting up of the Standing Committees means a great advance in the powers of this Council. I hope members will take advantage of the opportunity now offered.

THE PUNJAB VILLAGE PANCHAYAT BILL—*contd.*

Mr. President.—The Council will now proceed to the consideration of Government business. We were dealing with clause 31 of the Punjab Village Panchayat Bill. The motion now before the Council is—

“That clause 31 stand part of the Bill.”

Mr. Ganpat Rai.—I have another amendment.

Mr. President.—An amendment has been placed on my table to add something to clause 31, but no member's name is attached. I am unable to put it to the Council until some member fathers it.

2 P.M.

Mr. Ganpat Rai.—That is probably mine; I shall move it.

I move that the following words be added to clause 31, namely,

“Provided that when any such sentence, decree or final order shall have been passed, not unanimously, but by a majority of the panches, the sarpanch or, in his absence, the deputy sarpanch shall, on application made by either party to the case, immediately after the passing of such sentence, decree or final order, summon the members of the nearest panchayat and the case or suit shall be re-tried by both panchayats sitting in joint session under the rules prescribed under this Act, and the sentence or decree or order passed by the joint panchayats shall be final.”

Mr. President.—Two clear days' notice of this amendment has not been given. Does any member take objection?

Khan Bahadur Rai Wali Muhammad Khan.—Yes, Sir, I take objection.

Mr. President.—Then I disallow the amendment.

The motion before the Council is—

“That clause 31 stand part of the Bill.”

The motion was carried.

2-5 P.M.

Mr. President.—Mr. Ganpat Rai will now move a new clause :—

Add the following new clause after clause 31 :—

“31-A. (1) The Local Government shall establish for each tahsil or portion of tahsil, in which this Act is in force, a tahsil panchayat.

(2) The number of tahsil panches shall be not less than 5 and they shall be all literate.

(3) The tahsil panchayat shall have power to hear appeals from any sentence, decree or other order of the village panchayat and the order on appeal of the tahsil panchayat shall be final.

(4) The panches for the tahsil panchayat shall be elected by the rate-payers of villages in each tahsil and shall hold office for three years.

(5) The provisions of clauses 7, 8, 9, 10 and 11 shall also apply to the tahsil panchayat and panches.

2-8 P.M.

Mr. Ganpat Rai (Urdu).—Sir, in view of the fact that my amendment relating to the transfer of cases from the panchayat has been lost, I now beg to move an amendment to the effect that the panchayat's decisions should be made appealable, that with this object in view the Local Government should establish tahsil panchayats; that all the appellate panchayats should be composed of literate members and elected in the same way as the first panchayats. Some of my colleagues suggested that the (appellate) panchayats should be established for each zail in which the Act was in force. Since the amendment is for establishing ahsil panchayats for each tahsil or a portion of the tahsil, the amendment covers the zails also. The question whether the appellate panchayats should be literate or not depends upon the will of the Council. An objection may perhaps be raised that no appeal can lie against the panchayat's decision when there will be no record. I think that tahsil panchayats will be useful, inasmuch as they will be able to arrive at a fresh decision in consultation with the panches who sat on the first panchayat, free from Code restrictions.

2-11 P.M.

Chaudhri Ataulah Khan (Urdu).—Sir, I am opposed to the amendment. The panchayat may give an erroneous decision, but if it is decided that appeals should lie against their decision, then an appeal will be lodged against every decision. My view is that the amendment will prove harmful.

2-13 P.M.

Chaudhri Ali Akbar (Urdu).—Sir, I am in favour of the amendment. The panchayat is liable to err. It will also exercise jurisdiction in section 379 cases, and it is likely that malicious complaints will be lodged before the panchayat. For instance, a man might be convicted as the result of a malicious complaint and get disqualified for the post of lambardar. I therefore think that the amendment is suitable. To save expense, three or four men might be elected from the zail instead of from the

tahsil and they could ascertain the facts by going to the spot. Under section 202 the zaildar even now can get cases decided after making an enquiry. As the lawyers would say an accused person should certainly have some opportunities. I, therefore, support the amendment.

2-15 P.M.

Sayad Muhammad Husain (Urdu).—Sir, the amendment is a good one but it is unworkable under the present conditions. There will be no record of the panchayat's proceedings. This being the case on what basis will the appellate court arrive at a decision. Let us suppose that the tahsil panchayats are established. They will work unpaid and cannot get through so much work. Conviction by a panchayat will be no bar against appointment to the office of lambardar. In view of the stage the Bill has reached I think no responsibility, excepting that which they owe to God, should be fixed upon the panchayat. I oppose the amendment.

2-18 P.M.

Rai Sahib Chaudhri Raja Singh (Urdu).—Sir, everybody is liable to err. It is possible that the panchayat, in the absence of the majority of the members, will decide a case against some person, and when such a thing happens we should do something to save people from inconvenience. I think that a panchayat elected from the zail will have no objection to doing work calculated to benefit the people. I support the amendment.

2-20 P.M.

Malik Firoz Khan, Nun (Urdu).—Sir, I agree with my friend Mr. Ganpat Rai. The establishment of an appellate court is essential. The panchayat might get gentlemen into trouble. Some sort of appeal ought therefore to lie against the panchayat's decisions. Mr. Ganpat Rai's amendment, however, is not without defects, inasmuch as he says in clause 2 of the amendment that all the panches should be literate. How can this be possible, when you are going to allow even illiterate people to serve as panches? Is it absolutely necessary that the tahsil panchayats should consist of educated persons? This should not be allowed.

Mr. President.—If this amendment refers to the criminal administration, then I am doubtful whether this Council has power to legislate on the subject. Criminal administration is a central subject, and the sanction of the Governor-General is necessary before this Council legislates on the subject. Has the sanction of the Governor-General been obtained?

Mr. Ganpat Rai.—Sir, my amendment sets up a panchayat to revise the decision of another panchayat. This does not set up any new court. My amendment proposes that there be two classes of panchayats: one panchayat to hear the original case and the other to revise the cases decided by the original panchayat. And I submit, Sir, that certain judicial functions have already been given to the panchayats under another clause.

Mr. President.—The discussion may proceed.

Malik Firoz Khan Nun.—(continued).—Again in clause 4 of his amendment he has said that the panches for the tahsil panchayat should be elected by the rate-payers of villages in each tahsil. This will mean a great deal of work. Again the proceedings of the panchayat will be oral and it is quite possible that false evidence might be given before the appellate panchayat at the tahsil. I would suggest that Mr. Ganpat Rai withdraw his amendment and wait till the rules are framed. We should all combine and put forward some useful proposal. In the event of Mr. Ganpat Rai's amendment being accepted, peace and justice would be interfered with.

2-30 P.M.

Sardar Bakhtawar Singh (Urdu).—Sir, I do not approve of a few words contained in the amendment. The defects of the amendment can be removed in the following way. It should not be open to everybody to appeal against the panchayat's decision. I would say that no appeal should lie when the panchayat has given a unanimous decision. A panchayat elected from the zail would be useful, because they will be able to decide the case by going to the spot. The restriction about a member being literate should be removed.

Mr. President.—I must point out to the hon'ble member that, although the amendment says that the Local Government may establish a panchayat for a portion of a tahsil, it is still called the tahsil panchayat. Also it is to be elected by the villagers of the whole tahsil. There is nothing in the amendment to say that a group panchayat or a zail panchayat may be elected by the rate-payers of a group or zail. Whatever panchayat is to be formed it is to be called the tahsil panchayat, and is to be elected by all the members of the tahsil. The hon'ble member must speak to this proposal.

Sardar Bakhtawar Singh (continued).—My point is that the words 'portion of a tahsil' mean zail and there should be zail panchayats for a portion of the tahsil.

Mr. Ganpat Rai (Urdu).—Sir, all that I desire is that the clauses which the Council approves may be passed. I should like to withdraw clauses 4 and 5 of my amendment.

2-34 P.M.

Chaudhri Kharak Singh (Urdu)—Sir, each clause of the amendment can be discussed. The object of the amendment can be fulfilled by omitting clauses 2, 4 and 5. Clause No. 1 is highly essential. The words 'portion of a tahsil' have been omitted from clause 3. These might be added and clause 3 accepted subject to this addition; otherwise I would reject this clause also. As a procedure will be observed in connection with the election of the members of the panchayat, some procedure should be laid down also for electing members of the appellate panchayat. I support the amendment moved by Mr. Ganpat Rai.

Mr. Nawab Din, Murad (Urdu).—Sir, we have been told that the proceedings will not be reduced to writing. Against what will the appeal lie? The amendment is full of defects and should be rejected.

2-37 P.M.

Mian Muhammad Shah Nawaz (Urdu).—Sir, it has been pointed out that there will be no record. In the rules some provision will certainly have to be made for

the preparation of a decree sheet, plaint and written statement. How will a decision be arrived at, unless a plaint and written statement are heard and how will the decrees be executed unless there is a writing? It would be a tyranny if there is no appellate authority over the panchayat. There should also be revision of the panchayat's orders. If the panchayats decide cases by exceeding their powers, the country would be ruined, and civil litigation will increase. There will be no end of confusion if there is no appellate court over the panchayat. This point should certainly be considered and decided to-day. The cases going before the panchayats will be somewhat similar to the cases that are decided by Courts of Small Causes. Against the decrees of Courts of Small Causes revision lies to the High Court, and can it be reasonably contended that there should be no appeal against the panchayat's decision. By precluding all chance of appeal, you will simply encourage litigation. I wonder what is the idea of my friend Sayad Muhammad Husain about a conviction or sentence. I am all for the system of panchayat, as a matter of principle, but unless you ensure some elasticity in the working of the panchayats, the result will be nothing but a comedy of errors. I would urge that the amendment be accepted.

2-41 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, the amendment at present before the Council is in the shape of a suggestion. Its acceptance would be objectionable from many points of view. Lala Ganpat Rai thinks that his amendment is free from defects, but apparently he has changed his view. The words 'in which this Act is in force' in clause 1 of the amendment are meaningless, inasmuch as the Act will be applicable to the whole of the Punjab. Clause 2 which fixes the number of panches has been rejected, even by those who are in favour of the amendment. Clause 3 of the amendment provides that the tahsil panchayat will hear the case as an appellate court. In other words

its procedure will be different from that of the first panchayat. I say that it will be laid down in the rules that there should be registers, but there will be no detail of evidence and cross-examination. Like Cantonment Magistrates, the panchayats will be vested with summary powers; the proceedings of a panchayat will be brief like that of a Court of Small Causes. We should not draw an analogy between panchayats and the existing courts. Under the existing arrangement, there will be no appeal against the panchayat's decision, but only a re-hearing. Clause 4 of the amendment provides that the tahsil panchayat should be elected by the rate payers of the tahsil. This is meaningless. There will be thousands of rate-payers and I confess that I cannot understand how the rate-payers will elect panches. I can give the Council an assurance that in case I come to know of any defects in the Bill I will, in consultation with them, introduce a second amendment Bill. The amendment as it stands will be harmful.

Mr. President.—Mr. Ganpat Rai, do you still wish to put your amendment?

Mr. Ganpat Rai.—Yes, Sir, but I wish it put clause by clause.

2-45 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—May I say a word. No doubt the section can be put clause by clause, but all the clauses hang together. If one or two clauses are lost then the remaining section would have no meaning. I would ask you to put it as a whole.

Mr. President.—I shall put it clause by clause. The motion before the Council is—

"That sub-clause (i) of the proposed new clause 31-A be added."

The Council then divided: Ayes 6 and Noes 32.

Ayes—6.

Sardar Bakhtawar Singh.	Misar Mela Ram.
Rai Bahadur Lala Hari Chand.	Mr. Ganpat Rai.
Chaudhri Kharak Singh.	Khan Bahadur Khawaja Yusuf Shah.

Noes.—32.

The Hon'ble Sir John Maynard,	Khan Bahadur Rai Wali Muhammad Khan.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.	Khan Bahadur Chaudhri Fazl Ali.
Mr. A. Latif.	Chaudhri Ghazi Ram.
Mr. B. T. Gibson.	Sayad Ghulam Muhammad Shah.
Mr. N. H. Prenter.	Sayad Hussain Shah.
Mr. E. R. Abbott.	Malik Najabat Khan.
Mr. H. W. M. Ives.	Nawabzada Muhammad Irshad Ali Khan.
Mr. D. J. Boyd.	Chaudhri Muhammad Hayat Khan.
Mr. C. H. Townsend.	Sayed Muhammad Husain.
Mr. M. G. Anderson.	Rana Muhammad Jamil Khan.
Chaudhri Bans Gopal.	Chaudhri Nabi Baksh.
Mr. Nawab Din, Murad.	Rai Bahadur Risaldar Sarup Singh.
Sardar Randhir Singh.	Chaudhri Shafi Ali Khan.
Malik Firoz Khan, Nun.	
Malik Karim Ullah Khan.	
Khan Sahib Amir Khan.	
Chaudhri Ata Ullah Khan.	
Fandit Daulat Ram Kalia.	
Chaudhri Daya Ram.	

3 P.M.

Mr. Ganpat Rai.—I am very sorry, Sir, that I have taken ten minutes of the Council's time unnecessarily in asking for a division, but I can assure you that it was not done at my personal wish. I did so because several of the members spoke in favour of my amendment but it appears they have subsequently voted against it.

Mr. President.—In this and perhaps in the next world we are accountable for our own actions. I would also point out to the hon'ble member that it was clearly impossible for the Council to pass an amendment worded as this was worded. In the circumstances, when the Hon'ble Minister offered to go into the question and to consider the need for an amending Bill, it would have been better tactics to have accepted that offer. The hon'ble member would thereby have got a promise out of the Hon'ble Minister. By challenging a division he has rejected the offer made.

The motion now before the Council is—

"That clause 32 stand part of the Bill."

The motion was carried.

Mr. President.—The motion before the Council is—

"That clause 33 stand part of the Bill."

The motion was carried.

Mr. President.—The motion before the Council is—

"That clause 34 stand part of the Bill."

The motion was carried.

Mr. President.—The next clause is No. 35. Khan Bahadur Chaudhri Fazal Ali has given notice of three amendments to this clause. These were received late. Does any member object?

Diwan Bahadur Raja Narendra Nath.—I object to their being moved, Sir.

Mr. President.—The objection will prevail.

Mr. Ganpat Rai.—Sir, I move that—

"In clause 35, before the word 'Provided' the words 'But before levying such rate the panchayat shall notify its intention to levy such rate and should any inhabitant object to it he shall forward his objections within one month and such objections shall be considered by the District Board before giving its sanction' be added."

The amendment was lost.

Chaudhri Bans Gopal.—With your permission, Sir, I beg to move—

"That in clause 35 instead of 'clauses 15 and 16' the words 'Clause 16' be read."

The amendment was carried.

Mr. President.—The motion now before the Council is—

"That clause 35 as amended stand part of the Bill."

The motion was carried.

Mr. Ganpat Rai.—Sir, I beg to move that—

"In clause 36 after the words 'voting in a meeting' the words 'to be held two weeks after the first meeting in which such special rate was proposed to be levied' be added."

8-10 P.M.

Mr. Ganpat Rai.—Sir, this amendment relates to the "special rate" provided for by clause 36 whereby a panchayat may, at any time, by resolution confirmed by a two-thirds majority of

the adult male rate-payers of the village, levy a special rate. People who are acquainted with the rules and regulations of any company can well appreciate the significance of my amendment to this clause. The meeting of the adult male rate-payers of the village should be held two weeks after the first meeting in which such special rate was proposed to be levied. This period shall afford them time for mature consideration over the matter.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, if the hon'ble member agrees to substitute the words "one week" in place of "two weeks" in his amendment, I am prepared to accept the amendment.

Mr. Ganpat Rai.—I have no objection, Sir, to moving my amendment in the form acceptable to the Hon'ble Minister.

Mr. President.—Has any member any objection to this?

(Nobody rose to speak.)

Mr. President.—The motion before the Council is that—

"In clause 36 after the words 'voting in a meeting' the words 'to be held one week after the first meeting in which such special rate was proposed to be levied' be added."

The motion was carried.

Chaudhri Bans Gopal.—Sir, I move that—

"In clause 36 the words 'undertaken without the direction of the Local Government' be omitted."

This is a matter of drafting.

The amendment was carried.

Mr. President.—I now put to the Council—

"That clause 36 as amended stand part of the Bill."

The motion was carried.

Mr. President.—I now put it—

"That clause 37 stand part of the Bill."

The motion was carried.

3-18 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I move that—

"In sub-clause (2) of clause 38 the word 'summarily' be omitted."

Sir, in clause 38 (2) the Collector is given the power to assess *summarily* the amount due to the panchayat on account of any loss, waste, or misapplication by a panch. I want that the word "summarily" be deleted. There must be a thorough investigation, after which the amount may be assessed. For in a summary procedure mistakes are more likely to be made and if on account of any such mistake an innocent person's property is attached for realizing that amount, it would be a gross injustice.

3-20 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, the amendment is absolutely useless. In part 3 of the same clause it is clearly provided that if any mistake has been made in the assessment of that loss, waste or misapplication, the aggrieved person may within one month sue in a Civil Court to have that order set aside. Thus if out of mistake he is compelled to pay he can recover it through a Civil Court. Hence I should ask the hon'ble member to withdraw his amendment.

Mr. President.—The motion before the Council is—

"That in sub-clause (2) of clause 38 the word 'summarily' be omitted."

The amendment was lost.

Mr. President.—The motion before the Council is—

"That clause 38 stand part of the Bill."

The motion was carried.

Mr. President.—The motion before the Council is—

"That clause 39 stand part of the Bill."

The motion was carried.

Mr. President.—I now put it to the Council—

"That clauses 40 and 41 stand part of the Bill."

The motion was carried.

3-23 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I move that—

"In both sub-clauses (1) and (2) of clause 42 the words 'Local Government' be substituted for the words 'Deputy Commissioner'."

Sir, in clause 42 I would like to have the words "Local Government" substituted for "Deputy Commissioner." My aim in moving this amendment is that if any person reports to the Deputy Commissioner that the panchayat has failed in the performance of any duty, the panches will have to suffer for it. So it is for their safety that I move this amendment. I should like the Hon'ble Minister for Education to order the performance of any such duty and not the Deputy Commissioner.

Mr. Nawab Din, Murad (Urdu).—Sir, panchayats are not to be established in one district alone but throughout the Punjab. It will throw more burden upon the shoulders of the Hon'ble Minister for Education if the amendment is allowed. I therefore oppose it.

The amendment was lost.

Mr. President.—I now put it—

"That clause 42 stand part of the Bill."

The motion was carried.

Mr. President.—The motion before the Council is—

"That clause 43 stand part of the Bill."

The motion was carried.

Mr. A. Latif.—I move, Sir, that—

"In clause 44 the figure '43' be substituted for the figure '45'."

This is to put right a purely clerical error.

The amendment was carried.

Mr. President.—The motion now before the Council is—

"That clause 44 as amended stand part of the Bill."

Mr. Ganpat Rai (Urdu).—Sir, clause 44 provides that the Local Government

may delegate any of its powers to the Commissioner and that the Deputy Commissioner may likewise delegate his powers to an officer holding a rank above that of an Extra Assistant Commissioner. Delegation of powers is not desirable. Hence clause 44 should be omitted.

