

THE
Punjab Legislative Council
Debates.

25th June to 25th October 1926.

Vol. IX-B.

OFFICIAL REPORT.



Lahore :

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1927.

**PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
COUNCIL.**

President.

The Honourable Khan Bahadur Chaudhri Shahab-ud-Din.

Deputy President.

Sardar Mohindar Singh.

***Secretary to the Council :* Sardar Abnasha Singh.**

***Assistant Secretary to the Council :* Hakim Ahmad Shujas.**

PUNJAB LEGISLATIVE COUNCIL.

LIST OF MEMBERS.

EX-OFFICIO MEMBERS AND MINISTERS.

The Honourable Sir John Maynard, K.C.I.E., C.S.I., Finance Member to Government, Punjab.

The Honourable Khan Bahadur Mir Sir Fazl-i-Husain, Kt., Revenue Member to Government, Punjab.

The Honourable Rai Sahib Chaudhri Chhotu Ram, B.A., LL.B., Minister for Education, South-East Rohtak (Non-Muhammadan), Rural.

The Honourable Sardar Jogendra Singh, Minister for Agriculture, (Sikh) Landholders.

I.—OFFICIALS NOMINATED.

Anderson, Sir George, Kt., C.I.E., Director of Public Instruction, Punjab.

Astbury, Mr. A. R., M.I.C.E., Chief Engineer, Public Works Department (Buildings and Roads Branch).

Bakke, Colonel C. R., I.M.S., Inspector-General of Civil Hospitals, Punjab.

Barron, Mr. C. A., C.S.I., C.I.E., C.V.O., I.C.S., Financial Commissioner and Secretary to Government, Punjab, Development Department.

Bhide, Mr. M. V., I.C.S., Secretary to Government, Punjab, Legislative Department.

Dobson, Mr. B.H., C.B.E., I.C.S., Offg. Home Secretary to Government, Punjab.

Dunnett, Mr. J.M., C.I.E., I.C.S., Offg. Chief Secretary to Government, Punjab.

Emerson, Mr. H. W., C.I.E., C.B.E., I.C.S., Officer on Special Duty, Punjab Civil Secretariat.

Irving, Mr. Miles, O.B.E., I.C.S., Secretary to Government, Punjab, Finance Department.

King, Mr. C.M., C.S.I., C.I.E., I.C.S., Financial Commissioner and Secretary to Government, Punjab, Revenue Department.

Muzaffar Khan, Khan Bahadur Nawab, Director of Information Bureau, Punjab.

Ram Chandra, Mr., Secretary to Government, Punjab, Transferred Departments.

Sangster, Mr. W. P., C.S.I., C.I.E., M.I.C.E., Chief Engineer, Public Works Department (Irrigation Branch).

II.—NON-OFFICIALS NOMINATED.

Gopal Das, Bhandari, Rai Bahadur Sir, Kt., C.I.E., M.B.E., Representative, General Interests.

Jawahir Singh, Sardar Bahadur Sardar, C.I.E., Representative, General Interests.

Maya Das, Mr. Ernest, B.A., Representative of Indian Christians.

Mehdi Shah, Khan Bahadur Sir Sayad, C.I.E., O.B.E., K.C.I.E., Representative, General Interests.

Muzaffar Khan, Khan Sahib, Lieutenant Malik, Representative of Indian Army.

Roberts, Mr. Owen, Representative of European and Anglo-Indian communities.

Webb, Mr. H. W., Representative of Anglo-Indian community,

III.—ELECTED.

Abdul Aziz, Mian, Lahore City (Muhammadan), Urban.

Abdul Qadir, Khan Bahadur Shaikh, West Punjab Towns (Muhammadan), Urban.

Afzal Haq, Chaudhri, Hoshiarpur-cum-Ludhiana, Rural.

Asghar Ali Khan, Subedar Major, Jhelum (Muhammadan), Rural.

Bakhtawar Singh, Sardar, Hoshiarpur and Kangra (Sikh), Rural.

Banke Rai, Lala, B.A., LL.B., South-East Towns (Non-Muhammadan), Urban.

Bhagat Ram, Raizada, Jullundur-cum-Ludhiana (Non-Muhammadan), Rural.

Bodh Raj, Lala, M.A., LL.B., West Punjab Towns (Non-Muhammadan), Urban.

Buta Singh, Sardar, B.A., LL.B., Multan Division and Sheikhpura (Sikh), Rural.

Dhanpat Rai, Rai Bahadur Lala, Chairman, Punjab National Bank, Ltd., (Punjab Industries).

Dhan Raj, Bhasin, Captain, M.B., B.S., East and West Central Towns, (Non-Muhammadan), Urban.

Dhira Singh, Sardar, M.B., B.Sc., Lahore (Sikh), Rural.

Diwan Chand, Lala, Amritsar City (Non-Muhammadan).

Duli Chand, Chaudhri, Karnal (Non-Muhammadan), Rural.

Faiz Muhammad, Shaikh, B.A., LL.B., Dera Ghazi Khan (Muhammadan), Rural.

Farman Ali Khan, Subedar-Major, Rawalpindi (Muhammadan), Rural.

Fazal Khan, Munshi, Kangra-cum-Gurdaspur (Muhammadan), Rural.

Fazl Ali, Khan Bahadur Chaudhri, M.B.E., Gujrat East (Muhammadan), Urban.

Firoz Khan, Noor, Malik, Shahpur East (Muhammadan), Rural.

Firoz-ud-Din Khan, Raja, B.A., LL.B., South-East Towns (Muhammadan), Urban.

Ganga Ram, Rai Sahib Lala, B.A., LL.B., Ambala-cum-Simla (Non-Muhammadan), Rural.

Ghulam Muhammad, Chaudhri, Gujrat West (Muhammadan), Rural.

Gokul Chand, Nawang, Dr., M.A., Ph.D., North-West Towns (Non-Muhammadan), Urban.

Gray, Mr. V. F., Punjab Chamber of Commerce and Trades Association, Commerce.

Gurbaksh Singh, Sardar, B.A., LL.B., Ambala Division (Sikh), Rural.

Haibat Khan, Daba, Khan, Multan East (Muhammadan), Rural.

Har Chand Singh, Sardar, Lyallpur (Sikh), Rural.

Husain Shah, Sayad, Jhang (Muhammadan), Rural.

Jodh Singh, Sardar, M.A. (Sikh), Urban.

Karam Ilahi, Khan Bahadur, Chaudhri, M.B.E., Gujranwala (Muhammadan) Rural.

Kesar Singh, Chaudhri, Amritsar-cum-Gurdaspur, Rural.

Khan Muhammad Khan, Malik, Sheikhupura (Muhammadan), Rural.

Khuda Baksh Khan, Nawab Malik, Sir, K.C.I.E., O.B.E., (Muhammadan) Landholders.

Labh Singh, Mr., M.A., LL.B. (Cantab), Rawalpindi Division and Lahore Division, North (Non-Muhammadan), Rural.

Maqbool Mahmood, Mir, Amritsar (Muhammadan), Rural.

Mazhar Ali, Azhar, Maulvi, B.A., LL.B., East and West Central Towns (Muhammadan), Urban.

Mohan Lal, Lala, B.A., LL.B., North-East Towns (Non-Muhammadan), Urban.

Mohan Lal, Bhatnagar, Lala, B.A., LL.B., Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan).

Mohindar Singh, Sardar, Ludhiana (Sikh), Rural.

Muhammad Abdullah Khan, Khan, Muzaffargarh (Muhammadan), Rural.

Muhammad Hussain, Sayad, Montgomery (Muhammadan), Rural.

Muhammad Jamal Khan, Khan Bahadur, Nawab, Baloch Tumandar (Landholders).

Muhammad Raza Shah, Gilani, Makhdumzada, Sayad, Multan West (Muhammadan), Rural.

- Muhammad Sadiq, Shaikh, Amritsar City (Muhammadan), Urban.
- Muhammad Saif Ullah Khan, Khan Sahib, Khan, Mianwali (Muhammadan), Rural.
- Muhammad Shafi Ali Khan, Khan Sahib, Chaudhri, Ambala Division, North-East (Muhammadan), Rural.
- Muhammad Shah Nawaz, Mian, Lahore (Muhammadan), Rural.
- Mumtaz Muhammad Khan, Tiwana, Captain, Malik, Shahpur West (Muhammadan), Rural.
- Najib-ud-Din Khan, Chaudhri, Ferozepore (Muhammadan), Rural.
- Nanak Chand, Pandit, M.A., Hoshiarpur (Non-Muhammadan), Rural.
- Narain Singh, Sardar, B.A., LL.B., Rawalpindi Division and Gujranwala (Sikh), Rural.
- Narendra Nath, Diwan Bahadur, Raja, Punjab Landholders (General).
- Nihal Chand, Sikri, Lala, L.M.S., Lahore City (Non-Muhammadan).
- Noor Din, Chaudhri, Lyallpur South (Muhammadan), Rural.
- Partap Singh, Jamadar, Jullundur (Sikh), Rural.
- Pobap Singh, Rao, M.A., LL.B. Gurgaon (Non-Muhammadan), Rural.
- Raghbir Singh, Lieut. Sardar, O.B.E., Amritsar (Sikh) Rural.
- Ram Singh, Chaudhri, Kangra (Non-Muhammadan), Rural.
- Randhir Singh, Sardar, Kalaswala, Sialkot-cum-Gurdaspur (Sikh), Rural.
- Ruchi Ram, Sahni, Professor, M.A., Punjab University.
- Saadallah Khan, Chaudhri, B.A., Jullundur (Muhammadan), Rural.
- Sahib Dad Khan, Chaudhri, Gurgaon-cum-Hissar (Muhammadan), Rural.
- Sewak Ram, Rai Bahadar, Lala, Multan Division (Non-Muhammadan), Rural.
- Shahadat Khan, Rai, Lyallpur, North (Muhammadan), Rural.
- Sham Lal, Lala, Hissar (Non-Muhammadan), Rural.
- Sikandar Hayat Khan, Lieut. Sardar, M.B.E., Attock (Muhammadan), Rural.
- Tara Singh, Sardar, B.A., LL.B., Ferozepore (Sikh), Rural.
- Tek Ram, Chaudhri, North-West Rehtak (Non-Muhammadan), Rural.

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PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 25th June 1926.

The Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. Herbert William Emerson, (Official nominated).

Mr. Arthur Ralph Astbury (Official nominated).

Mr. Mahadeva Vishnu Bhide (Official nominated).

ANNOUNCEMENTS FROM THE CHAIR.

HOURS OF SITTING OF THE COUNCIL.

Mr. President: I have to announce to the Council that hours of sitting of the Council will be from 10-30 A.M. to 4-30 P.M. with one hour's recess from 1 to 2 P.M.

GOVERNOR'S AND GOVERNOR-GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the Council that His Excellency the Governor and His Excellency the Governor-General have been pleased to give thier assent to the following measures :—

The Punjab Tenancy (Amendment) Act, 1925.

The Montgomery District Board Act, 1926.

The Sikh Gurdwaras (Amendment) Act, 1926.

The Punjab Aerial Ropeways Act, 1926.

QUESTIONS AND ANSWERS.

SUB-REGISTRARS IN LAHORE DISTRICT.

3097. Lieut. Sardar Sikandar Hayat Khan: Will Government please state—

- (a) whether it is a fact that at present all Sub-Registrars in Lahore district are non-Muslims?
- (b) Whether it is a fact that the predecessor of present Sub-Registrar at Kasur was a Muslim?
- (c) Whether it is also a fact that the present Sub-Registrar at Lahore has tendered his resignation of the office?
- (d) If the answers to (a), (b) and (c) be in the affirmative, do Government propose to consider the advisability of appointing a Muslim as the Sub-Registrar at Lahore in succession to the present incumbent?

The Honourable Bai Sahib Chandhri Chhotu Ram : (a) Yes.

(b) Yes.

(c) Yes.

(d) The matter is under consideration.

MOSQUE OPPOSITE THE THANA OF ROHLANWALI, DISTRICT MUZAFFARGARH.

3098. **Makhdumzada Sayad Muhammad Raza Shah Gilani :** Will the Government be pleased to state—

- (a) whether it is a fact that there used to be a mosque just opposite the thana of Rohlanwali, tahsil Muzaffargarh, District Muzaffargarh ;
- (b) that the mosque has been demolished by the Sub-Inspector-in-charge of the thana under the orders of the Superintendent of Police ;
- (c) If the answers to (a) and (b) above be in the affirmative, will Government be pleased to ascertain why the said mosque has been demolished ?

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

NAJAIZ TAWAN ABIANA ON CERTAIN OUTLETS OF THE UPPER BARI DOAB CANAL.

3099. **Sardar Dhira Singh :** Will the Government be pleased to state—

- (a) On how many outlets of the Basirke, Gillpanun and Sukar chak distributaries of the Upper Bari Doab Canal has the Najaiz Tawan Abiana been realised in kharif 1925 and what is the total amount of the money thus realized ?
- (b) Was any police investigation made in these cases of Najaiz Abpashi ? If so, how many real culprits were challaned and convicted ? If no investigation was made and only the Tawan Abiana was imposed, will the Government please give reasons for the same ?
- (c) Does the Government propose to take steps in future to find out the real culprits if any in such cases and not to penalise all the shareholders of the outlet wholesale ?

The Honourable Mian Sir Fazal-i-Husain : (a) On 6 outlets of Basirke and 2 of Gillpanun Distributary Najaiz Abiana was realised in kharif 1925, and the total amount realized is Rs. 1,460-7-0. No charges were levied on any of the outlets of Sukar Chak Minor.

(b) No police investigation was made in these cases of unauthorised irrigation, but Departmental investigations were made under section 33 and rules 32 and 33 of Canals Act, VIII of 1873, and the rulings in Irrigation Manual of Orders, Article 168-2 (4) were complied with in each case.

(c) Efforts are always made to ascertain the real culprits, and it is only when these fail that shareholders are jointly penalised under the above sections of the Canal Act.

HOSPITAL IN KHAIRPUR SADAT, TAHSIL ALIPUR.

3100. Khan Muhammad Abdullah Khan : Is Government aware of the fact that there is no hospital in Khairpur Sadat, tahsil Alipur, District Muzaffargarh ? If so, does Government intend opening a hospital there in the near future ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The honourable member is referred to the reply given to Council Question No. 2857*.

SILT-CLEARANCE OF CANAL IN KOT ADU.

3101. Khan Muhammad Abdullah Khan : Will Government please state whether they have received a memorial from the inhabitants of Kot Adu praying for the silt clearing of the canal there ? If so, what action has been taken on the said memorial ?

The Honourable Mian Sir Fazl-i-Husain : Yes, memorials have been received.

The channels referred to therein are already scoured and can take 150 per cent. of their authorised supply. No silt clearance is therefore required to be done for the bed of any channel. Proposals regarding the remodelling of the whole Magasson system with a view to further improve it are under consideration.

DESTRUCTION OF DOGS.

3102. Khan Muhammad Abdullah Khan : (a) Will Government please state the number of dogs destroyed under the orders of the municipal committees and small towns in the Sialkot district during the years 1921-25 giving the figures for each municipal committee and small town separately ?

(b) Is Government aware that innumerable stray dogs have from some time past been a source of great trouble to the public of Zafarwal in the Sialkot district and that in spite of the repeated requests both written and verbal of the public the Small Town Committee have taken no action to destroy these dogs ? If so, does Government propose to direct this Small Town Committee to take very early steps in this matter ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Municipal Committee, Pasrur 150.

Small Town Committee, Zafarwal 34.

(b) The number of stray dogs in the town of Zafarwal is reported at present to be very small. Only one application for the destruction of a stray dog was received by the Small Town Committee and the dog was destroyed. The last part of the question does not arise.

EMPLOYMENT OF PERSONS FROM OTHER PROVINCES.

3103. Khan Muhammad Abdullah Khan : (a) Will Government kindly state the number and grade of pay of persons belonging to other provinces and serving in the Punjab in each Department of the Punjab Government separately and their proportion to the employees belonging to this province ?

[Khan Md. Abdullah Khan.]

(b) Is it a fact that unemployment is increasing day by day in the province? If so, does Government propose to consider the advisability of dispensing with the services of the outsiders at present serving in this province or at least stopping their appointment in future by a notification in the *Punjab Gazette*?

The Honourable Sir John Maynard: (a) The information is not available and cannot be collected, without an inordinate amount of trouble. The cases are comparatively rare.

(b) The honourable member is referred to the reply given to Council Question No. 2699* put by Chaudhri Afzal Haq on the 5th March last. Government does not propose to dispense with the services of officers belonging to other provinces but serving in the Punjab nor to relinquish the opportunity of appointing outsiders when their appointment is desirable.

LAHORE ZOO.

3104. Khan Muhammad Abdullah Khan: Is it a fact that there is no shelter provided in the Lahore Zoo for the visitors and much inconvenience is felt by the visiting public at times of sudden rainfall? If so, will Government kindly consider the desirability of erecting a suitable shelter for visitors at an early date?

The Honourable Sardar Jogendra Singh: There is no shelter provided in the Lahore Zoo especially for visitors. It is not the case that much inconvenience is felt by the visiting public at times of sudden rainfall as some of the buildings have covered verandahs, and there are also large trees under which people can take shelter. Unexpected rain is rare in this country, and the Zoo Committee do not consider the erection of a shelter for this purpose a necessity.

OFFICERS OF GOVERNMENT AT ZAFARWAL.

3105. Khan Muhammad Abdullah Khan: With reference to the answer to Question No. 2505† asked on 1st March 1926, will the Government please state the names of the officers (from amongst the officers noted in the statement) who were posted to Zafarwal for a second time and to state the reasons for reposting them there when they had already once served at that station for a considerable period?

Mr. J. M. Dunnett: (i) The honourable member is referred to the answer given on 11th December 1925 to part (a) of his Question No. 2448.‡

(ii) No officer from amongst those mentioned in the statement referred to, has been posted to Zafarwal for a second time.

SUB-TAHASIL AT ZAFARWAL.

3106. Khan Muhammad Abdullah Khan: (a) Is it a fact that Mr. Langley, the Commissioner, Lahore Division, visited Zafarwal, Sialkot district, in January last?

(b) Is it also a fact that the people of Zafarwal *ilaga* unanimously presented to him that the headquarters of the tahsil having been shifted from Zafarwal to Narowal, it was felt necessary to establish a sub-tahsil at Zafarwal?

* Page 392 ante.

† Page 219 ante.

‡ Vol. VIII—B., page 1705.

(c) Is it also a fact that Mr. Langley was pleased to assure the people that he would try to bring to the notice of the Government that the establishment of a sub-tahsil at Zafarwal was really necessary?

(d) Will Government kindly state whether they have received any report from the Commissioner urging the necessity and recommending the establishment of a sub-tahsil at Zafarwal?

(e) If the answers to the above be in the affirmative, will Government kindly state what action they propose to take in the matter?

(f) If the answer to part (d) be in the negative, will Government consider the advisability of calling for the Commissioner's views on the subject?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes.

(b) There was a large crowd present when the Commissioner visited the tahsil buildings. The general desire was for the re-transfer of the tahsil head-quarters from Narowal. Some speakers did advocate the establishment of a sub-tahsil and public opinion seemed to support this as the next best course.

(c) The Commissioner promised to represent the proposal.

(d) A report has been received but it does not either urge the necessity or recommend the establishment of a sub-tahsil at Zafarwal.

(e) Does not arise.

(f) Does not arise.

RECRUITMENT OF COURT SUB-INSPECTORS.

3107. Shaikh Faiz Muhammad: (a) Will Government kindly state if it is a fact that a number of B.A., LL.B.'s and practising lawyers have recently been taken in the Police Department as Court Sub-Inspectors?

(b) If the answer to (a) is in the affirmative, will Government kindly give their number communitywise?

(c) Did any resident of Dera Ghazi Khan district apply for this post? If so, with what result?

(d) Is it a fact that in considering his application the opinion of the Sessions Judge as to his ability and character was not sought?

(e) Does Government propose to consider the claims of qualified candidates from Dera Ghazi Khan district if more recruitment is to be made for the said posts?

The Honourable Sir John Maynard: (a) Yes.

(b) Nineteen Hindus, six Muhammadans and three Sikhs.

(c) The case of an applicant from Dera Ghazi Khan is under consideration.

(d) Yes.

(e) Yes, as in the case of all other districts.

COMPLAINT AGAINST THE ASSISTANT SURGEON OF BHERA.

3108. Khan Bahadur Shaikh Abdul Qadir : Has the Government (Ministry of Education) received any petition signed by a large number of citizens of Bhera, including Hindus and Musalmans, complaining against the Assistant Surgeon of Bhera, so far as his treatment and examination of female patients is concerned? If so, what action has been taken in the matter? If nothing has been done so far, does Government propose to inquire into the matter by deputing a lady to go round and inquire from the female patients in the town who have been subjected to the treatment complained of?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) An enquiry was made by the Civil Surgeon of Shahpur, who proceeded to Bhera to record the statements of the signatories to the complaint. Although all the signatories were duly informed of the Civil Surgeon's visit, only two appeared before him; and they stated that they did not know any thing of the contents of the complaint, and that their signatures had been taken by misrepresentation. There was a large number of other persons, including Hindus and Musalmans who stated that Dr. Jawahar Lal had attended their female relatives, and there was nothing objectionable whatever in his treatment or examination. The local officer's conclusion, with which Government agrees, is that the complaint was entirely unfounded. The number of female patients attending the outdoor ward of the dispensary has increased since Dr. Jawahar Lal was posted to Bhera.

(c) Does not arise.

TRANSFER OF COMMISSIONERS OF DIVISIONS.

3109. Sardar Buta Singh : Will the Government please give the names of the Commissioners in the various divisions of the province since 1919 to date giving the period for which each one of them has stayed in each division, giving reasons in cases where any one of the Commissioners may have stayed for more than three years in aggregate to date in any particular division?

Does the Government propose to consider the advisability of transferring all such Commissioners as have served in any one division for more than three years to some other division, even if any such Commissioners be on leave at present?

Mr. J. M. Dunnott : The periods for which individual Commissioners remained in charge of particular divisions since 1919 varied between short periods of less than one month and a period of 4 years and 210 days. In only two instances did the period exceed 3 years. There is no rule limiting the stay of a Commissioner in a division to three years, and Government does not propose to make one. Administrative efficiency and convenience are the deciding factors in all cases, as they were in the two cases where the term of office has exceeded three years.

EXCISE INSPECTOR AT DELHI.

3110. Sardar Buta Singh : Will the Government please give the name of the present Excise Inspector at Delhi and state further as to how long he has been posted there, giving reasons for retaining him so long there?

The Honourable Sardar Jogendra Singh : The Honourable Member is referred to the answer to Question No. 3174 (a)*.

TRANSFER OF COMMISSIONERS AND SUPERINTENDENTS OF COMMISSIONERS' OFFICES.

3111. Bana Firoz-ud-Din Khan : (a) Will the Government be pleased to state what administrative interests have been so far served by making the posts of Superintendents of Commissioners' offices transferable and interchangeable at certain periods?

(b) Is it proposed to give these officials any increase in their emoluments by way of compensation for the extra expenses involved by such transfers?

(c) Will the Government be pleased to state the names of the various Commissioners ever since 1919 who have been holding charge of the various divisions in the province with particulars as to the period for which they held charge of each of those divisions?

(d) Will the Government be pleased to state why the same principles of transfers as are applicable to the Superintendents should not be applied to the Commissioners?

(e) Will the Government be pleased to lay on the table statistics comparing the average period spent on tour by the Commissioner of each division during the five years ending 1915 and the five years ending 1925?

(f) Will the Government be pleased to state whether these statistics indicate the necessity for the retention or the withdrawal of the fixed travelling allowance of Rs. 250 per mensem held by all Commissioners?

(g) Will the Government be pleased to state whether it is a fact that the entire routine work of the Commissioners has now been delegated to the Superintendents of those offices and whether such delegation of duty has been made with the knowledge and approval of Government?

(h) Will the Government be pleased to state whether such delegation of duty has been found to be in the interests of the administration?

The Honourable Sir John Maynard : (a) The arrangement by which Superintendents of Commissioners' offices are transferable or interchangeable after 5 years has been in force for a little over a year, and it is therefore too early to say what administrative interests have so far been served by the new arrangement.

(b) No.

(c) and (d) The honourable member is referred to the reply given to Council Question No. 3109.†

(e) A statement is laid on the table.

(f) No revision of the allowance is considered necessary.

* Page 632 ante.

† Answer to question 3174 (a).

The Excise Inspector at Delhi has been there since 1st May 1910. He has been retained there in the interests of the Excise administration of the Delhi Province.

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(c) No.

(d) Does not arise.

Year	Totalling down by				
	Commissioner, Ambala.	Commissioner, Jullundur.	Commissioner, Lahore.	Commissioner, Multan.	Commissioner, Rawalpindi.
1910-11	71	91	122	101	142
1911-12	54	105	86	95	120
1912-13	84	119	111	106	139
1913-14	99	93	134	131	154
1914-15	109	81	70	111	116
Total	427	492	453	534	672
Average	85	98	91	107	134
1920-21	99	116	55	86	93
1921-22	127	106	25	91	83
1922-23	75	104	47	77	57
1923-24	55	70	25	95	59
1924-25	44	95	45	75	96
Total	391	491	197	435	418
Average	78	98	39	87	84

RE-EMPLOYMENT OF BARKAT ALI AS PATWARI.

3112. Chaudhri Ram Singh: (a) Will Government be pleased to state if it is a fact:—

(a) that one Barkat Ali, patwari, belonging to tahsil Gurdaspur, district Gurdaspur, was dismissed for misconduct, and that the Commissioner rejected his appeal for setting aside this order of dismissal;

(b) that the Revenue Assistant of Gurdaspur has appointed Barkat Ali as Senior Madadgar Patwari ?

(ii) If the answers to the above are in the affirmative, will Government be pleased to state the reasons for the re-employment of Barkat Ali ?

The Honourable Mian Sir Fazl-i-Husain : (i) (a) Yes. He was dismissed on 23rd March 1923.

(b) No. Barkat Ali was appointed last on the list of Madadgar Patwaris by the Deputy Commissioner on the 24th November 1925. The Deputy Commissioner affirmed his agreement with the previous order of dismissal but appointed Barkat Ali, as stated, as a special case in view of the fact that he was a pauper and has a large family to support and his previous record had not been bad.

(ii) See reply to (i) (b).

TRANSFERS OF PATWARIS.

3113. Chaudhri Ram Singh : (i) Will the Government be pleased to state if it is a fact that patwaris in the Gurdaspur District are being transferred at short intervals ? If so, what are the reasons for the same ?

(ii) Will Government be pleased to state the number of patwaris transferred from tahsil Pathankot, district Gurdaspur, during the last year ?

The Honourable Mian Sir Fazl-i-Husain : (i) No.

(ii) No patwari was transferred from the Pathankot Tahsil in 1925.

DAMAGES CAUSED BY THE ESCAPE AT MALIKPUR.

3114. Chaudhri Ram Singh : Will Government be pleased to state—

(a) if it is a fact that the Bari Doab Canal Department constructed an escape at Malikpur, district Gurdaspur, which worked from March 16th to March 22nd, 1926, and caused great damage to the standing crops of the zamindars whose lands have also been swept away by the water of the escape ;

(b) whether a number of petitions were sent in by the zamindars to Government in this respect and if so, how many and what action was taken thereon by the Government ; and ?

(c) whether they propose to institute an enquiry into the matter and pay damage to the zamindars for the losses sustained by them ?

The Honourable Mian Sir Fazl-i-Husain : (a) This escape is an old established one. It was in flow for a few days in March 1926. Damage to crops as assessed by this Department amounted to Rs. 11 only. Slight damage to land was caused by the bursting of a mill bund erected unauthorisedly.

(b) & (c) Four petitions were received by the local officers. The matter is under investigation.

APPEALS AGAINST THE IMPOSITION OF THE HASIAT TAX.

3115. Chaudhri Ram Singh: Will Government be pleased to state if it is a fact that the people of the Kangra District have to go to Jullundur for the purpose of lodging appeals against the imposition of the Hasiat tax, and that this causes great inconvenience to them? If so, will Government be pleased to state whether they propose to issue orders to the effect that in future appeals against the imposition of Hasiat tax can be preferred through the post office?

The Honourable Rai Sahib Chaudhri Chhotu Ram: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

NOTICE OF HASIAT TAX.

3116. Chaudhri Ram Singh: (i) Will Government be pleased to state if it is a fact —

(a) that separate notices are not issued to the payers of Hasiat tax, and that they have to obtain a copy of the order by which Hasiat tax is proposed to be levied upon them;

(b) that it takes a lot of time to obtain copies of the orders mentioned in (a), and that sometimes the time for appeal lapses by then?

(ii) If the answers to (a) and (b) above be in the affirmative, will Government be pleased to state whether they propose to issue orders to the effect that in future a notice should be sent to every tax-payer so that he may be able to use the same for the purpose of lodging an appeal?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (i) There are no instructions on these matters in the directions issued by Government for assessment and collection of Hasiat tax. If the honourable member will specify the district or districts in respect of which he requires the information it will be collected.

(ii) The question of revision of these directions is already under the consideration of Government, and the suggestions made by the honourable member will be borne in mind.

REPRESENTATION OF DEPRESSED CLASSES IN THE LEGISLATIVE COUNCIL.

3117. Chaudhri Afzal Haq: Will the Government be pleased to state if there is any member in the Legislative Council who represents the interest of the depressed classes?

(b) If none, will the Government be pleased to state whether they are considering the desirability of creating special constituencies to return members of the depressed classes to the Council.

Mr. J. M. Dunnott: (a) There is no special representative of the depressed classes in the Legislative Council.

(b) Government have already considered the matter with care, and do not consider that there is a case for the special representation of the depressed classes in the Punjab Legislative Council.

Chaudhri Afzal Haq : Has the attention of the Government been invited to a very recent speech of the Secretary of State, wherein he expressed the hope that the Central Government, after consulting the Local Governments, would take steps to give special representation to factory labour and the depressed classes, and in view of that speech has the Central Government asked for the opinion of the Local Government or not?

Mr. J. M. Dunnett : May I ask Sir, if the speech referred to labour?

Chaudhri Afzal Haq : Both labour and depressed classes.

Mr. J. M. Dunnett : I would like notice, Sir.

HANGING OF PRISONERS.

3118. Chaudhri Afzal Haq : Will the Government be pleased to state the number of prisoners who were hanged in the Punjab jails in the year 1925 and the number among them who were hanged in their own districts?

The Honourable Sir John Maynard : 162, out of whom 120 are believed to have belonged to the district in which they were hanged, the latter figure including prisoners executed at the headquarter Jail of districts with only a sub-jail where provision for executions does not exist.

CATTLE LIFTING.

3119. Chaudhri Afzal Haq : (a) Will the Government be pleased to state the number of registered cattle lifting cases in Montgomery and Multan as compared with Hoshiarpur and Ludhiana?

(b) Has the attention of the Government been ever invited to the fact that the most influential men such as zaildars and lambardars of the district in eastern and central range help and protect the cattle lifters?

(c) If so, will the Government be pleased to say what special steps they took or propose to take to discourage such village headmen?

(d) If Government have no information, do they propose to invite the opinion of the district superintendent of police on that point?

The Honourable Sir John Maynard : (a) The number of cases of cattle theft reported during 1925 in the districts named are given below :—

Montgomery	...	...	...	275
Multan	...	...	...	168
Hoshiarpur	...	...	...	51
Ludhiana	...	...	...	28

(b) Yes.