3-27 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, the object of delegating powers by the Minister to a Commissioner does not mean that the former will become careless in the discharge of his duties. Whenever there is much work, it is usually distributed to facilitate its performance. A District Magistrate may delegate his power and distribute his work to an Additional District Magistrate. I therefore think the objection with regard to this clause is useless.

Mr. President.—I now put it to the Council—

"That clause 44 as amended stand part of the Bill."

The motion was carried.

Mr. President.—I now put it—

"That clause 45 stand part of the Bill."

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I move that sub-clause (a) of clause 46 be omitted to carry out the decision of the Council arrived at in this meeting.

The amendment was carried.

Mr. President.—I now put it—

"That clause 46 as amended stand part of the Bill."

The motion was carried.

Mr. President.—I now put the preamble to the Bill.

The motion was carried.

Mr. President.—The amendment stage of this Bill has now been concluded. Under new Standing Order 50 (2), to which the assent of His Excellency the Governor has been obtained, I direct that

the Bill be referred to a drafting committee consisting of—

The Hon'ble Minister for Education,

The Deputy President, and

The Legal Remembrancer,

with orders to report by 2 P.M. on Tuesday, the 8th November, as to what amendments of a formal or consequential character should be made as a matter of drafting. Any amendments proposed will come before the Council and after they are finally approved, the Hon'ble Minister for Education will move that the Bill be passed.

THE PUNJAB SMALL TOWNS BILL.

3-34 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the report of the Select Committee on the Punjab Small Towns Bill was circulated and has been in the hands of the hon'ble members for some time. I herewith formally present the report of the Select Committee on the Punjab Small Towns Bill.

(At this stage the report of the Select Committee was presented.)

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I move—

"That the Punjab Small Towns Bill, 1921, as reported by the Select Committee, be taken into consideration."

Sir, when introducing the Small Towns Bill in the last session of the Council I had occasion to give a brief historical sketch of this Bill. I also pointed out that similar measures of legislation existed in other Provinces of India. I also drew attention to the fact that the present Municipal Act was intricate and cumbersome, not easily intelligible to those persons who are likely to be entrusted with the powers of Town Committees. That Bill was referred, Sir, to a Select Committee and the Select Committee took into consideration all the points that were urged in this Council at the time when I moved that the Bill be

referred to the Select Committee. The important changes that have been made by the Select Committee, I will briefly refer to.

In clause 2 the definitions of "house" and "building" have been amended to suit the requirements of the agricultural population living in small towns. Then the definition of a "small town" has also been amended by the change of the term *shall* towards the end of the definition into *may*.

In clause 3 the constitution of a small town is given. It will be noticed that ample provision here is given for any objection that may be urged by any inhabitant of the said small town. This section has emerged, I trust, from the Select Committee in a far more satisfactory condition than it was at the time I introduced the Bill.

In clause 4 the constitution of the Small Town Committee is given. In the original Bill there was a great deal of uncertainty as to the element of election and the amount of that element of election. In the amended Bill it has been made quite clear for all practical purposes that these Town Committees will be elected bodies. The element of nomination that is left them is not to exceed one-fourth and that one fourth is to include official and non-official nominated members. Under the category of official nominated members it is intended to nominate an expert who may be a doctor, a health officer, an engineer or an educationalist. Then in clause 7 in order to meet a general demand that the executive should not interfere with these Small Towns Committees the word "Commissioner" has given place to "Local Government."

In considering clause 9 it was decided that it should not be open to the Commissioner to pass final orders vetoing the election of the President and therefore it has been laid down in clause 9 that in case the Commissioner disapproves of the election of a President the matter will be finally decided by the Local Government.

[Khan Bahadur Mian Fazl-i-Husain]

In clause 11, Sir, which relates to the employment of officers and servants, it is now made possible for the Small Towns Committees to have honorary servants as well, but it has been felt necessary to retain a check against favouritism. The Deputy Commissioner therefore comes in with the object of seeing that members stick to their sense of public duty and give it preference over their personal inclinations; but we have made it necessary that the Deputy Commissioner whenever he urges a point like that has to give reasons for that order in writing.

Then after this there is no great change till we come to clause 21. There again it will be noticed, Sir, that in sub-clause (21) (a) (i) we have safeguarded the interests of the agriculturists who live in small towns and therefore have their *waras* and cattle-sheds and so on.

The next amendment relates to clause 24 and as it was thought that sub-clause (4) of this clause was not necessary it has consequently been omitted.

After that there are a number of clauses which have not been touched till we come to clause 35 (f) and it has been found there necessary to add sub-clauses (u), (v) and (w) borrowed as they are from the provisions of the Municipal Act.

The next provision which has been touched by the Select Committee is clause 36. A sub-clause (2) has been added to it, making a provision for the publication of a general order and that is in the interests of all Small Towns Committees so that when a general order is issued they may all benefit by the example of a good general order, and, if they find it suitable, to follow it.

In clause 41, it will be noticed that sub-clauses (g) and (h) have similarly been added.

This, Sir, is the extent of the amendment which the Bill underwent in the Select Committee.

I submit, Sir, that this Bill marks a distinct advance on the existing Muni-

pal legislation in the province in the right direction. The Small Towns Committee is an agency, which I trust will advance the art of self-government. It will enable the inhabitants of small towns to develop their political instinct and thus contribute towards the political advancement of the province of which they are a part.

3-45 P.M.

Rai Bahadur Lala Sewak Ram.—Sir, in my opinion it is absolutely unnecessary to introduce this Bill to the Council.

Mr. President.—The Bill has already been introduced. There is no question of introduction now but the question is that it be taken into consideration.

Rai Bahadur Lala Sewak Ram (*continued*).—I beg your pardon, Sir. I mean it is absolutely unnecessary to take this Bill into consideration. It only means an Act upon an Act added to the statute book unnecessarily. I do not think that this Bill will be a welcome measure as it will introduce municipal administration in small towns where they will not like it. The case of small towns is already fully dealt with in chapter XIII of the Municipal Act and if anything is wanting in that chapter it can be made up when the new Municipal Amendment Bill is brought before this council. Where then is the necessity of bringing in another Bill to be called the Small Towns Bill. I have already more than once mentioned in this Council that people do not like even the notified area committees. They prefer municipal committees and instead of giving them according to their position a municipal committee of the second, third or fourth grade this Bill will thrust upon them something which they will not at all welcome. The whole thing can be easily covered by one chapter of the Municipal Act in which it can be detailed that such and such a town with a certain population will have a municipality of the fourth class under the Municipal Act. My chief argument against the Bill is that the population which is mentioned as 10,000 in this Bill for a small town is too much. I think, Sir, that a small

town is a town which has a population of 4,000 or 5,000. A town with a population of 10,000 is no more a small town. I think it becomes a big town and it would certainly like a municipal committee rather than a small town committee. Then it is said, Sir, that the Local Government may by notification in the Gazette say that such and such a town is a small town for the purposes of this Act. I think that if a town does not want a committee why should the Local Government be anxious to announce that such and such a town shall have a Small Towns Committee. If a small town wants a committee let that town come forward with an application to the Local Government that a Small Towns Committee is wanted by them and let the Government give them a Small Towns Committee. I do not think that the Local Government should announce by itself without the consent of the town that a Small Towns Committee is given to it. I would also say, Sir, that when a Bill of this nature is going to be passed then full powers should be given to the members of the committees when they have to elect their President or Vice-President. None of their actions should be subject to the approval of the Commissioner or the Local Government.

Mr. President.—The hon'ble member is not in order in discussing the details of the Bill. Only the general principles can be discussed at this stage.

Rai Bahadur Lala Sewak Ram (continued).—All right, Sir. These are the two points which make me feel that this Bill will not be welcomed by small towns where already a similar kind of committee, called the notified area committee, is not liked. I therefore think that this is an unnecessary measure and a useless addition to the statute book.
3-56 P.M.

Sardar Randhir Singh (Urdu).—Sir, I cannot understand why the hon'ble member is against discussion on the Bill. Perhaps he does not know the sufferings of the people in notified areas which this Bill aims to remove. In notified areas the members are nominated and they

seldom care for the sanitation and lighting of their area. They think that no one is going to take exception to what they do. Under this Bill the members will be elected and will thus be more zealous in the discharge of their duties. We are to see now whether the Bill is useful for us or not. Of course the objectionable items and sections require to be amended or deleted with consent, and after deliberation, of the House. I therefore support the motion that the Bill be considered.

4 P.M.

Maulvi Muharram Ali Chishti (Urdu).—Sir, I shall be brief and discuss only the main features of this Bill. The principle upon which it rests is objectionable. It contradicts the principle on which the Panchayat Bill was said to rest. The Government must not be inconsistent. While introducing the Village Panchayat Bill, it was alleged on behalf of the Government that the village people are quite fit to manage their affairs themselves. If it is so why should they not have the same powers as possessed by the townspeople. It has been alleged that local self-government is to be granted to the villagers and yet the thing which they are being given falls far short of what is expected. This inconsistency in attitude is therefore not commendable. Another objection about principle is with regard to election matters. The villagers have not been given the same latitude as the town people enjoy. According to this Bill election in small towns is beset with numerous hindrances. I do not like that there may appear anything inconsistent in these two Bills. The public is closely studying us, so we must beware and walk warily. It is not enough to appeal to the sentiments of rural population. We must go to the bottom of a thing. I am not going to take more time. I would say again that in matters of principle the Bill does not give the villagers the same status as the townspeople enjoy. If not first class, they must be given second class municipalities. I would ask the hon'ble members returned from rural areas to deliberate over this Bill most carefully.

[Maulvi Muharran Ali Chishti.]

They must not be so quick in changing their opinion as they have done just now in connection with the question of the panchayat's appellate powers. I think it is my duty to lay bare the features of this Bill before them.

Again, this Bill has not been fully circulated in villages. Perhaps only a few of the District Boards have received copies of it. The villagers therefore have had no opportunity to think over it. The Hon'ble Minister and other members will therefore take this into account.

I must in the end support Lala Sewak Ram who says that the Bill is not required at all. The case of small towns is dealt with in chapter 3 of the Municipal Act. If anything is wanting it can be brought up in the new Municipal Act which is under contemplation. I therefore oppose the motion that the Bill be taken into consideration.

4-7 P.M.

Khan Bahadur Chaudri Fazl Ali (Urdu).—Sir, the question is whether the Bill be taken into consideration or not. The speech that has just now been finished has been made to win our sympathy. But I wonder how the hon'ble speaker has inferred that the condition of the villages has even become better than that of town people. I will say that we village people are still unfit to accept municipalities. I thank the Hon'ble Minister for this Bill and support the motion that it be considered by the House.

Mr. President.—The Council has already once approved the principle of the Bill and no substantial change has been made in the report of the Select Committee. In the circumstances it is undesirable to prolong the discussion unduly.

4-10 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, some objections have been raised against the Bill. Firstly why it is deemed necessary to make a separate Act and why not amend the Municipal Act. My reply to this is, that, if this Bill be added to the whole

Municipal Act, for the sake of amending the latter, the whole Act will become too cumbersome. The second is about its principle. Well, Sir, the Bill is quite in harmony with the provisions of the Village Panchayat Bill. The needs of the village people having been ascertained, the Bill is framed so as to meet those requirements. For every disease there is a separate remedy. According to an English writer the most striking feature of an Indian village is its village community which has special characteristics of its own, for solving problems concerning the villages. As the population will increase the community also will become more and more divided and disunited. The result will be that the special characteristics of the village community will cease to exist. Consequently the same privileges which the town people enjoy, if given to villagers, will prove injurious to their interests. The credit for this Bill must go to the Members of the Legislative Council which existed in 1919-20. They framed the Bill after consulting the Government of India and introduced the same on 27th July 1921. The Bill has been amended by the Select Committee and is now before the House for consideration.

Mr. President.—The motion before the Council is—

"That the Punjab Small Towns Bills, 1921, as reported by the Select Committee, be taken into consideration."

The motion was carried.

Mr. President.—The Council will now proceed with the detailed amendments with regard to the Punjab Small Towns Bill.

I put it—

"That clause 1 stand part of the Bill."

The motion was carried.

Mr. President.—I now call upon Rai Bahadur Lala Sewak Ram to move—

"That in clause 2 (a) the word 'seven' be substituted for the word 'ten'."

4-19 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—Sir, what my amendment aims at is that the Local Government may declare

an area to be a small town which contains not less than seven thousand inhabitants and not ten thousand. The limit of ten thousand inhabitants is not desirable for there are municipalities even now which contain less than six or seven thousand inhabitants. The provisions of this Bill, therefore, would affect their existence injuriously. Seven thousand in place of ten thousand is not a great difference.

Misar Mela Ram.—I oppose the amendment and would like that the words ten thousand be allowed to remain as they are.

Mr. Ganpat Rai (Urdu).—Sir, I support the amendment since another amendment of a similar character stands in my name.

The High Court too declares any area containing three thousand inhabitants to be a small town. I would, therefore, ask the Hon'ble Minister to accept the amendment.

Sardar Kartar Singh (Urdu).—Sir, the amendment is useless, because those small towns which contain a population of over seven thousand will not be able to derive any benefit from the Bill. I, therefore, oppose it.

The amendment was lost.

Mr. President.—Mr. Ganpat Rai, your further amendment to reduce to four thousand drops.

4-28 P.M.

Diwan Bahadur Raja Narendra Nath.—Sir, I move that—

"In clause 2 (e) after the word 'inhabitants' the words 'and which contains a town or a bazaar and is not a purely agricultural village,' be added"

Sir, the words I propose to add in the definition have been taken from the Municipal Act. They were considered necessary when the Municipal Act was enacted for the definition of a town and I do not see how circumstances have changed since then. On the contrary, I think, we have now the Punjab Village Panchayat Bill which proposes to establish panchayats in villages and introduce

some sort of administrative body for villages. The question is where does the village end and a town begin? That is to be determined by Government. But I do not know on what data Government officers will base their opinion. I simply want to make matters more clear and more definite. People are generally reluctant to have any sort of municipal administration in their towns and their excuse in many cases will be that the place is not fit or advanced enough for municipal administration of the kind which the Bill introduces. Therefore I think that the definition of "town" should be so clear as to differentiate what is to be declared a town from a village.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—May I know, Sir, to what chapter of the Municipal Act is the Hon'ble Raja Sahib referring?

Diwan Bahadur Raja Narendra Nath (continued).—I am referring to chapter XIII of the Municipal Act.

4-32 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, Raja Sahib's proposal is that in clause 2 (e) after the word 'inhabitants' the words 'and which contains a town or bazaar and is not a purely agricultural village' be added. May I invite your attention to the fact that it will come to this then that clause 2 (e) will run as follows:—"A 'small town' means any local area shown in the returns of the last official census to contain fewer than ten thousand inhabitants and which contains a town or bazaar and is not a purely agricultural village." It is obvious, Sir, that the sub-section will not then run correctly. To say that a small town means an area and contains a town is apparently wrong. I believe that Raja Sahib while giving notice of his amendment did not incorporate the same into the sub-section or else he could not have made this obvious mistake. As it stands it makes no sense.

Diwan Bahadur Raja Narendra Nath.—I agree to cut out the words "or town" in my amendment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (continued)—In this case, Sir, the sub-section will run as follows:—"A 'small town' means any local area which contains a bazar and is not a purely agricultural village." Now, Sir, my objections to this definition are two-fold. One is that in this Bill nowhere is the word "bazaar" defined. Does it mean a street with half a dozen or fifty shops? Similarly what does "a purely agricultural village" mean? When I was considering this amendment I had a look at the Town Area Manual of the United Provinces, and I found therein the words of the amendment, in definition of Town Area. So I said to myself this was an amendment worth accepting; but I had hardly glanced at the next page when I discovered that it was further put down that a notification of the Government will be final as to whether a village is a purely agricultural village or not. In other words it left the fact of determining the nature of a small town entirely to the Government and its notification. I am referring to section 3 of the Town Area Manual which says: "The Local Government may by notification in the Gazette declare any town, village . . . to be a Town Area, provided that no purely agricultural area shall be declared within the limits of the Town Area . . ." and the Local Government's notification on the subject will be final and conclusive. Therefore, Sir, it serves no useful purpose whatsoever to introduce this amendment which the Hon'ble Raja Sahib has moved. In the next place it has been agreed to that the population of this place will be 10,000 souls. Now I cannot easily think of any purely agricultural village with a population of 10,000 souls. As a matter of fact, I feel, Sir, that the amendment is unnecessary and serves no useful purpose whatsoever. It does not in any way improve the definition.

Mr. President.—The amendment before the Council is—

"That in clause 2 (c) after the word 'inhabitants' the words 'and which contains a bazaar and is not a purely agricultural village' be added."

The amendment was lost.

Mr. President.—The motion now before the Council is.—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President.—To the next clause, No. 3, the first amendment stands in the name of Rai Bahadur Lala Sewak Ram. Before I call upon him to move it I want to know how there can be any inhabitants of a small town before the small town is created.

Rai Bahadur Lala Sewak Ram.—I mean, Sir, inhabitants of any town.

Mr. President.—The amendment is not quite clear. I hope you will make it clear in your speech.

4-38 P.M.

Rai Bahadur Lala Sewak Ram.—I beg to move—

"That in clause 3 (1) after the words 'local Government may' the words 'on the application of the inhabitants of a small town' be added."

Section 3 of the Small Towns Bill authorises the Local Government to declare by a notification in the Gazette any town to be a "small town" for the purposes of this Act. My submission before the Council is that the Local Government may do so on the application of the inhabitants of the small town. Every one in the town, which has a population of 10,000 or so, knows that they constitute a small town and they will put in an application before the Local Government that they may be declared a small town for the purpose of this Act. Such a town only should be declared by Government to be a small town; otherwise there will be many towns in which there may be a population of 4,000 or 6,000 or 8,000 or 10,000 but they will not like a small town committee. Therefore my submission is that that town may not be declared a small town which does not put in an application.

4-42 P.M.

Pir Akbar Ali (Urdu).—Sir, this question was also brought before the Select Committee and was carefully considered and thoroughly discussed there. We arrived at an almost unanimous decision, with the exception of the hon'ble mover of the amendment, who was a member of the Select Committee also, that there was no necessity for adding the words proposed in the amendment, because the object it is desired to gain by the addition of the words proposed, is already provided for by sub-clause (2) of clause 3. The masses are by nature conservative, contented always with the prevailing conditions of affairs and dreading radical changes. The people at large are chary in treading untrodden paths and it is inconceivable that they will give the lead in this matter which is understood by few and maligned by many. We should not leave it to the inhabitants to apply to the Local Government to declare the area concerned a 'small town' for the purposes of this Bill. Besides, Sir, the hon'ble mover of the amendment has not thought it fit to explain what he means by the word 'inhabitants' which occurs in his amendment. It is left to be guessed whether he means all the inhabitants collectively should apply, or a portion of the inhabitants may apply and their application should be taken into consideration even if the other portion of the inhabitants does not agree to it. So, in view of the fact that there is a provision in sub-clause (2) of clause 3 for objection to the notification declaring the area concerned a 'small town' and consequently there is ample safeguard against the imposition of this Bill upon the unwilling people of that area, I beg to oppose the amendment.