(c) Where evidence is forthcoming, village officials, etc., who protect and assist cattle thieves are punished. A small force of Police under the Criminal Investigation Department is at present conducting enquiries, in conjunction with the Police of the United Provinces, into cattle theft in the Eastern Range, and it is hoped that it will be possible in the near future to devise measures which will serve as an effective check on cattle theft, not only in the Eastern Range but in the whole province.

(d) Does not arise.

GRANTS FOR THE UPKEEP OF SHRINES.

3120. Chaudhri Afzal Haq : Will the Government be pleased to state the number of shrines which receive Government grant for their upkeep by way of muafi, etc., and the amount which the shrines so receive annually ?

The Honourable Mian Sir Fazl-i-Husain : The question has necessitated enquiries which are not yet complete. The reply will be communicated to the honourable member when ready.

GRANTS OF LANDS TO PIRIS, ETC.

3121. Chaudhri Afzal Haq : Will the Government be pleased to state the number of those Pirs, Mahants and Gadinashins of shrines who received grant of Government land, the number of squares which each of them received since the year 1900 and the purpose for which such grants were given.

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

DISMISSAL OF EUROPEANS IN THE IMPERIAL SERVICES.

3122. Chaudhri Afzal Haq : Will the Government be pleased to state the number of those European I. C. S. men who have been dismissed from service, the number of those European officers of the Indian police service who have been dismissed from service, and the number of Europeans belonging to other Imperial services who have been dismissed from service during the last thirty years ?

Mr. J. M. Dunnett : The statistics asked for are not available, and Government does not think that any good public purpose would be served by undertaking the laborious enquiry necessary to enumerate the few cases which have occurred during the last 30 years.

MUHAMMADAN SUB-REGISTRARS IN JULLUNDUR DIVISION.

3123. Chaudhri Afzal Haq : Will the Government be pleased to state if it is a fact that the number of Muhammadan Sub-Registrars in Jullundur Division is very small as compared with those of other communities and also if it is a fact that new vacancies are being filled up by non-Muslims ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Four out of 22 Sub-Registrars in the Jullundur Division are Muslims ?

(b) No. A Muslim has recently been appointed.

ASSISTANT SURGEON FOR GARHSANKAR DISPENSARY.

3124. Chaudhri Afzal Haq : Will the Government be pleased to state :

(a) if it is a fact that the present Assistant Surgeons have been in charge of Una and Dasuya Tahsil dispensaries for a long time ;

- (b) if it is a fact that no Assistant Surgeon has been posted to hold charge of the dispensaries in the Garhshankar Tahsil; and
- (c) whether the Government proposes to consider the advisability of posting an Assistant Surgeon for the Garhshankar dispensary?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The present Assistant Surgeons at Una and Dasuya have been in charge of those dispensaries since the 1st May 1923 and the 28th September 1925, respectively.

(b) Yes.

(c) If and when the dispensary at Garshankar is provincialised, the advisability of posting an Assistant Surgeon will be considered.

STOPPAGE OF BEGGARY IN THE PROVINCE.

3125 Chaudhri Afzal Haq : Will the Government be pleased to state :

- (a) whether they are aware of the fact that Bombay Government have notified their intention to stop beggary in their province and have instructed all the municipal committees in the province to take necessary steps to put a stop to door to door legging; and
- (b) whether the Punjab Government is considering the desirability of issuing similar instructions to all the municipalities in the province?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No.

(b) Does not arise. The Honourable Member's attention is however invited to the provision already contained in section 151 of the Punjab Municipal Act, 1911.

Chaudhri Afzal Haq : Will the Government say whether they propose to give any instructions to municipal committees to enforce that part of the Act?

The Honourable Rai Sahib Chaudhri Chhotu Ram : It rests with the municipal boards themselves to take action.

PLAGUE IN THE PROVINCE.

3126. Chaudhri Afzal Haq : Will the Government be pleased to state :

- (a) the number of deaths during the month of March in the province due to plague;
- (b) the amount of money that has been spent from the provincial funds to combat the disease; and
- (c) the steps, if any, taken by the Government to stop the progress of the disease?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) 19,678 in March 1926.

(b) Rs. 64,814 in the month of March 1926.

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(c) The following special steps were taken by Government to combat the disease :—

- (1) In the Ambala Division, a special scheme estimated to cost Rs. 2,60,000 over a full year, was started on the 1st of April 1926.

The scheme provides for the following additional staff :—

- | | |
|---|---------------|
| (i) One Divisional Supervising Officer. | |
| (ii) One Medical Officer. | } Per tahsil. |
| One Naib-Tahsildar. | |
| One Sanitary Inspector. | |
| (iii) One Mate. | } Per thana. |
| Two coolies. | |

It also provides for :—

- (a) The free provision of materials for disinfection and rat destruction.
- (b) Rewards for work in connection with the scheme.
- (c) An active educative campaign throughout the villages of the Division.
- (2) In all plague affected districts medical officers for inoculation and plague work were supplied as required.
- (3) All local authorities were informed by the Department of Public Health that a grant-in-aid would be given to cover the cost of plague measures in excess of their budget provision.
- (4) A scheme has been drawn up for an intensive campaign of anti-plague measures in the off-season, and a demand for one lakh of rupees for this purpose has been included in the supplementary demands.

STATEMENT BY THE HONOURABLE THE FINANCE MEMBER.

The Honourable Sir John Maynard (Finance Member) : I know that I voice the feelings of this House when before making the statement which I have to make, I express our acknowledgment of the courtesy of the Honourable the President of the Legislative Assembly in allowing us the use of this Chamber for our present session. June is not a pleasant month in Lahore, and we owe to him the means of doing our work in comfort.

Before considering the supplementary demands which are about to be put before it, the House will wish to hear a brief summary of the financial position and of the intentions of Government with reference to the remission of taxation. For the sake of simplicity I shall speak in lakhs. The province started its reformed career with an opening balance of 1,93 of which 66 were on revenue account and 1,27 on account of sales of land. Having discharged the debt due to the Government of India on the pre-reform Provincial Loan Account this opening balance became a net balance of 1,40. That was the sum with which the province started. The disbursement of the disastrous first year swallowed up the whole of this balance and an overdraft of a crore in addition,

though the expenditure under Irrigation Capital Works was, at that time before the commencement of the Sutlej Valley Project, only trifling. In this year of drought and discontent the deficit on revenue account alone was 2,05 lakhs. In the second year of the reforms there was again a deficit on revenue account of 88 lakhs, and the province incurred further overdrafts of 60 for revenue and 72 for irrigation, but the position was so far more satisfactory that 91 out of the total expenditure was on productive irrigation works, and that a substantial portion of the large outlay on loans and advances in the scarcity year found its way back to the treasury. In this year (1922-23) the Committee on retrenchment sat and concluded its deliberations, and measures for increasing the income from Court Fees and Stamp duties were passed into law.

In the third year (1923-24) the turn of the tide was manifest. Owing to the attention given to economy, the expenditure on revenue account fell by 90 from the figure of 1921-22, while income increased so as to yield a revenue surplus of 43, which included a small addition (not exceeding 10) from fresh taxation under Court Fees and Stamps. Mainly from the accumulated proceeds of the sale of waste lands the overdraft of the first year was now paid off. The credit of the province received a satisfactory testimonial in the success of its first public loan which was greatly oversubscribed during the few hours for which it remained open. Omitting loans, contracted and repaid, the total disbursements of 1923-24 exceeded the receipts by some 20 lakhs, but out of this the expenditure on irrigation capital works was 146. The closing balance (in consequence of the unexpected success of the loan) was 72.

In 1924-25 the process of strict economy was carried further, and there was a further fall in the expenditure charged against revenue to a figure 98 below that of 1921-22. In this year the full effect of the legislation on Court Fees and Stamp duties disclosed itself in the receipts, and for part of the year (from the kharif harvest) an enhancement of water rates calculated in a full year to produce an increase of 56, was in force. Bills were passed by the Council for doubling the Stamp duty on transfers of immoveable property in towns and for the taxation of motor vehicles, but they did not substantially affect the income till the next year. Revenue receipts improved by 64 over those of the preceding year and exceeded expenditure charged to revenue by 115. Total disbursements were 1,109 against total receipts 1,177.

The closing balance of the year 1924-25 rose to 141, but this was not a revenue balance. It was entirely due to extraordinary receipts from the sale of lands, which, as the Council is well aware, are carefully kept apart from the ordinary revenue. At the end of 1924 there was, from a purely revenue point of view, actually a revenue deficit of 9, and there was no real revenue balance till the year 1925-26. In the last mentioned year (1925-26) Fortune at length smiled frankly upon us. We received a remission of the provincial contribution of which the net effect was 56 per annum and it will be within the recollection of everyone in this House that this was followed by a remission of provincial taxation aggregating 20 per annum, and by the adoption by the Council last May of a generous programme of expansion in the nation-building departments. During the year an attempt was made to raise a loan in the open market.

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of one crore of rupees. This was not completely successful, but a sum of over 70 was raised. The accounts of the year have not of course yet been closed, but we have from the Accountant-General the preliminary figures. The approximately correct figures of the year (1925-26) give us, as will be seen in more detail from Mr. Emerson's note, of which a copy is before members, a revenue surplus for the year of 89, making a real revenue surplus in the post-reform quinquennium of 20, if we deduct from it, as we should do, the revenue overdraft of 1922-23, which has not been paid off. For the same period of five years the extraordinary receipts are 455, the capital account shows a deficit of 207, the provincial loan account a deficit of 38, the famine insurance fund a surplus of 14. The total balance on all accounts on March 31st, 1926, is foreshadowed at 254.

In introducing the budget for 1926-27 I said that the figures of the preceding year's surplus and of the anticipated receipts justified us in relaxing something of that rigid restriction upon new expenditure which, up to the time of the partial remission of the provincial contribution in 1925, had governed our conduct of the provincial finances. We budgetted accordingly for an expenditure, charged to revenue, of 11,34, against 11,49 of revenue receipts, giving a revenue surplus on the year's working of 15. The proposed expenditure, of which 25½ were to be recurring, included large increases under Medical and Public Health. But it was at the same time indicated that all the proposals required to make up for arrears of expenditure during the lean years were not yet ready, and that supplementary demands would be submitted to the Council in June when the plans of the Agricultural and other departments had been more fully worked out. By the time that the general discussion on the budget took place we had received a further accession to our resources in the remission of 28 from the provincial contribution; and I informed the Council that the whole question of taxation would be subjected to reconsideration before the June meeting.

In reviewing the financial position and the possibility of meeting the wish for remission of taxation, the Government have kept in mind the insistent demands which reach it from all sides, for more and better education, more and better hospitals and roads, more activity in agriculture, co-operation and veterinary work, and also for a higher standard of administration generally, which has been strikingly manifested in the call for less primitive methods in our jails. I believe that the desire for these improvements is real and widespread, and that its partial satisfaction in existing financial conditions is not incompatible with some abatement of burdens. It has been decided therefore to put before the Council a bill for the amendment of the scale of *ad valorem* Court Fees on plaints, memoranda of appeals, and applications for revision, as fixed by the legislation of 1922. The bill restores the old scale of the year 1870 on all suits of the value of Rs. 500 and less, while leaving the fees on suits of higher value at their present figure. The annual sacrifice of revenue on this account is calculated at 9.

If this Bill is passed by the House without amendment in substance, the Government will proceed to reduce the water rate on fodder crops both on perennial and on inundation canals from the present maximum of 2 rupees to a maximum of Re. 1-8-0 per acre. The cost of this reduction will be 8 per annum. The total contemplated reduction of taxation is thus an annual amount of 17.

(An Honourable Member: How much will be the remission of Abiana?)

The Honourable Sir Jhon Maynard: 8; 9 Court-fees and 8 Abiana.

(An Honourable Member: Only fodder crops?)

The Honourable Sir Jhon Maynard: Only fodder crops. At the same time supplementary demands are put before the House which, if accepted, involve additional recurring expenditure in this year of 9, and non-recurring of 48, charged against revenue, together with 27 charged against capital. The modified budget of revenue receipts and expenditure will give us, on the assumption that the amended scale of Court Fees takes effect from July 1st and the reduction of water rates from next kharif, receipts of 11,86 and expenditure of 11,63 showing a deficit on the year's working of 27 which is to be made up from last year's balance. Total receipts should be 14,03 and total disbursements 15,61, and the closing balance on all accounts should be less by 1,58 than at the end of last year, that is to say 1,01 which is not more than sufficient, as working balance and as a safeguard against possible misfortune. This will be attained without further loans to be raised during the current year.

The figures, which I have cited for the proposed new expenditure, give to the House the effect of the proposals for the current year, not the ultimate recurring effect. In order to realise the ultimate effect, it is necessary for the House to bear in mind not only the effect in a full year of expenditure to be undertaken during part only of 1926-27, but also the virtually inevitable commitments involved in the commencement of reforms, which it is theoretically possible, but actually most undesirable, not to carry to completion. For instance the reform of the Jails has to be completed by the appointment of 18 whole-time civil superintendents, out of whom provision is at present being made for 6 only. A similar consideration applies to the programme of expansion in the beneficent departments.

The effect of the proposals for the new recurring expenditure incorporated in the budget of 1926-27 together with those now put forward will involve in 1927-28 inevitable commitments of 41½ and virtually inevitable commitments of at least 5 more. In addition to this we are, as I have told the House, remitting a total of 17 lakhs per annum of existing taxation. It will be seen therefore that the whole of these proposals taken together virtually commit the Government in 1927-28 to an addition to commitments, in increased expenditure and diminished income, of not less than 63½. It would not have been possible to contemplate so extensive a financial commitment as this but for the remission of provincial contribution to the extent of 28. It will, I think, readily be understood by the House that in doing this much, the Government is doing the maximum which is possible without too deeply mortgaging the immediate future and while providing for a reasonable margin of new expenditure also in the years to come.

It only remains for me to draw the attention of the House to the proportions in which different classes of public expenditure from revenue have increased or diminished in the seven years, starting from 1921-22, the first year of the Reforms, and ending with 1926-27, the current year: and the manner in which the accessions to our resources, both

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from the reduction of the provincial contribution to the Government of India, and from the proceeds of fresh taxation, have been applied. The figures given for 1926-27, are those of the budget with the addition of the supplementary demands now about to be placed before the House. Total expenditure has increased by 70, of which 60 is under the interest head, almost entirely on account of capital expenditure on productive works. Direct demands on the revenue (mainly expenditure on land revenue administration) have diminished from 100 to 90. The cost of administration (which may be roughly regarded as comprised in the ten heads grouped as Civil Administration and Miscellaneous) was 397 in 1921-22 and is now 371, a decrease of 26. The expenditure in the nation building departments, which we class as beneficent, including the works for such departments, has risen from 192 in the first year to 384 in the seventh, an increase of 142 or 74 per cent. Here we see the combination of retrenchment with expansion.

The proceeds of post reform additions to taxation, after the remissions made in 1925 and again proposed to be made now, amount to 58 per annum. The net proceeds of the two reductions of the Provincial contribution to the Government of India amount to 84. The total of these accessions to resources is 142 : precisely the amount of the increase in the expenditure on the beneficent departments. In other words the whole net proceeds of additions to taxation and of the reduced contribution are being expended on these departments.

Sayad Muhammad Husain : Sir, may I suggest that the statement just made by the Honourable the Finance Member be translated for the benefit of these people who do not understand English ?

Mr. President : The announcement is so full of figures and has been made so rapidly, that it is difficult, if not impossible, for the Council translator to translate even its gist.

Sayad Muhammad Husain : Can the statement be circulated to members so that they may be able to read it during the debate ?

The Honourable Sir John Maynard : I regret, Sir, it is at present in manuscript and I have not a second copy of it.

Lieutenant Sardar Sikandar Hayat Khan [Attock (Muhammadan) Rural] : Sir, in view of the statement just made by the Honourable the Finance Member it is desirable that the members of this Council should be given time to consider the adequacy or otherwise of the proposed remission. It is therefore necessary that the demands be postponed so that the House may consider whether they can support the supplementary and additional demands in the light of the statement now made by the Honourable the Finance Member. The attitude of members will be guided in making decision by the statement now made, and since we have not even had the opportunity of studying the note prepared by Mr. Emerson which was furnished to us this morning, I do not think it is fair to rush matters and I do hope the Honourable the Finance Member will agree to give us time to consider his statement and formulate our opinions in the matter in the light of that statement.

Sayad Muhammad Husain : Sir, I second the wish expressed by Sardar Sikandar Hayat Khan for more time.

The Honourable Sir John Maynard : Sir, if half an hour would suffice for the honourable the non-official members to consider the matter, I should be very glad to agree to that. It would be a pity if they wished for anything longer than that for the simple reason that I think we should not then be able to get through the business.

Sayad Muhammad Husain : One day at least is required, Sir. Owing to the Gurdwara elections many members have not been able to come to-day. If you could postpone it till to-morrow we should all like that.

Mr. President : In my opinion Lieut. Sardar Sikandar Hayat Khan's motion to postpone the demands is not in order. What he virtually proposes is that no business be done to-day and that the House be adjourned. But the power of adjournment vests in the Chair and not in the Council. Therefore a motion for adjournment of the House is out of order. The motion which any member may move with regard to any demand when a motion for that demand is moved is that that demand be not put to the vote of the House. So, if any honourable member moves such a motion at the proper time it might be considered but any motion to the effect that no grants may be discussed to-day or that they might be taken up to-morrow or at any subsequent sitting of the Council is out of order and cannot be allowed.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

EDUCATION (TRANSFERRED) GRANT.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, as recommended by His Excellency the Governor, I beg to move Demand No. 1 which runs as follows :—

"That a supplementary sum not exceeding Rs. 37,120 advanced to the Head 31— Education Transferred from the Civil Contingencies Fund be granted to the Governor in Council by way of reconplement of that fund for the year ending the 31st of March 1927."

Pandit Nanak Chand : Sir, I move that the consideration of this demand be taken up to-morrow.

Mr. President : Order, Order. I may point out here that the motion to postpone the consideration of the demand to which I referred in my remarks just now can be made no doubt by any member at the proper stage. The only motion that can be made is that the question be not now put, and the honourable member cannot propose any date on which the question may be considered again.

Pandit Nanak Chand : Sir, I move—

"That the consideration of Demand No. 1 be postponed."

While making this motion, Sir, I would draw the attention of the House.....

Mr. President : Order, Order. The demand is not yet before the House ; it has not been proposed by the Chair. The question is—

"That a supplementary sum not exceeding Rs. 37,120 advanced to the Head 31— Education Transferred from the Civil Contingencies Fund be granted to the Governor in Council by way of reconplement of that fund for the year ending the 31st of March 1927."

11 A.M.

Pandit Nanak Chand: Am I in order, Sir, now, in moving my amendment?

Mr. President: No question can be put to the Chair. If the honourable member is called upon to speak he will be in order to move his motion. Now, I call upon Pandit Nanak Chand to speak.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Sir, I move—

“That the consideration of Demand No. 1 be postponed.”

Sir, two or three speakers who have already preceded me have given their reasons why these demands should not be considered at this stage. One of the main reasons to which I hope even the official members will not take objection is that the statement which has just been made by the Honourable the Finance Member is an extremely important one and time should be given to the members who represent practically the whole of the Punjab to see as to what attitude they should adopt with regard to the demands which have been presented to us to-day. The honourable members will remember, Sir, that this year there was a saving of a crore and two lakhs of rupees. These demands, however, cover an expenditure of 77 lakhs. Most of the people in the provinces expected that when there was such a large saving there would be a good deal of reduction in the taxation and in the *abiana*. Now, we find from the statement which has been just made that this reduction in the *abiana* and the Court Fees does not go further than 17 lakhs. After considering the whole question the non-official members may perhaps come to the same conclusion as the Finance Member that we should wait for a more favourable time for reducing the taxation; or perhaps after considering all the circumstances the non-official members may be of opinion that some of the demands at least should not be passed and thus saving in expenditure should be made. Under these circumstances and for the further reasons which have been given by my friend Pir Muhammad Husain that most of the members are engaged in Government business, and are thus unable to take part in to-day's debate I propose that the consideration of the demand be postponed. I hope that the Council will be prepared to listen to the very reasonable demand of the non-official members.

Mr. President: The question is—

“That the consideration of Demand No. 1 be postponed.”

Maulvi Mazhar Ali, Azhar [East and West Central Towns, (Muhammadan), Urban] (Urdu): Sir, I support the suggestion put forth by my honourable friend Pandit Nanak Chand. My reasons for so doing are that we have not had enough time to study the statement made by the Honourable Sir John Maynard and Mr. Emerson's note, just supplied to us; and in view of the short time at our disposal to study the statement and the note, it would be difficult to decide upon the attitude we should adopt as to the demands. There is a difference of opinion between the non-official members and the Government as to the extent of reduction made in the taxation. Government have had their say, they had enough time to cogitate over their attitude but we have had no time. If the consideration of the present demand and the subsequent demands is not postponed, our way is quite clear. We will have to throw out the demand before the House and also the other demands that may follow. We do not want that we should now, for petty considerations of time or

expenses, agree to these demands and then cry over spilt milk. We, therefore, having regard to the position of the Government and the position of the members will have to reject all the demands simply because we have not had enough time to give full consideration to these demands. I hope Government will agree to it. The only fear of the Government is that some time will be lost. But, Sir, as far as the work before us is concerned I think it will not take much time. It will in fact, take less time than has already been stipulated and the opposition that is being put up will be avoided if the demands are not put before the House to-day. Under the circumstances, I hope the Government will postpone the consideration of the present demand and will make its position clear about the others.

Sayad Muhammad Husain [Montgomery (Muhammalan) Rural]: Sir, in my opinion the discussion of the grants should be postponed at least for to-day. As I told you beforehand some of the members have been engaged on Government business of presiding over the election for the Central Board. I believe some other members of this Council are themselves seeking election to the Board or assisting their friends who seek election. This is why most of the Sikh members are not present to-day.

As regards the Hindu and Muhammadan members, I know that some of them are presiding officers at district elections. Besides, these supplementary estimates came to us only on Tuesday. I am living near a post office close to a railway station. Most of the members who are living in places where there is no railway station must have received these estimates still later. I received the estimates only on Tuesday and I could go through them only in the train from Ambala to Kalka and I had to send a telegram communicating motions for the reduction in the demand, when I reached Kalka. Now, I find that my motion is not in time and so cannot be discussed.

The second point is that if these demands are put and carried now, it will mean that the Government carried all their demands in a depleted House and thus it will bring discredit to Government. Many of the non-official members are not present now and the Government members put together form a majority against all the other members put together including the nominated members who generally vote with the Government (Laughter). I would, therefore, suggest that instead of precipitating these demands now, their consideration may be postponed for a day so that we may meet together and decide what should be our attitude in the matter of these grants. This would be better than our opposing every demand which will be the only course left to us if the postponement is not agreed to. I would, therefore, advise the Government to accept the postponement of the discussion for to-day at least.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I should like to voice my opinion on this matter. I must object to the postponement of this Council on every possible chance. Some of us are very busy people and we cannot come up here and then accept the postponement of business for a day and so on. The fact that I was coming or that the Sikh people would be busy with their elections were all well-known long before this date was fixed and if the members had pointed out the inconvenience of these dates to the Government long before they got us here, I think the Government would have been agreeable to start the meeting to-morrow instead of to-day. Not having done that, I do

[Mr. V. F. Gray.]

not think, after the statement made by the Honourable the Finance Member that there is any real excuse for throwing any of these demands out or for having their consideration postponed. What he has told us may be disappointing to some of us ; it is disappointing to me, I must say. I certainly hoped that all the recent taxation will be removed including the tax on motor vehicles. But that does not alter the position. One is not going to throw out all these grants that are before us just because one cannot get everything he wants. I do not think there is any need to waste the money of this province in keeping us an extra day.

In the demand before us I see there is only one amendment, in connection with Sikh teachers ; the discussion of that will take some time. Surely now we are all here we can get on with that.

Mr. President : Some members have rather entered into generalities in their speeches. The only item now before the House is the Demand No. 1 and the motion to postpone consideration of that demand. Therefore the postponement of consideration of the other grants should not be discussed.

Sardar Jodh Singh (Sikh Urban) : Sir, in considering this grant we will have to consider it with reference to the total expenditure that is put before us. From the figures in the supplementary budget I find that the Government wants sanction of the Council for a total sum of 9 lakhs recurring which will go up to 16 lakhs during the next year. If we refer to the budget figures that were presented to us in March last it will be seen, if I remember correctly, that 14 lakhs was the saving shown. Add to it the remission by the Government of India of 28 lakhs. That means that at our disposal we have got 42 lakhs. If we look at the figures of the last two or three years as given by the Finance Department it will be seen that they err on the wrong side within $3\frac{1}{2}$ per cent. of the total. Three and a half per cent. of 12 crores means about 40 lakhs. It means that ultimately we will have a saving of between 70 and 80 lakhs. Out of that at the most the Government is proposing a recurring expenditure of 9 lakhs for this year and 16 for the next. I am sorry the note of the Honourable the Finance Member is not before us and that I was a little late this morning and so could not catch the figures ; but I think the information that he gave to us in the Finance Committee that the Government is going to remit taxation to the extent of 17 lakhs has been given to the House to-day. Out of 80 lakhs of surplus income, the Government can easily raise the amount of remission from 17 to 30 or 34 lakhs. If the Government gives us time to consider the note which has been read by the Honourable the Finance Member, perhaps we will be able to discriminate between certain items that are put before us and we will be in a position either to vote for all of them or reject some of them or again perhaps we may come to a compromise with the Government and they might be induced to make more remissions. Out of a saving of 70 or 80 lakhs the remission allowed is too small and it cannot be said that on the face of it the opposition is wide of the mark. Hence I support the motion for postponement.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban] : Sir, Demand No. 1 has been moved by the Honourable the Minister for Education. The question involved in the motion for postponement of the demand is a constitutional one. Of course the Honourable the Minister for Education constitutionally belongs to the Government party, but in a way

he also belongs to the other party, that is, the party in power whose nominee he is. He is the representative of the majority of elected members. The Honourable Sir John Maynard is in charge of the reserved subjects and so he is not bound to accede to our demands. On the other hand, I say and I assert that where the majority of the elected members want a particular thing to be done, it is only fair that the Honourable the Minister for Education, who is an elected member and who is our nominee in a way should accede to our request. Even if the other half representing the reserved side does not agree, the Honourable Ministers as representing the elected members of this House should agree to our request. The Government wants this House to sanction expenditure and it is absolutely necessary that the Government should give us time to see whether the money which it wants is going to be spent rightly or wrongly. In different portions of the budget, I see the Honourable the Minister for Agriculture asking for huge sums of money. It is only fair to the House and to the country that the Honourable Ministers should give us some time to consider the demands. Even under the Montagu-Chelmsford Act, the Honourable Ministers are not bound to support the reserved half of the Government in everything that they want. Much has already been said about this kind of dual Government and the worst features of the whole system of dyarchy. Two gentlemen on one side, i.e., the executive councillors are bound to say one thing and the other gentlemen representing the elected members of the House are not bound to say ditto to everything that they say. Now the question is, which side are the Honourable Ministers going to lean. If the Honourable Ministers are not going to agree now with the non-official members of the House, perhaps two days hence the time might come when we, non-official members might not be able to agree with the Honourable Ministers. Then, perhaps a constitutional crisis would occur which the Honourable Ministers themselves would not like to see. If they force us—I am not using this as a threat—to take that extreme step, I am afraid a constitutional crisis will occur. I request the Honourable Ministers not to be stampeded by the Government in this way but to give us at least one day for considering the demands. A day's postponement will not much matter. After all, we have to deal with figures; and figures, as honourable members are aware, are always very intricate and difficult. As you yourself said, Sir, it is very difficult to catch them. If the gentleman who is himself in charge of the subject cannot catch the figures easily, how much more difficult will it be for those who do not know English and who have to depend on translation? How are we going to decide whether a particular item of expenditure is essential or not? For instance, let us take Public Health. We want that the expenditure under this head should be increased by 2 lakhs. There are several items of expenditure under Public Works such as construction of roads, etc., which are very expensive and unless we are given time to consider the figures, how are we going to say whether it is absolutely necessary to proceed with this item of work or not? If the Government gives us time, we will consult with one another and decide which items should be voted upon and which could be rejected. We can postpone the construction of many roads and add that amount to the improvement of public health of this province. What is the use of rushing through the House all the demands that are put on the agenda? The Government does not seem to be in a mood to postpone the consideration of these demands. The Government has appointed the 24th of this month as the day of election under the Sikh Gurdwaras Act. How can the Government expect our Sikh friends to take part in the election and at

[Shaikh Muhammad Sadiq.]

the same time be present here the very following day to take part in the discussion of demands? One day after the election is too short a time and people cannot be expected to rush to Simla in one day and if Government persists, it will be considered as a trick played to get the grants passed. Is it fair for the Government to fix the 24th June as the day of elections and the very next day as the day for the Council meeting? You give the Sikh friends no time to console those who might have lost in the elections or to congratulate those who might have won in the elections. How can the Government say that the Sikhs should take part in the elections and then rush to Simla the next morning? This is absolutely impossible. It is but fair that the Government should postpone the consideration of these demands at least by one day. I know that when the Government are not in a majority on any particular question, then their tone is different; but naturally to-day the Government being in a majority—I see more black coats on the Government side, and less faces on the non-official side—they might stiffen their necks and turn a deaf ear to our reasonable requests. But very soon a day would come when the tables might be turned. My honourable friend representing the Punjab Chamber of Commerce said that it was a sheer waste of time and public money to postpone the consideration of these demands. The Government give us Rs. 13 a day per head and we are here not more than 30 members and so the total expenditure would amount to only Rs. 390. The Government are well aware that ten yards of construction of a road costs more money than what is spent on 30 members by way of daily allowance to them. When we are spending 75 lakhs of surplus money on all things, desirable and undesirable, it is no harm if we spend about Rs. 390 on honourable members of this House. After all, this is not a big sum. As regards waste of time, Mr. Gray considers that it would be sheer waste of time if the consideration of the demands is postponed; now which is better: that time should be given to the non-official members by postponing these demands and that they should be allowed to leave this Chamber and consider the various demands quietly, and see the Members of Government and try to convince them about the necessity or otherwise of a particular item of expenditure and thus settle the whole matter amicably, or that the demands should be rushed through and that non-official members should make the same speeches opposing each and every demand? Which is the better method? The Government wants us not to start obstructive tactics; but it is the Government which is inducing us to start obstructive tactics by employing and by persisting in employing their present tactics. It is the attitude which the Government employs that will lead us to obstruct.

Professor Ruchi Ram, Sahni (Punjab University): Sir, in offering my support to the motion of my honourable friend, the member for Hoshiarpur, I find myself in a somewhat difficult position inasmuch as the representative of the University, I should not like to oppose a demand, a reasonable demand, on Education as the one that has been put forward by the Honourable the Minister for Education. If I support the motion for the postponement of the consideration of this grant, it should not be supposed that I am against the grant being made. At the same time, we cannot forget that the amount of money which the Council is called upon to distribute is so large and the demands in various other directions are so imperative, that it may be desirable, and I hope the Government will admit

that it is not only desirable but necessary, that the Council should be given sufficient time to consider these demands as against the other suggestions which the members of the Council might like to place before the Government. Sir, I am not giving away any secret if I tell this House that this identical question was raised in the Standing Finance Committee.

The Honourable Sir John Maynard: I rise to a point of order. It is not in order for a member to refer to the proceedings of the Standing Finance Committee.