The amendment was lost.

4-45 P.M.

Mr. A. Lath.—I move, Sir—

"That in Chapter II clause 3 (1) (a) the word 'units' after the word 'may' be omitted."

And secondly—

"That in the same Chapter and clause the word 'units' be substituted for the words 'the area constituted by such union to be a small town.'"

This is a purely formal amendment.

The amendment was carried.

4-47 P.M.

Mr. Ganpat Rai (Urdu).—I move, Sir—

"That the words 'provided that a town already having a municipality shall not be declared a small town within the meaning of this Act' be added after clause 3 (1) (b)."

Sir, the object I have in view in bringing forward this amendment is this. There are some towns in the Province, which although they have less than ten thousand souls, yet municipalities were brought into being there under the provisions of the Punjab Municipal Act. It is feared, Sir, that with the introduction of this Act those municipalities may not be abolished and small towns committees created in their stead. It was just with this idea that I desired to have a proviso added to clause 3 (1) (b). Some of those municipalities have been in existence for a number of years and are carrying on their functions quite satisfactorily so it will be mere justice that they should remain intact and not be superseded by small town committees. I hope it is not intended at all to wipe them off by the application of this Act, but still it will be better to have a specific provision laid down.

4-49 P.M.

Pir Akbar Ali (Urdu).—Sir, the proposal embodied in the amendment was brought forward in the Select Committee also. This demand has been repeated again in the House. I am afraid nobody can question the fairness of and the reasonableness of this demand. It should be agreed to by the House. I support it cordially.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—As there seems to be a fairly large demand for this on the part of the members of the Council in deference

to their wishes I am prepared to accept this amendment.

Mr. President.—The motion before the Council is—

"That the following words be added to clause 3 (1) (b):—'provided that a town already having a municipality shall not be declared a small town within the meaning of this Act.'"

The amendment was carried.

Mr. President.—I now put it—

"That clause 3 as amended stand part of the Bill."

The motion was carried.

Mr. President.—The next amendment stands in the name of Mr. Ganpat Rai with regard to clause 4.

Mr. Ganpat Rai.—In view of the assurance of the Hon'ble Minister that the object of having a nominated member is to appoint an expert, I will not move this amendment.

Mr. President.—The motion before the Council is—

"That clauses 4, 5, 6, 7 and 8 stand part of the Bill."

The motion was carried.

Mr. President.—The motion before the Council is—

"That clauses 9 and 10 stand part of the Bill."

The motion was carried.

4-52 P.M.

Rai Bahadur Lala Sewak Ram (Urdu).—I move, Sir—

"That in clause 11 the two provisos Nos. (1) and (2) be deleted."

Sir, there are two provisos in clause 11 of the Bill which strike at the very foundation of the independent working of the Small Town Committees. A committee shall employ officers and servants but the Deputy Commissioner will have full authority to dismiss them for reasons to be stated in writing. It is not in consonance with the spirit of the times. I will however be contented if instead of the word 'shall' after the words 'the committee,' the word 'may' be substituted. It will thus give some scope to the committee to

use its discretion in the dismissal of its employees. The second proviso also places an unnecessary restriction on the powers of the committees. The substitution of the word 'may' instead of the word 'shall' before the words 'on the requirements of the Deputy Commissioner' will afford a little relief from the otherwise absolute order of the head of the district. The liberty of action in the small town committees should not be unduly restricted, otherwise they will become a sham as the panchayats are likely to be.

4-54 P.M.

Pir Akbar Ali (Urdu).—Sir, the question involved in the amendment was also laid before the Select Committee for its consideration. These two provisos were considered essential in view of the fact that the members of those committees may not employ their own relatives and there was nothing in the whole Bill to check them from appropriating to themselves the leaves and fishes of the offices in the power of the committee. The *pros* and *cons* were thoroughly discussed before the Select Committee arrived at the conclusion of retaining these two provisos by a majority of votes. I believe, Sir, they are absolutely necessary for the efficient and disinterested discharge of the functions of the committees. I oppose the amendment accordingly.

Sardar Kartar Singh. (Urdu).—Sir, I associate myself with every word that has been said by Pir Akbar Ali in opposing the amendment. I oppose the amendment accordingly.

Mr. President.—The motion is—

"That the two provisos to clause 11 be deleted."

The amendment was lost.

4-56 P.M.

Mr. Ganpat Rai (Urdu).—I move, Sir, that—

"In provisos (1) and (2) of clause 11 the words 'Local Government' be substituted for the words 'Deputy Commissioner', throughout."

Sir, the object of this amendment is simple enough. It no longer remains a moot point whether the Deputy Commissioner should or should not be given the powers of the kind it is contemplated to give him under the provisions of clause 11 of the Bill. The House has explicitly expressed itself many a time during the last few days on the subject.

I think that the Deputy Commissioners should be deprived of their power under this clause and the Local Government, which in fact means the Minister in charge, should exercise such powers as are provided in that particular clause. I hope the Hon'ble Minister and the House will agree to it.

4-58 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, I oppose the amendment strongly. If it is believed, as it appears from the amendment before the House, that the Minister is not and will not be able to see that the powers conferred on the officers in the district are exercised with due care and on right occasions, then, I would beg the Council to look for another Minister. I believe that the Deputy Commissioners will exercise their powers for the public good and it is unwise and wrong to clamour to deprive them of whatever little powers will devolve upon them by the provisions of this Bill. I strongly oppose this amendment.

Mr. Ganpat Rai.—I beg leave to withdraw this amendment.

The amendment was by leave withdrawn.

Mr. President.—I now put it—

"That clause 11 stand part of the Bill."

The motion was carried.

Mr. President.—The motion now is—

"That clauses 12, 13 and 14 stand part of the Bill."

The motion was carried.

Mr. President.—I have just had a technical amendment to clause 15 put before me. This is to carry out a decision just

come to, not to make any municipality into a small town.

Chaudhri Bans Gopal.—I move Sir,—

"That from clause 15 (c) the words 'a municipality or' after the words 'instead of' and the words 'the municipal fund of' the municipality or of' after the words 'to the credit of' be omitted."

The amendment was carried.

Mr. President.—I now put it—

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

The motion was carried.

Mr. President.—The motion before the Council now is—

"That clause 16 stand part of the Bill."

The motion was carried.

Mr. Ganpat Rai (Urdu).—I move, Sir—

"That after sub-clause (1) of clause 17 the words 'or banks approved by the Local Government' be added."

5-1 P.M.

Mr. Ganpat Rai (Urdu).—Sir, the Bombay Government has prepared a list of approved banks where the funds of the committee will be deposited. The Imperial Bank of India, the Central Bank, Limited, etc., are among those approved and selected for the deposits. The same system prevails in Karachi. I do not know why the Punjab Government has not taken up this idea. The branches of the Imperial Bank have been and are being opened in various cities and towns of the province. They will lend additional facilities for the safe deposit of funds. The Bombay Corporation and other unofficial and semi-official bodies have taken to this system. What is good for that province will not be bad for ours. In sub-clause (2) of clause 17, it is permitted to deposit the funds with the banker or person acting as a banker. The banks will be superior in every way to the bankers. I, therefore, hope that the amendment will be carried by the House.

5-3 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, in view of the provision made in sub-clause (2) of clause 17, the amendment is meaningless. The funds will be in the first instance deposited in Government treasuries and sub-treasuries and in places where there are no such treasuries the small towns committee may deposit it with any banker. I cannot understand the value or utility of the amendment in the face of the explicit provision on the subject. Clause 18 is still more clear on the subject. The funds can be invested or deposited in a bank in any manner with the approval of the Local Government. I oppose this absolutely unnecessary addition proposed in the amendment.

Mr. President.—In view of what the Hon'ble Minister has said, do you wish to withdraw your amendment?

Mr. Ganpat Rai.—No, Sir, I wish to press it. It is sometimes convenient to have accounts in more than one bank.

The amendment was lost.

Mr. President.—I now put it—

"That clause 17 stand part of the Bill."

The motion was carried.

Mr. President.—I now put it—

"That clause 18 stand part of the Bill."

The motion was carried.

Chaudhri Bans Gopal.—Sir, I move—

"That in sub-clause (b) of clause 19 of Chapter III omit the words 'a municipality or' after the words 'in the stead of' and also the words 'the municipality or' after the words 'vested in.'"

This amendment is consequential to the amendment already made in clause 6 and is purely of a technical nature relating to the matter of drafting.

The amendment was carried.

Mr. President. I now put it—

"That clause 19 as amended stand part of the Bill."

The motion was carried.

Mr. President.—I put it—

"That clause 20 stand part of the Bill."

The motion was carried.

Mr. A. Latif.—I move—

"That in Chapter IV, clause 21 (a) (i), the words 'XX of' after the word 'Act' be omitted."

It is a purely drafting amendment.

The amendment was carried.

Mr. A. Latif.—I move, Sir,—

"That in Chapter IV, clause 2, the letter '(b)' be substituted for the letter '(a)' after the words 'deemed to be the resident of a small town.'"

It is a purely formal amendment.

The amendment was carried.

Mr. A. Latif.—Sir, I move—

"That in Chapter IV, clause 21 (b), the word 'or' be inserted after the word 'profession', and that the comma after the word 'profession' be omitted."

This is a purely formal amendment.

The amendment was carried.

Mr. Ganpat Rai.—I move, that—

"After clause (a) (ii) of clause 21 the words 'or instead of a town rate may levy octroi or terminal tax subject to rules to be framed by the committee and approved by the Local Government' be added."

5-10 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, the amendment which Mr. Ganpat Rai intends to move is altogether unnecessary inasmuch as it is provided for under clauses 21 and 22. He will see that clause 22 says "with the previous sanction of the Local Government any tax scheduled" and he will find it mentioned at page 48 of Volume VI of the Punjab Legislative Manual under schedule II that it includes terminal tax and octroi, and in sub-clause (b) of clause 22 "with the previous sanction of the Governor-General in Council any other tax." Thus the Small Town Committee is enabled under the provisions of this Bill under clauses

21 and 22(a) to wield all the powers with the sanction of the Local Government and under clause 22(b) all the powers with the sanction of the Governor-General in Council. There is nothing left that the hon'ble member can say is not covered by the provisions of this Bill. I trust the hon'ble member in the light of this information will withdraw his amendment.

Mr. Ganpat Rai.—Do I understand that if a Small Towns Committee ask for permission to levy an octroi or a terminal tax, permission will be given? Is that the assurance?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I assure Mr. Ganpat Rai that every application from any of these new children of this Council—the Small Town Committees—will receive very, very careful consideration.

Mr. Ganpat Rai.—I am not satisfied with the answer; still I ask leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion before the Council is—

"That clause 21 as amended stand part of the Bill."

The motion was carried.

Mr. President.—The motion now before the Council is—

"That clauses 22, 23 and 24 stand part of the Bill."

The motion was carried.

Mr. President.—I call upon Mr. Ganpat Rai to move his amendment to clause 25.

Mr. Ganpat Rai.—Sir, I move—

"That in sub-clause (8) of clause 25 the words 'one month' be substituted for the words '15 days,' throughout."

In sub-clause (2) of this clause, Sir, a period of 30 days has been allowed whereas in sub-clause (3) only 15 days have been allowed. It is usual in such cases to give 30 days for making objec-

tions. I do not know why the period allowed in the case of sub-clause (3) is only 15 days. If the Hon'ble Member in charge can explain what inconvenience is caused by allowing 30 days, I shall be very glad to withdraw my amendment.

Pir Akbar Ali.—Sir, I support Mr. Ganpat Rai's amendment which is quite reasonable.

5-17 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, as contended by the hon'ble mover of the amendment it is a fact that one month's time limit has been allowed in some other clauses of the Bill. It is not necessary to grant the same in every case. In clause 25, sub-clause (2), a person whose name appears among the assesses may within "30 days" of the date on which a copy of the list is posted make an objection in writing. In sub-clause (3) of the same main clause it is provided that if such assessee is dissatisfied with the orders of the committee, he may appeal to the Deputy Commissioner within 15 days of the date of the pronouncement of the orders. The period of fifteen days is quite sufficient for preparing or making up his mind to appeal. It is beyond my comprehension to understand why appellant should require one month instead of fifteen days. It is still more strange why he should be given still another 30 days after the lapse of 15 days. It would amount to completing full three months' time.

It will not do well to place obstacles in the way of the newly created committees which will require funds to carry on their work. There should be reasonable facilities for the realisation of assessments with due regard to the public convenience also. I therefore think, Sir, that 15 days is quite a reasonable period and should not be increased to 30 days. I oppose the amendment.

The amendment was lost.

Mr. President.—The motion now before the Council is—

"That clause 25 stand part of the Bill."

The motion was carried.

Mr. President.—I call upon Mr. Latif to move a formal amendment to clause 26.

Mr. A. Latif.—With your permission, Sir, I move—

“That in Chapter IV, clause 26 (2), the letter ‘(b)’ be omitted after the words ‘clause (1).’”

The amendment was carried.

Mr. President.—The motion now before the Council is—

“That clause 26 as amended stand part of the Bill.”

The motion was carried.

Mr. President.—The motion now before the Council is—

“That clause 27 stand part of the Bill.”

The motion was carried.

Mr. Latif.—With your permission, Sir, I move a formal amendment to clause 28—

“That in clause 28. (1) (b) the word ‘units’ be substituted for the word ‘unite.’”

The amendment was carried.

Mr. A. Latif.—With your permission, Sir, I move another formal amendment.

“That in Chapter IV, clause 28 (3), the word ‘instalments’ be substituted for the word ‘instalment.’”

The amendment was carried.

Mr. President.—The motion now before the Council is—

“That clause 28 as amended stand part of the Bill.”

The motion was carried.

Mr. President.—The motion before the Council is—

“That clauses 29, 30, 31, 32 and 33 stand part of the Bill.”

The motion was carried.

Mr. President.—The motion before the Council is—

“That Chapter V—Powers for sanitary and other purposes—clauses 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 stand part of the Bill.”

The motion was carried.

Mr. President.—The motion before the Council is—

“That clause 46 stand part of the Bill.”

The motion was carried.

Mr. President.—I call upon Mr. Ganpat Rai to move the amendment that—

“In clause 47 the words ‘or Deputy Commissioner’ be omitted and at the end the words ‘and the Commissioner shall forward his order to the Local Government for its decision’ be added.”

5-24 P.M.

Mr. Ganpat Rai (Urdu).—Sir, the object of this amendment is that the Deputy Commissioners should not be provided with powers to suspend the execution of the resolution of a committee. The Commissioner may do so and he shall forward his order to the Local Government for its decision. The public opinion is being educated by leaps and bounds. The times have much advanced. I think, Sir, instead of going with the time our Hon’ble Minister is putting the hands of the clock back, otherwise he would not have put it within the power of the head of the district to order the suspension of a resolution adopted by a committee. I respectfully remind the Hon’ble Minister that it is not the village, the village panchayats and the rural people that he is dealing with. It is the towns where there is already enough of agitation and unrest. The urban people will not brook or tolerate intrusion so much. I am afraid the Hon’ble Minister will do a disservice to his country and to the Government of which he is so honoured a member by refusing to accept this modest amendment.

Chaudhri Daya Ram (Urdu).—Sir, I beg to oppose the amendment just now

moved by Mr. Ganpat Rai. If every thing was left to be dealt with directly by the Minister I am afraid it will increase his work, and it will increase expenses. It may be that we may have to entertain another joint Minister to carry on the work. I oppose the amendment accordingly.

5-28 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, the amendment moved by my hon'ble friend resolves itself in two parts. The first part is that the words "Deputy Commissioners" be omitted. In regard to this, Sir, anybody who will give it cool-headed consideration will not find it possible for him to agree to it. Why should it be urged repeatedly that the Deputy Commissioners who are the guardians of the districts in which these committees will come into existence, should have no concern with the affairs of that body? This proposal cannot stand cool reasoning even for a moment. I beg, therefore, to request the hon'ble mover to withdraw the amendment or the House should reject it. The second part is that the Commissioner shall forward his order to the Local Government for its decision. I am in perfect agreement with the principle underlying it. I am at one with the hon'ble mover that the Local Government and for the matter of that the Minister in charge should be the final authority in the suspension of a resolution by a committee to be constituted under the provisions of this Act. I have my doubts if the amendment under discussion will serve the purpose in view. I have to see to all sides of the case, but it may increase difficulties or involve changes in drafting.

If there is really a keen desire on the part of the Council that the principle enunciated by Mr. Ganpat Rai be included in the Bill, I am not prepared to oppose it, and probably the best thing to do will be to incorporate the provisions of the Municipal Act on the subject in the Bill; but that could not be done without your permission.

Mr. President.—I must put the amendment as it stands. The motion before the Council is that—

"In clause 47 the words 'or Deputy Commissioner' be omitted and at the end the words 'and the Commissioner shall forward his order to the Local Government for its decision' be added."

The amendment was lost.

Mr. President.—I now put it—

"That clause 47 stand part of the Bill."

The motion was carried.

Mr. President.—I now put it—

"That clauses 48, 49, 50 and 51 stand part of the Bill."

The motion was carried.

Mr. President.—I now put the preamble to the Bill.

The motion was carried.

Mr. President.—The amendments to the Bill have now been concluded. Under the new Standing Order 50 (2), to which the assent of His Excellency has been obtained, I direct that the Bill be referred to a drafting committee consisting of the Hon'ble Minister for Education, the Deputy President and the Legal Remembrancer, with orders to report by 2 P.M. on Tuesday, the 8th of November, as to what amendments of a formal character should be made as a matter of drafting.

THE PUNJAB MUNICIPAL AMENDMENT BILL.

5-33 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to introduce the Punjab Municipal Amendment Bill, 1921. This Bill was published in the Gazette under orders from His Excellency and therefore its motion for introduction is only formal. It will be noticed that this Bill was circulated to the members very nearly a fortnight ago. The second point for consideration is that this Bill is not a contentious Bill in the sense that it involves any principles which can

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

be or are disputed. From the Statement of Objects and Reasons it is clear.....

Mr. President.—The Hon'ble Member should explain the Bill on the motion that it be taken into consideration. The introduction is a formal matter.

(At this stage the Bill was introduced).

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Having introduced the Bill with your permission I now beg to move that the Punjab Municipal Amendment Bill be taken into consideration at once.

This Bill was published in the Gazette some time ago and it has been circulated amongst the members also a fortnight ago and has been receiving their consideration. But as a matter of fact it hardly deserves much consideration inasmuch as it is of a purely formal nature. The reasons which led me to introduce this Bill are briefly narrated at the foot of the sheet on which this Bill was printed in the Gazette. It will appear from the statement that a terminal tax was introduced into the Sialkot Municipality with the intention that it should take the place of the octroi both in the municipality and in the cantonments for which the same octroi had been established under section 78 of the Punjab Municipal Act. At that time it was not realized that this section applied only to octroi and that a similar arrangement was not possible in order to arrange for joint collection of terminal tax. It is in order to make up that defect that this Bill is being introduced. The schedule in force upon the introduction of the terminal tax has been cancelled, and it is therefore necessary to legislate with retrospective effect in order to legalize the present position and to make section 78 equally applicable to the terminal tax which has been substituted for the octroi. But, Sir, it will be noticed that the retrospective effect to be given is not to go beyond August 1921, which I trust the members of this Council will consider fairly reasonable. It will be noticed also that the various provisions of this Bill simply

consist in adding 'or terminal tax' after the expression 'of octroi,' and that is in sections 76, 77 (1), 78 (1), 78 (2), 82 (1) and 188 (g). With these few observations I beg that this Bill be forthwith taken into consideration.