Professor Ruchi Ram Sahni: I am not referring to the proceedings. I am simply referring to the fact that this question was raised in the Committee and that we made a protest against the method adopted by the Government for disposing of the surplus of this year. We wanted these very figures and this very statement or something like that to be made available to the members of the Standing Finance Committee before proceeding with the consideration of the demands. This statement was withheld.

Mr. President: May I invite the attention of the honourable member to Standing Order 74-B which runs as follows:—

"The proceedings of the Standing Committees 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."

Professor Ruchi Ram Sahni: May I request your permission, Sir, to refer to what happened in the Finance Committee in this connection?

Mr. President: Order, order.

Pandit Nanak Chand: It is the Honourable the Finance Member who is the Chairman of the Committee.

Professor Ruchi Ram Sahni: I turn to the Honourable the Finance Member to give me permission to refer to what happened in the Finance Committee.

The Honourable Sir John Maynard: No, Sir.

Professor Ruchi Ram Sahni: In that case, Sir, our position is quite clear; we will be compelled to oppose this demand and other demands if sufficient time is not allowed for us to consider these demands on their merits.

Mr. President: The demand is not under discussion yet.

Professor Ruchi Ram Sahni: I would in that case support the motion for postponement of the consideration of the demands.

The Honourable Sir John Maynard (Finance Member): Sir, I know it is extremely hot in the plains and I most heartily sympathise with those honourable members who wish to spend one extra day in Simla. In fact, I should have welcomed this proposal almost with enthusiasm, but for the fact that I know that the probable result of postponing will be that I myself shall not be present at the termination of the proceedings.

Pandit Nanak Chand: On a point of order, Sir. Is the Honourable the Finance Member entitled to have the right of reply?

Mr. President : A right of reply can be claimed by the mover of a motion, but the Honourable the Finance Member as a member of the Council has a right to address the House.

Pandit Nanak Chand : Do I understand that I will get an opportunity to speak ?

Mr. President : The motion to postpone consideration of a question does not entitle the mover to have a right of reply.

The Honourable Sir John Maynard : I gather the honourable member foresees opposition on my part, but he will be disappointed when I complete what I have got to say. As I have said my sympathies with those who wish to spend one extra day in Simla are very strong, are so strong that I shall be justified in waiving some of the objections which I should have otherwise raised on this motion. As a matter of fact—I am speaking seriously—I recognise that when a number of people think that they want to have time to think over a thing and when there is a *prima facie* reason for supposing that they will benefit by the opportunity thus afforded, it is not right, except in very exceptional circumstances, for the Government to oppose this wish. In principle, therefore, I am perfectly ready to agree to what is proposed and not to raise any opposition to it. At the same time I have one word to say as to the method. I understand that there will be difficulties about the particular method which it is proposed to adopt. Supposing this one motion is carried, that will only apply to one particular grant, and I understand that when it comes to consider similar motions in regard to other grants there will be difficulties which will arise because it will involve disturbance of the order of business of the House. In these circumstances, I have one suggestion to make, which at the proper time perhaps you, Sir, will be able to consider, that is that this particular motion for postponement of this particular grant should be dropped and at the same time the President should kindly take into consideration the request which I myself am prepared to address to him, that he should in consideration of the circumstances agree to adjourn the House for to-day.

Mr. President : Is it the wish of the House that the motion to postpone consideration of the demand should not be put and that I should in exercise my extraordinary powers adjourn the House ?

The House signified its assent.

Pandit Nanak Chand's motion was by leave withdrawn.

The Council then adjourned till 10-30 A.M. on Saturday the 26th June 1926.

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Saturday, the 26th June 1926.

THE Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

OATH OF OFFICE.

Lieutenant-Colonel E. L. Ward, Official nominated.

QUESTIONS AND ANSWERS.

NEW ASSESSMENT OF MUZAFFARGARH.

*3127. Khan Muhammad Abdulah Khan: (a) Will Government please lay on the table a copy of the notification or note by the Settlement Officer, Muzaffargarh, showing that at the time of the announcement of the new assessment it was also proclaimed to the zamindars concerned from what date the new assessment was to take effect and for what period it was to remain in force?

(b) Is it a fact that land revenue is being realised at the new assessment rates from this year?

(c) If the settlement officer did not notify to the zamindars the period for which the assessment had been made will Government please state the reasons for this omission?

(d) Is Government prepared to notify this now? If not, why not?

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

OFFICERS OF THE VARIOUS SERVICES IN MULTAN AND CERTAIN OTHER DISTRICTS.

3128. Khan Muhammad Abdullah Khan: Will Government kindly lay on the table a statement showing separately for the districts of Multan, Montgomery, Muzaffargarh and Dera Ghazi Khan—

(a) the names of gazetted officers in the Provincial Civil Service (both executive and judicial) and in the Police, Medical and Irrigation Departments;

*Questions 3127—3133 were put by Sayad Muhammad Husain on behalf of Khan Muhammad Abdullah Khan who was absent.

[Khan Muhammad Abdullah Khan.]

(b) the date of their posting in the district and the total period of their stay ; and

(c) the reasons for their long stay in the same district ?

Mr. J. M. Dunnett : The information is available to the honourable member in the Quarterly Civil List in the Council Library.

OFFICERS OF THE IRRIGATION DEPARTMENT IN THE MUZAFFARGARH DISTRICT.

3129. Khan Muhammad Abdullah Khan : Will Government kindly state the names of Executive Engineers, Sub-Divisional Officers and Deputy Collectors of the Irrigation Department who have served in the Muzaffargarh district during the years 1890 to 1925 showing the date of posting to the district and the duration of their stay in the district ?

The Honourable Mian Sir Fazl-i-Husain : The statements* attached give the required information.

ALIENATION OF LAND BY AGRICULTURISTS TO NON-AGRICULTURISTS IN THE MUZAFFARGARH DISTRICT.

3130. Khan Muhammad Abdullah Khan : Will Government be pleased to state tahsilwise the total area of land in the Muzaffargarh district which has passed from the hands of agriculturists to non-agriculturists during the years 1900 to 1925—

(a) by sale ;

(b) by attachment in execution ; and

(c) by sanction of Deputy Commissioner as provided in the Land Alienation Act ?

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

BASRA DATES OF THE TALIRI GARDENS IN MUZAFFARGARH.

3131. Khan Muhammad Abdullah Khan : (a) Will Government kindly state the yearly income realised by sale of Basra dates of the Taliri gardens in Muzaffargarh for the years 1920 to 1925 ?

(b) Will Government kindly state what has been the total travelling allowance drawn by the Government officers from without the district who visited the gardens during the above period ?

The Honourable Sardar Jogendra Singh : (a) The average income of the last six years has been Rs. 561 per annum.

(b) It is extremely difficult to apportion the amount of travelling allowance of the Economic Botanist and his Assistant assignable to these gardens, as they visit them in the course of tours which include other places such as Multan, Dera Ghazi Khan, Bhakkar and Mianwali. It has, however, been roughly estimated to be less than Rs. 200 per annum during the last six years.

ALLOTMENT OF LAND IN THE NILI BAR TO GRADUATES IN AGRICULTURE, ETC.

3132. Khan Muhammad Abdulla Khan : (a) Will the Government be pleased to state if any provision is made to allot squares in the Nili Bar to graduates of the Agricultural or Arts Colleges who have shown their zeal to work in their own private agricultural farms ?

(b) If the answer to (a) is in the negative, does the Government propose to encourage them by providing for the allotment to them of squares of land in the Nili Bar ?

The Honourable Mian Sir Fazl-i-Husain : (a) and (b) No, but an area of 2,000 acres has been reserved in the Nili Bar Colonisation Scheme for an addition to the Agricultural Department's Experimental farm for the purpose of instructing Lyallpur graduates in the work of practical farmers.

SPECIAL FACILITIES TO GRADUATES OF AGRICULTURE, ETC., WHO HAVE TAKEN TO AGRICULTURE.

3133. Khan Muhammad Abdullah Khan : (a) Will the Government be pleased to state if special facilities are given by the Irrigation Department to graduates of Agriculture or Arts Colleges, who have taken to agriculture on their own private farms ?

(b) If the answer to (a) is in the negative, does the Government propose to give them such facilities so that other graduates also may be encouraged to take to agriculture ?

(c) If the answer to (b) be in the negative, is the Government prepared to grant special facilities to those graduates who are working on lands irrigated by inundation canals which generally allow irregular, uncertain and insufficient irrigation ?

The Honourable Mian Sir Fazl-i-Husain : If the honourable member will kindly state what facilities he suggests should be given to graduates in Agriculture or Arts "who have taken to agriculture on their own farms" or "on lands irrigated by inundation canals" Government will be in a position to examine this matter ?

TAXES LEVIED BY THE SMALL TOWN COMMITTEE OF JALALPUR PIRWALA.

3134. Lala Mohan Lal : (a) Will the Government please state the taxes levied by the small town committee of Jalalpur Pirwala of tahsil Shujabad of Multan district and the income accrued therefrom ?

(b) What is the amount contributed towards the income of the committee by the Hindus and the Muhammadans respectively ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

DIVISION OF WARDS OF THE SMALL TOWN COMMITTEE OF JALALPUR PIRWALA.

3135. Lala Mohan Lal : (a) Will the Government please state :

(i) the strength of voters of the small town committee of Jalalpur Pirwala of tahsil Shujabad ;

[Lala Mohan Lal.]

(ii) the number of wards in which the town has been divided ;

(iii) the number of members of the committee according to community ?

(b) Is it a fact that the work of division of wards was to be done by the Tahsildar himself under the orders of the Deputy Commissioner and that the work was however actually done by Diwan Muhammad Ghaus, the late President of the notified area committee ?

(c) Is it a fact that the Hindus of the place made representations to the authorities in the matter of the division into wards by the said Diwan Muhammad Ghaus and that a fresh distribution of wards was accordingly ordered ?

(d) If the reply to part (c) above be in the affirmative will the Government please state if the election of members returned from the wards objected to by the Hindus has been cancelled ? If not, why not ?

(e) Will the Government please lay on the table the representation of the Hindus containing their grievances on the subject ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

ELECTION OF DIWAN MUHAMMAD GHAUS AS PRESIDENT OF THE SMALL TOWN COMMITTEE OF JALALPUR PIRAWALA.

3136. Lala Mohan Lal : (a) Is it a fact that objection has been taken to the election of Diwan Muhammad Ghaus as President of the small town committee of Jalalpur Pirwala of tahsil Shujabad ?

(b) If so, on what grounds and what action has been taken by the Government thereon ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

HIGH SCHOOLS IN THE MULTAN DIVISION.

3137. Lala Mohan Lal : Will the Government please state :

(i) the total number of high schools whether maintained by the Government or any local body in the division of Multan ;

(ii) the number of Hindu headmasters in charge of such schools ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (i) 23.

(ii) The honourable member is referred to the general answer to Council Questions Nos. 1961—1975.*

DEATH OF PRISONER TOPAN DAS.

3138. Lala Mohan Lal: (a) Is it a fact that one prisoner Topan Das, son of Gurditta Ram, resident of Chak No 188, thana Khanewal of Multan district, died in Central Jail, Lahore, on or about 21st March 1925?

(b) Was the intimation of his death given by the jail officials to any of his relations immediately after his death? If not, why not?

(c) If the reply to first portion of (b) above be in the affirmative, will the Government please give the date when the intimation of death was given to the relations of the deceased?

The Honourable Sir John Maynard: (a) Yes.

(b) Immediate intimation was not sent by an oversight on the part of an official who has since retired.

(c) Intimation was sent on 24th August 1925, when an enquiry was made by the relatives of the deceased.

CONVICTIONS UNDER SECTION 34 OF THE POLICE ACT.

3139. Lala Mohan Lal: (a) Will the Government please state the number of convictions under section 34 of the Police Act during the last five years according to several communities in village Sitpur of Muzaffargarh district?

(b) When was the application of the above section extended to the town of Sitpur by the Local Government in order to make the acts referred to in the section and committed in that place as punishable?

The Honourable Sir John Maynard:

(a) Year.	Hindus	Muhammadans.	Total.
1921	5	...	5
1922	...	...	...
1923	11	3	14
1924	7	...	7
1925	9	2	11
Total	32	5	37

(b) in 1906.

APPOINTMENT OF MUHAMMADANS AND SIKHS TO THE INDIAN ENGINEERING SERVICE.

3140. Sardar Gurbakhsh Singh: (a) Will the Government be pleased to say if it is proposed to appoint some officers in the Indian Service of Engineers in the P. W. D. Irrigation Branch from among the

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officers in the Punjab Engineering Service? If so, how many such officers are being appointed and how many of them are:

- (a) Muhammadans,
- (b) Sikhs,
- (c) Hindus, and
- (d) Europeans and Anglo-Indians?

(ii) Is it a fact that at present there are in the Indian Service of Engineers, Irrigation Branch only 11 Muhammadans and 3 Sikhs as against 37 Hindus and 84 Anglo-Indians and Europeans?

(iii) If the answer to (ii) is in the affirmative, will the Government be pleased to consider the advisability of appointing to these posts in future as many qualified Muhammadans and Sikhs as can be found from among the Temporary Engineers and Assistant Engineers of the Punjab Engineering Service?

The Honourable Mian Sir Fazl-i-Husain: (i) Yes; the matter is under consideration.

(ii) and (iii). The honourable member is referred to the general reply given to Questions 1961 to 1975.*

APPLICATIONS UNDER SECTION 41 OF THE PUNJAB COURTS ACT.

3141. Sardar Gurbakhsh Singh: Will the Government please state how many applications under section 41 of the Punjab Courts Act for the purposes of an appeal on a point of custom have been submitted to the District Judges during the last ten years giving the number per year and per district and stating further as to how many of them were accepted?

The Honourable Sir John Maynard: The information asked for is being collected and will be communicated to the honourable member when ready.

COUNTRY AND FOREIGN LIQUORS.

3142. Sardar Gurbakhsh Singh: (a) Is it a fact that licences for the sale of foreign liquor are not put to auction as those for the country liquor? If so, will the Government please state why?

(b) Will the Government please state separately the income derived from the licences of country and foreign liquors during the years 1920 to 1925 giving the information per year?

(c) Is it a fact that any amount of foreign liquor can be purchased and kept by any one, while only one bottle of country liquor can be purchased by a person at a time and kept for his use? If so, will the Government please state the reasons for this difference?

(d) Will the Government please state whether liquor of the same quality as foreign liquor cannot be prepared in its distilleries? If so, why not?

Will the Government please state further why it does not try to improve the quality of liquor prepared at its distilleries?

The Honourable Sardar Jogendra Singh : (a) No. Licences for the retail vend of foreign liquor in a bazar are sold by public auction like country liquor licences.

(b) The honourable member is referred to Imperial Return No. I attached to the Excise Reports for the years in question.

(c) Yes. Because illicit distillation of foreign liquor is practically impossible whereas illicit distillation of country liquor is easy and very common. It is therefore necessary to enforce restrictions on the amount of country liquor which can be legally possessed; such restrictions are not necessary for foreign liquor.

(d) No. The main factors accounting for this are climatic conditions and processes of maturing.

There are no Government distilleries in which such improvement could be effected.

NEW LIQUOR SHOPS IN THE PROVINCE.

3143. Sardar Gurbakhsh Singh : Will the Government please state whether any new liquor shops have been started in the province during the year 1925 or this year, and if so, how many, in each district?

The Honourable Sardar Jogendra Singh : No new liquor shops were opened in any district of the Punjab in 1925, but 143 new shops have been opened in places noted for illicit distillation with effect from 1st April 1926. The distribution of these shops by districts is as follows :—

Statement showing the number of country liquor shops newly opened in the Punjab from 1st April 1926.

Division.	District.	Number of shops opened.
Ambala	Hissar	11
	Rohtak	1
	Gurgaon	...
	Karnal	5
	Ambala	6
	Simla	...
Jallundur	Kangra	2
	Hoshiarpur	...
	Jullundur	10
	Ludhiana	9
	Ferozepore	20
Lahore	Lahore	14
	Amritsar	8
	Gurdaspur	9
	Sialkot	2
	Gujranwala	9
	Sheikhupura	9

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Rawalpindi	{	Gujrat	3
		Shahpur	6
		Jhelum	1
		Rawalpindi
		Attock
		Mianwali
Multan	{	Montgomery	8
		Lyallpur	...	...	...	8
		Jhang	...	...	...	8
		Multan	...	...	...	1
		Muzaffargarh	...	...	...	...
		Dera Ghazi Khan	...	...	...	...
Total						143

THE PUNJAB LOCAL OPTION ACT.

3144. Sardar Gurbakhsh Singh : Will the Government please state whether any local bodies in the province have given effect to the provisions of Punjab Local Option Act ? If so, how many and which ?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer to question No. 2925.

(Answer to Question No. 2925).

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The following municipal committees, etc., have availed themselves of the Punjab Local Option Act, 1923, up to the end of January 1926 :-

Municipal Committees.—Rohtak, Jhelum, Sirsa, Sargodha, Moga, Ludhiana, Ferozepore, Hissar, Ambala, Fazilka Multan, Lyallpur, Lahore, Miani, Rawalpindi and Kasur.

District Boards.—Shahpur, Multan.

Notified Area Committees.—Nil.

Small Town Committees.—Toliana.

They have exercised powers conferred under sections 4, 5 and 8 of the said Act.

QUARTERS TO PATWARIS AND KANUNGOS IN THE PROVINCE.

3145. Sardar Gurbakhsh Singh : (a) Will the Government please State whether it has provided quarters to Patwaris and Kanungos in the Province ? ...

(b) If the reply to (a) above be in the affirmative, will it please state the total number of these officials in the province and the total number of quarters provided ?

(c) If the reply to (a) above be in the negative, will it please state whether it grants any house rent allowance instead?

(d) Is the Government aware that these officials are being put to a lot of trouble for want of good house accommodation for them? If so, will the Government please state what it intends to do in the matter?

The Honourable Mian Sir Fazl-i-Husain: (a) In about a quarter of the Patwari circles where there are exceptional difficulties accommodation is provided for Patwaris by Government. Quarters are not provided for Kanungos.

(b) The total number of Patwaris is 9,282 and of Kanungos 694. Accommodation has been provided for about 2,200 Patwaris.

(c) Government does not grant house rent allowance instead of accommodation.

(d) Government is not aware that these officials are being put to trouble owing to want of house accommodation.

TRAVELLING ALLOWANCE TO INDIAN AND EUROPEAN POLICE SERGEANTS AND INSPECTORS.

3146. Sardar Gurbaksh Singh: Is it a fact that European Police Sergeants drawing Rs. 80 or so per mensem get second class travelling allowance and European Police Inspectors drawing Rs. 250 per mensem draw first class travelling allowance while the Indians of the same class and grade get travelling allowance of a lower class? If so, will the Government please state the reasons for making this distinction between Indian and European officials of the same rank and status?

The Honourable Sir John Maynard: No. There is no such distinction.

GRANT OF RAILWAY FARE TO OFFICIALS GETTING HORSE ALLOWANCE.

3147. Sardar Gurbaksh Singh: Is it a fact that no railway fare is paid to officials getting horse allowance for journeys possible by rail alone and performed by rail? If so, why?

The Honourable Sir John Maynard: In accordance with T. A. rule 2-11 railway fare is paid to officials in receipt of horse allowance for journeys performed by rail.

QUARTERS FOR POLICE AND EXCISE SUB-INSPECTORS AND INSPECTORS.

3148. Sardar Gurbaksh Singh: Is it a fact that quarters are provided for Police Sub-Inspectors and Inspectors while no quarters are provided for Excise Sub-Inspectors and Inspectors? If so, why is a distinction made between Police Inspectors and Sub-Inspectors and Excise Inspectors and Sub-Inspectors in the matter of provision of quarters?

The Honourable Sardar Jogendra Singh: First part. Yes.

Second part. The distinction is due to the fact that Police Inspectors and Sub-Inspectors have, as a rule, to occupy quarters in Police Stations in order that they may exercise proper discipline over their subordinates. No such necessity arises in the case of Excise Inspectors and Sub-Inspectors, and

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further, Excise Inspectors and Sub-Inspectors are not often stationed at places where there is a difficulty in obtaining residential quarters at a reasonable rent.

LOCAL ALLOWANCE TO EXCISE SUB-INSPECTOR AT KASALI.

3149. Sardar Gurbakhsh Singh : Is it a fact that no local allowance is paid to the Excise Sub-Inspector at Kasali, while such allowance is being paid to every other Government official there? If so, will the Government please state the reasons for this distinction?

The Honourable Sardar Jogendra Singh : No local allowance is paid to the Excise Sub-Inspector at Kasali as he is provided with free quarters.

QUARTERS TO EXCISE SUB-INSPECTORS AND INSPECTORS ON BREWERY AND DISTILLERY DUTIES.

3150. Sardar Gurbakhsh Singh : Has the attention of the Government been drawn to the fact that the quarters provided to the Excise Sub-Inspectors and Inspectors on brewery and distillery duties are often very uncomfortable and insufficient? If so, what steps has the Government taken to provide suitable quarters for these officers?

The Honourable Sardar Jogendra Singh : Whenever complaints are received about the lack of accommodation in breweries and distilleries, suitable representations are made to the managers to ensure the removal of the cause of dissatisfaction.

RECEIPT OF DALI BY GOVERNMENT OFFICERS.

3151. Sardar Gurbakhsh Singh : (a) Will the Government please state whether it has issued any instructions allowing its officers to receive *Dali*? If so, will the Government please lay such instructions on the table?

(b) Is the Government aware that these *Dalis* were the cause of corruption among officers and that orders stopping the receipt of these *Dalis* have done much useful work in checking corruption? If so, does the Government propose to cancel again the instructions allowing the receipt of these *Dalis*?

Mr. J. M. Dunnett : The honourable member is referred to the *communiqué*, dated the 27th March 1926, issued by the Director, Information Bureau, Punjab, on the subject, a copy of which is laid on the table.

DALIS AND GOVERNMENT SERVANTS.

As some misconception appears to exist about the rules in force in the Punjab in respect of the acceptance of *Dalis* or complimentary presents by Government servants, it is desirable to state these rules for the information of the officials as well as the public.

Before 1918 the instructions on the subject were contained in the Government Servants' Conduct Rules, which in certain cases permitted the acceptance of fruits, flowers and similar other trifling articles. The

abuse of such presents led in 1918 to Sir Michael O'Dwyer issuing a special circular in the Punjab prohibiting the acceptance of even such presents by Government officials. This circular is as follows:—

"In Punjab Government circular No. 1108-S.—(Home—Genl.), dated the 25th June 1914, attention was drawn to rule 2 of the Government Servants' Conduct Rules, which prohibits Government servants from accepting any gift, except a complimentary present of fruit or flowers or similar articles of trifling value and directs that even such complimentary presents should be discouraged. It was stated that His Honour believed that most officers would be glad to see the practice of giving *Dalis* totally prohibited as a troublesome nuisance.

This opinion the Lieutenant-Governor still holds, and he is aware that in the great majority of cases officers in accepting *Dalis* sacrifice their own feelings in order to spare those of the men who present the *Dali*.

2. There are, however, other aspects of the matter. The Lieutenant-Governor has some reason to believe that even men of intelligence and position sometimes believe that even the presentation of a *Dali* is likely to influence an officer in favour of the man who presents it, and insinuations are made that the *Dali* at times contains a good deal more than appears to the eye. Such insinuations are easy to make, but they are not so easy to refute, because the officer to whom the *Dali* is nominally presented, probably never looks at it, and it is usually divided up amongst his servants and chaprasis who, naturally, encourage a practice which is to their advantage. The evidence in recent bribery cases also shows that the *Dali* is at times used as a vehicle for bribes which are offered in this way through the medium of servants and chaprasis.

3. The position, therefore, is an unsatisfactory one, and it has become unsatisfactory largely owing to unwillingness to wound Indian susceptibilities. But the Lieutenant-Governor has come to the conclusion that the attitude of officials is liable to be misunderstood and misrepresented, and he considers that scruples of the kind indicated should no longer stand in the way of absolute prohibition. He is, therefore, pleased, with the approval of the Government of India, to direct that for the future any *Dali* or gift that is offered by or on behalf of an Indian to any Government official should be refused, even at the risk of giving offence. It is believed that if these orders are made generally known, the public will not be slow to accept them, and officers will be saved from any feeling of embarrassment or imputation of discourtesy in giving effect to them.

4. These instructions are not to be given an application beyond their obvious meaning. Every British official who lunches or dines with an Indian friend in a sense accepts a gift from him, but it is no part of the Lieutenant-Governor's intention to place restrictions on friendly social intercourse of this sort. On the contrary, he is glad to think that the interchange of hospitality between Europeans and Indians is on the increase.

[Mr. J. M. Dunnett.]

5. This letter is not being addressed to Political officers. Where Native States are concerned existing rules will continue to apply. Ceremonial presents will be deposited in the *Toshakhana* and complimentary gifts of fruits, flowers, etc., of trifling value may be accepted, but should be discouraged as far as possible.

This circular produced good effect. The public and the officials co-operated and the *Dali* system was very much reduced if not altogether stopped.

Some doubts appear to have recently arisen as to this circular having been modified on account of the Secretary of State for India sanctioning a rule in the Government Servants' Conduct Rules, which permits the receipt of complimentary presents of trifling value where there tender *cannot be discouraged by the best endeavours of the Government Servant*. This rule is, however, subject to the provisions of any general or special order of the Local Government and does in no way qualify or alter the instructions contained in the 1918 circular. As any doubts on the subject are likely to cause great mischief in giving currency to the idea that *Dalis* are permissible, and in making the public offer *Dalis*; and as the officials' refusal of presents is liable to give offence and their acceptance will be against the instructions in this circular, it has been found necessary to make it known to the public and to the officials that the 1918 circular issued by Sir Michael O'Dwyer is still in force, and it is wrong and improper for *Dalis* to be offered or accepted. The Punjab Government have already issued orders explaining that the new rule shall not be read as cancelling the orders of 1918, which are still in force in the Punjab, and which direct that any *Dali* or gift by or on behalf of an Indian to any Government official should be refused *even at the risk of giving offences*.

It is, therefore, to be hoped that the public will continue to co-operate with greater vigour in eradicating the system of offering *Dalis* and complimentary presents to officials.

RAILWAY THROUGH THE RUPAR SUB-DIVISION OF THE AMBALA DISTRICT.

3152. Sardar Gurbakhsh Singh : Has the attention of the Government been drawn to the need for a railway line passing through the Rupar sub-division of Ambala district? If so, will the Government please state what steps it has taken in the matter?

The Honourable Mian Sir Fazl-i-Husain : The construction of a railway line in the neighbourhood of Rupar has been under consideration since 1905. In February 1926 the Government of India in the Railway Department notified for general information that His Majesty's Secretary of State for India had sanctioned the construction by the Patiala Durbar of a line of railway on the 5'6" gauge from Sirhind to Rupar a distance of approximately 30 miles.

REPORTS OF INSPECTION OF JAILS IN THE PROVINCE.

3153. Sardar Gurbakhsh Singh : Will the Government be please lay on the table all the reports of inspections of jails in the province by the

members of the Standing Committee on jails during the months of September and October last giving the remarks of the Superintendents and District Magistrates on the same and also stating any action taken by the Government on the same?

The Honourable Sir John Maynard : Government does not consider it expedient to lay these reports on the table, their length and quantity alone being prohibitive, apart from other considerations. The honourable member is by now probably aware of the efforts made by Government to counteract irregularities.

BHAKRA DAM CONSTRUCTION.

3154. Sardar Gurbakhsh Singh : Will the Government please state whether it has finally given up the proposals of the Bhakra Dam Constructions and the Hydro-electric works connected therewith? If so, why? If not, will it please state when it proposes to complete the scheme?

The Honourable Mian Sir Fazl-i-Husain : The Bhakra Dam Project is now under consideration and has not been given up. It cannot yet be stated when the scheme will be completed.

PACHOTRA AND INAMS OF LAMBARDARS, ETC.

3155. Sardar Gurbakhsh Singh : Will the Government please state what steps it has taken for increasing the pachotra and inams of lambardars, safedposhes and zaildars in the province?

The Honourable Mian Sir Fazl-i-Husain : Pachotra as the honourable member is aware, increases with the increased prosperity of the rural classes. No other steps have been taken.

BANUR-KHARAR ROAD.

3156. Sardar Gurbakhsh Singh : (a) Has the attention of the Government been drawn to the necessity for metalling the Banur-Kharar road in the Ambala district?

(b) Is it also a fact that the Ambala district board has expressed its inability to undertake this work on account of financial considerations? If so, will the Government please state what action it proposes to take in the matter.

The Honourable Rai Sahib Chandhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

[Hon'ble Mian Sir Fazl-i-Husain.]

VIDE ANSWER TO QUESTION No. 3129 (PAGE 4 ANTE.)

*Incumbent Register of Kot Adu Sub-Division of the Muzaffargarh
Inundation Canals Division opened on 1st June 1895.*

Name.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Period.	REMARKS.
				Y. M. D.	
M. Ghulam Hussain...	Sub-Engineer	1st June 1895	19th April 1898.	0 10 19	This Sub-Division was opened from 1st June 1895.
Mr. E. R. Foy ...	Temporary Engineer.	19th April 1896	19th June 1896	0 2 0	
M. Ghulam Hussain ...	Sub-Engineer	19th June 1896	19th May 1897	0 10 29	
Mr. E. R. Foy ...	Temporary Engineer.	19th May 1897	22nd June 1897.	0 1 4	
Mr. E. Bose ...	Ditto	22nd June 1897.	15th October 1898.	1 3 23	
Mr. A. E. Jones ...	Approved Engineer.	15th October 1898.	17th November 1899.	0 1 2	
Mr. E. Bose ...	Temporary Engineer.	17th November 1898.	2nd September 1899.	0 9 18	
B. B. L. Rajjan Lal	Executive Engineer.	2nd September 1899.	3rd October 1899.	0 1 0	
Mr. E. Bose ...	Temporary Engineer.	3rd October 1899.	4th May 1901	1 7 2	
B. B. L. Rajjan Lal	Executive Engineer.	4th May 1901	25th May 1901	0 0 20	
Mr. E. Bose ...	Temporary Engineer.	25th May 1901	20th September 1902.	1 3 26	
B. B. L. Rajjan Lal...	Executive Engineer.	20th September 1902.	21st October 1902.	0 1 0	
Mr. E. Bose ...	Temporary Engineer.	21st October 1902.	18th December 1902.	0 1 27	
Mr. F. M. Purves ...	Ditto	17th December 1902.	31st May 1903	0 5 14	
M. Sundar Singh ...	Supervisor ...	31st May 1903	12th September 1903.	0 3 12	
B. B. L. Rajjan Lal	Executive Engineer.	12th September 1903.	3rd October 1903.	0 0 20	
Mr. F. M. Purves ...	Temporary Engineer.	3rd October 1903.	24th October 1903.	0 0 22	
Pt. Raghu Ram ...	Supervisor ...	24th October 1903.	21st January 1904.	0 2 26	
L. Phul Chand Rai ...	Executive Engineer.	21st January 1904.	9th March 1905	1 1 18	
Pt. Raghu Ram ...	Supervisor ...	9th March 1905	1st October 1905.	0 7 22	
Mr. P. C. Thadani ...	Temporary Engineer.	30th October 1905.	12th December 1905.	0 1 14	
L. Mahan Lal ...	Ditto	12th December 1905.	30th April 1906.	0 4 18	
B. B. L. Rajjan Lal	Executive Engineer.	30th April 1906.	26th June 1906.	0 1 20	
B. L. M. Mookerjee ...	Temporary Engineer.	20th June 1906	4th September 1907.	1 2 15	
L. Bisambar Das ...	Supervisor, 1st grade.	4th September 1907.	14th October 1907.	0 1 11	

*Incumbent Register of Kot Adu Sub-Division of the Mangalore
Inundation Canals Division opened on 1st June 1895—concl.*

Name.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Period.	REMARKS.
Pt. Bishamber Nath	Sub-Engineer	14th October 1907	6th February 1909	Y. M. D. 0 8 24	
L. Fatah Chand	Driver	6th February 1909	29th February 1909	0 0 23	
Pt. Bishamber Nath	Driver	29th February 1909	31st April 1910	3 1 20	
H. Sahib Dyal, B.A.	Temporary Engineer	21st April 1910	12th August 1910	0 3 23	
L. Sandar Lal	Overseer	12th August 1910	31st October 1910	0 3 21	
L. Fatah Chand	Sub-Engineer	31st October 1910	31st May 1911	0 7 0	
L. Sandar Lal	Overseer	31st May 1911	2nd August 1911	0 2 1	
H. Fatah Chand	Sub-Engineer	2nd August 1911	10th November 1912	1 3 9	
H. Bishamber Dass	Driver	10th November 1912	1st January 1913	0 1 21	
Pt. Amar Nath Joshi	Driver	1st January 1913	15th June 1913	0 5 13	
L. Chandu Lal Kapur	Driver	15th June 1913	2nd July 1916	3 0 14	
L. Miter Sen	Supervisor	2nd July 1916	6th August 1916	0 1 7	
L. Chandu Lal Kapur	Sub-Engineer	6th August 1916	6th October 1916	2 1 29	
L. Ram Bakha	Executive Engineer	6th October 1916	20th October 1916	0 0 12	
K. S. M. Ghulam Qadir	Overseer	20th October 1916	4th October 1921	2 11 14	
L. Baba Ram	Supervisor	4th October 1921	30th October 1923	1 0 27	
L. Raj Bansi Lal	Temporary Engineer	30th October 1923	2nd July 1924	1 8 3	
L. Jowala Farshad	Upper Sub-ordinate	4th July 1924	14th November 1924	0 4 31	
L. Banwari Lal	Assistant Engineer	25th November 1924			

[Hon'ble Mian Sir Fazl-i-Husain.]