Mr. Ganpat Rai.—The only observation which I wish to make about this Bill is to ask whether the time has not yet come when there should be a separation between the cantonments and municipalities.

Mr. President.—How is that relevant to this particular Bill?

Mr. Ganpat Rai.—Because the Bill has been considered with a view to giving effect to some arrangement between the Sialkot municipality and the Sialkot cantonments. That is what fell from the lips of the hon'ble mover as the reason for this Bill.

Mr. President.—On this Bill I cannot allow a discussion on the administration of municipalities and cantonments.

The motion before the Council is—

"That the Punjab Municipal Amendment Bill, 1921, be taken into consideration at once."

The motion was carried.

Mr. President.—Would it be possible for the member in charge of the Bill to say how many clauses there are in it? The Bill has been got up in an unusual form.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—It seems there are eight. I am afraid the Bill has been drafted in rather a peculiar manner. So I move—

"That the words 'section 1' be removed from the margin and that the letter 1 be put at the beginning of the first clause."

I will have the Bill put into a proper form by the drafting committee.

The amendment was carried.

Mr. President.—I now put it—

"That clauses 1 to 8 stand part of the Bill."

The motion was carried.

Mr. President.—I now put the preamble to the Bill.

The motion was carried.

Mr. President.—The amendment stage of this Bill having been concluded I direct that it be referred to a committee consisting of the Hon'ble Minister for Education, the Deputy President and the Legal Remembrancer, with orders to report by 2 P.M. on Tuesday, the 8th November, as to what amendments of a formal or consequential character should be made as a matter of drafting.

THE PUNJAB PURCHASE OF LAND BILL.

Mr. E. R. Abbott.—Sir, I beg to introduce the Punjab Purchase of Land Bill, 1921.

(At this stage the Bill was introduced.)

Mr. President.—Mr. Abbott will now move—

"That the Punjab Purchase of Land Bill, 1921, be referred to a select committee consisting of—

The Hon'ble Lala Harkishen Lal,

Mian Beli Ram,

Sardar Kartar Singh,

Mian Muhammad Shah Nawaz,

Sayed Muhammad Hussain,

Mr. N. H. Prenter,

and the mover."

I presume that the consent of all the members to act on the select committee has been taken.

Mr. E. R. Abbott.—Yes.

Mr. President.—I now call upon the hon'ble member to move that the Bill be referred to a select committee. If that is carried, I will put the names to the Council.

5-50 P.M.

Mr. E. R. Abbott.—Sir, the members of this Council are aware that some years ago a commission was appointed by the Government of India to inquire into the

condition of Indian industries. That Commission reported in 1918, and here is the report of the Commission. I have no doubt that all members of this Council have read this report with the same voracity and interest as I have done myself. But in case any one, neglectful of his duty to the State, has not committed to memory this report from the first page to the last, I wish to point out that in paragraph 200 of the report attention is drawn to cases in which a willing transferor of land required for industrial enterprise is prevented by law from passing a clear title. In the report it is pointed out that laws have been made to prevent certain classes of persons from being deprived of their rights in land, even by their own voluntary action, because the cultivation of that land by, or under the control of other classes brings about an undesirable state of affairs. The Commission points out that there is no reason why the same measures should be required for land which would not remain agricultural land after transfer. The specific recommendations which are for the whole of India and not for the Punjab only, are that provision should be made, where necessary, in local laws to enable persons, who are prevented by legal restrictions from transferring their lands or from conferring an absolute title therein, to do so with the sanction of some proper authority, when the land is required for an industrial enterprise, more particularly for the housing of industrial labour.

Members will notice in the first place that we are only dealing with the question of voluntary sale. No question whatever arises of compulsory acquisition.

Those who have had occasion, and most of us have had occasion, to acquire land in this province, are aware that the chief obstacles to such transfers arise in the first place from the Punjab Alienation of Land Act, 1900, secondly from the Punjab Pre-emption Act, 1905, also from the Customary Law of the Punjab and, in the case of land held in occupancy right, from Chapter V of the Punjab Tenancy Act, 1887.

[Mr. E. R. Abbott.]

Sir, the principle of this Bill is that where land is voluntarily sold for industrial purposes, a notification shall issue in the Gazette on application being made by the transferee and under such safeguards as will secure that the land is used after purchase for the purposes for which it was to be transferred, and thereupon the disabilities arising out of the various causes which I have mentioned shall be by law removed.

As regards the Land Alienation Act, I may point out that there are already definite instructions to Deputy Commissioners that applications for permission to sell to non-agriculturists shall be readily granted where the land is required for industrial enterprise. Members will also be aware that under 7 (2) of the Pre-emption Act the Local Government has the power to declare pre-emption rights non-existent and has already done so in the case of certain areas adjoining large towns. As regards these two cases, therefore, the provisions of the present Bill do little more than simplify the present practice. It may be asked, if that is so, what is the necessity for this Bill? The reason is that we are by this Bill able to concentrate in one enactment the removal of all the disabilities under which purchasers of land for industrial purposes suffer.

In the case of occupancy tenancies, to which I have drawn attention, it is only proposed to deal with those in which the occupancy right is held under

section 5, in which case the tenant has a right of transfer which is at present subject to a right of pre-emption by the landlord. In such cases it is proposed to cancel the landlord's right of pre-emption, but to substitute a payment of compensation to be determined by the Collector.

It is further proposed to enact that where land has been notified as already explained, the sale to the person by whom the application was made, if registered within six months of the date of notification shall not be subject to certain rights ordinarily held by the reversioners.

Hon'ble members will, I think, understand that the scope of the Bill is somewhat limited and that the existence of unpartitioned joint holdings at any rate will still place difficulties in the way of those who wish to buy land. I also wish to point out that the actual area, the transfer of which is likely to be facilitated by this Act, is exceedingly small, but limited as is the scope of the Bill, it is believed that if passed into an Act, it will materially facilitate the purchase of land for industrial purposes and promote the development of industrial enterprises.

I have to explain that clauses 6 and 7 of the Bill regulate the central subject of Civil Law and and require the previous sanction of the Governor General. This sanction, however, has been obtained and the fact appears in the preamble of the Bill.

The Council then adjourned till 2 p.m. on Monday, the 7th November, 1921.

PUNJAB LEGISLATIVE COUNCIL.

Monday 7th November 1921.

The Council met at the Council Chamber at two of the clock.
Mr. President in the Chair.

OATH OF OFFICE.

Mr. J. WILSON-JOHNSTON, C.B.E.,
was sworn in.

THE PUNJAB PURCHASE OF LAND BILL.

Mr. President.—The motion before
the Council is—

"That the Punjab Purchase of Land Bill,
1921, be referred to a Select Committee."

To this an amendment is to be moved
by Chaudhri Daya Ram—

"That the Bill be circulated for the purpose
of eliciting opinion thereon."

I call upon Chaudhri Daya Ram to
move his amendment.

Rai Sahib Chaudhri Raja Singh
(Urdu).—As Chaudhri Daya Ram is
absent, will the Hon'ble the President
permit my moving the amendment in
his place?

Mr. President.—Yes.

2-9 P.M.

Rai Sahib Chaudhri Raja Singh
(Urdu).—Sir, I move—

"That the Bill be circulated for the purpose
of eliciting public opinion thereon."

The Bill will deprive the zamindars of
their most cherished privileges. When
the lands of the zamindars were gradually
changing hands to the non-agriculturists
the benign Government came to the
rescue of the former and enacted Act 13
of 1877. The zamindars were most be-
holden for this act of graciousness. Sir,

we are afraid that the Bill now before
the House is but a prelude to the annul-
ment of the Act 13 of 1877 which most
zealously safeguarded the interests of the
inarticulate agriculturists.

Every clause of this Bill is a blow at
the, and an unwarranted interference
with, the rights of the zamindars. Clauses
3 and 4 of the Bill are diametrically
opposite to the provisions of the Punjab
Land Alienation Act of 1900. Clause 5
nullifies the rights of hereditary. Clause 7
of this Bill renders it immune from the
provisions of any other Act which may be
contrary to the provisions of this Bill.
Clause 8 materially modifies the provi-
sions of the Tenancy Act of 1887 and
strikes at the proprietary rights of the
zamindars. I make bold to assert, Sir,
that there is not a single clause in this
Bill which can be said to safeguard the
privileges of the zamindars. This is the
first occasion, so far as I can remember,
that under the ægis of this most benevo-
lent Government zamindars as a class
have been wronged. The Bill in the
present form is most unacceptable to us
and should not be referred to a Select Com-
mittee. There are some members here in
the Council who, represent the zamindar
interests, but they cannot acquiesce in its
being referred to the Select Committee,
without consulting the wishes of their
constituents, whom it so directly, vitally,
and adversely affects. It is extremely
necessary that this Bill should be circu-
lated for eliciting public opinion thereon.
The district boards will thus have an
opportunity of expressing their considered
opinion on the matter. I beg, therefore,

[R. S. Ch. Raja Singh.]

to oppose its being referred at once to the Select Committee and would beg that the Bill be circulated.

2-15 P.M.

Malik Firoz Khan, Nun.—Sir, I have the greatest pleasure in supporting the amendment moved by the hon'ble member opposite to the effect that this Bill be circulated for eliciting public opinion. Sir, there is no doubt that this Bill in a way does trench upon certain provisions of the Land Alienation Act, an Act which the zamindars of this province consider to be their Magna Charta. Let me at the very beginning say that we, the zamindars of this province, have every sympathy with the industrial communities of our province. They are like brothers to us in our material progress; their welfare is our welfare and our welfare is dependent on their welfare. We quite understand that in anything which leads to their betterment it is our duty to support them. At the same time we must safeguard our own interests. We quite understand, Sir, that the industries of this province are in some ways behind the industries of other countries, and that they do require a certain amount of help from the Government and from the people.

No doubt the provisions of the Land Alienation Act, which contain the provisions of our customary law, do certainly stand in their way; but while to the advancement of industries the majority of the people would agree, as to whether we can agree to the provisions as they have been brought forward in the Bill before this Council is a question on which I hesitate to give my opinion. As you know, Sir, the Land Alienation Act is an Act which is based on principles of equity and justice. You know, Sir, that at the present time the people of the West, especially the Socialists, are fighting hard to nationalize all industries like railways, mines, etc. I am glad to say, Sir, that the Land Alienation Act was a socialistic measure, which was passed about 20 years ago. By that Act, it is provided that

the lands of the zamindar classes are not to pass into the hands of the capitalists, that is, the middlemen, who take the profit with practically no work of their own except the loan of their capital. That is the very strong economic principle at issue here. If the Land Alienation Act had not come into existence I feel sure that the greater part of our land would have passed into the hands of the capitalists; but as it is the Land Alienation Act is a safeguard against that danger and our own customs and our own laws provide additional protection. Gradually the bigger estates are being broken up into smaller and smaller estates, till we come to the original tiller of the soil who gets all the profit out of the land and there is nobody in between to share the profit. That is a law based on economic and social principles and not on any kind of favouritism. Yet that is a law which does not favour any particular community in this province. We have towards the east of this province Hindu Rajputs who are agriculturists; towards the central tracts there are Sikh agriculturists, and towards the west we have Mussalman agriculturists. So that this is an Act which has been passed for the benefit of all communities, of all creeds and of all classes, and not for the benefit of any particular class. So that if we do anything to maintain and support that law it must be understood that our action is based on reason and equity and on true economic principles. What we have now to see, Sir, is that no law be passed in this Council which trenches upon the provisions of that Act or curtails the safeguards provided by it—I mean the Land Alienation Act.

It is certainly admitted, as I have suggested already, that there is a need for some provision to enable people to buy land for industrial purposes; but the provisions in this Bill as they have been presented to the Council are not the ones which serve the purpose: because certain misgivings have arisen in the minds of zamindars that this Bill will be used as an instrument to take their lands away from them. It is true that it is stated that only

that land can be sold which the owner is willing to sell. But willingness, Sir, stands for nothing, because we all know that if it had been left to their willingness and the Land Alienation Act had not been passed, most agriculturists would have by now sold out their land. Then, Sir, there is no indication in the Bill as to what will happen if, supposing, land is bought for industrial purposes and is not afterwards used for those purposes. Then, Sir, supposing in the towns or villages having a large industrial population all about them there is a very clever and educated person who may get a land-owner to sell his land willingly on the plea that he is going to build a factory on it and then he does not build his factory, is there any provision in the Bill to safeguard the interests of the descendants of that land-owner who has sold his land willingly? This is a most important matter touching on the ancestral rights of property and there ought certainly to be a provision in the Bill providing for such a case before it is passed. Moreover, Sir, this Bill infringes on many other laws existing in this province, for instance, the customary law, and that law, as every one knows, does not permit the sale of freehold property of any particular individual. So far as village communities are concerned the lands are all ancestral property and the man holding it for the time being is only a life tenant and his children have as much interest in it as he has. So before we pass any law to take away the rights of the coming generation we should think twice before coming to conclusions in the matter. Then again this Bill provides that it is not necessary for anybody to prove legal necessity for the sale of his land. Now, Sir, it is not an uncommon thing in this province, at least for some people, that in order to injure the interests of their descendants or at any rate of their collaterals they try and sell their lands; but the customary law provides that unless there is a legal necessity behind such a contract that contract is void, and the collaterals are entitled to claim the land and to get it back. This

Bill, however, overrides that provision of customary law and says that it is not necessary to prove legal necessity for a contract of sale. There is already in existence another Act, the Land Acquisition Act, and if the Government considers that it is necessary to acquire land for industrial purposes why does it not acquire the land under the Land Acquisition Act.

Mr. E. R. Abbott.—Because the Land Acquisition Act does not cover the particular cases which the member refers to.

Malik Firoz Khan, Nun (continued).—I did not quite catch that. However, Sir, under that Act it is provided that if anybody is dissatisfied with the price given to him, he can go to a civil court and dispute the decree and claim a higher price, which is often awarded. Why is not a similar provision inserted in the Act now under consideration.

With these few remarks I conclude my speech and I hope that the Government Benches will have no objection to the circulation of this Bill for eliciting public opinion from the District Boards. It might be said that it has been circulated already and published in the Gazette, but that is not sufficient. The District Boards, the representatives of rural areas, are certainly the authorities which ought to have been consulted in this matter, and I heartily support the hon'ble mover of this amendment that before Government introduces this Bill it must be circulated to the public for opinion and to the District Boards in particular, and those provisions which have aroused misgivings in our minds should be removed before it is brought up for the consideration of the Council.

Mr. President.—Before the amendment can be discussed any further it must be regularized by having a date fixed for the purpose of eliciting opinion thereon by that date.

(After some discussion between the Hon'ble Minister for Agriculture and the mover the end of January 1922 was fixed.)

Mr. President.—The motion before the Council is—

"That the Punjab Purchase of Land Bill 1921, be referred to a Select Committee."

To this motion an amendment has been moved—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of January 1922."

The amendment was carried.

GOVERNMENT'S SUPPLEMENTARY DEMANDS FOR GRANTS.

Mr. President.—The Council will now proceed to consider the Government's demands for supplementary grants.

FOREST GRANT.

Mr. D. J. Boyd.—Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 5,18,080 be granted to the Governor in Council, Punjab, under the Major Head '8—Forests' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

I think it is unnecessary to say anything in detail at this stage. If any members wish to see an explanation they will find it in the note on the Supplementary Estimates for 1921-22.

Mr. President.—As no notice of an amendment has been received, I will put the motion to the Council.

The motion was carried.

IRRIGATION GRANT.

Mr. H. W. M. Ives.—Sir, I beg to move resolution No. 11 on the continuous list of Government business which runs as follows:—

"That a supplementary sum not exceeding Rs. 8,00,000 be granted to the Governor in Council, Punjab, under the Major Head 'XIII—Irrigation Works' for which capital accounts are kept to defray the charges which will come in course of payment during the year ending on 31st March 1922."

An explanatory note has already been added to the Supplementary Estimates 1921-22 and I do not think I have got anything further to say, Sir, unless I am asked.

The motion was carried.

MISCELLANEOUS GRANT.

The Hon'ble Sir John Maynard.—Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 19,16,584 be granted to the Governor in Council, Punjab, under the Major Head '47—Miscellaneous' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

2-35 P.M.

Mr. Ganpat Rai (Urdu).—Sir, I beg to move—

"That the demand under the Major Head '47—Miscellaneous' be reduced by Rs. 50,000 on account of the item of Rs. 1,60,000."

Sir, I remember I was in my teens when the then Prince of Wales, afterwards King Edward VII, came to India. I remember it as a thing of yesterday when King George V made his Royal visit as Prince of Wales and later on he came to India as King of Great Britain and was crowned Emperor of India at Delhi. I know on each one of these auspicious occasions the hungry were fed, the naked were clothed, the needy were provided for, so much so that these step-children of humanity had as much a day of rejoicing as their more fortunate brethren. Conditions have since changed for the worse. The country is in the grip of an acute and widespread famine. The occasion is therefore such that the poor and the hungry should be feasted on a larger and more magnanimous scale to commemorate the Royal visit. The Prince of Wales has graciously expressed himself in unmistakable terms that his visit should not be made an occasion for unstinted expenditure on pomp and show. I believe, Sir, the Prince of Wales will be right glad to see the hungry fed. The

motion I have brought forward is, that the expenses on the Royal visit be cut down by Rs. 50 thousand. If, however, some substantial sum be allotted for the poor I would not press my proposal. I am a member of the committee on public expenditure, and I did not purposely bring forward any motion for reduction in expenses in the said committee because I believed that the Hon'ble Finance Member on looking up the previous records will find that feeding of the poor formed by no means a negligible item of the Royal visits. This seems to have been overlooked somehow. A big sum of Rs. 20,000 has been earmarked for a Mela in Minto Park. I doubt the utility of this sum. A sum of Rs. 5,000 is set apart to be spent on sumptuously entertaining and feasting the press correspondents. The motors which are to be hired perhaps for press correspondents will be responsible for another sum of Rs. 10,000. We have already granted Rs. 27,000 for the purchase of new motors for His Excellency the Governor. I urge, Sir, that it should be the lookout of the press to send their correspondents at their own expense. They should be provided reasonable facilities only. It should be their lookout to hire motors to be able to follow the ceremonies the Prince will perform. The people at large think, Sir, that this right Royal feasting of the press correspondents is mainly done with a view to coax them to send grand accounts to their papers. I once more beg to say, Sir, that due consideration should be paid to the poor in this matter and other unnecessary expenses should be cut down.

2-40 P.M.

The Hon'ble Sir John Maynard.—Sir, perhaps I might state very briefly what the actual position is as regards the arrangements about the entertainment of His Royal Highness the Prince of Wales on his visit to the Punjab. Nothing can be said yet to be absolutely settled. A committee has been appointed of which the duties will be to determine precisely the nature of the arrangements

which will be made. At present it is not possible to say with any certainty that a sum will be expended in a particular way or not. The committee will naturally consider all suggestions that are put before it and I can assure the hon'ble mover of this amendment that I am convinced that this committee will give its most careful consideration to the suggestion which he has put forward that there shall be something done on behalf of the poor. I trust that that will satisfy him and the object which he has at heart in putting forward the suggestion. It is not open to me to say more than that I am convinced that the committee will give the matter its most careful consideration.

As to the rest of his amendment about motor cars for the use of correspondents I understood him to say that correspondents were not wanted.

Mr. Ganpat Rai.—No, I did not say that correspondents were not wanted. All I said was that some other arrangements for their conveyance could be made.

The Hon'ble Sir John Maynard.—All right. We all know that when one is entertaining a guest one makes all the customary arrangements in the proper manner, and I am sure, Sir, that this Council will repudiate with indignation the suggestion that it should cut down its expenditure on the entertainment of the guest, without due regard to the dignity and the customary proprieties of such a visit. My friend Mr. Ganpat Rai is well known to this Council for the expedients which a fertile brain suggests to him in the way of amending our proposals. We are always very glad to listen to him but on this occasion I am sure this Council will agree with me that the proposal for reduction of the vote, apart from his suggestion for the feeding of the poor, should receive very brief consideration indeed.

Mr. President.—Are you satisfied, Mr. Ganpat Rai?

Mr. Ganpat Rai.—I am quite satisfied, Sir, and I wish to withdraw my amendment.

[Mr. Ganpat Rai.]

The amendment was by leave withdrawn.

Mr. President.—The motion before the Council is :—

"That a supplementary sum not exceeding Rs. 19,16,584 be granted to the Governor in Council, Punjab, under the Major Head '47—Miscellaneous' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

PROVINCIAL LOANS (RESERVED) GRANT.

The Hon'ble Sir John Maynard.—Sir, I beg to move :—

"That a supplementary sum not exceeding Rs. 28,89,000 be granted to the Governor in Council, Punjab, under the Major Head 'Loans and Advance Accounts' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

In regard to this motion, Sir, it is necessary to explain very briefly that this is due to the character of the season and the loss among cattle in the Province. A very large amount consequently had to be advanced to agriculturists partly for cattle and partly for seeds. The total amount which is actually or is being advanced to agriculturists on these two accounts now approaches to Rs. 59,00,000.

The motion was carried.

TOKEN GRANTS.

LAND REVENUE GRANT.

Mr. President.—We now come to the token grants. I call upon a member of the Government to move that a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head "5—Land Revenue" to defray the charges which will come in course of payment during the year ending on 31st March 1922. Members should note that this demand represents a sum of Rs. 65,469 of which Rs. 65,459 is to be met by reappropriation

from other grants and Rs. 10 from this "token" grant so as to bring the matter within the competence of the Council.

Mr. P. J. Fagan.—Sir, I beg to move accordingly. The detail of the charge is given on page 4 of Part I of the Explanatory Memorandum and some explanations have been given on page 1 of Part II of the same Memorandum.

2-50 P.M.

Malik Firoz Khan, Nun.—Sir, I rise to support this motion and in doing so I feel I am doing a very daring thing especially as I am a representative of that part of the Shahpur District which is to be settled. I know, Sir, that there is a good deal to be said against the land revenue policy of the Government, but if the government of this province is to be carried on money has to be provided for from somewhere; and if we go on spending money and do not find any means of getting income I do not know in how short a period we shall create a deadlock for our province. The Shahpur colony was settled in 1912 and it is only ten years since the last settlement was done. In my humble opinion this is a very short period. It is being suggested that the price of foodstuffs and other things has gone up, but in my humble opinion the War has to do a great deal with the rise in prices. Probably the rise is temporary: still we wish to prove to the Government that we zamindars do not wish to stand in the way of the Government carrying on the administration. While settling the district of Shahpur I do hope the Government will pay due regard to the fact that the rise in prices is temporary and not permanent. Sir, there is another safeguard for the interests of the zamindars and that is this that Government has already consented to postpone the levying of the new assessments till the Legislative Council has decided as to what is to be the general rise in assessments and as to what is to be the period of settlement.....

The Hon'ble Sir John Maynard.—I may be permitted, Sir, to interrupt the hon'ble member and explain that it does

not rest with the Council to decide this question. Government has appointed a Committee of the members of this Council: this Committee will report to Government and it will then rest with the Government to decide the question on the proposals made by this Committee. I wish to make it clear to the Council that the question will not come before it.

Malik Firoz Khan, Nun (continued).— Yet, Sir, we presume that Government will give way to the feelings of the Council. I have every hope that whatever the wishes of this Council will be it will certainly have great weight when the question comes before the Government. I am thankful to the Hon'ble Finance Member for what he has stated. So far as the interests of the zamindars are concerned I may point out that the Committee appointed will certainly safeguard the interests of the zamindars; and whatever their recommendations be, if His Excellency the Governor thinks that this tract of Shahpur should not be settled just now or that the settlement should not be increased beyond a certain percentage, we should rest assured that full justice will be done to us.

2-55 P.M.

Sayad Muhammad Husain (Urdu).— Sir, I had the proud privilege of moving a resolution on land revenue assessment which was accepted on behalf of the Government in an amended form. The Government had given an undertaking that every assessment which will be started will be subject to and will be revised according to the findings of the committee appointed by virtue of this resolution. The present proposed re-assessments are to be proceeded with because the prices have increased by 50 per cent. since the last settlements in those tracts were made,—and for some other reasons too. It may be fair to assume that the prices will never come to their pre-war level. I have no mind to oppose these assessments because we realise our responsibilities both to the Government and to our constituents. It is as much our bounden duty to provide facilities to the Government to realize

money for the growing expenses of the administration of the province as it is to stand by our electorates in the event of their being overcharged. We do not want to save ourselves from taxation or from yielding our due share to the coffers of the Government. There is a misgiving, Sir, which has just arisen by the interruption of the Hon'ble the Finance Member. We have been labouring under the impression that the findings of the committee appointed to give effect to my resolution will be brought forward in the Council to be discussed. I understand from what has just transpired that the findings will be submitted to His Excellency the Governor. The Council will feel grateful if the Hon'ble the Finance Member clears this point.

We are on principle against the short-term assessment and we have got an inherent right to oppose such steps on the part of the Government. The zamindars feel it keenly and resent the short-term assessments. They feel, Sir, they are not equally taxed with their brothers of other professions and trades. There should be equal taxation and no favour. We are bearing the burden of administration because it is the zamindar who contribute the largest share of taxation in the shape of land revenue. These are points which I desired to urge upon the attention of the Government. I have no desire to oppose the present assessments, or re-assessments of land revenue for all time to come. Nothing is further from my mind than to embarrass the Government. I would request emphatically that there should be equality of taxation and justice should be done to the zamindars. The assessments as far as possible should be few and far between.

Mr. President. I put it to the Council—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '5—Land Revenue,' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

STAMPS GRANT.

Mr. B. T. Gibson.—I move, Sir,

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '7—Stamps' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

IRRIGATION GRANT.

Mr. H. W. M. Ives.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head 'XIII—Irrigation Works' for which capital accounts are kept to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

GRANT FOR GENERAL ADMINISTRATION.

Mr. B. T. Gibson.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '22—General Administration' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

ADMINISTRATION OF JUSTICE GRANT.

Mr. B. T. Gibson.—I move, Sir—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '24—Administration of Justice' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

POLICE GRANT.

The Hon'ble Sir John Maynard.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '26—Police' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

3-7 P.M.

Mr. Ganpat Rai.—Sir, I have an amendment to move to that motion, namely:—

"That the demand of Rs. 10 under the Major Head '26—Police' be reduced by Rs. 1 on account of the item of Rs. 1,02,563."

In view of this amendment, Sir, of which I have given notice, I expected that the Hon'ble Finance Minister would enlighten us on the necessity for the temporary police to be raised. It will be within the knowledge of the Council that on the last occasion when a temporary grant of about Rs. 95,000 was proposed I gave notice of an amendment hoping that an explanation would be given as to why this temporary police was required; but I regret to say that notwithstanding that this is the second time of bringing forward this amendment no light is thrown on the reason why this sum of money is required in addition to the cost of the permanent police, for which a large sum was voted in the last budget session. I also complain, Sir, that, as members who move an amendment have no right to reply, they are entitled to a fuller explanation before they move an amendment as to the intention of the Government. Therefore I at least expected some more light on it, because merely to say that the temporary police are required for general disturbances does not satisfy the public on whose behalf the money is to be voted. We know that there have been disturbances of sorts, but it was not stated last time clearly whether the extra cost is required because of disturbances created by a particular class or in a particular district, for instance, the disturbances created by the Gurdwara movement. Those members of the public with whom I had occasion to discuss this matter,

although I showed them the meagre explanation given to us and tried to give them further reasons for it, were not satisfied with that. They said that wherever the temporary police arrived there more disturbances and disorders were created. That was one argument. Well, I told them I could not agree with them, but they asked me if I could satisfy them as to where or on what particular occasion these temporary police have come forward and restored order and peace and generally made themselves helpful. I am sorry I could not give them any satisfactory answer. I know some of the places where gatherings have taken place—I mean the gatherings of Akali Sikhs,—and gatherings for holding political meetings, but so far as I know the police at those places or at those meetings have not been at all helpful to the authorities or to the public. That is the reason why I complain that I have been given no explanation and I would ask the Hon'ble Finance Member to be kind enough to give an explanation so that one may be able to satisfy the public on this point. Personally I cannot see any necessity for this grant, because at places where there have been disturbances on account of the Sikh Gurdwaras—of course I am not referring to the Isakhel raids, because it is said that portion of the money is on account of Isakhel raids. As regards them the matter came up at some meeting of the Finance Committee; but we are not shown how much money is required for that particular purpose and how much on account of the Sikh gurdwara movement. On the other hand I read about four days ago in a newspaper that at two places where there have been Sikh meetings, etc. (though in the absence of violence I would not call them disturbances) the gurdwara committees in charge had agreed to defray the expenses of the police from the income of the property of the gurdwaras. If that is a fact that the police expenses are borne by the funds of the gurdwaras, I do not see any necessity for such a large sum being voted for temporary police. Therefore, excepting the amount which may be required

to prevent raids on the frontier—of which we have no information at this time beyond what appears in newspapers or in Government communiqués and we have no means of telling whether there is or to what extent the necessity for additional police exists. So far as other disturbances are concerned I do not admit that any have occurred: for beyond the prosecution of boys about fifteen years of age or the Secretary of a Local Congress or Khilafat Committee here and there, and in one case of a District Magistrate prosecuting four young men who, he said, had jeered at him, I have heard of none. I do not see the necessity for extra police. I do not wish to enter into the merits or demerits of the action taken by the authorities in particular cases, and I would only ask, for the reasons stated by me, that the Hon'ble Finance Member should be pleased to withdraw his demand for the amount for which he asks, until the next six months show that there really is an urgent necessity for this money for extra police. Then we shall have another meeting and any money required can easily be obtained.

3-15 P.M.

The Hon'ble Sir John Maynard.—Sir, I am afraid that if the suggestion made by my friend opposite that the existing additional police force, which Government considers to be necessary in order to maintain peace and order, should be postponed for six months, within those six months things might happen in the province which my friend and all the Province would regret.

I think possibly the explanation which is given in the printed paper has not been quite clear to my hon'ble friend and several other members. The explanation of the statement is this. That the continuance of the additional police which was sanctioned by this Council last March for the rest of the financial year has been rendered necessary first, by the continuance of unrest in the province generally and secondly, by the raids in the Isakhel Tahsil. One of the causes is the unrest in the Province

[Sir, John Maynard.]

and the other is the special state of affairs on the Frontier specially in the Isakhel Tahsil. As to the unrest it causes the use of very violent language and there is always the danger that that violence, sometimes extravagant violence, may unfortunately act on the passions of the people and develop into something much more than mere violence of language. This unrest is one of the reasons for the continuance of the police at the present additional strength.

My hon'ble friend who moved this amendment lives in a quarter of the Punjab very near to Lahore from which not so many years ago raiders used to come to the city of Lahore, very much in the same way as the raiders come across the border into the frontier tracts. I think Mr. Ganpat Rai himself is not old enough to remember the incidents, but I am quite sure that his father would have remembered them extremely well. There must have been times when the ancestors of Mr. Ganpat Rai were in very great danger at Sharakpur just on the other side of the river Ravi by reasons of the raids. The raiders were then in the habit of coming in to Lahore and their operations had the effect of terrorising the population and driving it out of Mogulpura which was the civil station in Mogul times, into the walled city of Lahore. Now, Sir, people suffered from those raids in those days and places like the environs of Lahore were insecure and uninhabitable by reason of these raids. All know that for some reason or other those raids do not now take place. Has it ever suggested itself to my honourable friend that there is a very simple reason why these raids which formerly were so numerous and so serious have now ceased to occur? The very simple reason is this that there now exists a Government which is strong enough to maintain peace and which employs those very much maligned people, the police, as an instrument in maintaining order. That, Sir, is the reason. It is the police which is so much blamed, so much maligned that enables

my hon'ble friend opposite and others to live a life of comparative peace in tracts which only a generation or so ago were subjected to constant tyranny and violence.

It is not only the general result of political unrest which necessitates the demand for extra police. The excitement proceeding from political unrest has a direct effect upon ordinary crime. Only very recently a report has been published which I am quite sure my hon'ble friend and many others who are interested in these matters have read. I refer to the Police Administration Report in which attention was drawn to the increase of ordinary crime of which one of the causes is political unrest. The fact is that among those who are engaged in promoting unrest though there are some with most admirable intentions, there are a certain number of thieves and scoundrels who take advantage of the general excitement to follow their nefarious occupations and turn the general weakening of authority to their own advantage.

It is unnecessary, I think, that I should say anything in particular about the state of things in the Central Punjab. I am quite sure that hon'ble members are aware of the fact that the difficulties to which my hon'ble friend referred briefly in his speech, the difficulties in connexion with the gurdwaras are by no means at an end, that is to say, that though it is the effort of the Government and its officers to prevent anything like a violation or disorder in connexion with the excitement over the gurdwaras, we cannot be certain, in dealing with such inflammable material as exists, that there will not be something which will require the intervention of the strong hand in order to suppress this source of trouble.

These, then, are the reasons which have necessitated my bringing before the Council this demand and I can assure the Council, as being immediately responsible for the maintenance of peace and order, that I have felt compelled to put forward the demand in spite of the great unwillingness which I in my alternative

capacity as guardian of the public finances felt in doing so.

Mr. Ganpat Rai.—I ask leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President.—The motion before the Council is—

“That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head ‘26—Police’ to defray the charges which will come in course of payment during the year ending on 31st March 1922.”

The motion was carried.

MEDICAL GRANT.

3-32 P.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Education), under the Major Head ‘32—Medical’ to defray the charges which will come in course of payment during the year ending on 31st March 1922.”

If members refer to page 5 of the Explanatory Memorandum they will notice, Sir, that this demand represents a sum of Rs. 13,807 due to increase in the contract contingencies of the office of Inspector-General of Civil Hospitals and subordinate offices. It is this item concerning which a motion has been put in, and as my hon'ble friend, Mr. Ganpat Rai, complains that Government members move a motion and do not state any details in connection therewith and he not having a right to reply has no direct information as to what he is objecting to, I want to supply him with the necessary details. In the first place, it should be noted that these things called contract contingencies, with which we were not familiar in the last session six months ago, but with which we are now quite familiar, consist of repairs to tents, hot and cold weather charges, cloth for record, tour charges, service postage and telegram charges,

carriage of stationery, petty construction and repair and two or three more items. Now the second point is that these contract contingencies are not going to be consumed by the office of the Inspector-General of Civil Hospitals only but by its subordinate offices also which number as many as 56 offices. If we distribute this amount of Rs. 13,442 over 56 offices, it will become apparent that the amount which falls to the lot of each office is not very much. The third point to which I want to draw the attention of the Council is that the average of the past three years is Rs. 42,400. Therefore what we have proposed as increase is Rs. 8,000 over the average of the past three years, that is, an increase of 16 to 20 per cent. Now, Sir, we all know that our Council members have got an increase of 50 per cent. in their daily allowance. Labour has gone very dear and it has become very difficult to engage labourers on the terms which were prevalent before and various things, for instance, stationery and repairing of tents, do cost much more now than they used to do. The result is that if the offices had continued to consume things in the same way as they used to, the increase over Rs. 40,000 should have been 50 per cent. But it is really the desire of the Inspector-General of Civil Hospitals to cut down the expenditure as much as possible and effect saving, and it is because of this that the increase has not been as much as it would have been. I hope that the desire of the Inspector-General of Civil Hospitals for economy will be appreciated by this Council.

3-39 P.M.

Mr. Ganpat Rai (Urdu).—Sir, the amendment standing in my name is—

“That the demand of Rs. 10 under the Major Head ‘32—Medical’ be reduced by Rs. 1 on account of the item of Rs. 13,442.”

Government always pleads poverty and enjoins economy. This attitude of Government, however, is more theoretical than practical. I, therefore, take exception to the item of Rs. 13,442. It seems to me undesirable that this item should

[Mr. Ganpat Rai.]
be appropriated from one head, without necessity. In February last lacs of rupees were sanctioned under the head "Miscellaneous" and now the above item is wanted for miscellaneous expenses. I know, Sir, that when even ordinary letters have to be sent to intimate the date of a meeting, stamps and stationery of very superior quality are used, when post cards would have served the purpose, i.e., annas 4, are spent unnecessarily, instead of 6 pies. Moreover, letters are not posted by the Departments in time and for this reason they have to incur unnecessary charges on telegrams, which would be obviated if letters were posted in good time.

Mr. President.—The hon'ble member is not speaking to the amendment. He is speaking on the general question of economy. He must attack the particular item of contract contingencies in the Medical Department.

Mr. Ganpat Rai (continued).—I would, Sir, just mention one instance to show that the Medical Department exercises no economy in the matter of stationery. I once received from the Medical Department a letter about the destruction of plague-infected rats, enclosed in a very fine envelope. We have as yet done nothing to ameliorate the condition of the zamindars, nor anything to advance elementary education. When this is the state of things why should there be a hue and cry for increasing the Medical grant.

The amendment was lost.

Mr. President.—I now put the original motion—

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Education) under the Major Head '32—Medical' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

GRANT FOR AGRICULTURE.

The Hon'ble Lala Harkishan Lal.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab

Government (Ministry of Agriculture) under the Major Head '34—Agriculture' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

GRANT FOR INDUSTRIES.

The Hon'ble Lala Harkishan Lal.—I move, Sir—

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) under the Major Head '35—Industries' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

CIVIL WORKS (RESERVED) GRANT.

The Hon'ble Lala Harkishan Lal.—I move, Sir—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '41—Civil Works (Reserved)' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

CIVIL WORKS (TRANSFERRED) GRANT.