Charges of Deputy Collectors in the Muzaffargarh Irrigation Canals Division from 1890 to 1926.

Name of Deputy Collector.	Rank.	Date of joining the Division.	Date of leaving the Division.	DURATION OF STAY.		
				Y.	M.	D.
M. Bashir Ahmad	Deputy Collector.	1st April 1898.	14th May 1899.	8	1	14
Lala Behari Lal	Ditto	15th May 1899.	11th July 1898.	2	1	28
Pt. Mani Ram	Ditto	12th July 1898.	23rd October 1912.	14	3	12
Shahk Wazir-ud-Din	Officiating Deputy Collector.	24th October 1912.	26th February 1913.	0	4	3
Pandit Mani Ram	Deputy Collector.	27th February 1913.	15th July 1913.	0	4	17
M. Mohammad Baksh	Officiating Deputy Collector.	16th July 1913.	22nd September 1913.	0	2	7
Munshi Bishan Singh	Deputy Collector.	23rd September 1913.	22nd June 1915.	1	9	0
Ch. Fazal Din	Ditto	23rd June 1915.	7th August 1915.	0	1	15
L. Diwan Chand	Ditto	8th August 1915.	22nd September 1915.	0	1	15
M. Sobhatullah Khan	Ditto	23rd September 1915.	4th June 1916.	0	6	12
Shahk Ghulam Hussain	Ditto	5th May 1916.	15th December 1920.	4	7	11
Agha Mohammad Mirza	Officiating Deputy Collector.	16th December 1920.	1st February 1921.	0	1	17
Sh. Ghulam Hussain	Deputy Collector.	2nd February 1921.	2nd January 1923.	0	11	1
L. Bhagat Ram	Ditto	3rd January 1922.	1st November 1923.	1	9	28
Sh. Mohammad Abdullah	Ditto	2nd November 1923.	15th November 1924.	1	0	14
S. Muhammad Ali	Officiating Deputy Collector.	18th November 1924.	3rd January 1925.	0	1	18
Bhai Hari Singh (2)	Deputy Collector.	4th January 1925.	26th March 1925.	0	2	22
L. Jugal Kishore	Ditto	27th March 1925.	...	...	...	...

List of Executive Engineers who have served in Musaffargah District during 1890 to 1926 and their dates of posting and duration in the District.

Name.	Rank.	Date of joining the Division.	Date of leaving the Division.	Period.		
				Y.	M.	D.
Mr. W. P. Brodie	Executive Engineer	16th December 1898.	10th April 1899.	4	3	25
Mr. G. S. Morley	Ditto	11th April 1899.	16th December 1899.	0	8	6
Mr. E. L. Bellasis	Ditto	17th December 1899.	30th April 1900.	1	4	15
Mr. W. J. A. Bird	Ditto	1st May 1899.	19th October 1899.	0	5	19
Mr. W. E. I. Handcock	Ditto	20th October 1899.	10th July 1900.	0	8	21
R. B. L. Ram Dayal, B.A.	Ditto	11th July 1899.	26th January 1900.	2	6	15
Mr. E. Bose	Temporary Engineer.	27th January 1899.	21st February 1899.	0	0	25
R. B. L. Rajjan Lal	Executive Engineer.	22nd February 1900.	1st July 1900.	4	4	10
Mr. F. M. Purvis	Temporary Engineer.	1st July 1903.	3rd August 1903.	0	1	0
R. B. L. Rajjan Lal	Executive Engineer.	3rd August 1903.	16th September 1904.	1	1	13
Lala Phul Chand Rai	Ditto	16th September 1904.	17th October 1904.	0	1	0
R. B. L. Rajjan Lal	Ditto	17th October 1904.	8th September 1905.	0	11	22
B. L. M. Mookerjee	Temporary Engineer.	8th September 1905.	9th October 1906.	0	1	0
R. B. L. Rajjan Lal	Executive Engineer.	9th October 1905.	18th November 1906.	1	1	7
L. Radhika Narain	Ditto	18th November 1906.	5th September 1907.	0	8	19
B. L. M. Mookerjee	Temporary Engineer.	3rd September 1907.	17th October 1907.	0	1	12
L. Radhika Narain	Executive Engineer.	17th October 1907.	3rd May 1908.	1	6	16
Mr. H. W. P. Chestney	Temporary Engineer.	2nd May 1909.	1st May 1910.	0	11	29
L. Hiri Lal	Assistant Engineer.	1st May 1910.	23rd November 1910.	0	6	25
Mr. C. B. Miller	Executive Engineer.	28th November 1910.	11th September 1912.	1	9	16

[Hon'ble Mian Sir Fazl-i-Husain.]

List of Executive Engineers who have served in Muzaffargarh District during 1890 to 1926 and their dates of posting and duration in the District—concl'd.

Name.	Rank.	Date of joining the Division.	Date of leaving the Division.	Period.		
				F.	M.	D.
Mr. A. E. Jeffries ...	Executive Engineer.	11th September 1912.	3rd July 1913.	0	9	21
Mr. J. W. Gillman ...	Ditto	3rd July 1913.	19th August 1913.	0	1	16
Mr. A. E. Jeffries ..	Ditto	19th March 1913.	6th June 1914.	0	9	19
Mr. F. M. Purves ...	Ditto	6th June 1914.	14th July 1914.	0	1	7
Mr. A. E. Jeffries ...	Ditto	14th July 1914.	23rd June 1915.	0	11	10
Mr. J. W. Gillman ...	Ditto	23rd June 1915.	1st August 1915.	0	1	6
Mr. A. E. Jeffries ...	Ditto	1st August 1915.	12th June 1916.	0	10	12
Mr. G. W. Duthy ...	Ditto	12th June 1916.	19th May 1917.	0	11	7
L. Ram Rakha ...	Ditto	19th May 1917.	1st July 1917.	0	1	11
Mr. G. W. Duthy ..	Ditto	1st July 1917.	9th September 1918.	1	2	9
L. Ram Rakha ...	Ditto	9th September 1918.	10th October 1918.	0	1	0
Mr. G. W. Duthy ...	Ditto	10th October 1918.	18th October 1918.	0	0	9
L. Ram Rakha ...	Ditto	18th October 1918.	11th January 1919.	0	2	23
Bh. Prabh Singh ...	Ditto	11th January 1919.	22nd January 1919.	0	0	11
L. Ram Rakha ...	Ditto	22nd January 1919.	10th July 1919.	0	6	18
R. S. L. Gian Chand ...	Temporary Engineer.	10th July 1919.	26th August 1919.	0	1	16
L. Ram Rakha ...	Executive Engineer.	26th August 1919.	6th July 1921.	1	10	10
Mr. A. D. Morton Moncrieff	Ditto	6th July 1921.	6th September 1921.	0	2	0
L. Ram Rakha ...	Ditto	6th September 1921.	30th October 1921.	0	1	25
Mr. A. S. H. Perry ...	Ditto	30th October 1921.	30th May 1922.	0	7	0
L. Raj Bansi Lal ...	Temporary Engineer.	30th May 1922.	7th June 1922.	0	0	8
Mr. A. S. H. Perry ...	Executive Engineer.	7th June 1922.	15th July 1923.	1	1	13
L. Raj Bansi Lal ...	Temporary Engineer.	15th July 1923.	27th August 1923.	0	1	7
Mr. A. S. H. Perry ...	Executive Engineer.	27th August 1923.	27th June 1924.	0	10	1
L. Raj Bansi Lal ...	Assistant Engineer.	28th June 1924.	12th September 1924.	0	2	15
Mr. A. S. H. Perry ...	Executive Engineer.	12th September 1924.	14th April 1925.	0	7	2
R. S. L. Raj Bansi Lal ...	Ditto	14th April 1925.	26th November 1925.	0	7	11
Sh. Minhajud Din ...	Ditto	26th November 1925.	2nd April 1926.	0	4	7
R. S. L. Raj Bansi Lal ...	Ditto	2nd April 1926.	...	...	...	...

Register of incumbents of charges of Jatoi Sub-Division and period of their durations. (Opened on 10th July 1895.)

Name.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Period of duration.
				Y. M. D.
Mr. E. B. Foy ...	Temporary Engineer.	10th July 1895	8th September 1896.	1 2 9
M. Ghulam Hussain ...	Sub-Engineer ...	6th September 1896.	26th October 1896.	0 1 17
Mr. E. B. Foy ...	Temporary Engineer.	27th October 1896.	22nd June 1897	0 7 27
M. Ghulam Hussain ...	Sub-Engineer ...	23rd June 1897	10th May 1898	0 11 19
Mr. K. Bose ...	Temporary Engineer.	11th June 1898	19th June 1898	0 0 8
M. Ghulam Hussain ...	Sub-Engineer ...	20th June 1898	12th November 1898.	0 4 24
Mir Hashim Ali ...	Ditto ...	18th November 1898.	15th November 1899.	1 0 3
M. Ghulam Hussain ...	Ditto ...	18th November 1899.	18th March 1901	1 4 3
Pt. Amar Nath Joshi...	Supervisor ...	17th March 1901.	26th December 1903	1 8 11
B. L. M. Mookerjee ...	Temporary Engineer.	29th December 1902.	4th September 1905 (afternoon).	2 6 7
L. Bishambar Das ...	Supervisor ...	4th September 1905.	2nd December 1905.	0 2 29
B. L. M. Mookerjee ...	Temporary Engineer.	2nd December 1905.	12th June 1906 (afternoon.)	0 6 11
L. Beni Parshad ...	Ditto ...	12th June 1906.	17th July 1907 (afternoon).	1 1 5
L. Bishambar Das ...	Supervisor ...	18th July 1907	18th August 1907.	0 1 1
L. Beni Parshad ...	Temporary Engineer.	19th August 1907.	19th October 1907.	0 2 1
B. L. M. Mookerjee ...	Ditto ...	19th October 1907.	25th August 1908 (afternoon).	0 10 5
L. Bishambar Das ...	Supervisor ...	25th August 1908.	25th October 1908 (afternoon).	0 2 0
B. L. M. Mookerjee ...	Temporary Engineer.	25th October 1908.	31st December 1911 (afternoon).	3 2 5

[Hon'ble Mian Sir Fazl-i-Husain.]

Register of incumbents of charges of Jatoi Sub-Division and period of their durations. (Opened on 10th July 1895)—concl'd.

Name.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Period of duration.
R. Mohammad Sadiq ...	Supervisor ...	31st December 1911.	31st March 1912 (after noon).	Y. M. D. 0 3 0
L. Hans Raj Anand ...	Assistant Engineer.	31st March 1912.	26th August 1915 (after-noon).	3 4 27
Mr. P. D. Sethi ...	Temporary Engineer.	26th August 1915.	12th October 1915 (after-noon).	0 1 17
B. Karam Singh ...	Ditto ...	12th October 1915.	5th December 1915 (after-noon).	0 1 24
L. Mohan Lal Mathur ...	Sub-Engineer ...	5th December 1915.	15th September 1917 (after-noon).	1 9 13
L. Siri Narsain ...	Ditto ...	15th September 1917.	31st October 1917 (after-noon).	0 1 13
L. Mohan Lal Mathur ...	Ditto ...	31st October 1917.	18th April 1918 (afternoon).	0 5 18
L. Raj Bansi Lal ...	Temporary Engineer.	18th April 1918.	26th October 1922 (after-noon).	4 6 10
Mr. A. S. H. Berry ...	Executive Engineer.	26th October 1922.	1st November 1922 (after-noon).	0 0 4
L. Baghar Dyal ...	Sub-Divisional Officer.	1st November 1922.	27th November 1923 (fore-noon).	1 0 25
L. Siri Narsain ...	Ditto ...	27th November 1923.	25th April 1926 (after-noon).	2 4 28
L. Radha Kishan Khanna ...	Assistant Engineer.	26th April 1926.	9th June 1926 (forenoon).	0 1 15
L. Sri Narsain ...	Sub-Divisional Officer.	9th June 1926.	...	...

Statement of incumbent of charges of Kot Sultan Sub-Division of the Muzaffargah Inundation Canals Division.

Name of the Sub-Divisional Officer.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Duration of stay.	REMARKS.
Lala Jowala Prasad.	Upper Subordinate.	15th November 1924.	...	...	Opened from 16th October 1924.

Statement of incumbents of charges of the Muzaffargah Sub-Division of the Muzaffargah Inundation Canals Division. (Formed on 2nd December 1908).

Name of the Sub-Divisional Officer.	Rank.	Date of joining the Sub-Division.	Date of leaving the Sub-Division.	Duration of stay.
M. Sunda Singh	Supervisor	2nd December 1908.	24th April 1909 (forenoon).	Y. M. D. 0 4 21
L. Bishambar Das	Sub-Engineer	24th April 1909	2nd June 1912 (afternoon).	3 1 10
L. Fateh Chand	Ditto	3rd June 1912	2nd September 1912.	0 3 0
L. Bishambar Das	Ditto	3rd September 1912.	23rd September 1912.	1 0 21
L. Anar Nath Joshi	Ditto	24th September 1912.	16th February 1915.	1 4 24
Mr. A. E. Jeffries	Executive Engineer.	17th February 1915.	3rd May 1915 (forenoon).	0 2 16
Shahk Minhaj-ud-din	Assistant Engineer.	3rd May 1915	23rd July 1915	0 2 20
Mr. Parmestri Das Sethi.	Temporary Engineer.	24th July 1915	24th August 1915 (forenoon).	0 1 0
Shahk Minhaj-ud-din	Assistant Engineer.	24th August 1915	30th July 1916	0 11 7
Mr. G. W. Duthy	Executive Engineer.	31st July 1915	3rd August 1916 (forenoon).	0 0 3
L. Mitar Sen	Supervisor	3rd August 1916	18th November 1916.	0 3 16
L. Bhagirat Lal Gupta	Sub-Engineer	19th November 1916.	4th November 1919.	2 11 16
L. Ram Das	Ditto	5th November 1919.	8th December 1921.	2 1 4
Mr. A. S. H. Perry	Executive Engineer.	9th December 1921.	7th January 1922	0 0 30
L. Sunder Das Khungar	Assistant Executive Engineer.	7th January 1922.	7th April 1924	2 3 0
L. Attar Chand	Upper Subordinate.	8th April 1924	23th October 1924	0 6 19
L. Radha Kishan Khanna	Assistant Engineer.	27th October 1924.	...	...

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

EDUCATION (TRANSFERRED) GRANT.

Mr. President : The Council will proceed to discuss the demand* of Government for grant under head 21—Education (Transferred).

Sardar Jodh Singh [Sikh (Urban)] : May I move my amendment, Sir?

Mr. President : It is for the honourable member himself to decide whether he will speak on the original motion or move his amendment.

Diwan Bahadur Raja. Narendra Nath : Is the Honourable the Finance Member going to give us any information as to the attitude of the Government on our application made yesterday?

Mr. President : The Chair has no knowledge of any such application.

Sardar Jodh Singh : Sir, I move :

"That the total grant be reduced by Rs. 10."

Sir, the reason for this motion is given in the explanation to the amendment submitted to the office. In the Annual Report the Director of Public Instruction has laid emphasis upon the point that in making appointments to the Department, he attaches importance to communal considerations also. In the Department none but trained teachers are employed and when members of a certain community are kept out of training schools, surely they cannot get their proper share of the appointments even if the Department is disposed to show certain consideration to their claims. I will not refer to particular divisions by name in which the number of Sikh recruits to the normal schools has been almost nil during the last 3 or 4 years, but if the Director of Public Instruction will kindly ask for returns for the last three years, he will find out for himself the schools which have not recruited Sikh candidates to their corps. I would, therefore, urge upon the Department to see that this policy of paying attention to communal considerations and making appointments on a communal basis is continued and it is also applied to the matter of recruitment. With these few words, Sir, I move my amendment.

Mr. President : Supplementary Grant under consideration, motion moved :

"That the total grant be reduced by Rs. 10."

The question is that that reduction be made.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I do not wish to say much on this amendment, but I should be failing in my duty if I did not say at once that it is felt as a very serious grievance that, even up to the present day, communal considerations are looked upon as important considerations in determining appointments. Personally I do not make a very serious grievance of it. I know that the honourable the Director of Public Instruction is doing his best. I only want to lend my support to the remarks which have fallen from the lips of my honourable friend from Am-

* "That a supplementary sum not exceeding Rs. 37,120 advanced to the Head 21—Education (Transferred) from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that fund for the year ending the 31st of March 1927."

ritsar, because it is taken as a very very serious matter. The amount of discontent and even bitterness which are engendered in these cases are quite out of proportion to the intrinsic worth and value of an appointment itself. If certain definite principles are laid down for promotions and for making original appointments, I think all this bitterness will disappear. I had occasion, Sir, at the last Council Session, to draw attention to certain principles setting aside the well-known principle of seniority which were laid down in the Annual Report of the Department of Education. I hope, Sir, that, in the main the principle of seniority will be observed. That is a recognised principle, one which is observed in every other Department. Where it becomes necessary to depart from that well-known and well-recognised principle, specific reasons should be given. With these words, Sir, I support the amendment.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education): May I rise to a point of order, Sir? The amendment before the House is the admission of Sikhs into training institutions and I think the honourable speaker is not in order.

Professor Ruchi Ram, Sahni: May I explain, Sir?

Mr. President: The honourable member has finished his speech.

Sir George Anderson: (Director of Public Instruction); Sir, I am afraid that I am rather confused by this discussion. So far as I can understand, the mover of the amendment has referred to the question of recruiting teachers under training to normal institutions, but my friend opposite apparently has discussed not so much the question of the recruitment of teachers to be trained but rather the appointment of teachers who shall train these students. I shall therefore, refer to the remarks which have been made by the mover of this amendment. If figures are of any value, I would point out that last year the number of Sikh students in vernacular training institutions for the communities was as follows. The Sikh students under training were 199 out of a total of about 2,000; in other words, just about 10 per cent. But I do not think that my honourable friend need be discouraged on this account. The Demand that has just been moved is to increase the number of vernacular students under training by about 500, which will bring the total number to about 2,500. Now, the great difficulty that confronts the Education Department is to decide whether or not we shall be able to recruit that total number. So, if my friend can bring a number of additional Sikh students and my friend opposite can bring a number of Hindu students, the more satisfied shall we be. Our main difficulty is, as I have said, to decide whether we shall be able to recruit up to this large number.

Professor Ruchi Ram Sahni: Have students seeking admission not been refused in the past?

Sir George Anderson: I think it is highly possible, but we are increasing the number by 500 and I trust that if this Demand is passed, all will be satisfied, including the Education Department.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana Muhammadan, Rural) (Urdu): Sir, I wholeheartedly support the amendment moved by my honourable friend Sardar Jodh Singh. I have been always pressing this point that so long as the Government do not fix the proportionate shares of Government services for different communities there would be no end to these objections.

[Chaudhri Afzal Haq.]

A few days ago a gentleman rightly remarked that if we were serious to deal with the present communal tension there was no other way to do so than to fix a proportionate share of services for each community. Personally I have no objection against the amendment under discussion. It is now high time that the Government should decide this question of services once for all. Sir, when a wise father realises that a dispute regarding the partition of property is likely to arise on his death, he divides the property in his lifetime among his sons. I would request the Government that they should, like the wise father, remove the bone of contention by fixing proportionate shares of services for various communities. Sir, I am now glad to see that even those honourable members who strongly hated communalism, are now in earnest to support the amendment under consideration. All the various communities are at one on this point. Therefore the Government should accede to their wishes by giving them their due share in Government services. With these words I support the amendment under consideration.

Mr. President : Supplementary grant under consideration, motion moved—

"That the total grant be reduced by Rs. 10."

The question is that that reduction be made.

Sardar Jodh Singh : Sir, in view of the remarks of the Director of Public Instruction, I do not want to press this to a division.

Chaudhri Afzal Haq : It rests with the House.

Mr. President : It is one thing to say that the honourable member does not wish to press his motion, but it is quite a different thing to say that he requests the House to allow him to withdraw his motion. Is the honourable member prepared to follow the proper procedure and say that he wants leave of the House to withdraw his motion?

Sardar Jodh Singh : I want leave of the House to withdraw my motion.

The motion was, by leave withdrawn.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 37,120 advanced to the Head 31—Education Transferred from the Civil Contingencies Fund be granted to the Governor in Council by way of recoupment of that fund for the year ending the 31st of March 1927."

The motion was carried.

PUBLIC HEALTH GRANT.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 2,59,541 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Public Health of which Rs. 64,885, the estimated expenditure up to the end of June and already advanced from the Civil Contingencies Fund, will be used for recoupment of that fund."

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 2,59,541 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Public Health of which Rs. 64,885, the estimated expenditure up to the end of June and already advanced from the Civil Contingencies Fund, will be used for recoupment of that fund."

Syad Muhammad Husain [Montgomery (Muhammadan) Rural] : Sir, it is, after all, a relief to us that the Government has come forward for a grant to stamp out plague. Plague is the greatest scourge of this country and it has been taking a heavy toll of death every year. Had the same thing occurred in any other civilized part of the world, I may be excused, because I feel very strongly, if I say that the result would have been that they would have sent out the Ministers, the Government and everybody else rather than allow such a thing to continue. This is the question of questions: Are we to go on dying like rats, like wild animals, like sheep and nobody to look after us notwithstanding the fact that the whole thing can be wiped out with a little precaution and care devoted to it. Excuse me, Sir. You have got experience as the President of the Lahore Municipal Committee. The committee not wishing to spend money upon the destruction of rats, stopped the destruction of rats for one year and the result was that next year plague re-attacked Lahore very furiously and took away thousands of people and the committee had again to start upon the destruction of rats in a more systematic manner. Cannot the Honourable Minister in charge of Public Health do the same as regards the villages? Is the life of the village people less precious than those of the urban people? The point is that the village people with all their loyalty, with all the show that we make for their welfare, are fatalists. They say it is the will of God and they resign themselves to it and they do not demand that this thing should be done and that thing should not be done, while in the cities if the same were to happen the people would raise a hue and cry till they get a response. The whole of the Ambala Division has been suffering from plague and thousands of deaths have taken place while the Government in charge of the Public Health have been collecting vital statistics to know how many people have died and what attitude they should adopt in the matter. India was first attacked by plague as long back as 1896 and still we are engaged in collecting data to find out what ought to be done. Taxes upon taxes have been heaped upon the people. The poorest have been over-taxed and when there is no deficit, a deficit is expressed in order to make out a case for new taxes and when there is surplus they say this should go to nation-building departments. Are you proud of your nation-building departments when thousands of people are dying every week? No Government can be proud of its activities when such is the condition, and when heaps of taxation, are being levied upon the people. No care is being devoted to their life, to their property and their economic condition. The salary of every official is being increased, every Minister gets Rs. 5,000 a month and are they not ashamed of this pitiable condition of the people? The official, the Minister, they are after all part and parcel of the people, they are of the same flesh and blood and they should give up every pie of theirs rather than tolerate this condition of the people. The poor people are taxed intolerably.

Mr. President : Is not the honourable member repeating the same thing over and over again?

Sayad Muhammad Husain : I am sorry, Sir, but I feel so strongly in the matter that I was led to repetition. The subject is so vast and so momentous that it is not possible to control my feelings. Under these circumstances there is only one single remedy. That remedy is to start the systematic destruction of rats. That is the only way by which we can get rid of plague. You have got the chowkidari agency in every village. Relieve them from the duty of going and paying their visits to the Police Department. You have tried this in certain districts and you have found it to be a success. Relieve them of the trouble of paying visits to the Police once in a week or ten days, ten miles away from their own place. Make this system prevalent throughout the province and add new chowkidars and give them necessary and proper instructions and training. It must be the duty of that agency—there must be a supervising agency as well—to go on killing and trapping rats day after day, in season and out of season, in the time of plague and out of it. Then you will see what will be the result. I can tell you from my own experience. In my own vicinity there was plague and hundreds of people lost their lives in about two months. We then started rat destruction in our village. This was last October and the result of this is that we are quite free from plague similarly in the case of Lahore where since the destruction of rats began, there has been no plague although there have been people going up there from every part of the country including infected areas. Why do you not take a leaf from the premier municipality of the province and start the destruction of rats in every village and spend money systematically on it? Don't restrict your energies to the Ambala Division only. Plague does not obey Ministers and there is no use merely having posters, put on walls but translate your posters into action. Spend money but not for merely keeping highly paid health officers who are brought from England with a lot of theories, booted, suited, hatted people, but start an agency for the destruction of rats in every village. Start it in one district, then in two districts, in four districts and so on and see the results. With these words I resume my seat.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, I whole-heartedly support the grant which has now been moved by the Honourable Minister for Education. While supporting this demand I have to make a few observations. I have carefully gone through this memorandum supplied to us and I find from it that there is a provision of 24 Naib-Tahsildars at Rs. 80 each, 6 Sub-Assistant Surgeons at Rs. 70 each and 22 Sanitary Inspectors at Rs. 50 each. Now, Sir, I really fail to understand why in a matter which relates to public health, the prevention of plague and the destruction of rats, these 24 Naib-Tahsildars are needed. One could have understood a larger number of Sub-Assistant Surgeons doing the work of medical officers in the tahsils and the villages, but one entirely fails to understand why 24 Naib-Tahsildars who are to get higher pay than these six Sub-Assistant Surgeons are needed for the destruction of rats or for inoculation or other similar purposes? I find from my own experience that Government is not put to the same trouble for inoculation purposes as was the case when the plague first started in the Punjab. People are everywhere anxious and are coming forward for inoculation. In my own village this year I found that when plague broke out in a neighbouring village, a large number of people went to the inoculation officer and got themselves inoculated. I found the desire for inoculation very strong and I entirely fail to see why instead of having a larger number of Sub-Assistant Surgeons, a large number of Naib-Tahsildars on a monthly pay of Rs. 80 are provided.

11 A.M.

Now, Sir, the remarks which have been made by Pir Muhammad Husain deserve the careful attention of Government. Plague is a great scourge. Year in and year out people are dying from one epidemic or the other and it is the duty of all civilised governments to take measures in time to check the disease. But what do we find? We find that it is only when the plague has played great havoc, that the Department of Public Health awakens to its sense of duty towards the people. As was said by Sayad Muhammad Husain the time for taking proper precautions is when the rats are to be destroyed and not when the mischief is done by plague and the people are themselves dying like rats. It is most unfortunate that this year plague played great havoc in Hissar District and Rohtak District and other districts of the Punjab. It is really unthinkable why Government, which possesses such highly finished machinery and such intelligent officers, is not able to confront this problem which is really eating into the vitals of the Punjab. It is not only those people who die that suffer but many other people who try every method which lies in their power to keep themselves away from plague, even they have to suffer. I know that in the Hissar town this year many families have been wiped out absolutely and not one single member was left. It is a matter of deep shame and regret that when science has so much progressed these epidemics are not blotted out from this country. I whole heartedly associate myself with my friend Pir Muhammad Husain when he says that Government should do its duty at the proper time and not wait till the plague has done its mischief and played havoc.

Shaikh Muhammad Sadiq: Sir, I beg to move the amendment which stands in my name

Mr President: Order, order. The honourable member's amendment* is out of time.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban]: Sir, I am very glad that the amendment which I wanted to move has made some of the honourable members recognise the dangers of the carelessness displayed by Government as regards plague. Although the amendment is out of time and I cannot move it, fortunately it has had its good effect because it has roused the honourable members to a sense of duty to their countrymen. Sir, when a riot takes place and one or two Hindus or Muhammadans are killed, we find all the machinery of Government moving to catch hold of the culprits or the murderers and we find any amount of money being spent on expensive lawyers to conduct the cases. But when thousands of people are dying from plague, we find nothing but apathy on the part of Government. Sir, plague is not a new thing to the Punjab. It has now got a firm hold on the province. It has caused the death of lakhs and lakhs of people, and yet what does Government do to combat it? It starts the rat catching propaganda when the plague has appeared. Sir, in the last session too I spoke on the subject, but I am very sorry to find that the Honourable Minister for Education has paid no attention to my speech (A voice: what a pity!) (laughter). I never expected that the Honourable Minister would so treat the speech of a member who in a way belongs to his party. (A voice: You belong to no party). The fact remains, Sir, that Government has done practically nothing for the province. I find that Government has up to this time done nothing to distribute medicine in villages. What I am

* "That the grant be reduced by Rs. 100 in respect of the item of Rs. 1,00,000 expenses in connection with epidemic diseases."

[Sheikh Muhammad Sadiq.]

saying is that the Ministers should be given plenty of money for this sort of object. Yet we find the Minister coming forward for one lakh of rupees only, simply because he thinks that the Health Department is just one subordinate branch of his Department and because he thinks it does not matter so long as he does not oppose Sir John Maynard. Why does he not demand 30 lakhs or 40 lakhs? Are we going to be friendly with plague germs and not take measures to destroy them? What is the reason for his not demanding 30 or 40 lakhs? We will be failing in our duty if the Honourable Minister demands 40 lakhs and we do not sanction it. We can stop building roads, we can stop constructing canals, we can stop building officers' bungalows, but we want that disease and epidemic should be stamped out of this country once for all. It is no use our having one lakh. One lakh is not enough even for one district, not to speak of the whole province. It is not by sitting here and by asking one lakh which would not be sufficient even for one district that we can stamp out the disease. There are thousands of villages suffering from plague, and what is this one lakh for all those villages? If you carry out your rat catching scheme, do you think you can do it with one lakh? You want this lakh simply as a justification for the existence of the Health Department. I think we should see to it that our Minister is in earnest. What do we find in Amritsar? People are crying for inoculation. The Inspector-General says he cannot send more than ten tubes. Just imagine, plague is in full swing in a big city like Amritsar and only ten tubes are available for it. What an efficient department! What an efficient Government to look after the health of the people!