The Hon'ble Lala Harkishan Lal.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) under the Major Head '41—Civil Works (Transferred)' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

GRANT FOR STATIONERY AND PRINTING.

Mr. B. T. Gibson.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '46—Stationery and Printing' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

MISCELLANEOUS GRANT.

Mr. B. T. Gibson.—Sir, I move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council, Punjab, under the Major Head '47—Miscellaneous' to defray the charges which will come in course of payment during the year ending on 31st March 1922."

The motion was carried.

PROVISION OF FUNDS FOR THE EXECUTION OF CAPITAL PROJECTS.

The Hon'ble Sir John Maynard.—Sir, I beg leave to move—

"That this Council approves of Government undertaking in the near future the capital projects detailed in the statement below and providing the necessary funds for their execution by loan as required."

STATEMENT OF CAPITAL PROJECTS.

Serial No.	Description of Scheme.	Total probable capital expenditure, including the cost of the acquisition of land and maintenance during construction and equipment.	Estimated return on capital.	Proposed provision in 1922-23.
PART I.—(PRODUCTIVE WORKS.)				
1	British portion of Sutlej Valley Project.	Rs. 5,28,34,542	Per cent. 14	Rs. 69,16,763
2	Nangal Hydro-Electric Scheme	78,15,000	104—11½	8,28,000
3	Chhanga Manga Depot	3,00,000	30	3,00,000
4	The Nunkheri-Sard logging scheme, Basha Forest Division.	2,00,000	20	2,00,000
5	Mehal Khud and Manali Blocks, Kulu Forests.	70,000	20	70,000
6	Tannery	5,74,405	12	4,00,000
7	Boot and Shoe Factory	8,50,000	8½	4,00,000
	Total of Part I	...	...	84,14,763
PART II.—(UNPRODUCTIVE WORKS.)				
		Rs.	Per cent.	Rs.
1	Houses for officials at Sheikhpura	3,17,840	3	1,50,000
2	Houses for officials at Lyallpur	2,00,000	3	2,00,000
3	Houses for officials at Sargodha	1,51,070	3	1,50,000
4	Erection of headquarters houses for new members of Forest Department.	5,00,000	6	50,000
5	Erection of range, clerical and subordinate quarters at various centres in the Province.	5,00,000	3	1,00,000
6	Forest Roads	1,00,000	...	1,00,000
7	Completion of metalled road from Lahore to Khushab.	7,60,720	...	7,60,720
8	Building grants to District Boards for Vernacular Schools.	75,00,000	...	10,00,000
	Total of Part II	...	...	25,10,720
	GRAND TOTAL	...	...	1,09,25,483

3-55 P.M.

Malik Firoz Khan, Nun.—Sir, I have the greatest pleasure in supporting the Hon'ble Finance Member in a motion of this nature which is entirely for the benefit of the agricultural classes of this province. As the hon'ble members are aware, the project involves the irrigation of a very large area in the province and I need not take them over the details.....

Mr. H. W. M. Ives.—May I ask, Sir, if the hon'ble member is referring to item No. 1 on the list?

Malik Firoz Khan, Nun.—Yes, Sir. Apart from the territory of the Bikanir and Bahawalpur States, this scheme involves nearly 12 lakhs of acres of our provincial territory. The money to be expended on this project is estimated to yield a profit of Rs. 1,33,37,338 per annum, which, I think, Sir, will certainly be a great and welcome addition to our revenues. I wish to make only one remark about the money which is to be raised for this project. As everybody knows, there is already about a crore of rupees belonging to this province with the Government of India. I am speaking subject to correction, but I understand we are getting from the Government of India only about 3 or 3½ per cent. Now that we have this project, which is to give us a return of nearly 12 or 14 per cent., I think, Sir, it is high time that we requested the Government of India to return that one crore of rupees to us if possible, so that we may make use of the money on this project. I would also like to say that it is with the greatest pleasure that we notice that the Punjab Government has been authorized to raise this loan, because we are already paying nearly 75 lakhs of rupees per annum as interest on the money that is invested in the canals of this province. That is a very large sum, but considering that we are only paying 3½ per cent. on the capital outlay I do not think there will be any desire on the part of the members of this Council to pay that money back. At the same time 75 lakhs of rupees is a large amount and I hope that when this loan is raised it will be thrown open to the

Indian population, so that, whenever there is any interest to be paid on it that interest will remain in this country.

There is one more point I wish to bring before the Council, and that is that we are paying a very large amount of money to the Government of India for the central subjects. It is about 1½ crores of rupees. Over and above that I wish to point out that there is a certain amount of land in this province which is being held for the benefit of central subjects. The Army Remount Department have got a very large tract of land—at least I know about my own district—the Shahpur District,—the whole of which is being used for rearing horses for the Government of India, that is, for the army: and we are getting nothing for it from the Government of India. The whole of the capital which may be raised by the sale of that land is being entirely wasted so far as we are concerned. Of course the work is a very necessary one for the carrying on of the Government of this country, but I suggest, Sir, that as this is a central subject, the Government of India ought to pay for land used in the rearing of horses for the army. If the land in the Sargodha colony could be sold the capital realized could be used to meet the cost of construction of this project.

These were the two suggestions that I wanted to bring to the notice of the Government.

4.1.21.

Mian Muhammad Shah Nawaz (Urdu).—Sir, I support the resolution moved by the Finance Member. The water of the river Bias has not yet been utilized for the canal which is to be taken from the Sutlej. The new canals will irrigate an area of thirty-five lac acres. Out of the fourteen crore, which the scheme will cost, Rs. seven crores would be contributed by Bahawalpur State, two crores by Bikanir State and five crores by the Punjab. The first weir should be on the Suleman Range where an area of one lac acres would be irrigated. That area is perennial. Gandasinghwal, Ganja and other villages have been washed away by

the river Sutlej and the zamindars of the Lahore District, whom I have the honour to represent, should either be allotted land or a canal should be opened for them. The Sutlej Valley Project will yield a profit of more than 12 per cent. My friend, Malik Feroz Khan, has not made an accurate calculation. Exclusive of interest the profit comes to something like 28 per cent. The Irrigation Department is to be congratulated for having thought out such a scheme. On instituting a comparison between Bombay and this province in regard to canal projects, we find that the Sukkur Barrage Project of Bombay would irrigate 35 lacs of acres. They would earn a profit of 3½ per cent. in the beginning and a profit of about 30 per cent. after twenty years. Sir Sitalwad of the Bombay Government considers the project to be rather impracticable. Here in the Punjab we can carry out a scheme like the Sukkur Barrage and the province is to be congratulated for the Sutlej Project enterprise. The Bombay Government is invoking the aid of the Government of India, but we, happily, are in no need of any assistance. We should, at all events, raise a loan of 6½ per cent. I cannot, Sir, too highly praise Mr. Ives for the honest, painstaking and industrious manner in which he has worked out the Sutlej Valley Project in collaboration with Mr. Woods, whose approaching retirement will be a loss to the province. With regard to the Haveli Project, I was given the assurance that this also would be carried out. There is another scheme Hydro-Electric Project which will furnish the province with light, etc. I am told that if rupees one crore and fifty-three lacs is spent upon the Haveli Project, it will yield a profit of 23 per cent. If that is so, the Haveli Project is an ideal one and we must set about carrying it out. I accord my wholehearted support to the resolution and at the same time offer the heartiest congratulations to Mr. Ives.

4-5 P.M.

Sayad Muhammad Husain.—Sir, I rise to congratulate the Government on the introduction of the scheme which is in

my opinion very useful to the country. I am still more thankful that I have the honour to represent that part of the country which will derive the most benefit from the scheme. I mean the districts of Montgomery and Multan. Canals have always been very useful to this country, but we must very carefully look to the circumstances of our finance. So far as possible we should not lose the opportunity to get the money which would come from the sale proceeds of the land, as has been suggested by my friend Malik Feroz Khan, Nun, which is being used for the rearing of horses for which the Government of India is now responsible. We must sell that land to men who are now rearing horses and we should borrow money from the market at the lowest interest. There are several studs and farms in the district of Montgomery and Government must find out whether those people have fulfilled the conditions which are necessary, if not, Government should sell the land at auction and money shall be forthcoming. It is very necessary that we should be very careful to obtain as much money as we can possibly do from our own resources. I am not of the opinion that we should not borrow from the market if we cannot possibly get all the money we want. We must go to the market but we should not go to the foreign market. All the money that we should borrow should be from the Indian and the Punjab market. A financier told me the other day that they would be very willing to give all the money on loan and on the lowest interest. I do not think there will be any difficulty in getting the loan from the Punjab market.

In the end I have to thank Mr. Ives who is going away from amongst us. We would like him to stay here and I would ask the Government that his services should be extended for two or three years so that he may see the project finished in his own time. Mr. Ives has taken great pains over his work. He was very popular amongst us and I do not remember any time when the Council

[S. Muhammad Husain]

showed any reluctance in giving grants to the Canal Department, because they have had so much trust in the Canal Department and I hope that Mr. Ives will be willing to stay on and the Government will be willing to give him an extension so that the work which he has begun may be carried out by him. I have also to add one thing more that the other project, the Thal Project, may also begin along with the Sutlej Valley Project. I think it would increase our revenue without interfering with our work, and I hope that the Chief Engineer will kindly put this important scheme in order so that most of the Province shall profit by it.

Mr. President— I now put the motion moved by the Hon'ble the Finance Member.

The motion was carried.

MOTION *RE* AUTHORISING THE STANDING FINANCE COM- MITTEE TO MAKE *RE*- APPROPRIATIONS.

Mr. President.—The next item on the list of business is 'that the Punjab Village Panchayat Bill, 1921, be passed.' This cannot be taken up until the drafting committee has sent in its report. The same applies to the Punjab Small Towns Bill. I will therefore proceed with item 30 of the contiguous list of Government business.

Mr. B. T. Gibson.—Sir, I beg to move—

"That this Council authorises the Standing Finance Committee to make re-appropriations from one grant to another of money which has been spent or will be spent on the service for which it was voted by the Council but it is desired to debit the expenditure to a head of account other than that under which it was voted."

The motion was carried.

The Council then adjourned till 10-30 A.M., on Thursday, the 10th November 1921.

PUNJAB LEGISLATIVE COUNCIL.

Thursday, 10th November 1921.

The Council met at the Council Chamber at half-past ten of the clock. Mr. President in the chair.

ELECTION OF STANDING COMMITTEES.

10-30 A.M.

Mr. President.—The Council will now proceed to the election of Standing Committees.

For the Finance Committee eight members are to be elected and eight nominations have been received. Therefore no election will be necessary for the Finance Committee. I declare the following members to be duly elected members of the Finance Committee :—

Mr. Manohar Lal,

Sayad Muhammad Husain,

Mr. Ganpat Rai,

Khan Bahadur Malik Muhammad Amin Khan,

Mian Muhammad Shah Nawaz,

Sardar Bakhtawar Singh,

Sardar Randhir Singh, and

Maulvi Muharram Ali Chishti.

Similarly for the Excise Sub-Committee there are five vacancies and only five members have been nominated. I declare the following to be duly elected :—

Mr. K. L. Rallia Ram,

Mr. Ganpat Rai,

Rai Sahib Chaudhri Raja Singh,

Pandit Daulat Ram Kalia, and

Chandhri Kharak Singh.

For the Public Health Committee there are six vacancies and only five members have been nominated.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I propose the name of Khan Bahadur Raja Muhammad Akbar Khan.

Rai Sahib Lala Thakar Das.—I second the proposal.

10-40 A.M.

Mr President.—I declare the following to be elected :—

Khan Bahadur Malik Muhammad Amin Khan,

Mr. Nawab Din, Murad,

Sardar Bakhtawar Singh,

Mr. Moti Lal Kaistha,

Dr. C. A. Owen, and

Khan Bahadur Raja Muhammad Akbar Khan.

For the remaining nine Committees more members have been nominated than there are vacancies, and the Council will now proceed to an election. The Committees are the Canals, Jails, Industries, Co-operative Societies, Local Self Government, Agriculture, Education, Land Revenue and Police. There will now be distributed to members nine papers, one for each Committee, arranged together in the order which I have just given, the name of the Committee being written at the top of each paper which will contain also the names of the candidates for that Committee. Members should take each paper in turn and then put opposite to the name in the empty column the numbers of their choice, the first choice first, the second second, the third third, the fourth fourth, and so on, until the names are

[Mr. President.]

exhausted. It is not, however, necessary to write anything against every name if a member does not so wish. Each paper should be treated separately. If any member wishes to ask any questions I shall be glad to answer them or the Secretary will do so.

(The members then commenced to record their votes.)

Mr. President.—I have been asked if a member may vote for himself. The answer is yes.

Malik Firoz Khan Nun.—Sir, some members seem to be under the impression that there are only six names to be written against.

Mr. President.—It is represented that some members are under the impression that only six names are to be entered. That is incorrect. Several committees are to contain more than six members. In any case members would do well to give numbers to as many names as are shown on each paper. Also there should be no signature on any paper or any mark to show whose paper it is.

(The members then handed in their papers.)

Mr. President.—The ballot will be counted in the course of to-day, I hope. When the result is known, it will be placed on the notice board of the Council and will be circulated to members.

QUESTIONS AND ANSWERS.

CIVIL LITIGATION IN KASUR SUB-DIVISION.

1089. Sardar Sangat Singh.—
(a) Is it a fact that the Sub-Judges at Lahore are generally engaged in disposing of civil litigation from the Kasur Sub-Division?

(b) If so, will the Government be pleased to transfer the headquarters of a

Sub-Judge from Lahore to Kasur to meet the convenience of the civil litigant public of this sub-division?

(c) If not, will Government be pleased to invest the Munsif, Kasur, with enhanced powers up to Rs. 2,000 and to invest the section 30 Magistrate, Kasur, with the powers of a Sub-Judge.

Mr. E. Joseph.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

Pir Akbar Ali being absent questions Nos. 1090, 1091, 1092 and 1093 were not put.

LAND GRANTS.

1094. Captain Sardar Gopal Singh.—(a) Is it a fact that most of the land grants, made for the maintenance of the position of old families of note and importance whose financial condition had deteriorated, were diverted to persons who did not fall under that category?

(b) Will Government please state the names of those who were given such grants in the years 1914 and 1915 and the services rendered by such grantees previous to the making of the grants?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—
(a) No.

(b) No such grants were made in 1914 and 1915.

SUB-INSPECTOR TARA SINGH OF KALKA.

1095. Captain Sardar Gopal Singh.—Will Government please state what action, if any, the Police Department has taken against Sub-Inspector Tara Singh of Kalka, who was convicted and punished by the Magistrate, 1st Class Kasauli, on the 7th September 1921 under sections 323 and 342, Indian Penal Code?

The Hon'ble Sir John Maynard.—No departmental action has been taken so far as the Sub-Inspector has appealed against the Magistrate's decision.

**SLUICE VALVES OF THE KENNEDY MODEL
MOGAS ON THE LOWER CHENAB
CANAL.**

1096. Sayad Husain Shah.—Is it a fact that the sluice valves of the Kennedy Model Mogas, now in vogue on the Lower Chenab Canal, can be tampered with so as unduly to diminish the supply of water at the tail of the rajbahs? If so, will Government be pleased to consider the desirability of removing these mogas?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—The reply to the first part of the question is that these outlets can be tampered with, so as to affect supplies slightly, and to the second part, that another type of outlet is being tried. No type, as yet evolved, is entirely proof against tampering and Government sees no general necessity for removing the Kennedy types.

THE LOWER CHENAB CANAL.

1097. Sayad Husain Shah.—Is it a fact that on the Lower Chenab Canal the new colonies get 75 per cent. while the old colonies get only 50 per cent. of water? If so, what action does Government propose to take?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready?

1098. Sayad Husain Shah.—(a) Has Government received any complaints from cultivators that difficulty is experienced in submitting petitions about the failure of crops in canal irrigated areas?

(b) Will Government be pleased to issue orders for the remission of revenue in

areas where crops have failed on the lines followed previous to the year 1910?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply is in the negative.

(b) Government does not propose to revert in the tracts concerned to a system which was deliberately abandoned on account of the malpractices and complaints to which it gave rise.

Khan Bahadur Rai Wali Muhammad Khan being absent questions Nos. 1099 to 1107, both inclusive, were not put.

**CONFISCATION OF NAIK LAL SINGH'S
PENSION.**

1108. Diwan Bahadur Raja Narendra Nath.—Is it a fact that Naik Lal Singh, son of Prem Singh, of the 23rd Burma Infantry, now residing in a village in the Tarn Taran Tahsil, was deprived during Martial Law days of a pension of Rs. 4 a month, earned by meritorious and loyal service in the army? If so, will Government lay on the table papers relating to the case?

The Hon'ble Sir John Maynard.—The pension was confiscated as stated in the question, but the matter is not within the authority of the Punjab Government and papers cannot be laid on the table.

**ACQUISITION OF LAND IN BAJAURA (KULU)
FOR THE HEADQUARTERS OF THE KULU
FOREST AND KULU EXPLOITATION
DIVISIONS.**

1109. Diwan Bahadur Raja Narendra Nath.—(a) Is it a fact that the area of 50-51 acres of land in Bajaura (Kulu), to be acquired under notification No. 22964, dated 13th September 1921, for the headquarters of the Kulu Forest and Kulu Exploitation Divisions, comprises the entire fruit garden, known as "Colonel Rennick's orchard," residential bungalows, a sugarcane pressing factory,

a store house for fruits, a corn godown, a workshop, machine-houses and cow stalls?

(b) Is Government convinced that the acquisition of this land will not lead to the award of heavy compensation on the ground of severance from the rest of the property and that it is absolutely necessary in the public interests?

(c) Will Government be pleased to state the facts which have led Government to propose the location of the Kulu Forest and Kulu Exploitation Divisions at Bajaura in preference to (1) Nagar, (2) Sultanpur (Kulu) and (3) Bhuinter?

(d) Is it a fact that land belonging to Government is available in various places in Kulu where buildings connected with the offices could be erected without spending anything on the acquisition of the site?

(e) Has the present owner of the property in question submitted a memorial? If so, will Government be pleased to stop acquisition proceedings till orders have been passed on it?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—It is regretted that the material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the hon'ble member as soon as available.

BOYCOTT OF THE COURT OF THE SUB-DIVISIONAL OFFICER, SIRSA, BY THE SIRSA BAR.

1110. Chaudhri Bans Gopal.—(a) Is it a fact that the members of the Sirsa Bar Association resolved, three months ago, to boycott the Court of the Sub-Divisional Officer, Sirsa, as a protest against that officer's behaviour and have not yet resumed practice in his court?

(b) What are the allegations against this officer and what enquiry has been made into them?

(c) What action has the Government taken or does it propose to take in the matter?

Mr. E. Joseph.—(a) The resolution to boycott the Court of Sub-Divisional Officer is believed to have been adopted by the Hindu pleaders only and Government has no information as to the resumption of practice in his Court or otherwise?

(b) The allegations against the officer are primarily that he has a very overbearing manner and is apt to address counsel with insufficient lack of consideration.

Inquiry has been made into these allegations.