Sayad Muhammad Husain : They spend all their time in collecting vital statistics (laughter).

Shaikh Muhammad Sadiq : Yes, and the difficulty is that they do not try to check the plague.

Sir, we find that plague was introduced into India through Bombay about twenty years ago. It came to this country through your ships (British). Had there been no ships, no plague would have come to India. Government is doing nothing to investigate the disease. It is possible that the germs have changed their temperament, so we must change our methods. What is the Punjab Government doing? What are the Ministers doing? They do not care so long as they please their constituency; they are quite safe so long as they please Government (laughter). I am sorry that though we have Indian Ministers and Indian Secretaries they have not done enough. If during their time we cannot check this disease, I will never say in future a word against the British Government (laughter). What is the use of our having Indian Ministers? What is the use of our having Indian Secretaries? Of course the Finance Department is responsible. So we should insist on Government giving us more money for this department.

There is medicine in this country. If I ask a doctor if there is any remedy for plague, he says, no. I say he is wrong. I know a lot of people who have tried Iodine and have cured 70 or even 80 per cent. plague cases. If Government says, no, we do not believe you, I will have to refute them. When Lord Lister introduced antiseptic system, doctors were dead against him and said he was a mad man. When, after twenty years he succeeded then they said that it was their own system. That is what doctors always do (laughter). If there is an Indian medicine for plague, the Health Department will not touch it simply because it is Indian. I ask them, Si-

how is it that up to this time they have not prepared a medicine which can be distributed in small villages? We cannot send doctors to small villages, but what we certainly can do is to send them medicine which they can use in time of need. Why not give them a formula, so that there should be a ready mixture in every village? It could be distributed by the patwari or by the school master. I say all this not in a spirit of criticism. My object in speaking on the subject is that this cursed disease should be once for all stamped out. In a vast country like India where you have millions of people, it is not easy to start rat-catching schemes. Even if you start them, it will not be very successful, for rats may run from house to fields where they get free food. My friend Sayad Muhammad Husain does not realise that in villages this sort of scheme cannot achieve much. What is there to prevent rats from going into the fields where they get plenty of grass and grain to feed themselves on. What we want is some sort of medicine which should be distributed in the villages. So that when epidemic comes there should be ample medicine to be used as curative.

Last time when I was going to Calcutta, I met a gentleman in the train. In the course of our conversation he told me that he had treated about 1,000 plague cases in Karnal out of which 90 per cent. had been cured. I sent for the medicine from Bombay and distributed it among 80 cases, of whom no less than 24 were cured. How can you say there is no medicine? Try that medicine before you say there is no good medicine. We shall be guilty of murder if we do not force Government to distribute medicine in every village so that when an epidemic appears that medicine is used.

Now what is my scheme? My scheme is that no patwari should be made permanent in future unless he has got training in medicine for six months or one year. We do not want that he should become a doctor or a *hakim*. Only we want that he should have sufficient training to give first aid in times of epidemic. The Hon'ble Sir Fazl-i-Husain was the President of the Ambulance Society and he knows that all those who render first aid are not doctors. There should be medicine in every village and in every hamlet. Otherwise what can the Assistant Surgeons or Sub-Assistant Surgeons do? When there is epidemic in far off villages it is not possible to expect the Assistant Surgeons or Sub-Assistant Surgeon to visit all the villages in one day. It may be said that the patients may go to the hospitals. But there is no sufficient accommodation in the hospitals and moreover it is dangerous to move the patients. Therefore unless we do something for the poor people to get cheap medicine we will not be doing anything fair for the people. Therefore we must see that every patwari is trained in the first aid and he should be supplied with necessary medicines. Government should do something in this direction. Perhaps they may take the example of Germany. In Germany nobody was appointed for any post whether it was a postman or a minister unless he had put in some years of military training. A similar compulsion should be imposed, namely nobody should be appointed unless he had some training in medicine. As I already said I don't want them to become doctors. I only want that in times of epidemic, such as plague, cholera or fever they should be able to give medicine to the patients and thus render first aid. After all, the specifics are not too many or too complicated for these people to learn. For malaria there is quinine mixture. For cholera there is a specific and for plague also there is only one specific. Start a committee to see what ravages have been committed by the plague in this province and also to find out remedies for the same and the ways and

[Sheikh Muhammad Sadiq.]

means of remedying them. This should not be a difficult task for Government. What did it do in the time of war? It did not wait. At once irrespective of money considerations a large army was started, ammunition factories were opened which in the ordinary circumstances would have taken twenty years to start. Why not do in the same way now? You know the extent of the danger in the province due to plague, you know that plague has come to stay permanently in the province. This is not a disease of India. It has been brought into India by the Europeans in their ships. The disease would not have come into India but for these ships (Laughter). Therefore the responsibility lies on the British Government. If there had been no railways, the disease would not have come to the Punjab from Bombay. The only way to make amends for this is to try now earnestly to stamp out the disease. I do not want these 17 lakhs which you are remitting by way of taxation. You may use these 17 lakhs for bettering the health of the province. You need not spend money on communication now. We can make roads and bridges after the sanitation has been improved. For the present don't go into expensive schemes. Spend every penny for the poor of the country and for their sanitation. Otherwise they die in thousands. It is not only the young that die but people who have got big families that are carried away by this disease and poor children are left behind unprovided for and the Government has not the good grace to keep orphanages for these poor people. It is no use of shifting the burden by saying that it is the Minister's job or the Finance Member's job. It is after all the poor people who suffer and we are between the devil and the deep sea. (Laughter.) I do not mean any offence. I only meant it as an example. Sir, I would have failed in my duty if I had not brought these points to your notice. With these few words I resume my seat.

Rai Bahadur Sir Gopal Das Bhandari (Nominated, non-official) : Sir, the honourable members of this House should feel thankful for the honourable member who comes from Amritsar for having entertained us for a very long time and for having made many suggestions which possibly might be considered very interesting. But I am sorry to say that to a great extent I cannot agree with what he has said. Every member present in this Council has got sympathy for the people including the officers and the Government. To say that Government is apathetic notwithstanding that hundreds and thousands of people are being taken away by the hand of death is really a very serious charge. In the same way the charges that have been made against the Ministers do not stand to reason. I think we have now become tired of airy arguments. What we want is really practical suggestions which possibly might do some good to the subject under discussion. I submit that it is not the Honourable Ministers that are responsible, but it is really the honourable members of this House that are responsible for the spread of this disease. At the time of the preparation of the budget honourable members do not say that the whole amount should be allotted to stamp out plague. On each and every item if any reduction is proposed by the Minister or if any reduction is proposed by any honourable member under the head road or under irrigation, all at once objections are raised. At the time of the passing of the budget you don't allow a very large sum to be put into the hands of the Public Health Officers.

Sayad Muhammad Husain : We never stopped any money being put into the hands of the Public Health Department.

Rai Sahib Sir Gopal Das Bhandari: You do not follow my point. What I mean to say is that if one member wants that more money should be spent on Public Health other members get up and say that more money should be spent on other subjects. That is the point. If I am allowed to say so, I will say, let the whole sum which is now at the disposal of the Honourable Minister and the Honourable the Finance Member be given to the Public Health Department for stamping out the disease and for killing rats. But will everybody agree to this proposal? There will be some members who will say 'no'. There will be many who will say that the money should be spent otherwise on other objects. Therefore those who are responsible for the preparation of the budget, those who are in possession of the purse have to say what amount can be allotted for a certain subject. It is true we want the rats to be destroyed and that there should be no epidemic either of fever or of plague. But at the same time you can go only to a certain extent and not beyond that. It is no doubt easy to make humorous speeches and excite laughter. But it is a serious matter we have to consider and those who are responsible for the preparation of the budget know how much to provide for public health. I do not propose to dilate any further on that point.

I have to say one word with regard to my own experience in Amritsar when there was lately the epidemic of plague. No doubt there should be a campaign of rat destruction, there should be fumigation and inoculation. But there is a limit to all this. We people also have got a duty in respect of stamping out this disease. If you go to a godown you find hundreds and thousands of rats there. If you ask the godown owner to get it cleaned he will say 'certainly not, it affects my trade. It damages my goods.' So while we criticise Government for not having done all that they should have done for eradicating the disease we ourselves are doing nothing. Is it the duty of the Government only to go to every door and see to the sanitation? I agree that it is the duty of the Government to look to the sanitation of public places. But whose duty is it to look to the sanitation of private buildings? Who is to remove the cobwebs in the houses? The people allow dirt to accumulate near their houses and then when the epidemic breaks out they blame Government for not looking to the sanitation of their places. The whole blame is upon the people. I know as a matter of fact that there are very few doctors to inoculate and very little serum for the use of the people. With regard to the supply of serum I know that the Public Health Officer has written letters to Bombay ordering for the supply of as much serum as could be got. He got some supply from Bombay but it was not enough.

Pandit Nanak Chand: He got only ten tubes.

Rai Bahadur Sir Gopal Das Bhandari: My honourable friend loses sight of the fact that the Public Health officer having got only ten tubes has to look not only to Amritsar but also to Hissar, Rohtak, Gurgaon and various other districts. Therefore, taking into consideration the demand for the serum he distributed it to all the districts.

Shaikh Muhammad Sadiq: Why not place at his disposal as much money as he required for the purchase of serum?

Rai Bahadur Sir Gopal Das Bhandari: I have already said about that. As much money as you can spare was placed at the disposal of the Public Health officer and he exerted his utmost to get as many tubes as

[Rai Bahadur Sir Gopal Das Bhandari.]

could be supplied from Bombay. At the same time it must be remembered that the production at Bombay is not as much as you require. How can the Public Health Officer be blamed for not getting more tubes of serum when it is not available in the market? What is the blame that can be laid at his door? I wish honourable members go into this aspect first and make enquiries as to the methods adopted by the Public Health officer to get the supply of serum and then if they are satisfied that he was either negligent or that he was not diligent, then the honourable members can blame the Public Health officer. There is no use of merely blaming a man without ascertaining the real facts and I am afraid this habit of blaming a man is becoming worse and worse every day. These baseless allegations and all these airy arguments certainly do not produce any effect. If you go into the file and then contradict the Public Health officer by saying: here are the papers which show that you had been negligent, then I can understand the reasonableness of such an accusation. Unless and until you know how much serum the Public Health officer got from outside and how much he distributed to the various districts, how can you blame him for having been negligent.

Then, Sir, about the appointment of Naib-Tahsildars, I do not know the reason why they have been appointed. I beg to say that the appointment of more Sub-Assistant Surgeons or more Sanitary Inspectors or more doctors would have been more useful. Possibly there might be good reasons for the appointment of Naib-Tahsildars. If only the honourable member in charge of this subject had considered all these points he would not have consented to the appointment of more Naib-Tahsildars. Probably he has very good reasons.

Apart from the appointment of Naib-Tahsildars, I wish there are more doctors and more sanitary inspectors. Again the question comes, how to get the money for all these things. At the time of the budget when motions are brought forward to cut down expenditure under certain heads and bring the money thus saved to the Public Health Department, various objections are raised for the cut proposed. When the question of transfer of money from one head to another comes, there is always a great objection raised. It is said that such a cut will seriously affect communications, education and so on. These are all the vital points to be considered in dealing with this subject. After all in this world everything ultimately rests on money. Money is the chief factor. I do not think my honourable friend Sayad Muhammad Husain was right in saying that the Honourable Minister is drawing Rs. 5,000 without attending to his duties properly. It is not his fault that he is drawing Rs. 5,000. It is this Council that voted that salary to him. If the Council had sanctioned a less sum, he would have been drawing only that sum and nothing more. I agree that one has to keep up one's prestige and one's privilege. At the time when the question of voting of the salary of the Ministers came, all members remained silent and there is no valid ground to level any accusation against the Ministers on the score that they are drawing such a huge salary. There may be some benevolent men who might forego a portion of their salary, say Rs. 1,000; but you cannot expect a Minister to work without any salary and leave his family and children destitute. My submission to the Honourable Minister is that he should appoint more sanitary inspectors and more doctors in order to attend to the eradication of this scourge. The Amritsar Municipality following that principle has sanctioned a very large sum of

money for the yearly campaign against plague. We have engaged doctors who go from house to house and attend to the fumigation and destruction of rats. This kind of campaign goes on from year to year. I think other municipalities and district boards should adopt the same principle and then this plague will leave the Punjab for ever. Finally I have to say to the Public Health officer that he should appoint more sanitary inspectors and doctors if he wants to root out plague altogether from this province.

Mr. C. M. King (Financial Commissioner) : Sir, I only wish to explain that point about the Naib-Tahsildars which was made by my honourable friend Pandit Nanak Chand. I do not think it is quite apparent to many honourable members of this House why these Naib-Tahsildars were appointed and even my honourable friend Sir Gopal Das has asked for information on it. The position is this : that when Sanitary Officers, Assistant Surgeons and Sub-Assistant Surgeons and so on were drafted into the various plague affected districts to do their beneficent work, it was found that they were quite unknown to the people and as a consequence no one listened to what they said. Sub-Assistant Surgeons might go out into the villages and preach about the dangers of plague, they might explain the utility of inoculation but yet no one would heed to them. It was found that the only way in which attention could be drawn to the work that was being done by these sanitary officers and by these health officers was by deputing Naib-Tahsildars or Tahsildars of Tahsils to go to the villages and explain to the people exactly what the work was. These Naib-Tahsildars and Tahsildars, I need not inform honourable members of the House, are much better known to the people and have a far greater influence with the people than health officers who are entire strangers and who are drafted into a tahsil for a special purpose and at a special time. It having been seen in one or two cases that the Naib-Tahsildars who have been in the tahsil and who have gone out have been of the greatest use in bringing people forward for inoculation and in getting them together—that is a great point in getting them together—to listen to the various plans of the health officer to prevent the spread of plague it was decided that the existing Naib-Tahsildars of tahsils should go out to lecture to the people and thus help the sanitary officers in rooting out plague. As it was impossible for them to do this work in addition to their ordinary work, these extra Naib-Tahsildars now asked for were employed to do the work at the *sadr* while the actual incumbents of the posts went out to lecture to the people, they being fully known to the people and having a great deal of influence. That is how it comes about that this demand is made for these 24 extra Naib-Tahsildars. The people who are actually doing plague work are officials well known to the people in the tract and their place in the tahsil has been taken by the new men who can carry on the ordinary work of the tahsil. That is the explanation for these 24 Naib-Tahsildars.

Mr. President : Some of the honourable members appear to be under the impression that in discussing the supplementary estimates they are entitled to discuss such matters of policy, underlying the original grants as were discussed when the annual Budget was discussed. That, however, is not the case. It is only in exceptional cases when the Government brings forward entirely new demands that matters of principle regarding such demands can be discussed. I wish to acquaint the honourable members of the House that it is not their privilege on this occasion to go in detail into matters of principle as they were entitled to do at the discussion of the annual Budget.

Mian Abdul Aziz : This item was not discussed at the time of the Budget in the way as it has been placed now in this House and it is necessary that at this stage the principle whether this item should be granted or not should be discussed. This is a new item and I request you to kindly give your ruling on this point.

Mr. President : I did not say a word about the item under discussion. For the information of the honourable members I simply stated the general principle underlying these supplementary estimates.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I have great sympathy with the beginner of this discussion and I do not think that it will do any harm whatever. Government are asking for grants, but we are obviously rather sorry that it is not for 3 or 4 times the amount. One point that I really want to put before the House is an obvious one but which has been missed up to now : that is, the economic position of rat destruction. I do not think the Government will lose in the long run any vast amount of money. The honourable nominated member from Amritsar said that the people would not fumigate their godowns because it cost them money, overlooking the fact that if rats are destroyed they will save their goods in the godowns and thus the money spent will not be wasted. The killing of rats in the districts will save crops. I do not think that money devoted to rat destruction will be money thrown away. Inoculation is another form which should be carried on from a purely humanitarian point of view. We must have the staff to inoculate people and to prevent their dying but inoculation cannot stamp out plague. If you inoculate people you can prevent death but you do not get down to the root of the plague. The rats are still there and they carry plague fleas. If you inoculate people this year to such an extent that you save every life the following year the plague is just as bad as before. You want to get at the root of the thing. The Punjab should undoubtedly get lymph serum or whatever you might call it of its own but there should also be a big rat catching campaign in the Punjab. You cannot turn round and blame the Government because this plague has been in existence for a very long time. Obviously a few Tahsildars and a few Sub-Assistant Surgeons cannot actually kill all the rats. You have got to educate the people to co-operate and to give lectures to them just as they did in England. A member has stated that the rats run away to the fields and cannot be caught but they run to and are found in abundance in the haystacks. If you get the village people to surround the haystacks with all the dogs and men with sticks, as they do in England thousands of rats could be destroyed. That is the sort of way in which rat destruction should take place. Unless you do that, you will not in my opinion stamp out and root out plague altogether from the province. With these few words I have full sympathy with the demand.

Sardar Gurbakhsh Singh [Ambala Division (Sikh) Rural] : Sir, we have heard quite a lot about the theoretical aspect of this affair. As a matter of fact, I am one of those who believes that no Council speeches are required to bring home the seriousness of this fell disease to the people and no Council speeches are required to bring to the notice of the Government that they had been very slow in combating this disease. This argument has often been repeated in this House and everybody knows that the Government machinery is very slow in moving and it has become the habit

of Government to move very slowly unless of course very reactionary measures are taken. I am one of those who has been in the thick of this fight of plague in one of the worst afflicted districts. I mean the Ambala district. No strong words can be used to blame the Government that they did not rise to their duty at the right time. They waited and waited and were looking on when this terrible disease was taking deep roots in practically a very large majority of villages in most of the districts in our Division.

Mr. President: Is not the honourable member repeating arguments of the previous speakers?

Sardar Gurbakhsh Singh: I am sorry, Sir. As a matter of fact, I am dealing with the Ambala district proper. The other speakers have been discoursing on the general aspect of the disease. I am referring to the Ambala district proper and therefore I think I am in order and that I am not repeating what other speakers have said. I say that I have felt the loss that my district has incurred because of the slackness and the neglect of duty on the part of the Government. But I do not wish to waste the time of the House in again saying that they should have done this or should have done that. I wish to lay before them a concrete suggestion. They deputed Naib-Tahsildars for this duty. They gave Sanitary Inspectors, plague mates and coolies, though it was done at a very late hour. Naib-Tahsildars, as has just been explained by the Honourable the Financial Commissioner were required for propaganda work amongst the masses and amongst the zamindars, for bringing them round for inoculation. The season for inoculation is now gone. So, the Naib-Tahsildars are doing absolutely no work. The Naib-Tahsildars in my own district have been telling me that they are now practically sitting idle at home, doing absolutely no work, waiting for the Government orders to revert to their revenue duties. Why should the money which is sanctioned be wasted, whether or not it may bring any useful results. I make this concrete suggestion that these Naib-Tahsildars be now withdrawn, and put on duty again when necessary, i.e., when the inoculation season comes back. I know that they have done very valuable service to the people when they were required. In October or November, you can again send them out on duty, but it is now time that you should take them off duty. Similarly with Assistant Surgeons and Sub-Assistant Surgeons. They were also required for the purposes of inoculation. They are also not wanted now. They tour about in ilaqs but not one person comes forward for inoculation. They themselves do not encourage people to come forward for inoculation, because the season is not suitable for it. Instead of these Naib-Tahsildars and Sub-Assistant Surgeons, you must now put in more plague coolies and more plague mates and carry on extensive propaganda for trapping and killing the rats and if necessary for fumigating. Give more coolies, give more gangs, give more mates and take away these higher officers and you will be doing much more useful work than can be done by these figure heads who are now sitting all the time. This is one suggestion that I wished to make.

Another difficulty which I felt while working in this direction was exactly the one which has been brought to the notice of this House by the honourable Sayad Mohammad Husain. I know from my personal knowledge that people flock together for inoculation but hundreds of them go back

[Sardar Gurbakhsh Singh.]

uninoculated simply for want of serum. The Sub-Assistant Surgeon will say that he has got serum tubes only for 20 or 50 or 100 persons and no more. So, hundreds of persons, who voluntarily come for inoculation, have to go back to their houses without being inoculated. So, the practical thing that you should do now is to improve the agency which manufactures serum and open out depôts in districts so that you may have a large number of these tubes which may be used when necessary.

There is no gainsaying that Government is certainly very much liable, but this I feel, and feel very keenly, that the Government is not all in all. The people are also, very much responsible for the spread of this disease and for not combating it at the time and in the manner in which they ought to. I will at this stage draw the attention of my friends, the Moslem members of this House and also of the Moslem leaders outside to this point. From my own personal experience I am very sorry to relate that the Muhammadans are terribly reluctant to vacate their houses.

Chaudhri Afzal Haq : They have no education.

Sardar Gurbakhsh Singh : Others also have not. It is a lame excuse to say that they have no education. They have exactly the same amount of education as others but there are other reasons. Perhaps their Mullahs are responsible for this, because the only excuse they put forward is that God will do whatever He will either here or anywhere else. I have been to Muhammadan villages in my district and the only excuse that they put forward is not the excuse put forward by my friend here that they are illiterate. The Sikh jats, the Hindu jats, the Rajputs are exactly as illiterate as the Muhammadans. Perhaps they are more illiterate, and yet that is not urged by them. Perhaps I do not know. I am not going to blame anybody. It may be something in their religious teaching; it might be due to the teaching of Maulvis in the villages; but the only excuse that they put forward is that God is everywhere and that they will die here just as well as they will die outside in the huts provided for them. Hindu and Sikh illiterate zamindars will respond fairly well to vacate their houses but the Muhammadans will not. Hindus and Sikhs will respond very much to inoculation but the Muhammadans will not. The death rate is a very clear and cogent proof of this fact. I am very sorry—I feel it very terribly—that in my own district and in my own city, the death rate among Muhammadans was far more than the death rate among Hindus. There is no use of making Council speeches here. My friend Sayad Muhammad Husain, my friend Muhammad Sadiq have said a lot about the general aspect of the affair, but they have not touched matters nearer home. No Muhammadan leaders came out to the afflicted areas and lectured or done any propaganda work among their brethren, asking them to vacate their houses and go into huts. Entire Muhammadan lanes were affected, houses were closed and families were destroyed, but not one will come out. There is a very great responsibility upon the Muhammadan workers and Muhammadan leaders and Muhammadan members of Council. They must carry on very extensive propaganda to enlighten the masses on this point, to awaken them and to teach them that all this does not depend upon God, and that if they get out of their house and get them fumigated, there is a probable chance that they may not catch the disease and die. I will again appeal to my friends the Muhammadan members to rise to the opportunity and do a lot of propaganda work.

Mr. President : Order, order. The honourable members should address the Chair and not direct his speech to any party or individual in this House.

Sardar Gurbakhsh Singh : Through you, Sir, I wish to appeal to my honourable friends the Muhammadan members in this House. With these words, Sir, I wish to resume my seat.

Two or three honourable members then moved :—

“That the question be now put.”

Mr. President : The question is :—

“That the question be now put.”

The motion was carried.

Sayad Muhammad Husain : Division Sir.

Mian Abdul Aziz : May I request you to allow me to make one observation, Sir? I only want to make one suggestion, if you will permit me. It is a new suggestion which has not been made by anybody here. I do not want to dilate on the subject. I do not want to reopen it. With your permission

Mr. President : After the House has disposed of the motion “that the question be now put”

Sayad Muhammad Hussain : Division was demanded, Sir.

Mr. President : The decision of the Chair was not challenged in time nor had the honourable member risen in his place to challenge it. It is too late now to challenge that decision.

The question is :—

“That a supplementary sum not exceeding Rs. 2,59,541 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Public Health of which Rs. 64,885 the estimated expenditure up to the end of June and already advanced from the Civil Contingencies Fund, will be used for recoupment of that fund.”

The motion was carried.

LAND REVENUE GRANT.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to move :—

“That a supplementary sum not exceeding Rs. 70,867 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Land Revenue.”

Mr. President : The question is—

“That a supplementary sum not exceeding Rs. 70,867 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Land Revenue.”

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir...

Mr. President : Does the honourable member wish to speak on the original question or on his amendment?

Pandit Nanak Chand : The amendment, I understand, is out of time. I have, therefore, no other course left but to oppose this demand.

[Pandit Nanak Chand.]

Sir, the portion to which I wish to address myself in this demand is given on page 15 of the Memorandum supplied to us and it is headed as follows :—" Additional Staff for Hoshiarpur Chos ". The question of chos has almost every year engaged the attention of this Council and it has been my privilege to place the case of the Hoshiarpur people, both zamindars and non-zamindars, who are affected by these chos or hill torrents before the Council every year. Now, the remedy which the Government has suggested, I will try to show, is not the proper remedy for meeting this trouble of the chos. It is extremely important for the zamindar members to understand the conditions of the zamindars of the Hoshiarpur district. The Hoshiarpur district, as I have on various occasions stated, is a District of small peasant proprietors. That is to say, the holdings of the zamindar are so small in a majority of

12 noon.

cases that they are not able to make a proper and decent living for their families. That is one peculiarity of the Hoshiarpur district. The second thing which the zamindar members of this Council have to remember is that there are no canals or canal-irrigated areas in the Hoshiarpur district. The Hoshiarpur district unfortunately is one of those districts where I think no canal can ever be taken on account of these chos or hill torrents, the danger always being that these canals will be flooded with sand and will not be workable. This is also a great misfortune for this district. The third thing which is peculiar to this district is that it lies between two rivers, the Sutlej on the one side and the Beas on the other. Year in and year out whenever there are rains hundreds of zamindars lose their lands on account of the action of these two rivers. The curious thing is that while the Sutlej river fertilises many lands in many districts and many canals are dug out of it to fertilise the lands of Montgomery and Ferozepore and other districts, the Hoshiarpur district does not get any such benefit. Not only this, but there is a heavy land revenue levied from the people of the Hoshiarpur district, in which it being an old district there have been many assessments with the result that the zamindars are burdened with heavy land revenue. Now, on the top of these things there are these chos or kuds.

It is necessary to explain to the zamindar members of this House what these chos or kuds are and I hope that they will give their attention to this matter, because it is a very important question which affects vitally the interests of the majority of the zamindars in this district. Now, Sir there are the Siwalik mountains near the Hoshiarpur district. Whenever in the rainy season there are rains, torrents from these hills come down with such velocity that thousands of acres of land become sandy and fields which at one time yielded rich crops become of no value after these chos or kuds have affected them. Not only are the lands of the zamindars affected, but you will find that even their houses in which they live are sometimes washed away. I have seen many villages where these kuds have started going right through the villages themselves. While I was on a tour with the Honourable the Financial Commissioner an old woman showed me a small house which she had built and which was in danger of being washed away whenever there was a new hill torrent. Near village Amb and town of Una, two or three villages have been washed away by these hill torrents. The town of Jaijon, which is a very flourishing town is threatened with these hill torrents and many people have written to me that unless some extraordinary measures are taken the town or a part of

it stands in danger of being washed away by these hill torrents. Thus you will find that this is a very serious problem, which affects not only the prosperity of the district of Hoshiarpur but also the lives of the people and of the cattle in that district. Now, Sir, I realise that the Government have on various occasions sympathised with the people and have tried to mitigate this damage and check it. It would not be for me not to acknowledge the interest which has been taken by the Honourable Revenue Member, the Honourable Mr. King and the present Deputy Commissioner Mr. Jenkins of the Hoshiarpur district. But I submit that they have not properly tackled this problem and the problem remains still where it was when the question was started by us in this Council and by my honourable friend who was representing the Hoshiarpur district in the previous Council. The question, as I say, remains where it was and the two or three remedies which have been proposed I would try to show are no remedies for the disease which is threatening the Hoshiarpur district.

Now, Sir, it is recognised and it is not disputed that one of the methods by which this damage to the lands and the houses can be prevented is by checking the velocity of these hill torrents and therefore it is thought that there should be a forest on these Siwalik hills. With this object in 1900 the Government enacted an Act which is called the Land Preservation or (Chos) Act. This Act was enacted in 1900, that is about 26 years ago. There are very drastic powers given to the Government by this Act. The Government under sections 4, 5 and 8 can acquire these lands belonging to the zamindar on these hill tracts and also on the beds which are called kuds. Section 4 runs as follows:—

"In respect of areas notified under section 3 generally, or the whole or any part of any such area, the Local Government may, by general or special order, temporarily or permanently, regulate, restrict or prohibit—

- (a) the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under section 3;
- (b) the quarrying of stone, or the burning of lime, at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section;
- (c) the cutting of trees or timber, etc.,
- (d) the setting on fire of trees, timber or forest produce;
- (e) the admission, herding, pasturing or retention of sheep or goats;
- (f) the examination of forest-produce passing out of any such area; and
- (g) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area, to take any tree, timber or forest-produce, etc."

Section 5 is still more stringent in its provisions. It says:—

"In respect of any specified village or villages, or part or parts thereof, comprised within the limits of any area notified under section 3, the Local Government may, by special order, temporarily or permanently, regulate, restrict or prohibit—

- (a) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3; the cutting of trees, timber and so on"

[Pandit Nanak Chand.]

By these provisions you will find that the Government was armed with drastic powers and they were not slow to use them in taking possession of the lands which belonged to the people of the Hoshiarpur district. I do not for a moment imply that the Government wanted to make money for its own purposes. No. Government in order to check the velocity of these hill torrents and in order to preserve the forests and grow forests got possession of these lands. I do admit that. But after 25 years working of the Chos Act we find that there are no forests worth the name, that the hill torrents have not been checked to any appreciable extent and that damage continues to be done to the lands of the villagers or residents in the Hoshiarpur district. We find that even in those places where the provisions of this Act are applied the hills are as barren as they were before. What is the reason? One of the main reasons was that Government placed a number of chowkidars or forest guards to watch that these forests were properly preserved, and that there were no trespassers. Government had no proprietary interest in these lands they had taken and people had no interest left, because they were not allowed to cultivate or to utilise these places. The result was that these forest guards were really the proprietors of these places and they generally allowed those people who paid four annas or eight annas per cattle to get their cattle grazed and so on. Everywhere when the Financial Commissioner went on tour the people made these complaints to him and to other Government officials. They were everywhere saying that these forest guards or chowkidars or *muhafiz* as they were called were really the owners of these places. Neither the Government gained anything nor did the people gain anything. The result was that we are where we were 25 years ago.

What is the remedy suggested? The remedy suggested by the Government is that there should be a larger number of forest guards, who are now going to be called chankidars. Previously there were fewer chankidars or forest guards. Now they are going to be 44. There was one Tahsildar who used to look after the preservation of forest. There would now be 2 Deputy Rangers and there would be one permanent Tahsildar. If I remember aright, and I am open to correction, after 1922 there was a reduction made in the number of these forest guards. It was felt that this number was large, and that there should be a reduction. If this is not a fact, I will stand corrected, but I understand after 1922 the number of these forest guards was reduced because it was found that work could be carried on with reduced numbers. Now, we find that there are going to be 44 chowkidars and 2 Deputy Rangers. There is one other method by which Government seems to tackle this problem, and that is by having a sort of amendment of this Chos Act by which they seek to remove these words "or permanently" wherever they occur in sections 4, 5, 8 or 9. That is to say, Government are prepared to notify to the people that they are not going to take possession of their lands permanently, but the possession of Government will be for only a temporary purpose or for a temporary period. Now, there lies the whole difficulty. If it is to be the temporary possession of Government for how long is this possession to continue? If this possession of Government is to continue for 15 or 20 years or 40 years and if after that these forests are to be made over again to the people, would there not be a danger that these forests when they are grown would again be cut and destroyed and the problem will still remain the same as it was before? You will find after your temporary possession and after you have made over these lands to the people that the people will

again according to the Government be cutting these forests, removing the trees and destroying the forests and the remedy which you propose and which you think will succeed that remedy.

Mr. President: Order, order. The honourable member ought to observe the rule of anticipation. The Bill referred to by him will come up for discussion in two or three days but it is not now before the House. The honourable member will have ample opportunity to discuss the measure when it is taken up.

Pandit Nanak Chand: I quite realise that but I was only advancing the argument that the appointment of these new men for a temporary period of 20 or 25 or 40 years will not be of any use because whenever after these 20 or 30 or 40 years these forests are to be made over to the people they would be in the same condition again as we find them to-day. What I meant to imply was that the people do not feel any interest in these lands because these lands are taken away by Government, and they are not allowed to develop them, and Government do not feel the same amount of interest in these lands as the possession of Government is for a temporary period and these 44 chowkidars 2 Deputy Rangers and one Tahsildar will only be for a temporary time. The only solution of this problem is that the Government should acquire these lands and compensate these people by giving them land elsewhere so that they may be able to live upon that land. There is another problem. If after a temporary period Government were to permanently acquire these lands, that would be unfair and unjust if the Government were not to make proper compensation in land to the zamindars. If, on the other hand, the possession of Government was to be merely for a temporary period and these men were to be employed only for a short time, then I submit that it would not be in any way be meeting the situation and solving the problem which confronts this district.

The only remedy therefore so far as this question is concerned is that Government should acquire these places and give in return land elsewhere which may be fertile and on which the people may be able to live. That, I submit, is the real problem and it is not being tackled by Government either by the Act or by the provision which is now being made in the Budget. You will find that instead of fourteen or ten chowkidars in forest areas, you will have forty people living upon the people. That will be the result of the provision that you are making. I make a suggestion to Government that if they are going to do anything for the chaos doing way with the damage, they should call a conference of zamindars who should discuss the problem in all its aspects. What we find is that generally it is the Deputy Commissioner who sends his Revenue Assistant to collect information. The Revenue Assistant depends for his information on the Tahsildar who is employed over the chaos and the result is that you have merely got some paper solutions and nothing more. What I ask for is that there should be an open conference between the zamindars who are very anxious to do something, towards the mitigation of this danger and you should call the representatives of the people, either the members of the Legislative Council or other big zamindars and others who may be able to give expression to feelings on this point. It is no use adding more chowkidars.

It may be stated in reply that the appointment of these chowkidars and their dismissal will be in the hands of people and I put this question specifically to the people whether they would like the new arrangement, namely

[Pandit Nanak Chand.]

that the Government should pay these chaukidars, but people should appoint or dismiss them just as the chaukidars in the villages are dismissed. I understand that for the dismissal of these chaukidars the sanction of the Deputy Commissioner is necessary or the sanction of the Tahsildar is necessary—so the people told me that the proper thing for them is that they should themselves pay these chaukidars and they should have the power of appointment and of dismissal without going to the Deputy Commissioner or to the Tahsildar. They were ready to pay and I find from the report which has been submitted by the Committee which was appointed to investigate this question that the Committee recommends that the people themselves should pay. Of course this is a matter which, as I have submitted, can be investigated and the conference of zamindars presided over by the Deputy Commissioner can decide this question also. But if the dismissal of these chaukidars rests with the Tahsildar or with the Deputy Commissioner, then it will not mend matters in the least. They will go on doing the same thing, taking bribes from people and helping those who help them in realising money.

Then, Sir, instead of spending this money, a suggestion was made some time ago by Rana Firoz-ud-Din that there should be a committee of experts appointed and this money may very well be spent on that committee of experts. That Committee can investigate the question whether the large amount of water which comes from the hills can be utilised for irrigating fields. Over and over again it has been suggested that this matter should be tackled by a committee of experts. I understand that this problem is present in the Mysore State and in some places in the United Provinces. Similarly help could be taken from the experience gathered from other places and this question, I submit, should be gone into.

Now, I submit, Sir, that before you pass this demand or before the Council gives its verdict whether it should be passed or not, the people should be consulted in the manner I have suggested and it does not matter if you delay this point for two or three months more. People have got confidence in Mr. Jenkins and in his sympathy. If the heads of departments direct him to call a conference of representative zamindars, where other members of the Council should also be invited, I think Government's difficulty will be to a great extent reduced.

There was one other point which I mentioned and which I would like to mention is that the question becomes difficult by the conflict of interest between the zamindars who live lower down in the plains and the zamindars who live on the hills. The zamindars on the plains want that there should be forests and the zamindars on the hills want that they should be allowed to cultivate their land which the Government has taken possession of. But the remedy which I have suggested, namely, that Government should acquire these lands—after all it is 180,000 acres of land which belongs to the zamindars and of which Government has practically deprived the zamindars—if Government were to acquire this land and give the zamindars land elsewhere that would be a method by which this problem can be properly tackled and this conflict of interests between zamindars of the plains and the zamindars on the hills will be avoided.

Mr. C. M. King (Financial Commissioner): Sir, I am glad Pandit Nanak Chand has given this Council a full description of the conditions prevailing in the Hoshiarpur district where this Chos Act is in force. His description is in the main an accurate description and it is unnecessary for me to repeat it. It is a fact that the holdings are small, that there are no

canals, that there is no prospect of canals, and that the district lies between two rivers which alternately destroy parts of it and also add to it. At present the work of destruction done by these rivers is greater than the work of restoration. I accept all these facts. The particular object for which we are making this demand is to enable us to deal with the chos or khuds—those hill torrents which come down from the Siwalik range with devastating force and which in the past have caused very great damage to fertile lands which damage before the passing of the Chos Act was rapidly increasing. That Chos Act has been in force now for some twenty years and from its very inception it has been an unpopular Act. It is unpopular of course, because it is a restrictive Act. No person likes to have the rights, which he has enjoyed and which his fathers have enjoyed, being restricted in any way. Unfortunately the nature of the case is such that there had to be a restriction. Naturally that mere fact of restriction caused dissatisfaction and made the Act unpopular. But, Sir, there is a further fact which my friend Pandit Nanak Chand mentioned towards the end of his speech, and that is that there is a great conflict of interests here between the people in the hills, where the restriction is greatest, and the people in the plains who are the people damaged chiefly and who are the people who will benefit greatly by the restriction which takes place in the hills. That conflict of interests, I am afraid, it is impossible to avoid. Every expert, whether he belongs to the Forest Department or whether he belongs to the Engineering Department, who has dealt with this case, has come to the conclusion that there is one and only one way to deal with this problem, and that is to restore the Siwalik Range to the same degree of afforestation which it enjoyed some seventy or eighty years ago before these chos began. The effect of the whole hill sides being under forest was, as I need not point out to this Council, to lessen the velocity of the water which fell on the hill sides and thus to prevent it from gathering force and forming these torrents which are the cause of this destruction. Every expert who has examined the question has come to the conclusion that the only way in which you can restore this land and prevent further damage is by restoring forests to the hillside. My friend Pandit Nanak Chand has mentioned a very drastic remedy, the remedy of acquiring the land in which these restrictive operations have taken place. I do not know whether he fully realises the extent of the land acquisition which will be necessary. As I have said the greater part of the area where restrictive operations have to take place is in the hills and in that hill area there are seven hundred square miles of land which would have to be acquired in order to give effect to his proposals. 700 square miles of land is equal to nearly half a million acres and if to them we add all the area taken by the chos, which is 180,000 acres, you get a figure in the neighbourhood of 575,000 acres of land which would have to be acquired. The method he has suggested, as that the only way in which the acquisition is to take place, is to grant land in exchange in other parts. I do not know if he wants this to be on the acre for acre basis. If so, I must point out that that would involve taking away about two-thirds of the area on the Sutlej Valley Project. . . .

Pandit Nanak Chand: I do not want it to be acre for acre but on a fair and equitable basis.

Mr. C. M. King : Even if we acquire this land, as has been suggested by Pandit Nanak Chand, we cannot stop there, we shall have to go on with our re-afforestation just as we propose to do now, because unless we continue those operations, the only result would be that the chos will become bigger and bigger and more and more damage will be done. A great deal has been said against the working of the Chos Act, but this much is quite certain that it has been proved by definite figures that if the Chos Act has not done very much good it has at any rate done this much that it has prevented the increase in the area damaged by the chos. This has been very definitely proved in every series of investigations that have been made. That is the present position.

Now, what are we doing to remedy the evil? We appointed some time ago a committee to go into the whole matter and to make recommendations. That committee was appointed at the request of this Council and made a report. Their report contains very interesting recommendations. The present proposals embody the whole of the recommendations made by that committee, and they even go a little further than those recommendations, particularly in the matter of compensation to be awarded or allowing remissions of land revenue. These are not included in the present demand, but it is one of the things that Government is going to do in connection with these operations. The strongest objection taken by the committee to the working of the Chos Act was as pointed out by Pandit Nanak Chand the dishonesty or the alleged dishonesty of many of the subordinate officials and chiefly the guards, who were appointed to look after the chos. I am afraid it must be admitted, and I admit it frankly, that there was dishonesty on the part of subordinate officials. In order to remove that the committee made a suggestion that instead of these forest guards there should be village chowkidars, and that these village chowkidars should be paid by the villagers. This question was carefully examined by the Government and it was decided to accept that portion of the recommendation that the guards should be replaced by chowkidars, but it was felt that it would be unfair to impose any burden on the people and therefore Government decided to pay for these village chowkidars themselves. Surely, Sir, my friend Pandit Nanak Chand does not allege that as his grievance against these proposals. Surely it is better for the people that Government should give them this measure of help rather than that Government should force them to pay for these chowkidars. The member for Hoshiarpur (Pandit Nanak Chand) is afraid that if these chowkidars are paid by Government they will in effect become Government officials and vary very little from the present forest guards. I can assure him that that will not be the case.

Pandit Nanak Chand : What will be the position of these chowkidars? Who dismisses them?

Mr. C. M. King : The position of these chowkidars as I explained before in this Council will be precisely similar to the position of ordinary village chowkidars. The ordinary village chowkidar is dismissed by the Deputy Commissioner and in the same manner these chowkidars will be dismissed by the Deputy Commissioner. They will be the servants of the people in exactly the same way as the ordinary village chowkidar is the servant of the people. Any one who has dealings with rural tracts will realise that when a person is described as the village chowkidar every one in the village looks upon him as a village servant even though he may not be actually appointed or dismissed by the people.

Now, Sir, part of the demand which we now make is to be devoted to encouraging sowing the hill sides with *sanata* seeds. *Sanata* is a plant which is peculiarly adapted for this area because it is a shrub which goats and other browsing animals dislike. Therefore there is a great prospect that this shrub if sown will survive.

Pandit Nanak Chand has suggested that this matter should be delayed, and that a conference should be held in Hoshiarpur under the presidency of the Deputy Commissioner Mr. Jenkins to whose capacity and ability he has paid a tribute. With respect to that I will only tell the Council that the proposals made are based on Mr. Jenkins own recommendations entirely, and I have no doubt that before making his recommendations Mr. Jenkins consulted all the people in the area.

Pandit Nanak Chand : That is not my suggestion. My suggestion was that a conference of the representative zamindars along with the representatives of the Council should be held presided over by Mr. Jenkins and there this matter should be discussed.

Mr. C. M. King : My friend says, so far as I can make out from his remarks, that another committee should be appointed. My point is simply that that committee is not necessary, because Mr. Jenkins has already consulted the people who are primarily concerned, namely, the zamindars whose fields have been destroyed by the chos and those zamindars whose hill sides it is proposed to reafforest. Having consulted those people it is really not necessary to have a further committee of members of this House and of local zamindars. It will not be able to go any further than Mr. Jenkins has gone. These are the reasons which have actuated Government in making this demand and I hope that having heard what the position is the objection to this demand will not be pressed.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] : Sir, I have carefully heard the argument of my friend Pandit Nanak Chand representing the Hoshiarpur district and the Honourable the Financial Commissioner. There is considerable force in the arguments of both. I know from personal knowledge in the district of Gujrat where there are some rakhis lying close to the villages, what a great source of trouble these chowkidars or forest guards have been to the people. I have heard from the forest guards themselves some of whom were my disciples how they used to have surcharges. (A voice : Are these guards your disciples ?) Yes some of them. They told me openly that they charge a certain fee from the people. (A voice : To be given to the Pir ?) No. At times of scarcity the Deputy Commissioner with the previous sanction of Government allowed *kikkar* trees to be cut down and used as fodder for cattle. But for every sickle these guards charged 8 annas or one rupee although the Government in times of scarcity allowed the free use of these forests. I was told that similarly in all villages which were situated near some Government Rakhis these guards do not allow cattle to go and graze, unless they are paid certain fees. Sometimes the cattle enter these forests and if the guards are not paid the fees the cattle is impounded.

Malik Firoz Khan, Noon : Is it 8 annas per day or 8 annas per season ?

Sayad Muhammad Husain : It is 8 annas per month per sickle. Therefore my friend representing the Hoshiarpur district is quite right in saying that those guards whose designation has been changed into chowki-

[Sayad Muhammad Husain.]

dars will be a source of considerable trouble and harrassment to those people whose lands are going to be reafforested for the benefit of those very people. I admit that it is to the benefit of these people to get the lands afforested. Unless Government were to do that there is no way of reclamation of the chos. But at the same time it must be remembered that this benefit will be derived only after 50 or 70 years. That is to say the present and the next generation will not benefit by it. These will have to suffer a good deal. Rightly did the people try to get the burden of the pay of these chowkidars imposed upon themselves because then these forest guards will be their servants and so will not harrass them as they would do if they were Government servants.

It is immaterial what the designation of these village officers is; it is immaterial whether you call them forest guards or village chowkidars. But something ought to be done to see that the people whose lands are going to be afforested for their own benefit are not put to trouble to which they have been accustomed in the past.

I agree with my honourable friend Mr. King that it is very difficult to compensate these people for the land that has been destroyed, acre per acre. But it is the duty of the Government to consider in conjunction with the member for Hoshiarpur to devise some measure, to be adopted for ameliorating the condition of those people whose lands you are going to reclaim for their benefit, and for seeing that they are not oppressed or troubled.

This afforestation will benefit not only these people, nor only the whole district but the whole province, because if you get these five lakhs of acres of these lands afforested.

Pandit Nanak Chand: It is one lakh of acres.

Sayad Muhammad Husain: The Financial Commissioner says it is five lakhs and I think we should believe the Financial Commissioner's words coming as they do from a person of responsibility. By the afforestation of the five lakhs of acres of land a considerable effect will be produced upon the amount of water that will be available for the benefit of the whole province in general and not Hoshiarpur alone. In that case the people of Hoshiarpur suffer most. For the present we must do something for them. Some measures must be adopted. If the people are willing to pay for these chowkidars, let the Government put these chowkidars under the control and in the hands of a committee. Let a panchayat be created in every village or in a series of villages near the Siwalik or in the cho affected areas. Any complaints against the chowkidars should be made to these panchayats. When the Panchayat Act was passed, it was suggested that these chowkidars should be under the jurisdiction of the panchayat. Surely you can extend that principle to the new Act also by introducing some provision therein. An amendment may be brought forward by my honourable friend representing Hoshiarpur that panchayat should be created in all those areas. The hearing of complaints or the dismissal of these chowkidars should be vested in that body. I think the Government also will accept this principle. The Honourable the Revenue Member who was the author of that Act as the first fruits of Home Rule should see that he extends that principle to the new Act. Till now the Honourable the Revenue Member was sitting on the popular side and now, what shall I say, he is sitting on the unpopular side. He is in charge

of reserved subjects, he is now all powerful fearing no public opinion caring not for this Council. He had been leading the people especially at the time when the Panchayat Act was passed. This Act is one of his own creation, it is his pet Act as it were and it is now time for him to give effect to the wholesome principles enunciated by me. He should listen to the troubles and grievances narrated by my honourable friend Pandit Nanak Chand and he should redress them.

Chandhri Afzal Haq [Hoshiarpur-cum-Ludhiana, Rural] (Urdu) : Sir, there are two sides to this question. It affects in the first place the people who live round the Siwalik Range and also those who live in the plains below. It would, therefore, be a great calamity if we were to solve this question with reference to only one party. The remedies that have been suggested so far, or those that the non-official members can suggest, are not very efficacious. One of these is the afforestation. I do not think that it will mend matters very much if we have forests all over the hills. Now, even though there are very few forests, I find that the water in the plains is very scarce, and you can very well understand how much it will add to this scarcity if the forests were there to consume the water from the hills. The Government expert has suggested two remedies to this scarcity one is to stop the further sinking of wells and the other is to dig a canal to supply water to this ilaqa.

Now, Sir, there is also another suggestion and as Mr. King has just said it is easy for us to demand such a thing but it is really difficult for the Government to provide 5 lakhs acres of land to the people of the area affected by the chos whose lands are acquired by the Government. The only remedy lies in the Government stopping the torrents at their very source. If the whole water is collected at some convenient place and is then utilized by means of canals, will it not be the most satisfactory solution of the whole problem? No other way can be as profitable. I have made personal inquiries from the zamindars and being an inhabitant of the ilaqa, I have come to the conclusion that the only solution lies in preventing the hill water from flowing in the form of these *khads* and chos. I am, sure, if the Government reads the report of its own expert, it will approve of the solution. But the second proposal that the expert has suggested will tell very heavily on the zamindars who have already very small holdings. By ordering the stoppage of any more wells being sunk the misery of the zamindars will be enhanced still further.

But, Sir, in spite of the difficulty which we find ourselves placed in, we can offer nothing more practicable and reasonable than the solution already proposed by the Government expert that the water should be collected somewhere near the hills and then distributed in a regulated way. Let the Government spend some money over this scheme. They are sure to be benefited immensely. We have purposely refrained from making any suggestion so that it may not interfere with the plans of the Government. If the Government, therefore, wants to have recourse to afforestation let it do so. We should not press the Government to give land in return for the land they are acquiring. Even the committee appointed to consider this matter did not suggest such a thing. Government I should take early measures to carry out its proposals of planting forests on these hills by putting as little pressure on the people as possible.

[Chandhri Afzal Haq.]

The appointment of chowkidars by panchayats is an experiment which was once tried in Rawalpindi. There the panchayat was authorised to appoint, suspend or dismiss their chowkidars, but, unfortunately, the report received from the place about the working of such a thing shows that this added to the difficulties of the task. There are factions in villages. These exist even in my own district where the people were so eager to take advantage of the Panchayat Act when it was passed. But even my district is rife with dissensions. So the appointment and dismissal of chowkidars by panchayats did not succeed in Rawalpindi. Each party threatened the chowkidars with dismissal if they did not allow their men to go and graze their cattle. The result was that they had to apply to the Government to take back the control of the forests and save the people from the curse.

Pandit Nanak Chand : Then do away with the curse of the Council as well.

Chandhri Afzal Haq (continued in Urdu) : I, therefore, submit that we should not interfere in or obstruct the experiment initiated by the Government. We should wait and see the results of the effort and if there are any defects, we should then make criticism and suggest improvements, but should not take upon ourselves the responsibility of carrying out the proposal. Let the Government go on with their proposals though I prefer the scheme of collecting water and then regulating its distribution.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) (Urdu) : Sir, I rise to express my sympathy with the aspirations of the people of the Hoshiarpur district. These cuts are not proposed with the object of refusing the grants that the Government demands. They are moved simply to give expression or draw attention to certain specific complaints about certain affairs connected with the departments

An honourable member : There is no cut proposed. This is only a discussion on the demand ?

Diwan Bahadur Raja Narendra Nath (continued in Urdu) : Several members have proposed different schemes of reclamation. I am not in favour of any of them and I have none to propose myself. This is the work of experts who possess thorough knowledge about the working of the Irrigation and Forest Departments

1 P. M.

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 P.M., Mr. President in the Chair.

Diwan Bahadur Raja Narendra Nath (Urdu) : I was saying, Sir, before we adjourned for lunch that I have no schemes of reclamation to propose, and that I leave that matter to experts who can speak with authority on such a matter. I feel it necessary to acquaint the Council with the fact that there are new schemes which are being considered. The Deputy Commissioner of Hoshiarpur has forwarded one such proposal and the Honourable Revenue Member knows it. It has, perhaps, not reached the stage when it can be announced and we do not know the chances of its success either ; however certain new schemes are engaging the attention of the Government. I would, therefore, not make any further proposal. But I do like to say something about the proposal put forth by my friend Pandit Nanak Chand,

that land should be given in return for the land acquired by the Government. I hope that the suggestion will not be dismissed cursorily. There is no doubt that the land to be acquired extends over a large area, but it is not necessary that whole of it should be compensated for in land. You can give one acre for every three acres that you acquire. But you must pay some compensation to those who have lost their lands or on whose rights some restrictions have been imposed. I know that those people whose lands have been destroyed by chos will get land when the new colonies are irrigated. So will those get land whose holdings have diminished through frequent sub-divisions. But those also should get some land whose rights have been curtailed or who have been paying fines only due to the working of this Act. I am sure, if this announcement is made in Hoshiarpur district, the people will be prepared to accept any proposal outailing restrictions and they should be told that though every new acquisition costs some inconvenience, they will be compensated for that in the manner suggested above. If this is done, I am sure, the people will not be put to much trouble and Pandit Nanak Chand even will not persist in his attitude.

Maulvi Mazhar Ali, Azhar [East and West Central Towns, (Muhammadan), Urban] (Urdu): Sir, I do not want to enter into any description of the conditions in the chos *Ilaqa* nor will I enter into making any comparisons between the grievances of the people of the hill tracts and those of the people of the plains. I only rise to draw the attention of the Government to one fact and I hope it will give it due consideration. So far as is known to me there is only one way of solving this difficulty that has been proposed by the Government, that is by the growing of forests on the land by acquiring it permanently or temporarily, though it has been suggested they should be acquired only temporarily. Now, if the growing of the forests is the only remedy, then the acquiring of land only temporarily is no remedy, for you know the forests on the land will not be grown for a short time only. Whether the property or possession in or of the land vest in the Government or the people does not matter at all. The forest is to be there and in spite of the possession vesting in the proprietors of the soil they can but cut dry trees and grass only under restrictions in order that the forest may not in any way be affected. And if the forests are to be there permanently, how will the zamindars be ever able to draw any benefit from it. Therefore, the Government must acquire the land permanently. But, we are told that Government can pay neither in coin nor in kind for the land it is necessary to acquire. If this is so, Government should look for some other way than growing of forests for solving this difficulty. If at present there is no other solution at hand then go on with it but confine your activities to the least possible areas you can. But it is not wise to turn so large an area into forest without giving any compensation to the owners of the lands. I, therefore, submit that it should pay due regard to the proposal made by its own expert that the water should be collected at some suitable places and be distributed by means of a canal. If after due enquiry this is found to be impracticable the Government should come out with some other proposal. But if you are to have recourse to afforestation only then you must pay the money or land to the owners and acquire the land permanently.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 70,867 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927, in respect of Land Revenue."

The motion was carried.

EXCISE GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture): Before I move the supplementary demands I wish to explain my programme and policy for the next six months. I believe that many minds working together have a greater chance of solving our agricultural and industrial problems than any Minister working in isolation.

Since our last meeting progress has been made in many directions. Five years' programme of agricultural development has been framed. Proposals for establishing a Weaving School and Demonstration Factory at Shadara and a Hosiery School at Ludhiana have matured and await your sanction. The question of pioneering sugar and vegetable oil factories is under consideration.

Agriculture is our primary industry. The majority of our population live on land. Our problem is how to make the most of land. Our holdings range from 4 to 7 acres an area. Even these holdings are scattered in small strips by continuous sub-divisions of land. Our problem is to consolidate these holdings and to increase their productiveness. The agriculturist does his best. What he needs is the means to make the most of the land that is available. We need model farms for him to copy, farms that demonstrate the possibilities of a five acre farm. Intensive agriculture depends on good seed, suitable manures, and proper irrigation. We must make these available so that the producer of these small holdings may be able to make a fairly decent living. I hope to direct the attention of our Agricultural Department to this problem, particularly to that of intensive agriculture and growing of economic crops. Proper plant food is essential to agriculture. We must, therefore, provide enormous quantity of manure if we are to gather rich harvest. In an interesting article Dr. Lander points out the enormous waste of Farmyard manure that goes on from year to year. We must preserve our Farmyard manure and by pressing our oilseeds secure the oilcake as food for our cattle and our soil. I am getting the question of refining vegetable oilseeds examined and we may be able to give you an indigenous ghee of unquestioned purity and fair food value. I am proposing the strengthening of the Headquarters staff of the Agricultural Department and also of the research staff of the Agricultural Department. In the present year we propose to open nine District Farms in Gurgaon, Ambala, Hoshiarpur, Ferozepore, Jhelum, Campbellpur, Gujranwala, Jhang and Kangra and in the coming five years every District is to have a Farm, and then we hope to begin with the Tahsils. Besides the Departmental Farms that we are opening, Sir John Maynard, on the eve of his departure, has decided to open two Prison Farms in Nili Bar. The aim is to help prisoners to grow into better men under normal conditions. The scheme has been conceived in a spirit of faith, it is bold and full of great possibilities both in the development of Agriculture and the reformation of men who have sinned against society. I am sure I am not violating any canons of official decorum in congratulating the Finance Member on his scheme of Prison reforms.

We are also going to devote special attention to cattle-breeding. The country needs more and better fed and properly reared cows and bullocks. We have neglected the selection of seed and cattle-breeding for a long time; that is why our livestock and our agricultural produce have deteriorated, while other countries by selecting their stock and seed have made such a great advance all along the line. I mentioned in one of my speeches the advantages of green manuring and we are now proposing to give water free for green manures.

HKOISE GRANT.

Diwan Bahadur Raja Narendra Nath: Is that an announcement made?

The Honourable Sardar Jogendra Singh: I am just mentioning a matter that is under consideration. We are also considering how to create fodder reserves which are essential for barani areas depending on wind and weather. I promised also to get the problem of Lift Irrigation examined. I am now asking you to sanction the employment of a small staff to prepare schemes for Lift Irrigation. It is too early to say what the results of this examination will be, but my intention is to make at least one experiment on a large scale and to see if Lift Irrigation can be a profitable proposition. We must tackle this problem with courage realising that water level in such densely cultivated districts as Hoshiarpur and Jullundur is falling and that barani districts deserve a share in the advantages which have been secured for other parts of the Punjab.

I need hardly tell you how Agriculture, Trade and Industries are inter-linked. I cannot too strongly emphasize the need of harmonious relations between the producer, the industrialist and the tradesman. To promote trade we need good communications. I am glad to say that in the current year our railway programme embraces work on three new railways:—

- | | | | |
|-----------------------------|-----|-----|------------|
| 1. Kangra Valley Railway | ... | ... | 103 miles. |
| 2. Shahdara-Narowal Railway | ... | ... | 49 miles. |
| 3. Amritsar-Narowal Railway | ... | ... | 30 miles. |

A great many other projects are being surveyed and we in the Punjab will be the first to start broad gauge Railways which will cater mainly for the villages. The credit is mainly due to His Excellency Sir Malcolm Hailey, whose interest in all that pertains to the welfare of the province has been one of the happiest experiences of my brief official life. We have now tried to give the province arterial, main and village roads on a fairly large scale and I am giving special attention to katcha village roads and the problem of their maintenance in proper condition.

Pandit Nanak Chand: What about Hoshiarpur?

The Honourable Sardar Jogendra Singh: It takes a share too. The district boards under the scheme have been relieved in round figures of some 602 miles of metalled and 1,092 miles of unmetalled roads, which have been transferred to class I or "Arterial". The Rural Sanitary Board is also at present carrying on work in the following six districts:—

1. *Attock.*—Waterlogged area of about 10 square miles or 6,400 acres of culturable land is being reclaimed.

2. *Sialkot.*—Investigation is in progress in connection with floods from the Deg Nullah in its upper reaches, where it passes through the Pasrur tahsil of the Sialkot district.

3. *Hoshiarpur.*—In August 1925, a regular Drainage Sub-Division was opened for survey and detailed investigations to prepare a project for preventing flood in Dasuha tahsil.

4. *Rohtak.*—His Excellency the Governor drew the attention of the Rural Sanitary Board to drain No. 8, and directed that the training of this drain should be taken up, because during his tour in that part of the

[Hon'ble Sardar Jogendra Singh.]

district he received complaints of serious floods during the rains, especially in the neighbourhood of Gohana. We are also making drainage works to prevent flooding from Aik Nullah.

5. *Karnal*.—The Saraswati Nullah Project is now nearing completion.

6. *Gurgaon*.—The maintenance and improvement of the Band system for both the sailaba and flow irrigation is in progress, also some drainage schemes.

In regard to industries the scheme for the formation of the Development Board is now complete and it will rest with you to give it the financial support that it needs, and more than financial support your unflinching co-operation and vigilance.

I am asking now for a grant to start a Weaving School at Shahdara. The idea is to train educated men in the art of weaving cotton, silk, and wool, and thus provide new avenues of employment by creating a Power Loom Cottage Industry in the province. I propose to form a Board of Directors for its management: 3 Directors to be elected by the Development Board and 2 to be nominated by me. We have undertaken the development of electric power on a large scale and if this power is to be used for the purpose of production we must begin at once with our industrial survey. There are at present in Amritsar 8,000 primitive looms. Our attempt will be to replace these primitive looms by up-to-date power looms in the homes of the people to be worked by electricity. We will send out from the School at Shahdara trained craftsmen—master weavers—who will assist the people in working these looms in their own homes. In Amritsar alone we require 8,000 power looms to replace the primitive looms now in use. If we give two trained craftsmen to every 100 looms we can provide work for 120 educated craftsmen, in Amritsar alone. It seems to me to be an experiment of great possibilities and if it succeeds it will help both Industries and Agriculture, for the price of agricultural raw produce depends on markets that are available. Consumption of our cotton and our oil-seed in the province itself cannot fail to affect the price of the produce in the villages.

I am glad to see that the MacLagan Engineering College has been receiving good deal of attention, and I can assure you that the future of the students trained in the MacLagan Engineering College is engaging my anxious attention. I sent the Principal to visit other Engineering Colleges, so that we may raise our College to the highest possible attainable standard. Then, again, at my instance Capt. Whittaker with commendable promptitude has prepared a scheme for a constructional Workshop to be attached to the College. The idea is that we should train up mechanics up to the production standard. I want them to be able to make things and acquire confidence.

I am also examining the possibility of increasing the usefulness of our Arts School; but I must defer going into details till my scheme is ready for your approval.

I will be immediately asking you to sanction grant No. 4. I am anxious to promote temperance, to prevent unlawful manufacture of liquor and to bring it under proper control. We need a better and stronger staff for which I am now asking.

I feel I cannot miss this opportunity of expressing my appreciation of the work and the ready response which the Heads of Departments and their

Secretaries have given me. I feel as if I had my hand on the wheel of a Rolls Royce, so responsive is the bureaucratic machine to every movement of the hand both for smoothness and speed.