(c) Government does not think that any immediate action is called for.

FORFEITURE OF THE FATWA "JAMIAT-UL-ULEMA-I-HIND."

1111. Sayad Muhammad Raza Shah.—Has the Government received any complaints from the Muslim public in the Punjab about the forfeiture of the Fatwa "Jamiat-ul-Ulema-i-Hind"? If so, will the Government be pleased to make a strong representation on the subject to the Government of India?

The Hon'ble Sir John Maynard.—The answer to the first part of the question is in the negative.

ASSISTANT SURGEON, GURDASPUR.

1112. Chaudhri Ali Akbar.—Is it a fact that in Gurdaspur *Sadr* one Jagat Singh took opium, and that when he was brought to the hospital, the Assistant Surgeon in charge of the hospital refused to treat him unless the fees were paid, and that in consequence of the delay the patient died of opium poisoning?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—I regret the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

1113. Chaudhri Ali Akbar.—Is it a fact that the Gurdaspur Municipal Committee as well as the District Board prayed the Government to transfer the said Assistant Surgeon from Gurdaspur? If so, what action has been taken in the matter by Government?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The resolutions passed by the Municipal Committee, Gurdaspur, at a meeting which it is understood was attended by only four members, and the District Board, Gurdaspur, regarding the transfer of Assistant Surgeon Bawa Mul Raj, Bedi, from the Civil Hospital, Gurdaspur, have been received in the office of the Inspector-General of Civil Hospitals, Punjab.

A resolution passed unanimously at a meeting of the Sikhs of Gurdaspur town consisting of members of the Municipal Committee and District Board, Honorary Magistrates and others has also been received by the Inspector-General of Civil Hospitals. In the opinion of this meeting Assistant Surgeon Bawa Mul Raj, Bedi, is a truthful and honest officer, a very capable doctor and a man of principles in whom the meeting has full confidence.

The matter is under the consideration of the Inspector-General of Civil Hospitals, Punjab.

SCARCITY OF WATER IN KASAUJI CANTONMENT.

1114. Rai Sahib Lala Panna Lal.—Arising out of the answer given to part (b) of question No. 941 on the 2nd August last, will Government please state why the information promised has not yet been given?

The Hon'ble Sir John Maynard.—There was delay in obtaining the information asked for by the hon'ble member. The resolution passed by the Cantonment Committee regarding the water shortage asked all residents in the Kasauli Cantonment to prevent waste and

illegitimate use and stopped the use of water for gardens and roads. No distinction was made between the supply to Indians and to Europeans. But occupiers of bungalows in the residential area, whether Indians or Europeans, were allowed 7 gallons a day, whereas residents in the bazars were allowed only 3 gallons.

SALARIES OF DRAFTSMEN AND TRACERS IN THE PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH.

1115. Rai Sahib Lala Panna Lal.—(a) Is it a fact that the scale of salaries of draftsmen in the Public Works Department, Irrigation Branch, has recently been revised. If so, will Government kindly state the minimum pay of a tracer and the minimum and maximum pay fixed in the new scale for draftsmen?

(b) Is it a fact that as proposed in the new scale it is impossible for the most junior draftsmen in the permanent cadre to rise to the maximum pay fixed in less than 40 years? If so, is not the provision in the new scale of the highest grade quite imaginary?

(c) Has the Government in the new revised scale granted to the draftsmen 40 per cent. increase on their old rates of pay? If not, will they kindly explain the reasons for not doing so?

(d) What is the new strength of the permanent as well as temporary cadre of the draftsmen as compared with the old one? How many of the temporary hands are to be absorbed in the permanent cadre?

(e) Is it a fact that at the time of promotion to the permanent cadre the temporary service of draftsmen will not be counted for purposes of the new time-scale?

(f) Will Government kindly explain why there is any need of containing a large temporary staff if there is permanent need for them in the Department?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia.—(a) The reply to the first sentence is in the affirmative. The minimum pay of a tracer is Rs. 30 and the pay of draftsmen has been fixed as follows:—

Rs.

Head Draftsman, 1st grade ...	180—12—300
Head Draftsman, 2nd grade ...	110—5—180
Draftsmen ...	60—2—100

(b) It is not a fact, as the two classes of head draftsmen and draftsmen noted in (a) above are quite distinct. The qualifications laid down for the former are superior to those required of the latter, and in future appointments to the two grades of head draftsmen will be mainly filled by recruitment from the School of Engineering at Rasul, where a new class is being started for the purpose.

(c) A 40 per cent. increase has been given to those drawing under Rs. 100 except in cases where past service has not been approved.

(d) The following is the strength of the revised draftsmen cadre as compared with the old scale:—

Old Scale.	Revised Scale.
Permanent Draftsmen 86	Permanent Draftsmen 104
Temporary Draftsmen 70	Tracers 54
Total... 156	Total 158

Selection of the temporary draftsmen has not yet been made, but only those who are recommended and considered suitable will be brought on the permanent cadre.

(e) The reply is in the negative. Permanent and temporary continuous service has been allowed subject, of course, to the limitation imposed by the percentage restrictions, and by Article 152 of the Civil Service Regulations in regard to unapproved service.

(f) Temporary establishment of all kinds is necessary in a department like the Public Works to provide for contraction and expansion as the expenditure on works diminishes or increases and has been legislated for in paragraph 139, Public Works Department Code.

STATUS OF PROFESSORS OF ORIENTAL LANGUAGES.

1116. Rai Sahib Lala Panna Lal.—Is it a fact that graduates teaching Oriental languages in some of the Government colleges in this province are paid at rates of salary lower than what is ordinarily paid to members of the Provincial Educational Service? If so, will Government kindly state why it is not possible to equalize the status of these professors with their other colleagues of the Provincial Educational Service in the college?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—The answer to the first part of the question is in the affirmative.

2. The placing of the posts in question in the Subordinate Educational Service was decided after careful consideration. It would be possible to equalize the status of these professors if money were forthcoming and it were not necessary to save in order to spend on primary education.

PAY OF POLICE OFFICERS EMPLOYED IN THE OFFICES OF SUPERINTENDENTS.

1117. Rai Bahadur Lala Sewak Ram.—(a) Is it a fact that the pay of Police Inspectors, Sub-Inspectors, Head Constables and Constables, employed on clerical work in the offices of Superintendents of Police, compares unfavourably with the pay of clerks employed on similar work in other Government offices of the same standard?

(b) Has Government received any representation from the said Police officials on the subject. If so, what

action has Government taken on these representations.

(c) Has Government any proposal before it to clericalise the establishment employed in the offices of the Superintendents of Police? If so, how far has the proposal matured?

(d) Will Government consider the advisability of granting, in the meantime, an allowance to those Police officials who are employed on clerical work?

The Hon'ble Sir John Maynard.—

(a) It is difficult to compare the work done by the clerks in one Government office with that done by the clerks in another with a view to the equalisation of pay for work of the same nature, but the matter of the pay of the official mentioned in the question is at present under the consideration of Government. The hon'ble member is referred to the answer to part (d) of the question.

(b) Representations have been received by the Inspector-General of Police, Punjab, who has referred the matter to Government as noted in the answer to part (d) of the question.

(c) Government has no such proposal before it at present.

(d) The grant of such allowances has been recommended by the Inspector-General of Police and the proposal has received the consideration of Government, who will lay the question of granting allowances before the Finance Committee of the Council.

EMOLUMENTS OF SUB-REGISTRARS IN THE PUNJAB.

1118. Rai Sahib Lala Panna Lal.—

(a) Will the Government kindly state what are the emoluments at present received by sub-registrars in the Punjab?

(b) Is it a fact that the present emoluments of sub-registrars are lower than those enjoyed by the clerks employed in the offices of sub-registrars?

(c) Is it under the contemplation of Government to revise the emoluments of sub-registrars?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—(a) The emoluments at present drawn by sub-registrars are shown in paragraphs 15 to 17 of the Punjab Registration Manual.

(b) Government has no knowledge of any such case and to obtain the information would involve a calculation of the percentages drawn by each sub-registrar in each month. Registration moharrirs are now members of the District Establishment, it being open to the Deputy Commissioner to depute any moharrir of the district establishment irrespective of his salary to do the work of registration moharrir. It is possible that there may be occasions when honorary sub-registrars who are not in receipt of salary but are paid by a percentage of the fees, may, owing to the smallness of the Registration work done by them in any one month, actually draw less than the moharrir who may at that particular time happen to be attached to their office. Such cases, however, are bound to be very few, and Government will guard against their occurrence by appointing unofficial sub-registrars only where the volume of work justifies such an appointment. Any comparison between the fixed pay of moharrirs and the total emoluments of sub-registrars is bound to mislead.

(c) All unofficial sub-registrars receive a certain percentage of the fee income which rises automatically with the value of the subject matter of the documents registered, and which will be further increased when the fees themselves are raised. Such sub-registrars are also chosen as being gentlemen of position in easy circumstances who are not expected to depend upon the emoluments of this office for their livelihood. Under these circumstances any direct revision of the emoluments of sub-registrars is considered unnecessary.

STATEMENT RE THE SIKH GURDWARA AND SHRINES BILL.

11-28 A.M.

The Hon'ble Sir John Maynard.—Sir, with the permission of the Chair I would like to say a word on the subject of the Gurdwara Bill. It had been the intention of the Punjab Government to proceed with the Sikh Gurdwara and Shrines Bill in the present session of the Council if the Sikh members of the Council would support it in a form which was likely to be acceptable to the Council as a whole. With this object in view a meeting of a few persons greatly interested in the question was held at Simla in September and proposals were framed which, it was hoped, would have furnished a basis for an agreement.

It has been ascertained, however, that the Sikh members of the Council do not recommend the acceptance of these proposals. Under these circumstances no useful purpose would have been served by proceeding with the Bill. The Bill must under the rules of business of the Council now lapse, but the Government has been making enquiries from those most closely concerned and will be prepared to introduce hereafter a fresh Bill if agreement can be secured among the Sikh members to a measure to which the other interests represented in the Council would be likely to accord substantial acquiescence.

THE PUNJAB VILLAGE PANCHAYAT BILL.

Mr. President.—The business before the Council now is the Punjab Village Panchayat Bill, 1921. I will ask the Hon'ble Minister formally to present the report of the Drafting Committee.

11-35 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to present the report of the Drafting Committee on the Punjab Village Panchayat Bill.

(At this stage the report was presented.)

Mr. President.—I will now ask the Hon'ble Minister for Education to move formally that the report be approved.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to move—

"That the report of the Drafting Committee be approved."

It will be noticed, Sir, that the amendments carried in Council to section 4 of the Bill have been fully given effect, and made operative. Other changes are of a formal description, transposing a sentence from one place to another, and in some cases verbal alterations. The second set of alterations consists of the removal of spelling or printing mistakes, and these two descriptions of alterations exhaust all the amendments that have been carried out in the Bill by the Committee which you were pleased to appoint.

Diwan Bahadur Raja Narendra Nath.—Sir, is this the motion to pass the Bill?

Mr. President.—No, only that the report be approved. I will now put it to the Council—

"That the report of the Drafting Committee on the Punjab Village Panchayat Bill, 1921, be approved."

The motion was carried.

11-40 A.M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I move—

"That the Punjab Village Panchayat Bill, 1921, be passed."

We have been at this Bill for a number of months. We have given our best consideration to the various amendments that were put forward. I trust, Sir, that the Bill as now amended has been made as perfect as circumstances permitted. I realize that the Bill is not faultless. It is seldom that any legislation emerges from a Legislature which can claim to be perfect. It is almost always open to amendments and alterations. There was one particular point on which I was myself keen, that is, the question of making

provision for the repealing of a case in which a decision had been arrived at by the panchayat by a majority of panches and not unanimously. However, the rules of procedure of this Council did not permit of that being done, and I intend taking an early opportunity of making that defect good. One thing, however, is clear, namely, that the judicial provisions of the Bill do not come into operation as soon as a panchayat is created, but only afterwards.

It is not necessary for me, Sir, to make a lengthy speech at this stage. The Bill has been before the Council and I have no doubt it has evoked a great deal of enthusiasm in the members of this Council who fully represent the people for the benefit of whom this Bill is, I trust, going to be passed. With these few words, Sir, I move that the Punjab Village Panchayat Bill, 1921, as amended, be passed.

11-45 A.M.

Diwan Bahadur Raja Narendra Nath—Sir, I oppose the motion to pass the Panchayat Bill. I have raised my voice at every stage. The Bill as it was first introduced into the Council gave too much power in the hands of the bureaucracy. There was some improvement in the Select Committee, but after having passed through the alembic of the Select Committee and even now, it is a measure which gives too much power in the hands of certain influential classes. To call it a Bill which advances the cause of democracy is a mere camouflage. I will deal with the shortcomings of the Bill. Some but not all of these may be removed in the rules to be framed, but these rules are neither before us nor are they subject to the approval of the Council. The tendency so far exhibited does not augur well for improvement of the Bill in the rules on the lines which our amendments have indicated.

I should like to explain that some of the remarks made by me with regard to the rights of the tenants on the amendment to clause 4 moved by my hon'ble

friend Lala Ganpat Rai were misunderstood by some of my friends in the Council and outside of the Council. I said that it was useless to concede to the tenants any power of choice with regard to the establishment of panchayats in any area. I did not thereby mean that where panchayats are established tenants should have no voice in electing panches. In fact, the franchise should be conferred on all non-proprietors, traders, tenants or kamins. This important matter is left to the rules. The Bill gives some powers of taxation. Persons to be taxed are all those who are liable to contribute to the Chaukidara tax. Unless all these men are given the franchise there will be taxation without representation.

My amendment as to the representation of different interests on the panchayat was lost. This Council was not given an assurance by the Hon'ble Minister that the matter would be dealt with in the rules. The compulsory duties of the panchayats affect the vital interest of all the inhabitants of the village. It would be highly unfair to confine representation on the panchayat to the proprietary body only. Non proprietary interests must be represented. The Bill makes no provision for this.

The Bill does not safeguard the interests of the communities that may be in a minority in a village. Christians are in a minority everywhere—Sikhs in villages outside the Central Punjab, Muhammadans in Eastern Punjab, and Hindus in Western Punjab. Christians coming from the depressed classes are not allowed even to take water from the wells. There are many matters in which the customs and modes of living of Hindus, Muhammadans and Sikhs differ *inter se*.

Clause 16 (a) is likely to prove a fruitful source of difficulty. I do not know how conflict with the Canal authorities will be avoided in working this clause. I am also doubtful as to how this clause will affect the irrigation of some areas which may be exempted from the operations of the Act under clause 4

[D. B. Raja Narendra Nath.]

and which happen to be in the immediate neighbourhood of areas governed by panchayats.

With regard to the exercise of judicial powers the Bill is unsatisfactory in many respects. My remark on an amendment moved by my hon'ble friend Rai Bahadur Lala Sewak Ram was met by the Hon'ble Minister by a tacit admission that fabrication of false cases was possible. He led the Council to think that clause 22 was inserted by the Select Committee to prevent ordinary grievous hurt cases from being treated as cases of simple hurt. But he did not explain how he would prevent theft cases of property of the value of seventy rupees from being treated as cases of theft of property valued at rupees fifty, how he would prevent cases of mischief under section 428 from being undervalued in the same way? Then, Sir, exclusive jurisdiction, which clause 26 of the Bill confers with regard to all judicial cases coming within the cognizance of panchayats, is apt to create widespread discontent and dissatisfaction. To deprive people of the choice of a forum is unjust. There is no provision in the Bill that judicial powers will be conferred on panchayats only after a referendum to the people or that these powers would be taken away from panchayats if the electors want that this should be done. I may briefly relate the provisions of the Panchayat Acts of other Provinces passed within the last two years :—Section 86 of the Bengal Village Panchayat Act, V of 1919, gives concurrent jurisdiction to panchayats; it also allows transfer of cases by the order of the District Magistrate. The Bombay Village Panchayat Act, IX of 1920, gives no judicial power to the panchayats. Section 39 allows trial by the panchayats of breaches of bye-laws made by the panchayats; but the District Magistrate is empowered to direct otherwise. This power may be exercised by him by a general or special order (section 40); application for revision from the orders of panchayats lie

before the District Magistrate. In the Central Provinces Panchayat Act, V of 1920, section 18 allows criminal cases to be tried by village benches, but exclusive jurisdiction is not given. In civil cases of a certain description, exclusive jurisdiction is given, but section 62 empowers the Deputy Commissioner to pass a general or special order otherwise. In the United Provinces Panchayat Act, VI of 1920, exclusive jurisdiction is given by section 32, but section 71 provides for the cancellation by the Collector of such jurisdiction and the quashing of panchayat proceedings by him either of his own motion or on application. Punjab is more heterogeneous in its population than other Provinces. We have here besides the three communities, Sikhs, Mubammadans and Hindus, differences created by the Alienation of Land Act, but whilst the Legislatures of other Provinces have proceeded on cautious lines, our Hon'ble Minister, in charge of the Bill, has not heeded the various amendments moved by members from these benches.

Sir, the weakness of all representative institutions is that they establish the rule of the majority. That majority is apt to disregard the rights and interests of minorities. It is absolutely necessary to work representative institutions in such a way as to safeguard fully the interests of minorities. The matter is so important that it has formed the subject of instructions to Governors by His Imperial Majesty, the King Emperor, paragraph 7 (1), (2) and (3). The Bill before us also affects voiceless millions about whom no assurance has been given that they will be enfranchised. If legislation in this Council proceeds on the lines which this Bill has assumed the consummation which all of us so devoutly wish for, the attainment of Swaraj will not be accelerated but retarded. The Bill in its present shape takes us out of the Scylla of the rule of a foreign and exclusive bureaucracy but throws us into the Charybdis of the rule of a limited oligarchy which may prove to be less mindful of the interests of those

outside of their class. The measure is one of devolution of power, on however a small scale, to the masses of the people. It should have been so framed as to minimise the chances of the abuse of that power by one class against another. It has not been so framed. I therefore oppose the motion which is now before the Council.

11-59 A.M.