Lastly, I cannot too strongly emphasize the need of realising that Agriculture and Industries must work hand in hand and every facility should be offered to the trades-people who know the art of marketing and take the risk which marketing involves. I need hardly say that money spent in my Department is in the nature of an investment and bound to give a bounteous return. I wish I could transform every district officer into a development officer, for it is he on whom the well being of the district depends. I am grateful to district officers for the interest they are already taking, and I hope they will continue to take greater and keener interest in the development of their districts.

In conclusion may I be permitted to observe that for the development of Agriculture and Industries we need unity of purpose and will amongst all communities. When I took up this office I was told that Sikhs were in a minority in the Council and my position will be impossible. I said to myself I am going to serve all communities and they cannot refuse their confidence to me. My faith has been justified. May I, therefore, plead for a full realization of our present position? We, Hindus, Muhammadans and Sikhs have lived at peace in villages and towns. We have shared our joys and sorrows together and even to-day hearts are linked to hearts in spite of the strife that is filling the air with bitterness. We must, however, realise that electricity that is gathering in the air is explosive, and if we are to maintain family peace we must give family consideration to all our people. We have been taking things too easy. We have been saying, "It is no concern of ours." Here we are wrong. The matter concerns us all deeply and we must all work for a solution. A solution will be found in practising neighbourliness and in realising that we belong to one household. (Cheers).

With these words I beg to move—

"That a supplementary sum not exceeding Rs. 5,856 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Excise."

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 5,856 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Excise."

The motion was carried.

FORESTS GRANT.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): I beg to move—

"That a supplementary sum not exceeding Rs. 29,550 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Forests."

The motion was carried.

IRRIGATION GRANT.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 17,55,700 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Irrigation."

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 17,55,700 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Irrigation."

Sayad Muhammad Husain: Sir, will the amendments that stand in my name be in order or not?

Mr. President: They are out of time.

Sayad Muhammad Husain: Then I shall have to make a few observations.....

Maulvi Mazhar Ali, Azhar: Sir, before this House takes up the discussion of this demand, I want to ask Government, with your permission, one question. Sir, Government promised in the last session that it will make provision for the construction of the Shahpur branch canal. We do not find any mention of the Shahpur branch canal in the Supplementary Estimates. I think Government ought to make a statement, before this demand is taken up by the House, as to what has been done as regards the Shahpur branch canal and at what stage the project now is.

Mr. President: Is the Revenue Member prepared to make a statement?

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, the honourable member is perfectly justified in calling upon me to make a statement with reference to the question of the opening of the Shahpur branch. This is a matter of considerable importance and has a long history. I have gone into this matter carefully, and with your permission will state briefly the history of this case, the steps taken by Government to come to a decision and then mention what the present position is?

In the first place, Sir, the waterlogging problem on the Lower Jhelum Canal has been a very serious problem indeed, and I have had enquiries made as to its present extent. The Lower Jhelum Canal commenced irrigation in 1902. At that time the sub-soil water level of the tract to be served varied from a few feet in the vicinity of the river to 7 feet under the Bar. Owing to the peculiar physical features of the tracts between the Bar and the rivers, it was realised as early as 1901 that waterlogging would have to be specially guarded against. Preventive measures were proposed in regard to restriction of irrigation in areas where the water level was already high. As far as possible these restrictions have been kept in view, but the demand for water, as the honourable members are aware, even at the risk of waterlogging, has been so persistent that the authorities have not always been able to keep the demand under control, and in spite of a rapidly rising water level it has been exceedingly difficult to reduce or shut off irrigation in areas where it was realised that the safety limit had already been reached. In this matter warnings of all sorts given to landowners have fallen on deaf ears

IRRIGATION GRANT.

and the efforts of Irrigation officers have not succeeded to the extent to which Government could have desired them to succeed. The effects of the perennial irrigation from a high level canal, built on the watershed of the country combined with uncontrolled irrigation and flooding were naturally to cause low-lying lands to be waterlogged and evidences of a rising sub-soil water level have become now increasingly apparent. The position was examined in 1914 and it was found that the sub-soil water level in the Bar of the Jech Doab from Mona to Sargodha over a length of about 50 miles and over a mean width of about 20 miles had risen by about 19 feet in 14 years, an average of about 1.35 feet per annum—a matter which naturally is of the utmost concern to the province as a whole. At the present time the water level is very much nearer the surface. The low-lying areas or depressions have been the first to be affected. The evil is at its worst in the Raniwah depression and in lesser degree at Jholpur near the Wan Inspection House. In order to combat these evils, remedial measures are in progress in the worst areas and some amelioration is already evident. Drainages are being opened up, new seepage drains are being dug, others are being extended and widened and intensities of irrigation are being reduced as far as possible, but the task before the Engineers is a difficult one. The rise of the spring level can be combated chiefly by helping the flow off along the Raniwah and other drainages back to the river. The problem has been studied for some years and meanwhile as an aid the ‘deltas’ are being reduced wherever possible and necessary. Equilibrium will be established when the flow off along the natural drainages equals the rate of seepage due to irrigation from the canals and flooding from the river.

After this survey of the situation, Sir, I propose at once to proceed to deal with the Shahpur branch. This project was conceived in 1900 at an early stage in the construction period of the Lower Jhelum Canal (1898—1902). For various reasons the project was not completed. Those who want the Shahpur branch to be run urge that there are large areas which can be irrigated to the best advantage of the people of the locality and the State.

As I was coming to the Council Chamber after the recess, I received a most piteous appeal from a large number of people of that locality urging upon me the necessity of opening the Shahpur branch as soon as possible.....

Sayad Muhammad Husain : Did it make any appeal to you heart ?

The Honourable Mian Sir Fazl-i-Husain : Certainly, my heart is not made of stone (Laughter).

Mian Abdul Aziz : It is made of steel (Laughter).

The Honourable Mian Sir Fazl-i-Husain : Sir, I am deeply affected by these appeals when urged on public grounds, and if I could give irrigation to these people who need it without doing any harm to them or to others, I would not hesitate a moment. But those who are the owners of private canals and of rich and fertile lands about the bed of the Shahpur branch urge that the Shahpur branch should not be run as it will lead to waterlogging. They also apprehend that the vested rights of the owners of private canals will be prejudicially affected by the running of this branch.

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Now, Sir, I wish to state in no unmistakable terms that Government has no wish to withhold irrigation from the people of that tract, unless it be in the interests of the locality as a whole and in the interests of the State. Again Government has no wish to injure the owners of private canals in any way. Government has decided to act without fear or favour and to place before it the best interests of the locality as a whole. If irrigation can be extended through the Shahpur branch without the fear of water-logging, Government will not hesitate for a moment to extend it, and in doing so Government will not trespass upon the rights of private owners of canals, and no action will be taken unless it be strictly in accordance with the provisions of law and principles of justice. The matter has been before the Legislative Council more than once, and in the last session I promised to go into the matter carefully and arrive at a decision. For the information of the Council I now state that the action taken by Government in this connection, has been two-fold. In March 1925 a Committee consisting of Mr. Stow, Commissioner of Rawalpindi, as President, and Khan Bahadur Shaikh Rahim Bakhsh and Rai Bahadur Hota Singh as members was appointed. The terms of reference were :—

- (i) to assess terms of compensation to be paid if lands lying within the boundaries of private canals and now paying *chaharms* are given water from Government canals,
- (ii) to enquire into measures necessary to be taken to prevent water-logging owing to the opening of the Shahpur Branch, and
- (iii) to report on any additional measures that require to be taken to prevent the injury caused by spill or flood water passing the line of the Shahpur Branch.

The committee reported giving the formula on the basis of which compensation can be awarded, and though it made no definite report on the terms of references (ii) and (iii), it expressed an opinion that if the Shahpur Branch is opened there is a grave apprehension of water-logging in some form being caused where it does not now exist, or, at any rate, of its approach being greatly accelerated. In consequence of this opinion Government decided to appoint an expert committee consisting of the Superintending Engineer of the Rawalpindi Circle, Buildings and Roads (Col. Holme). . . .

Sayad Muhammad Husain: Not Superintending Engineer of the Irrigation Branch ?

The Honourable Mian Sir Fazl-i-Husain: Not irrigation as it was considered there might be a little bit of prejudice in favour of their own scheme—the Scientific Research Officer (Mr. Wilsdon), and the Principal, Government Engineering College, Rasul (Mr. Blaker). The terms of reference were to consider the question whether water-logging is likely to increase by the opening of the Shahpur Branch of the Lower Jhelum Canal for the irrigation of areas now irrigated by Government inundation canals on the following lines:—

- (a) The *Chaharmi* areas, i. e., the areas now irrigated by canals owned by private persons were to be excluded from obtaining water from the Shahpur Branch ;
- (ii) Suitable arrangements were to be made for the Shahpur Branch to cross over private canals by means of aqueducts, and the flow of these canals was not to be interfered with in any way;

- (iii) The Shahpur Branch was to give a supply of 500 cusecs for six months only in the kharif.

The Committee was authorised to examine the local irrigation officers and such other witnesses (official or non-official) as might be deemed necessary.

This Committee has submitted a unanimous report of a somewhat technical character. The summary of their recommendations is:—

- (i) that the proposal for opening the Shahpur Branch in its present form shall not be pursued until such time as it can be shown that the drainage of the tract can cope with the situation caused by seepage from the perennially irrigated tracts and from the inundation canals;
- (ii) that a modified scheme proposed for supplying the provincial canal system alone would be permissible if the channel were provided with an efficient water-tight lining;
- (iii) that a special officer should be appointed whose duties would involve the maintenance of proper drainage conditions and advice to the Collector on administration of the powers conferred under Act III of 1905; and
- (iv) that extension of perennial irrigation across the *dhava* should cease.

Government has decided in consequence of these reports and in pursuance of the advice contained in them, after consulting their administrative officers, not to open the Shahpur Branch at present, but to push on the Raniwah Drainage scheme, which has already been begun. It has further been decided that the extension of perennial irrigation across the *dhava* should cease. When the Drainage scheme has been in operation, the second recommendation of the expert committee will be taken in hand. As regards the third recommendation, the question of the appointment of a special officer to maintain proper drainage conditions and to advise the Collector will, after due notice to the parties concerned, be considered in due course.

It will now be as well to make a statement with reference to the Raniwah Drainage scheme and its results. The Raniwah is the bed of an old branch of the river Jhelum. That signifies that it is a long, deep, low-lying depression. It is still liable to inundations from the river which in times of high floods spills over into the Raniwah depression through a gap in the railway line near Miani. This Raniwah depression is crossed in numerous places by private canals and water-courses which obstruct the flow of these river spills and the run-off of heavy falls of rain. As long ago as 1917, plans and estimates were prepared for properly grading and canalising the depression and for removing the obstructions caused by the private canals and water-courses by building siphons under them. These plans and estimates were submitted to the then existing Drainage Board for sanction, but that Board was never able to obtain the requisite funds for the scheme. In 1924 it was decided that the charge for constructing the proposed Raniwah drain could be equitably placed on the Lower Jhelum Canal project, as it was mainly on account of the extension of perennial irrigation that the spring level was continuing to rise. The estimate for

[Hon'ble Mian Sir Fazl-i-Husain.]

the construction of the drain was therefore sanctioned and the work is now being carried out by the Irrigation Branch. There was some delay at the start in acquiring the strips of land which will be occupied by the drain but the work is now being pushed on as rapidly as possible.

After investigating this question in all its bearings, Government decided to take the legislature into its confidence and to place before it the statement which I have just made, and I trust that the decision of Government in this connection based as it is on expert advice and in the best interests of all concerned, has the approval of this Council.

Maulvi Mazhar Ali Azhar : Will we be supplied with copies of the reports ?

The Honourable Mian Sir Fazl-i-Husain : I think I have given the terms of reference as well as the recommendations.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] : Sir, this is a most unfortunate statement that has been ever made in this Council (Laughter). It seals the fate of practically the whole district for certain political reasons. The Honourable the Revenue Member in spite of the appeals that came to him and knowing all the facts has concealed the real facts. With your permission, Sir, I shall give to the House the real facts and explain the whole situation.

Mr. President : Order, order. The question before the House is the irrigation grant and not the statement made by the Revenue Member.

Sayad Muhammad Husain : As the statement is part and parcel of the demand I shall discuss the whole demand with this particular statement in view.

Before proceeding further I want to be excused by some of my friends whom my remarks may affect adversely. They must excuse me notwithstanding that I am going to oppose them. But they must realise my position, because after all it is in the public interest that I oppose them.

The Honourable Mian Sir Fazl-i-Husain : Is the honourable member right in discussing the Shahpur branch when the present supplementary grant is being discussed ?

Sayad Muhammad Husain : Yes, just as the Honourable the Revenue Member was right in referring to chos when the whole revenue demand was considered.

The Honourable Mian Sir Fazl-i-Husain : There was a demand for chos.

Sayad Muhammad Husain : I am opposing the whole demand upon this ground. I have a constitutional right to do that.

Now, Sir, there is the dark history behind this. The district of Shahpur was being irrigated by a few canals which were dug by the maliks or were bought by them afterwards. They used to utilise all water for themselves and give to others before any scheme of perennial irrigation materialised or even thought of. These maliks, most of them are my friends, dug canals, utilised most of the water for their own lands and the residue was allowed to be used by the other zamindars or petty owners of lands in the district and they did

not charge any *abiana* or any other cash rent. But they charged one-fourth *batai*. As time went on and as the Jhelum Canal scheme materialised, provision was made in the budget for the scheme and money was spent by the Government and canals dug. Shahpur Branch was included as part and parcel of the big scheme. Several lakhs of rupees were spent upon this branch for the benefit of the poor people in order to relieve them of the one-fourth *batai* and bring them in a line with other people of the province. Unfortunately for these people war broke out and a great case was made, I should be excused for using the expression, for certain political reasons, in order to enlist the sympathies of the big maliks, because they supplied recruits for the war, and it was not thought proper at that time to open the branch and the Government money or rather the public money which was spent and which would have brought in a good deal of return was held up simply to please a few big landlords who not only were irrigating their own lands but were charging one-fourth from other people. The people made very earnest representations to the Government and to the Chief Engineer and even made a representation to me. Although I am not a representative of that district I have very great sympathy for them and I am sure any man who has a heart will sympathise with them. The canal is there, the water is there, money has been spent and irrigation not allowed in the interest of tiwana maliks. The canal department should be congratulated in having moved the question. The question was brought before the Council, money was sanctioned by the late Revenue Member and the Council was willing to vote the demand *en bloc*. The demand was passed, some 40,000 rupees spent. (A voice : Twenty thousand) Government would have realised several lakhs of rupees as the outturn from this investment. Yet it was held up in the interest of 4 or 5 maliks and against the interests of several thousand people. Now what has happened? I do not know what happened. (Laughter). Appeals were made to His Excellency the Governor.....

Mr. President : Order, order. No reflections on His Excellency the Governor.

Sayad Muhammad Husain : Very well, Sir, sometime after, a special committee was appointed without any experts in it. Therefore the committee could not say anything in the report. The Government had therefore to appoint another committee. Unfortunately the canal department which handles the drainage schemes and seepage schemes and which was in the best position to know the real position was not represented on that committee. Another committee was appointed and they made a recommendation which has been just now read. They foreshadow that unless we remove all the drainage and we reclaim all lands there is no need of opening this canal. May I ask, Sir, whether there is no waterlogging going on in the Lower Chenab Canal especially in the Hafizabad division?

The Honourable Mian Sir Fazl-i-Husain : What is going on? Is it waterlogging?

Sayad Muhammad Husain : Yes. Notwithstanding that waterlogging is going on Government has started and completed the scheme in that area for the benefit of the people there. In this very budget Government has provided several thousands of rupees for the extension of the Gargola Minor in a waterlogged area in the interest of the people.

[Sayad Muhammad Husain.]

As regards the vested interests of the maliks, I have no objection if the Government pays compensation to them for the loss that may be caused to them by the opening of this canal. Let the Government compensate them in any way they like. But let not the Government starve the whole people. Let them not starve the whole district by withholding the opening of the canal which is their very existence and life. What right has the Government to withhold water from these people? Let Government give these people half-yearly productive irrigation. We have no objection to compensation that may be proposed for these maliks.

The Honourable Mian Sir Fazl-i-Husain : I am not able to follow the honourable member.

Sayad Muhammad Husain : You fully know what I mean.

Mr. President : No such dialogue can be allowed.

Sayad Muhammad Husain : If the Government is anxious to compensate the maliks, by all means let them do so. We have no objection, but they have no right to withhold water from these people which is their very life. With these few words I oppose this demand. I do not mean any opposition to the irrigation department. Irrigation is our very life and it must be extended. It is because I just want to enter a protest against the action of the Government and against the statement which has been just made by the Honourable the Revenue Member that I oppose this demand.

Diwan Bahadur Raja Narendra Nath : Sir, I rise to a point of order. The Council can contest a demand on the ground that it contains an item of expenditure which the Council does not want to incur. Can the Council refuse a demand which does not contain an item of expenditure which the Council wants.

Mr. President : I think it is open to the Council to contest a demand if it considers it too low for the requirements of the Province and it can reject it too on that very ground.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, I had absolutely no intention of taking part in the discussion and to say anything about Shahpur Branch this afternoon, but I am compelled to express my views on the subject by the disappointing reply given to my question by the Honourable Member for Revenue. I asked whether the reports relating to Shahpur Branch made by the two committees will be available to the members for perusal and I was told that the terms of reference and the recommendations made have been stated and that the Government does not like to publish the reports. I intended that I should wait until the reports had been made public but knowing now that it would be of no avail, I have thought it well to take advantage of this opportunity.

As I made it clear in my speech in the last session of the Council I do not, for a moment, wish that the proprietors of the private canals should be deprived of their vested rights or that they should not get compensation which they deserve. But I must at the same time warn the Government, that this idea is uppermost in the minds of the great

majority of the public of this province and especially of the Shahpur District that the Government is showing undue favours to the maliks. In this connection, one thing has struck me most in the attitude of the Government. In other matters, the Government has always been putting forward and taking its stand on the plea, that it cannot ignore the opinions of its experts and in the controversy over the two rival hydro-electric schemes, the Government did not think it desirable to appoint a committee to consider whether Madhopur Scheme was better than the Mandi Scheme on this very ground that it must regard the opinions of its experts and of no others, and when the question of the effect on irrigation if the Madhopur Scheme were taken in hand came under discussion, the opinion of Mr. Sangster, our Chief Engineer, was applauded by the Government benches. But in the present case of the Shahpur Branch, the Government appears to have thought it convenient to take no notice of the opinions of its Chief Engineer who foresees no danger of water-logging if the Shahpur Branch were to be constructed. It is a pity that we do not know the reasons on which recommendations made by the two committees mentioned above are based. We do not know, whether the arguments advanced by the Chief Engineer were at all considered by the two committees, and if they were rejected what were the grounds for the rejection. I admit that we are not experts nor do we claim to be so. But it does not necessarily follow that laymen like ourselves cannot understand or criticise the opinions of the experts. Very often it happens, that experts are compelled to bow before the criticism of the laymen. It is, therefore, not only desirable but also highly necessary that the Government should make public the two reports particularly so because it has been alleged that no favour has been shown to any party. I am at a loss to understand why the Government should hesitate to accede to our request, when it has been publishing in the past reports regarding jails and its other departments. *Prima facie* there appears to be no objection to the publishing of these reports. The Government would not do well to keep us totally in the dark, otherwise we will be compelled to draw our own conclusions.

To sum up, there is not the least justification to deprive the public of Shahpur district of the right of water. The fear of water-logging appears to be without foundation, in the face of the considered opinion of the Chief Engineer. If in spite of all this the Government insists in its policy, I am afraid, we have no other way but to enter our emphatic protest.

Sardar Jodh Singh (Sikh, Urban): Sir, certain honourable members of this House are moving for the rejection of this grant on the ground of not opening the Shahpur canal. As far as my information goes, the trouble of the people is not that the maliks own the canals, but the way in which their portion of the revenue is collected. They take one-fourth, as has been stated by my honourable friend from Montgomery, of the produce and as they have not got enough number of agents, the peasants have to keep their crops on the threshing floor till their agents arrive and appraise their value. When the Government took possession of the Punjab, there were a large number of jagirdars of the Sikh times who were collecting in *batai* the *jagirs* given to them. Realising their difficulties, the Government themselves became the collecting agents and if I remember correctly they charged a certain percentage as collection agents and handed over the balance to the *jagirdars*. May I ask the Honourable the Revenue Member if such a system could not be devised in this particular case also. Let the Government take

[Sardar Jodh Singh.]

possession of these canals as collecting agents, change the *Jinsi Batai* into cash rent and collect it for the maliks. The Government will have a regular agency and the people will not be put to all the trouble that they are suffering from now. I may here mention that once the story of the atrocities perpetrated by these agents was narrated to me in the train and it drew forth tears from my eyes. I am not going to relate all those things here. He said that nothing was safe from the hands of these agents. The question is not whether it is not desirable to do away with these maliks. The people do not object to the maliks having a share from them but they do object to the way in which the collection is made at present. I think if the Government can arrange to collect revenue through their own agents on a commission system, perhaps the people will continue to get their water from the old canals and the atrocities of which they complain will not be perpetrated any longer. They can then easily await the experiment being tried in the Raniwah scheme and the Shahpur Branch can be opened when it suits the Government to do so. I make this suggestion to the Honourable the Revenue Member for whatever it is worth. It is a rough hewn proposal to be polished by expert hands.

Lala Mohan Lal [North East Towns (Non-Muhammadan) Urban] : Sir, we have been told that these questions require the serious consideration of the Government. The statement made by the Honourable the Revenue Member does not seem to be satisfactory. My honourable friend Sayad Muhammad Husain has brought certain facts to light which show that the Government is a party in not doing justice between man and man. I strongly urge upon the Government that they should not in any way side the maliks. On the one side there are the maliks who are very rich and influential and on the other there are the poor people. The Government should see to it that they do justice to the poor as against the rich.

It appears to me that in this matter Government did not, as disclosed by speeches, consult the Irrigation Department. I think that it is not fair that when the Irrigation Department, which is an expert department of the Punjab Government, are of opinion that in a certain part of the country it is necessary that there should be irrigation, the Government should try its best to shelve that question by appointing a committee of men who are not experts in the subject. Sardar Bahadur Hotu Singh and the other officer who formed the first committee—I doubt very much if they knew anything about irrigation. It has been brought to light by Sayad Muhammad Husain that in some parts Government have constructed irrigation canals where there has been waterlogging. Will the Government and the Revenue Member especially be pleased to say why in this case they wish to shelve this question? Is it simply because an inexperienced—I would not use the word inexperienced—a committee consisting of non-experts has given an opinion that there would be waterlogging in that area? I strongly urge that having regard to the facts that have been brought out, the Government should take up this question seriously and that there should be a canal opened in the Shahpur District.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, this discussion has been raised in connection with the Shahpur branch. Some of the allegations made by the honourable member from Montgomery are of a most serious nature and though I am prone not to take what he says seriously as a rule, I think that to-day he has exceeded his normal way of dealing with matters serious and otherwise. He has practically had the

hardihood to say that Government has intentionally concealed certain facts in the statement which I have had the honour of making this afternoon in this Council. I do not know whether he realises that he in the course of his speech had made that allegation or not, because, by experience I have found that after he finishes his speech he generally does not recognise all that other people have heard him say. (Laughter).

Sayad Muhammad Husain : I take full responsibility for what I said. It is there.

The Honourable Mian Sir Fazl-i-Husain : You will just now be denying it. The honourable member has made allegations which I cannot help characterising as entirely baseless, and it is difficult to say whether they are more baseless or more mischievous. To say that this statement has been tainted by political consideration is, I say, entirely baseless.

Sayad Muhammad Husain : On a point of explanation, Sir, I did not say that the statement was tainted by political considerations. What I said was that the withdrawing of the water from the canal which has already been constructed is for certain political considerations. That is what I said.

The Honourable Mian Sir Fazl-i-Husain : I am glad that he repudiates...

Sayad Muhammad Husain : I do not repudiate.

The Honourable Mian Sir Fazl-i-Husain : He again asserts that the Shahpur branch is not being run because of political considerations.

Sayad Muhammad Husain : Yes.

The Honourable Mian Sir Fazl-i-Husain : Very well. That again, Sir, is an allegation that in this matter I have arrived at a decision not for the reasons that I have given in my statement but for political reasons. Now, Sir, if I were entering upon an unpleasant controversy I might go so far as to say that the honourable member's allegation that political considerations have come into the decision of this case is entirely due to his own political, and perhaps party animosities against the maliks concerned.

Sayad Muhammad Husain : No.

The Honourable Mian Sir Fazl-i-Husain : But I will not say it.

Sayad Muhammad Husain : On a point of explanation, Sir, I have no personal grudge at all against the maliks.

The Honourable Mian Sir Fazl-i-Husain : We all know that, and that is why I won't say it. These party matters, these electioneering troubles are things that in the new public life we ought to learn to keep under control. Wedded as I am to an advanced school of political thought in the province, surely I have very little in common with the political views of the leading maliks. Therefore, if I were in any way to be biased by political considerations, I would be biased in favour of the people as against the maliks and not the other way. (An Honourable Member : Opinions differ).

Sayad Muhammad Husain : Question.

The Honourable Mian Sir Fazl-i-Husain : In matters of public administration, the honourable member should not let personal or faction squabbles to warp his judgment.

What the honourable member has entirely forgotten is that in this matter, not only have I had these two reports—reports admittedly from two absolutely impartial committees,—but I have had the advantage further of the expert advice of the Irrigation Department, on the technical report which was received by Government. Therefore, Sir, I think it is up to the honourable members who have spoken on the subject this afternoon to realise that this is not a matter on which Government has arrived at a decision in opposition to the expert advice of its own officers but that its orders are in conformity with the advice of the official expert and the reports of the technical expert committee. It is, Sir, always a mistake, not knowing the facts, to indulge in criticism and that of an acrimonious nature. No personal considerations, no party considerations should warp our judgment in matters of such public importance

Sayad Muhammad Husain : Certainly not.

The Honourable Mian Sir Fazl-i-Husain : . . . and least of all on the floor of this House. It is true, Sir, that some people in Shahpur want water badly. They have been wanting that water badly for years and years. Is it not a fact, Sir, that some of us when ill do not know what is really good for us, and if we want a thing badly, still the doctors say that it is not good for us? If I agree to have this Shahpur branch opened and if it eventually results in waterlogging, not only of the lands of the people who want this water, but also in the waterlogging of the lands of their neighbours, whose will be the responsibility? It is a very serious matter, Sir, to say, "well, people want it; give it." I would give it only if the other people were not running the danger of being water-logged. Sir, if the honourable members of this Council have followed my statement, they must have realised that Government has not arrived at the decision that the Shahpur branch will not be opened. Government has only decided that for the present this branch cannot be opened. Government has further decided that as soon as the Raniwah Drainage Scheme is operating and steps are taken to make the first section of the Shahpur Branch bed lined Government will proceed to do what it can in order to help the people of that locality who are entitled to take water from this branch. Therefore, Sir, it seems to me that if the statement I read had been so clear as to have been followed by the honourable members who have spoken on the subject this difficulty would not have arisen. I can only blame myself for not having couched it in clearer and simpler terms easy to be followed. That is my mistake. But then I am not responsible for the confusion of ideas that prevails on the subject. An honourable member has said that the people who take *chakarmi* are hard pressed. That question really, Sir, is altogether and absolutely irrelevant to this controversy.

Sayad Muhammad Husain : It is relevant to it.

The Honourable Mian Sir Fazl-i-Husain : Government never intend ed from 1900 onwards, during the course of quarter of a century, to give water from Shahpur branch to the people who are taking water from the old private canals unless it were done after the acquisition of these canals or in accordance with law. That is not in my statement, but I believe it makes it

absolutely clear that if Government eventually decided to deprive the maliks of the vested rights in those *chaharmi* lands, they would do so in accordance with law and justice. There again I am afraid that that portion of my statement was either not followed or not understood. In the third place, Sir, I note that the honourable member from Amritsar thinks that the real trouble does not lie in the matter of Shahpur Branch but in the way in which the maliks collect their *chaharmi* dues. There may be that complaint; but I must say that I have not heard it from anybody. If however there is such a complaint, that is a fit matter for being placed before the local authorities for inquiry and for such relief as can be given. The Shahpur branch problem is whether Shahpur branch should be run in order to give water to those people who are not receiving water from the existing private canals or not, therefore, the other matters are altogether extraneous to the problem under consideration.

May I, Sir, for a moment revert to the constitution of the expert committee, that advised us in this connection. It has been said, "why don't you put some irrigation officer on that Committee?" Well, Sir, Mr. Blaker, Principal of the Rasul College, is a member of the Irrigation Branch. The reason why this committee had not the advantage of having one of the Chief Engineers of the Irrigation Department on it was that it was undoubtedly a contest between two parties, one the Irrigation Department, urging that this is a good canal and that it should be run, and the other those people who thought that they were saying so in order to increase the irrigation revenues and perhaps not mindful of the consequences that would follow, that is to say, water logging. All of us realise that those who are in charge of a particular department have naturally, to a certain extent, their outlook more or less narrowed in that way. Ministries of Agriculture and Education want money for their departments and therefore think that any amount of money that can be had they are entitled to it. The Honourable Member for Finance with his sympathies for the cause of education and agriculture still has to look at that matter from his own particular departmental point of view. Therefore, I have not the least doubt that if I have not the support of all the members of the Council, certainly the vast majority of them realise that the constitution of the expert committee, consisting of the Principal of the Rasul College, the Superintending Engineer of the Rawalpindi Division, and our expert on water-logging canals was as good as one could have desired.

Now, Sir, having an expert committee's report, as I described it, of a technical nature, before me I tried my best to examine it carefully and see if I could conscientiously find a way of giving relief to the people who want water from the Shahpur branch, but I confess that with all my desire to win popularity amongst the masses I failed to reconcile myself to taking that step in opposition to the expert committee's report and the advice of the expert officers of Government and I trust that they will realise that I have done my best for them and that I will continue to do my best, subject to the limitations I have already mentioned in my statement, *i.e.*, the good of the territory as a whole. I do hope, Sir, that in a matter of this nature peculiarly necessitating a close acquaintance with facts it is but right that Council should leave the decision of such difficult matters to those who have given careful consideration to the problem and done their best to arrive at a fair and equitable decision.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 17,55,700 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Irrigation"

The motion was carried.

GENERAL ADMINISTRATION GRANT.

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

"That a supplementary sum not exceeding Rs. 1,18,025 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration".

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 1,18,025 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration".

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural]: Sir, I rise to oppose the grant which is put forward and I do so on a matter of constitutional principle. It is because some of us feel that it is possible for the Government to give a further remission of taxation than they have actually announced consistent with the development of this province and it is because we feel that Government have not gone to the length of meeting our wishes to which they could have reasonably gone that it has become the unfortunate duty of myself and some others who feel with me to oppose this grant.

To begin with, I will just refer in passing to one factor in the making of our budgets, and it is this. From the time we started with the reforms, every year there has been a very material defect in the calculations of the budget. I quite understand that human intellect being what it is some mistake is bound to occur in all budget forecasts. But when one finds that every year not a small but a very substantial defect occurs and that invariably with a possible exception here and there it occurs against the interests of the tax-payers one is inclined to think that there is something wrong somewhere, and to be most charitable all that one can reasonably conclude is this, that the calculations or the data of the Government forecasts being wrong it is only natural that the financial policy based on those data will necessarily be equally wrong. I speak with due deference to the Honourable the Finance Member whose ability and wise handling of the financial affairs with very minor exceptions here and there all of us respect and esteem.