Sayad Muhammad Husain (Urdu).—Sir, a great deal of discussion has already taken place over this Bill. In the beginning my esteemed friend, Raja Narendra Nath, opposed the Bill on the ground that it would adversely affect the land-proprietors, but I am sorry to say he has to-day adopted an altogether different line of reasoning, i.e., that the well-to-do and influential zamindars will benefit illegitimately from the Bill. All this time the zamindars have been a voiceless section of the population, but these Panchayats will uplift them. It is, Sir, to be regretted that the Raja Sahib should be against giving some freedom to these voiceless people. Provision has been made in the Bill for giving a voice to the tenants. This is desirable for uplifting the community and will enable the tenantry to obtain a redress of their grievances against their landlords. Bedi Hardit Singh has pointed out that the landlords will be put to trouble as a result of the panchayats. The Bill, however, has been amended in such a way that if two-thirds of the revenue-payers are opposed to the constitution of a panchayat, it will not be constituted. It is the fundamental principle of democracy that the power should go into the hands of the majority. We zamindars, Sir, are in a position to save the people of Christian and sweeper classes, living in rural areas, from the burden of debt, besides showing them divers other favours. The Raja Sahib has perhaps forgotten that but for these *kamins* the zamindars would not be able to do their agricultural work. It is, therefore, our bounden duty to look after the interests of these

menial classes. The grievances of these people will be effectively redressed in the panchayats. Cases under section 323, Indian Penal Code, will not be enquired into by panchayats without the sanction of the Deputy Commissioner who has been allowed to exercise his discretion in the above cases. If this Bill fails to secure a devolution of powers, I shall regretfully have to say that it will prove ineffective like the previous Panchayat Bill of 1912, which has remained a dead letter and from which, as Government is aware, no tangible result has ensued. This province, Sir, is to be congratulated for having outstripped its sister provinces of Bengal and Bombay by bringing the Panchayat Bill on the Legislative anvil. By passing this Bill we have done a great deal towards securing self-government and in case the Raja Sahib and the other gentlemen of this Council co-operate with us we shall be able to make further headway towards self-government. As a matter of fact, informal panchayats are already working. Chaudhri Ghasi Ram has told us that these private panchayats have frequently rectified the decision of the Chief Court, to the satisfaction of the parties. Are we to believe, Sir, that the above aptitude will now disappear from panchayats? The members of rural panchayats will be able to decide all kinds of cases. I was personally in favour of giving a right to the rate-payer, but as local conditions in each area are different from those of other areas, we thought it expedient to leave the matter to the Hon'ble Minister for Education, to whom we are grateful for having accelerated self-government by introducing this Bill. The Bill also safeguards the interests of the money-lenders, as pointed out by Miss Beli Ram. It is, however, of the utmost importance to put a suitable limit to the money-lenders' practice of charging interest and compound interest. Government is to be congratulated in that it has, in reposing confidence in us, given us this Panchayat Bill. If we work the panchayats with honesty and assiduity, it is to be hoped

[S. Muhammad Husain.]

that we shall attain full autonomy in a short space of time. I do hope that the Raja Sahib will yet see his way to withdraw his opposition to the Bill and help to accelerate self-government and do nothing to retard it. With these remarks, Sir, I support the Panchayat Bill and would urge that it be passed.

Mr. President.—I point out to the Council that the principle of this Bill has been discussed on two previous occasions without any change being made, first when the Bill was referred to a Select Committee; secondly, when it was decided that the report of the Select Committee be taken into consideration. This is now the third discussion. I trust that members will make their remarks as brief as possible.

12-8 P.M.

Maulvi Muharram Ali Chishti (Urdu).—Sir, according to Lord Macaulay once somebody offered Dr. Johnson a leg of mutton. The latter rejected it saying "It is as bad as it could be."

Malik Firoz Khan, Nun.—On a point of order, Sir, I submit that Dr. Johnson and his leg of mutton have nothing to do with the Panchayat Bill.

Mr. President.—I presume the hon'ble member will presently connect the Panchayat Bill with the leg of mutton.

Maulvi Muharram Ali Chishti (continued).—The case of this Bill is similar. The Bill has been offered to us. I would like to reject it, since it is badly framed, has been badly introduced, badly amended and is now about to be badly passed. My friend, Raja Narendra Nath, has studied the Village Panchayat Acts of other provinces. I would also very briefly touch upon some of the points already discussed by him.

Mr. President.—I would point out to the hon'ble member that hitherto he has not brought forward any reference to other Bills. It is late in the day to discuss other

Bills when they have not been referred to before.

Maulvi Muharram Ali Chishti (continued).—As a matter of fact, the Hon'ble Minister has derived no benefit from the comparative study of these foreign Acts. Everything good ought to have been taken and the bad left out. I think our Hon'ble Minister has selected all that was bad and refused to profit by what was good in them. In doing so he has muddled up the whole thing in a very strange way. The Hon'ble Minister himself is conscious of the fact that there are many defects in the Bill. Just as in the case of a defective and unsound building provision is made for its general repairs, so in the case of this Bill the Hon'ble Minister has made an announcement for amending it in due time.

Although the Bill is alleged to have been framed for the good of the democracy, still we find that the majority of tenants and non-proprietors have not been given the right to vote.

Malik Firoz Khan.—How?

Maulvi Muharram Ali Chishti (continued).—It is absolutely wrong that tenants or villagers owning no land have been given the right to vote in elections. The zamindars and the rich alone having been invested with new powers, the result will be that the big fishes will swallow the smaller ones.

Another difficulty that will trouble the Government will be about rivalry and quarrels among big zamindars and well-to-do persons after this Bill is enacted. Of course the Hon'ble Minister will find a great pleasure in entertaining applications of rival candidates for honorary judgeships and magistracies. The result will be that either an addition will be made to the powers of the Hon'ble Minister or that rich zamindars will grow still more powerful. The poor villagers, on the other hand, have not been given any power. Even safe and salutary principles of constitutional law have been withheld from them. They have absolutely no right to appeal against the decision of a panchayat.

This shortcoming in the Bill is most objectionable, though we are being told that this deficiency will be made up in due course. A still more wonderful thing is that people have not been given even the right to get their cases transferred. Malicious prosecutions are often launched against innocent persons. Suppose a panch who bears an ill-will against a villager maliciously prosecutes the latter and gets him tried before his own panchayat. The Bill does not provide any remedy to that innocent person to get the case transferred. Being the advocates of democracy and freedom we seriously object to such a Bill.

In the end I would like to point out again that villagers are very simple people as some of the hon'ble members return from rural areas have themselves admitted. They were deceived on the occasion of the passing of the Land Alienation Act. I was the sole person even on that occasion who advocated and supported that measure on behalf of Government. I continuously wrote several articles in my paper in favour of that Act and the Government circulated translations of my articles in villages. I am opposing this Bill, because of my honest conviction that it will involve Government in greater hardships. We will witness how the panches fare, and how the interests of Mussalmans in the Eastern Punjab and those of Hindus in the Western Punjab are injuriously affected by this Act? Now what I desire in opposing this Bill is that my opposition may remain on record so that in case the Bill proves a failure, I may say that I had no hand in supporting it. With these remarks I again oppose it.

12-20 P.M.

Rai Bahadur Lala Sewak Ram.—Sir, I will carry out your instructions and be very brief and submit what I have to say in a very few minutes. The disappointment which I feel when I see that the passing of this Bill is in view makes me utter a few words so that it may remain

on record that there were certain members who did oppose the passing of this Bill, and that this Bill was passed in the teeth of opposition. The mover has himself said that whatever defects there are in this Bill will be removed and set right by the introduction of an amending Bill next session. He has, Sir, given us a defective Bill to start with and makes a promise that he will set it right a session later. I ask him where is the necessity of doing so? No Bill in any legislature is passed where the mover admits the defects of that Bill and promises that he will set them right in a subsequent session. The mover in such a case can easily postpone and bring forward a revised Bill later, removing all the flaws and defects. The Bill can then be passed in a complete form. This Bill most mercilessly tramples on the rights of minorities and such a Bill which tramples on the rights of minorities should, I think, never be passed. The very first enactment of this Council should not be one which is disliked by some of the members of the Council and which is disliked by most of the people outside and against which there are resolutions passed by various associations and committees and against which there is an emphatic resolution of a huge and big conference lately held at Multan. Why should then such a Bill be passed? If it is passed, it would mean in clear terms that the public opinion has been boldly flouted, and that this Council does not care a bit for public opinion. Even though a majority in this Council seems to be in favour of passing this Bill, regard should have been paid to public opinion and to the outcry of such members of this Council as are in a minority. Sir, very reasonable amendments have been put forward in this Council and one after the other, as if they were bound to fail, they have been lost. Not a single amendment, even though the Hon'ble Minister was convinced about it, has been accepted. The Panchayat Bill when enacted will introduce such administration into the villages that we shall once more have *Nádír Sháhí Zamána* in the province. Under the panchayat administration

[Rai Bahadur Lala Sewak Ram.]

respectable people will be prosecuted, disgraced, fined and God knows what will happen to them through the instrumentality of their enemies. There is no appeal against the decisions of panchayats. Even the Privy Council cannot undo what the panchayats will do. Panchayats will do great *Zulum*. This is my humble opinion which I put before this Council. It has already been said that influential people, wherever there are, will have a better time and it is only the representatives of this influential class of people here who are crying very loudly that this Bill should be passed. It will, no doubt be to their advantage if this Bill is passed. Sir, it is most dangerous to give judicial powers to people who are absolutely untrained : people who know not a word of law. It is not at all desirable that such people should sit down in courts of administration and disgrace respectable people. Sir, I resume my seat after only appealing to the Hon'ble Minister in the Persian line :

اے زیر دست زیر دست آزار

گوں تانے باندھ این بازار

Sayd Muhammad Husain.—I move
Sir,—

"That the question be now put."

The motion was carried.

12-30 P. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, at this final stage of the Bill I would like to say something in reply to the remarks made by my opponents who have so assiduously been opposing this Bill. Firstly, perhaps Raja Narendra Nath who is leading the opposition has overlooked the fact that our Council is quite a different constitutional body from the Legislative Council that preceded it. In those Councils members were returned from District Boards and Municipalities, or they were nominated by Government, so that it could not precisely be said whether they

were the true representatives of the people. Before the Reforms were introduced some provinces had passed some Village Panchayat Acts. Accordingly in 1919-20 a Bill was framed for this purpose in the Punjab also, but our then Lieutenant-Governor did not desire that Bill to be introduced in that Legislative Council, and waited till the new Councils were started so that the members may truly represent the views of their constituents. Thus our Bill differs from the Village Panchayat Acts of other provinces just as the new Councils differ from the old ones.

The second thing about which complaint has been made is that rich and well-to-do zamindars have been given great powers while the poor have been neglected. Sir, if I had not done so, or if I had invested the Deputy Commissioners with powers to hear appeals, these people would have opposed me in that case as well.

Again, my opponents still entertain the notion that the present Government is still the same as it was in 1919-20. I thought the ideas and prejudices against the Government entertained by Raja Narendra Nath would undergo material change after he had witnessed the constitution of this Council. I would like to bring home to him again that the present Government, which is concerned with this Bill, is no longer a bureaucratic but a national Government. Hence they are not justified in finding fault with it just they have been doing with the old bureaucracy.

As regards this Bill, I am sometimes accused that I am changing colour like a chameleon. But some of my friends who have been taking such a keen interest in opposing me say at one time that this Bill will be a revolution against the rich and well-to-do zamindars, at another they ask how will the poor fare under it? I think my opponents themselves have no principle to stick to and they themselves are changing colour. I am now convinced that any measure which the Government may take even on the

wide principle of democracy will be eagerly opposed by them. They are advocating now and then the principle of democracy; I am myself ready to do anything with those principles in view and they would ever find me more earnest than themselves in this respect.

Again one of my friends has alleged that in three other provinces where panchayats have been established, the powers with which these panchayats have been invested are quite in harmony with village conditions in those provinces, and that similar measures in the Punjab are not practicable. I am surprised to hear such an argument and from a Punjabi. Even the English writers hold the opinion that the Punjab affords the best village community, while a Punjabi is exhibiting his ignorance about such an important fact.

Another gentleman has expressed his apprehension that the Bill will greatly add to the powers of the Minister for Education, and he is so sanguine as to find a other Nádír Shah in me. I would ask my opponents to free themselves from such suspicions. The village rate-payers have the sole right to elect panches. Even if he supposed that it will add to my powers, well, Sir, along with other members I will stand responsible and would have to render all accounts before this House. I hope the Bill will be supported by an overwhelming majority, and will prove very useful in this province.

Mr. President.—The motion before the Council is—

“That the Punjab Village Panchayat Bill, 1921, as amended be passed.”

The Council then divided: Ayes 46, Noes 12.

AYES—46.

The Hon'ble Sir John Maynard.

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia.

The Hon'ble Khan Bahadur Mian Fazl-i-Hosain.

The Hon'ble Lala Har-
kishan Lal.

Mr. E. Joseph.

Mr. Wilson-Johnston.

Mr. A. Latif.

Mr. B. T. Gibson.

Mr. H. N. Prentice.

Mr. P. J. Fagan.

Mr. E. R. Abbott.

Colonel R. C. MacWatt.

Mr. H. W. M. Ives.

Mr. D. J. Boyd.

Mr. C. H. Townsend.

Mr. M. G. Anderson.

Mr. E. A. Scott.

Chaudhri Bans Gopal.

Mr. Nawab Din, Mureid.

Malik Firoz Khan, Nun.

Chaudhri Ali Akbar.

Malik Karimullah Khan.

Khan Sahib Amir Khan.

Rao Bahadur Lieut. Balbir Singh.

Pandit Danlat Ram Kalia.

Chaudhri Dayal Ram.

Sardar Sahib Rissalder Dilbagh Singh.

Khan Bahadur Chander Fazl Ali.

Chaudhri Ghasi Ram.

Sardar Sahib Gopal Singh, Labana.

Captain Sardar Gopal Singh.

Chaudhri Ghulam Muhammed.

Sayad Hussain Shah.

Sardar Jamal Khan.

Sardar Allau Khan.

Misar Mela Ram.

N wabzada Muhammad Irshad Ali Khan.

Khan Bahadur Raja Muhammad Akbar Khan.

Chaudhri Muhammad Hayat Khan.

Sayad Muhammad Hussain.

Rana Muhammad Jamil Khan.

Chaudhri Nabl Baksh.

Mr. Ganpat Rai.

Rai Bahadur Rissalder Sarup Singh.

Khan Bahadur Khawaja Yusef Shah.

Khan Bahadur Malik Muhammad Amin Khan.

NOES—12.

Sardar Sangat Singh.

Rai Bahadur La'a Hari Chand.

Bawa Hardit Singh, Bedi.

Mr. K. L. Rallia Ram.

Mr. Moti Lal Kaistha.

Khan Muhammad Saif-ullah Khan.

Maulvi Muharram Ali Chishti.

Diwan Bahadur Raja Narendra Nath.

Rai Sahib Lala Panna Lal.

Rai Bahadur Lala Sewak Ram.

Rai Sahib Lala Thakar Das.

Dr. C. A. Owen.

THE PUNJAB SMALL TOWNS BILL

12-47 P. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to present the report of the Drafting Committee on the Punjab Small Towns Bill.

(At this stage the report was presented.)

I move, Sir—

“That the report of the Drafting Committee on the Punjab Small Towns Bill, 1921, be approved.”

In this report it will be noticed that all the changes are verbal; there is not one of substance in any way. Some minor changes of spelling and of punctuation have also been made. I move, Sir, that this report be approved.

Mr. President.—The motion before the Council is—

“That the report of the Drafting Committee on the Punjab Small Towns Bill, 1921, be approved.”

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I move—

“That the Punjab Small Towns Bill, 1921, as amended, be passed.”

There is nothing for me to add to the discussion which has already taken place on the Bill.

12-52 P. M.

Maulvi Muharram Ali, Chishti (Urdu).—Sir, having regard to the present circumstances I would again like to oppose this Bill on the same grounds that have so often been discussed. The Bill will injure the interests of people, especially of those enlightened persons who live in towns. I therefore oppose it.

12-56 P. M.

Khan Bahadur Chaudhri Fazl Ali (Urdu).—Sir, I wonder this Bill is now being opposed once more, even though there have been hot discussions over its

each and every item. Mr. Chishti is opposing it so that his opposition may stand on record. The Bill has been framed for those small towns which stand in need of better sanitation and other reforms. Our opponents perhaps desire that our villages and small towns may remain as wretched as they have been. I wonder why these townspeople are so jealous of our villages? They do not like that we may have neat and healthy villages. They should rather allow us to share equally with them. We should be allowed to improve the condition of our villages just as they do their municipalities. I therefore support the Bill. Since the Bill concerns the villagers alone it must be left to them alone to support it. We heartily support it.

1-4 P. M.

Diwan Bahadur Raja Narendra Nath (Urdu).—Sir, it was alleged by the Hon'ble Minister that he has followed the Village Panchayat Act of the United Provinces. I then objected to the definition of the term “village” as given in the Bill; and I am now told that the United Provinces Act is fit only to be followed in some respects and to be neglected in others. How can it be ascertained, Sir, that whatever has been borrowed from that Act was good? Again, it has been left in the hands of Government to declare certain areas as “small towns” and others as villages. Whenever any such measure is brought forward which may result in extending further the powers of the bureaucracy I have to take serious objection to it. The definition of the term “town” as given in this Bill has not been fully borrowed from the United Provinces Act.

It is just probable that the Bill when enacted will affect the existence of small municipalities that have already been established. But unless the point is clear in the Act, it will create many difficulties.

1-8 P. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu).—Sir, this Bill

[Mian Fazl-i-Husain.]

has not been made to deprive any area of those rights which it already possesses. Rather it will result in adding to the powers and rights already enjoyed by them, and would confer new privileges on areas which have so long been unable to derive any benefit from the Municipal Act. The Municipal Act is so complicated that it confers no benefits on small towns and villages. Is it not due to this very defect that during a period of forty years the Municipal Act has been able to establish only one hundred and one municipalities in the Punjab? Why should small areas remain deprived of such concessions. The Municipal Act being very complicated, this Bill has been framed to introduce some reforms in small towns. Another objection made against this Bill is that the word "small town" has not been properly defined in this Bill. We have found it necessary to define it thus because the definition in the Municipal Act does not suit this Bill. Hence the difference. As regards Raja Sahib's asking how it can be ascertained where the limits of a big town have terminated and those of a small town begun, I may say that this will gradually become known when the Act is enforced. Now only one thing remains. The Bill provides that the members will be elected and the elected members will in turn elect their own president. In spite of all this Raja Sahib is calling it a bureaucratic Bill. I wonder if his assertion is at all sustainable. If we wish that the condition of small towns, hitherto neglected, may improve, we must support this Bill.

Mr. President.—The motion before the Council is—

"That the Punjab Small Towns Bill, 1921, as amended, be passed."

The motion was carried.

THE PUNJAB MUNICIPAL (AMENDMENT) BILL.

1-18 P. M.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I beg to present

the report of the Drafting Committee on the Punjab Municipal (Amendment) Bill, 1921.

(At this stage the report was presented.)

Sir, this report consists of drafting changes of a very formal character. We have renumbered clauses and we have put marginal notes and have corrected printer's errors. I now beg to move, Sir—

"That the report of the Drafting Committee on the Punjab Municipal (Amendment) Bill, 1921, be approved."

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain.—Sir, I now beg to move—

"That the Punjab Municipal (Amendment) Bill, 1921, as amended, be passed."

The motion was carried.

PROHIBITION OF THE READING OF WRITTEN SPEECHES.

1-15 P. M.

Mr. President.—Before I declare the Council adjourned I wish to say that after a year's experience of the Council's work I propose to enforce the rule, which prevails in the House of Commons and in most other Legislative Councils, prohibiting the reading of written speeches. The only exceptions I shall make will be in favour of new members or members who seldom speak and who confine their written remarks to about 5 minutes, also in the case of complicated statements like the financial statement or those made on the presentation of Bills of a complicated nature. Members have shown that they are quite capable of debating fluently and persuasively, and I think it will be for the good of the Council that the practice of reading long written speeches should now be abandoned.

The Council then adjourned *sine die*.

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