What do we find? At the beginning of the reforms the Honourable the Finance Member startled the Council with the prospect of our having a recurring normal deficit of Rs. 128 lakhs. On that assumption he naturally felt it his duty to come forward with new proposals of taxation. But let me make this point clear, that when he asked the Council to commit itself to fresh taxation he made one position clear—I speak subject to correction. It was this that the taxation was to meet our normal recurring deficit and that in his calculation of Rs. 128 lakhs of deficit he had not reckoned on or computed for any developments in the beneficent or other departments in the province or for any increased interest for our productive expenditure. To put it shortly, we in the Council were asked to commit ourselves to fresh

taxation not for any development of any particular department or for any fresh interest which we may have to incur on our new schemes but only to meet a particular deficit. I submit that that deficit was more than met in 1922-23 by the imposition of Rs. 31 lakhs of court-fees and stamps, and after that, as I am going to show from the figures, the taxation has been kept on simply to swell the surpluses which have been accruing year after year. I have tried to explore this question from the point of view of the Honourable the Finance Member and I find that post-reform changes worsened our financial position by Rs. 120 lakhs. Out of that we made about Rs. 150 lakhs by the natural growth in our revenues and by retrenchment. I have taken pains to go through these figures and I find that increase in court-fees and stamps gave us Rs. 31 lakhs so that in 1922-23 we were square and thereafter no further taxation was needed, but unfortunately it has been carried on. What do we find? Every year onward there has been a surplus and every year I submit the surplus would have been there even if not a penny of fresh taxation had been heaped upon the people. In 1923-24 our actual surplus was Rs. 43 lakhs. Of this surplus we got only Rs. 10 lakhs actual receipts from fresh taxation on stamps and the balance of Rs. 33 lakhs was a surplus pure and simple which we would have got even without putting a penny of new taxation. In 1924-25 we got a surplus of Rs. 115 lakhs, and here again we find that what we actually got from new taxation is Rs. 27 lakhs under *Abiana* and Rs. 30 lakhs under stamps, which comes to Rs. 57 lakhs, so that even if no *Abiana* had been levied and no further stamp duty had been put on we would have still a surplus of Rs. 58 lakhs. Coming to 1925-26, the surplus is Rs. 89 lakhs, but I add to it Rs. 20 lakhs which the Honourable the Finance Member has decided to put separately for insurance against drought. There, again, we find that actual receipts from fresh taxation were these, Rs. 37½ lakhs from *Abiana*, Rs. 2 lakhs from motors and one from stamps and all these combined give us about Rs. 40 lakhs and yet even if we had not levied a penny of this taxation we would still be left with a net surplus of Rs. 49 lakhs. Now, coming to the year under discussion we have a surplus of Rs. 14 lakhs, then Rs. 20 lakhs which we have decided to put on the insurance side and Rs. 28 lakhs which we got as remission from the Government of India, which comes to Rs. 62 lakhs, and here I submit that had the Government acceded to the request that came from all sides of the House for a remission of Rs. 40 lakhs of taxation instead of Rs. 17 lakhs they would still be left with a surplus of Rs. 22 lakhs. It is unfortunate that so far we have not had any statement or announcement in reply to the representation which was sent to the Honourable the Finance Member from all sides of this House, from all sections represented here.

I submit that the existence of surpluses in the financial state of a country, particularly in the condition of India is a double wrong. They are wrong in so far as they exist at all and they are wrong if they are not applied to the remission of taxation when that remission is possible. Secondly, I would submit that the right to demand taxation in years of deficit goes inevitably with the duty to remit taxation in years of assured surplus. What do we find? In about 4 or 5 years about Rs. 3 crores has been taken from the people in the form of taxes more than was necessary and if one realises that 70 per cent. of the taxation of this province comes from the poor agriculturists whose average income is below the expense of feeding and clothing a Punjab prisoner, one is forced to pause and consider

[Mir Maqbool Mahmood.]

whether these surpluses are necessary in view of that condition. There is yet another aspect of the question. I would request Government to make it clear whether they want the continuance of these taxes for new schemes of improvement or development or whether they want them to meet the deficit. I am sure that the Honourable the Finance Member will agree with me that so far as the meeting of the deficit is concerned, the normal deficit of Rs. 123 lakhs which he quoted to the House year after year, he does not want these taxes. What he wants these taxes for is in respect of insurance of Rs. 20 lakhs against drought and for further development in the various departments of the province. Here I submit that I am not one of those who want to stand in the way of any sober safeguard in the provincial finances as against any drought or any misfortune happening, but I am sure the Honourable the Finance Member will agree with me that it is the reverse of financial wisdom and sobriety if when a country is struggling through adversity and when the people have no margin of taxation he should carry on a particular item of taxation simply to have a certain good and reasonable investment at some particular place or to provide against some contingency. I feel that if the House was willing to support him for any fresh taxation when he was faced with a deficit he should really rely on the fact that if something untoward happens in any particular year which we cannot meet by our natural growth of revenues he or his successor can come to this House and ask for fresh taxation. But when that deficit or that emergency has gone and when he finds that he can meet the normal deficit and the normal development of the province without these taxations any attempt to continue these is something which is not explicable to us. Moreover, Sir, coming to the state of development of the various beneficent departments, here again I submit that if I or my friends who agree with me were placed in the position of our going back to the country and asking whether they would take a remission of taxation or compulsory education I am sure all of us would be willing to say that we are prepared even to levy further taxation if for that taxation we have brought about compulsory education, but, Sir, I submit how can we go back to the country and tell our voters that simply in order to make a provision for our prisons and to make a provision for insurance against drought we are going to tax you? I recognise with gratitude that the grants given to the beneficent departments are increasing and I am sure the whole House joins with me in thanking the Finance Department for that, but even then what is the total percentage of our revenue which is given to the beneficent departments? It is 33 per cent. and I submit that while the beneficent departments need further development, we find no justification for agreeing to developments in the reserved side of the Government which have been carrying on efficiently so far when we had no surplus. I can understand why the Finance Member is undertaking schemes of importance in jails and in other branches of reserved side, schemes for the investment of national money in productive expenditure when there was sufficient money available for new colonisation scheme, but I submit, Sir, that we would rather urge for a remission of taxation than commit ourselves in the dark.

Just one word more and I have done. I have tried to show that with these taxes we still have a surplus. I have tried to show that from the large amount of the balances with which we started and the increase in taxation made by retrenchment or natural growth of revenues would be sufficient to meet what we want in the way of development. From the Budget Estimate of 1926-27 which we have before us, I find that we will be able to get

money for development of education or otherwise and if not, I would not ask for a further remission of taxation. Referring to the figures for next year (1926-27) we find that we have already provided in this year for new expenditure of 1.88 lakhs recurring and non-recurring. I submit that if we assume for the sake of argument that in the next year our receipts will continue to be what they are and that we will not get any increase in our revenues, we will still have this item of 1.88 crores to invest in new expenditure. I submit that, considering that the non-recurring side of the expenditure is something to which we are not committed and part of which can wait until the improvement of our financial position, we can very reasonably scrape up 15 or 20 lakhs for a further remission of taxation.

But that is not all. I understand that we expect from now onwards an annual gradual increase in our revenues from our new colonisation schemes and I can go so far as to say on the strength of an official estimate that in 1929 we expect an increase in our revenues of 1.10 lakhs. Out of that deducting the collecting charges and sinking fund, I submit we will still be left with a crore which can be invested on the improvement of the beneficent department and on new useful schemes. But at present simply to provide for that item of 20 lakhs and to commit ourselves to it is simply the reverse of financial prudence. I therefore appeal to the Honourable the Finance Member that considering that we have years of surplus, considering also that we expect a very large increase in our revenues, he should, before he leaves us, decide at least to part with that 20 lakhs which he has decided to keep away from the Province. I fail to see in the financial history or the financial economies of any country, or in the financial state of any Province where when the country is starving against the rise of prices and when we have assured years of surplus any such provision is made. Therefore I repeat that we expect that it will be possible for the Honourable the Finance Member to come forward and meet the unanimous request of all sides of the House for a further reduction of taxation and if that is not possible it will be the unpleasant duty of some of us to vote down this demand.

Sayad Muhammad Husain: Not of some of us, but of all of us.

Sardar Jodh Singh [(Sikh) Urban]: Sir, the honourable member from Amritsar has quoted some figures to give the House an idea as to how Government, if so minded, can increase the remission of taxation by say 23 lakhs more. We have been hearing of much economy being practised during the lean years, but, as I said in my last Budget speech by quoting figures, it was not economy but retrenchment. I now find by turning to the figures of one single department in 1921-22, 1922-23, 1923-24 and subsequent years that the retrenchment of 54 lakhs that was effected in the Buildings and Roads Branch of Civil Works is now being replaced by an increase of Rs. 108 lakhs. What I submit, Sir, is that when we are financing from ordinary recurring revenue a sort of non-recurring expenditure, we cannot say that that is necessary for us to do year after year. The increase in the total recurring and non-recurring expenditure, as has been shown by my honourable friend, is 1,68,000. Recurring expenditure even according to Government estimates is 43½ lakhs. Of course the Finance Member has calculated it at 63½ lakhs, but I take out the 20

[Sardar Jodh Singh.]

lakhs of reserve which, as my honourable friend has pointed out, we cannot take from the people when the taxation is very high. Now there is 434 lakhs of recurring expenditure and about 125 lakhs of non-recurring expenditure. May I ask the Honourable the Finance Member if it is incumbent upon us to go on spending these 125 lakhs year after year in the same way? If we ever find that there is an unfavourable year, we can stop building our new roads as we did in 1923-24 when the expenditure on this branch came down to 70 lakhs instead of 124 lakhs in 1921-22. If there is to be any increase in the recurring expenditure and if there is no normal increase in the revenue which I maintain there will be, that can be financed from this big sum which they are keeping for non-recurring expenditure. Not only have we for the last five years been over-estimating our expenditure and under-estimating our income, but there is another source of income which will begin to yield us money from next year. I refer to the Nili Bar. I know as a matter of fact that Government has made its calculation that within the next five years it will yield as much as 119 lakhs. In the face of all these figures and also in the hope that the Government of India is going to continue its policy of remitting our provincial contribution, is it, I say, right for the Honourable the Finance Member not to accede to the request of the House for a little more increase in remission specially when we see that, even if there is an unfavourable year, just by cutting down our non-recurring expenditure we can finance our revenues very safely? With these remarks I support the honourable member from Amritsar.

Mian Abdul Aziz [Lahore (Muhammadan) Urban] (Urdu): Sir, before I proceed to say anything about the matter under consideration, I would like to know whether the Government acknowledges the correctness of the facts and figures stated by the honourable member for Amritsar.

The Honourable Sir John Maynard: No Sir.

Mian Abdul Aziz (continued in Urdu): The Honourable Finance

4 P. M.

Member then denies the correctness of the facts and figures, although I do not think they are really incorrect. The fact is that the fertile brain of the Government is always busy in devising new expenditure. From the study of the figures at page 43 of the Explanatory Memorandum, it will appear that Rs. 36,000 have been provided for District Administration—General establishment—Pay of officers and another sum of Rs. 12,000 has been set apart for five Extra Assistant Commissioners. These and other items on the same page show that there is going to be no end to new forms of expenditure and to meet them new sources of income are exploited and thus the burden of taxation goes on increasing. I cannot but praise the ingenious way in which the Government tries to pacify the feelings of the public. It reduces the taxes by a few pennies just as it is intended to be done in the case of court-fee and that even in a funny way. But I must ask the Government that it should not treat us like children as it has been doing in the past. When we expect large income from new colonization schemes and also remissions from the Central Government, the Government would be well-advised to substantially remit the taxes. It is a matter of regret that instead of remitting the taxes the Government devises some means of new expenditure. *Abizna* was increased and Motor Tax was levied, but it was done so to meet the deficit in the Budget. Now that there is no deficit and we have surplus it would not be much to expect from the Government if it reduces the taxes and if it does not do so I would ask the members of the House to reject the demand under consideration so

that it may realize that we do not approve of the policy to which the Government is persistently sticking, against legitimate and equitable request of the people

Sardar Jodh Singh: Sir, I rise to a point of order. According to Article 120 (1) of the Constitutional Manual, Volume II 'demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct'. Now, Sir, in this demand the Finance Department has included the demand for the transferred department along with the demand for the reserved department. Thus, for instance, there is a demand for six Extra Assistant Commissioners for Excise. Excise is a transferred subject and so should not be included in the demand for a reserved subject. I should, therefore, like to have a ruling as to whether this is in order.

The second point is that I have got an amendment to this demand which relates to the Excise Department. If you rule that the first point raised is in order then I will move the amendment.

Mr. President: As regards the amendment the Honourable member could have moved it when he was in possession of the House sometime back but then he chose to speak on the main question and did not move the amendment. Therefore he cannot be allowed to move it now.

As regards the first point the language of the Article is quite clear. 'Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.' It is for the Honourable the Finance Member to decide whether it is possible for him to keep the demands in question distinct from each other and there the matter ends. I do not think it is for the Chair to call upon the Honourable the Finance Member to separate the demands now.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, it is true that the majority of the members of this Council do not wish to resort to the extreme course of opposition. But the Government members also are expected to come half way and accede to the wishes of the Council. It may not be within your knowledge, Sir, and so I wish to bring it to your notice that all the non-official members of this Council submitted an application to the Honourable the Finance Member yesterday asking that the relief in taxation may be raised from 17 lakhs to 40 lakhs. The least that we expected of him was a statement as to the attitude of the Government in this respect. Unfortunately he has kept complete silence on that matter. In fact he has treated our request with a degree of contempt.

The Honourable Sir John Maynard: No, Sir. May I say that no opportunity has arisen for me to make a statement on the subject.

Diwan Bahadur Raja Narendra Nath: I asked the Honourable the Finance Member to make a statement, when to-day's proceedings began but he kept quiet.

The Honourable Sir John Maynard: Is the honourable member in order to refer to a private conversation between him and me?

Diwan Bahadur Raja Narendra Nath: It was a formal representation to the Honourable the Finance Member and not a private conversation.

Mr. President: The honourable member may proceed.

Diwan Bahadur Raja Narendra Nath: I am not going to say anything with regard to the figures quoted by the honourable member from Amritsar (Mir Maqbool Mahmood). I do not know whether they are all correct or whether they are partially correct and partially wrong. But there is one fact which cannot be disputed. Improvement of administration is considered to be more necessary than the relief of taxation. This is a proposition to which I think the Council will not agree. The demand to which objection has been raised amounts to Rupees 1,13,025. It asks for the employment of more Extra Assistant Commissioners. It asks for the employment of some more officers for the Reformatory Schools for Criminal Tribes, it asks for the employment of some more officials for the completion of Nazil registers of Lahore. I submit that all these matters are of very secondary importance as compared with the relief of taxation. (Hear, hear). Unfortunately in this province taxation has been divided under two heads, rural and urban. Government should have been pleased and even gratified at the unanimous request of all for the relief of taxation on various heads. So far Government has been giving some relief to the rural taxation and some relief to urban taxation. But that has been considered insufficient and more is asked for. As the Bills for giving effect to the relief of urban taxation come up, the Council will have its say. But I think it is necessary that the treasury benches should know that we want some further reduction to be given. The province promises prosperity in the future so far as the current revenues are concerned. We have a large area of crown waste which will soon be irrigated and from which large revenues can be expected. All this improvement of administrative machinery may be postponed for a time when we will have more money from lands irrigated and colonised. The first thing necessary is to do away with unnecessary taxation which has so far been levied in order to face particular necessities which have ceased to exist. I do not think it is necessary for me to take the time of the Council any further. I hope that an assurance will be given by the Honourable the Finance Member with regard to this point and we will not be constrained to refuse this demand altogether.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trade Association Commerce): Sir, I would like to associate myself with the honourable member from Amritsar. I am not going to criticise the figures but I take my stand on the fact that when we could not balance the budget, the Government came to the house and asked for extra taxation and that extra taxation was agreed to on the understanding it was merely for balancing the budget and of a temporary nature. The budget is now a surplus one and the reasons for extra taxation are now finished and these three taxes should now be remitted. Let Government think for a moment what will happen next time we have a deficit budget. This house will not grant you the extra taxation with the knowledge that the moment the taxes are on the statute book and the budget is balanced thereby for a particular year it is going to remain for ever. Out of the three taxes imposed by the Government, the one on court-fees and the other on motor vehicles should be immediately rescinded and the *absana* should be levelled down or reduced to the extent it was before (hear, hear). If you do not like to level it down you can at least bring it back to the 2 or 3 years ago basis. That is the only argument that I am going to advance. With these remarks, I associate myself with the remarks made by the previous speakers.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban]: Sir, if I want to give reasons to the House for throwing out this item, I will have to write sheets and sheets. How many reasons? Innumerable. Every time the Government makes promises for the next session but they quietly break their promises or they very conveniently forget their promises.

The Honourable Sir John Maynard: I repudiate that statement.

Shaikh Muhammad Sadiq: Naturally the Honourable the Finance Member must repudiate that statement. If he were not to repudiate it, it will be considered to have been accepted, and there will be no need for my speech at all. It is only in order to show that the Government do break their promises that I have stood up in my place here. That is why I am going to challenge the statement of the Honourable the Finance Member. Well, Sir, the House might remember that I spoke in the last two sessions about the need for separation of judicial and executive functions. Then I was simply told that the separation of the two functions would be given effect to when there was plenty of money. The Honourable the Finance Member, the honourable members Messrs. Craik and Dunnitt very coolly and calmly said: the moment there is plenty of money, we will separate the two functions.

Mr. J. M. Dunnitt: I repudiate that statement.

Shaikh Muhammad Sadiq: The honourable the Chief Secretary in a moment of sweet temperament and reasonableness promised to give effect to the much needed reform. Now we have plenty of money. The Government are spending the money in the construction of bungalows and roads as if this was a part of the London City where motor cars and buses ply from one end to the other. On roads where only donkeys and mules pass, the Government spend huge sums of money. On the other hand the Government neglect a much needed reform, a reform most essential for the political regeneration of this country and for the proper redemption of this country. They are withholding this reform, they are keeping it away on the ground that there is not enough money. Of course we have not in our hands any means to compel the Government to bring about this reform. The Parliament has enacted such a law and it has introduced the Reforms Act in such a way that we cannot bring pressure on Government to give effect to the separation of these two functions. The so-called responsible Ministers are absolutely powerless. Indeed it is bad luck for us. The question comes to this: Are we simply going to gaze on the Government every time they make promises and break them subsequently? Certainly not. One can very well under the circumstances start obstruction and throw away every item. That won't do. We have promised and we have made up our mind not to start obstruction. The only other alternative for us is to give knocks here and there in order to bring the Government to their proper senses and to show to the Government that we, the elected representative of the public are capable of rising to the occasion and to teach the Government their duty in the matter. Not that we are capable of turning out the Government from those benches, not that we can change the system of Government but simply to show that we the elected representatives of the people have got some vitality in us. Look at this anomaly. We have to levy taxation whether it is right or wrong. Motor taxation has been levied and here I am glad that both black and white agree. When it touches

[Shaikh Muhammad Sadiq.]

the pockets of both the black and the white, then real co-operation commences. The Government puts 30 per cent. duty on all motor cars imported. The Government also benefits through the railway freights. This sort of tax should be levied only on rich people who do not contribute anything at all to the Government, that is who do not keep motors. A man buys a motor car, say worth Rs. 3,000. He has to pay import duty of Rs. 1,000. He pays railway freight to the extent of about Rs. 400. He pays municipal tax. He buys petrol and tubes, etc. He goes on paying, and yet the Government taxes him still further.

The Honourable the Finance Member is not imposing a tax on another gentleman who does not at all keep a motor and who does not contribute a single penny and goes tax free. Now Sir, a man who sells his property is charged three per cent. and a man who only mortgages his property for one year or so is also charged the same rate of duty. Is it fair that a man who sells his land thus benefiting permanently and a man who merely mortgages his property for a short time, thus deriving temporary benefit should be charged the same rate of duty. A man who mortgages his property does so as a temporary measure because he has not got credit without mortgaging his property.

The Honourable Sir John Maynard: May I correct a statement of fact. The honourable member is mistaken. The charge on mortgage is not the same as that on sale. It was proposed to make the two charges equal but the Council declined to make it so.

Shaikh Muhammad Sadiq: Anyhow, Sir, how is the Government entitled to get this big tax either in the sale or mortgage? What has the Government done for the man? How has it helped him in the transaction of sale or mortgage to entitle it to lay claim to a share. What trouble has the Government taken for collecting as much as three per cent. on sale (*interruption*). Well, Sir, there are only a few minutes left for me and I do not want to be interrupted. The Government also cries: there is no money, there is no money. Yet what do we find? We see that on capital account under canals, the Government proposes to spend as much as 30 lakhs. I cannot understand why. There are so many urgent needs of the province. We are groaning under heavy taxation. We badly need relief. But at this time why should the Government spend so much on capital account? Why don't you borrow in the open market like ordinary businessmen. You can borrow capital at a cheap rate of interest, say Rs. 4 per cent. or Rs. 4½ per cent. from the open market. Why should Government pay that money from the capital account and from the present income. What is the use of the Government constructing bungalows for Rs. 40,000? Why should they construct costly roads at Mianwali at a heavy cost when there is no chance of anybody using those roads for motor transport. In the whole road of about 150 miles on which such a huge sum of money is spent, there is no chance of any traffic even for 50 years to come. What is the use of incurring such recurring expenditure? These are all things to be attended to when there is plenty of money and not at a time when the people are overburdened with taxes, and when they badly need relief from this burden. Ever since the Reforms the Government have been piling up the expenditure. The expenditure has increased by leaps and bounds. Never before has the expenditure been so heavy. Since the

reforms you have increased the expenditure; you have increased our burden without any justification. Is it that you are preparing the ground for that fateful year, 1929, so that people might come forward and say "No, we do not want this costly luxury of reforms. Take them away and go back to the pre-reform days"? Does the Government want that a deputation should wait on the Commission in 1929 and tell them that the Reforms are a failure? It is not fair for the Government to increase the expenditure in the way they are doing. Why should they spend as much as 30 lakhs on irrigation and other things from revenues. Instead of borrowing in the open market, why should the Government spend out of the revenues? There is no use of starving the present generation simply for the problematical benefit of future generation. I do not know what the next Government will do with the money which we pay. They say they impose taxes only for the time being. They tell us: it is only for your benefit. The Honourable the Finance Member promised us last time a reduction of taxation.

The Honourable Sir John Maynard: I say that is not correct.

Shaikh Muhammad Sadiq: Then you ought to have promised reduction (Laughter). There you have committed a double wrong to the people.

Mr. President: The honourable member will please address the Chair.

Shaikh Muhammad Sadiq: The Honourable the Finance Member knew that there was going to be a surplus of nearly 1 crore and 29 lakhs from Nili Bar canals. What is the Government going to do with it? What is the procedure followed by Government? They first show a shortage. Then they ask the poor urban people and the poor zamindar that he should go to the help of the Government by cheerfully bearing the burden of extra taxation. Now we find a surplus of more than one crore. The money is lying idle, and the Government devise ways and means to spend it instead of utilising it for reducing the extra taxation. They never take the Council into their confidence. Just a day before the meeting of the Council the Government present a vast array of figures and say that the Council should accept the proposal of the Government. They make it a question of prestige or honour for the Government.

This morning I was complaining that the Government never spend enough money on the rooting out of epidemics and on the improvement of public health. The Government never spends money on the vital needs of the country. They refuse to allot enough funds for public health, but they squander money from one end to the other in the construction of bungalows and roads and in other things of doubtful utility to the people. I ask the Honourable the Finance Member if he would lay out such a costly road in his own house. I ask the Honourable the Minister for Agriculture if he would construct such a costly bungalow out of his pocket. I am sure that as businessmen neither of them would spend money in such directions. I want that there should be wholesale reduction of expenditure. We can reduce expenditure by 40 or 50 lakhs. When costly schemes for the construction of buildings, etc., come up for the consideration of the heads of departments why should they simply initial the papers and approve them without studying them carefully and seeing whether such costly schemes would be carried out consistent with the needs of the country. The heads

[Sheikh Muhammad Sadiq]

of departments should keep a control over the expenditure. Unless you reduce the expenditure how can you save money. I know that two and two can only make four. You cannot have money unless you are ready to reduce expenditure. Unless the Government shows a reasonable temperament in dealing with the budget, the only course left open to us is to knock down this item.

Malik Feroz Khan, Naon [Shahpur East (Muhammadan) Rural]: Sir I will not detain the House very long because I have just to quote only one or two figures. This year we had a surplus of 14 lakhs. That is conceded by the Finance Department. In addition to that, we had remission of provincial contribution from the Government of India to the extent of 28 lakhs. In addition to this, as stated by my honourable friend from Amritsar, the Government are keeping 30 lakhs out of ordinary revenue for insurance against drought. The Government may have some very plausible arguments in support of their having adopted that course. But even if they do not allow that to be added to the revenue surplus, I would like to point out one item which should not have been spent by Government out of the revenues of the province.

The Council then adjourned till 10.30 A.M. on Monday, the 28th June 1928.

MR. CHIEF CLERK: THE HOUSE WILL RE-ASSEMBLE AT 10.30 A.M. ON MONDAY, THE 28TH JUNE 1928.

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PUNJAB LEGISLATIVE COUNCIL.

8th SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Monday, the 28th June 1926.

THE Council met at the Assembly Chamber, Simla, at 10-30 of the Clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RUNNING OF MOTOR LORRIES ON THE SUTLEJ VALLEY PROJECT RAILWAY LINE.

3157. Sardar Gurbakhsh Singh : Is Government aware that motor lorries can run on the temporary Sutlej Valley Project railway line from Doraha to Rupar? If so, has the Government any objection to allow private companies to run motor lorries on this line? If so, what?

The Honourable Mian Sir Fazl-i-Husain : No. Motor lorries (in the ordinary sense of the words) have solid or pneumatic rubber tyres, and consequently cannot run on the temporary Sutlej Valley Project railway line from Doraha to Rupar. This being so, the questions asked do not arise.

CONSTRUCTION OF A NEW ROAD FROM BANUR TO A POINT ON THE EXISTING AMBALA-KALKA ROAD.

3158. Sardar Gurbakhsh Singh : Is it a fact that the Government has sent up proposals to the Patiala Durbar for the construction of a new road from Banur to a point on the existing Ambala-Kalka road thus avoiding the bridging of the Ghaggar? If so, will the Government please lay these proposals on the table and state when it expects to take up the construction of the road?

The Honourable Sardar Jogendra Singh : No. The Government has made no such proposal.

SPECIAL ROAD AND REST-HOUSE FACILITIES FOR TOURING OFFICERS.

3159. Sardar Gurbakhsh Singh : Is it a fact that special road and rest-house facilities exist for touring officers of the Irrigation Department of the province and they yet get the same rates of travelling allowance as other officers of corresponding ranks who have no such facilities? If so, will the Government please state whether it proposes to compensate the latter class of officers for want of the facilities which the officers of the Irrigation Department enjoy?

The Honourable Mian Sir Fazl-i-Husain : The honourable member's question is not quite clear. Does he suggest that the cost of travelling on public roads is higher than on canal roads and that rest-houses, other than canal rest-houses, are more expensive ?

RELEASE OF AKALI PRISONERS AND GRANT OF RAILWAY PASSES AND DIET MONEY.

3160. Sardar Gurbakhsh Singh : (a) Will the Government please state the total number of Akalis imprisoned during the years 1923 to 1925 and also state the number of cases in which railway passes were issued to these prisoners on release and the number of cases in which diet money was allowed to them on release ?

(b) Is the Government aware that Akali prisoners released from jails were in many cases escorted by police guards to railway stations ? If so, will the Government please state whether it was being done under instruction from the Government ?

The Honourable Sir John Maynard : (a) Excluding the Montgomery Camp and Attock Fort Jails which were closed in 1923, the numbers are as follows :—

Akalis imprisoned	...	...	4,707
Railway passes issued on release	...	...	2,518
Prisoners allowed diet money on release	...	...	3,702

With regard to (b) the honourable member is referred to the answer to Council Question No. 2349.*

ACCEPTANCE OF SIKH CANDIDATES OF THE AMBALA DIVISION FOR CERTAIN POSTS.

3161. Sardar Gurbakhsh Singh : Will the Government please state whether any Sikh candidates from the Ambala division were accepted for the following posts during the years 1924 and 1925 giving in each case the number per district so accepted, if any :

- (a) Extra Assistant Commissioners (Judicial, Executive and Forests).
- (b) Sub-Judges.
- (c) Tahsildars.
- (d) Naib-Tahsildars.
- (e) Excise Sub-Inspectors and Inspectors.
- (f) Police Deputy Superintendents, Inspectors and Sub-Inspectors.
- (g) Deputy Collectors, Irrigation.
- (h) Zilladars.

- (j) Jailors, Assistant Jailors.
- (k) Provincial Educational Service.
- (l) Subordinate Education Service.
- (m) Co-operative Inspectors.
- (n) Agricultural Assistants.
- (o) Industrial Surveyors.

The Honourable Sir John Maynard: The honourable member is referred to the answer given to Council Questions Nos. 1961—1975* put in the autumn session of 1925.

PARTICULARS REGARDING AKALI PRISONERS.

3162. Sardar Gurbakhsh Singh: Will the Government please lay on the table a statement giving the following information:—

- (a) Number of Akali prisoners in each jail of the province on (i) 11th November 1923, (ii) 1st January 1924, (iii) 1st June 1924, (iv) 1st January 1925, (v) 1st June 1925, (vi) 30th November 1925, and (vii) 15th December 1925;
- (b) Number of reports against Akali prisoners for jail offences in each jail during 1923-24, 1924-25, and 1925-26;
- (c) Number of cases in which punishments were given by the Superintendent of each of the jails to the Akali prisoners stating the number of each kind of authorised punishment awarded during the same period referred to in (b); and
- (d) Number of judicial cases against Akali prisoners for jail offences giving the names of the prisoners, the names of the jails where the offences were committed, nature of offences and the sentence awarded in each case?

The Honourable Sir John Maynard: The honourable member is referred to the answer to Council Question No. 2589, a copy of which is placed on the table.

Answer to Question No. 2589.

The Honourable Sir John Maynard: A statement is laid on the table furnishing the information asked for in respect of the year 1925 only. It is not possible to furnish the desired information in respect of the years preceding without an amount of labour which Government consider unjustifiable.

As regards part (d) Government does not consider it expedient to furnish the names of these prisoners.

[Hon'ble Sir John Maynard.]

COUNCIL QUESTIONS

Jail.	(a) No. of Akali prisoners in each jail on				(b) No. of reports against Akali prisoners for jail offences, during 1927	(c) No. of cases in which punishments were given by Superintendent, Jail, during the period 1-1-25 to 31-12-25	(d) No. of judicial cases for jail offences, nature of offences, sentences awarded.
	(1) 1-1-25.	(2) 1-3-25.	(3) 30-11-25.	(4) 15-12-25 up to 18-12-25.			
Babar ...	...	51	51	51	6	7	...
Multan C. ...	895	927	880	777	2,608	2,608	5
Rawalpindi ...	830	186	205	201	1,181	1,010	...
Amritsar ...	...	...	...	...	...	...	...
Ferozapore ...	...	...	...	...	...	...	...
Jullundur ...	14	19	...	...	1	1	...
Jhalum ...	2	...	...	...	1	1	...
D. G. Khan ...	1	3	...	...	10	9	...
Ludhiana ...	...	...	...	...	...	...	...
Chandigarh ...	...	...	...	...	...	...	...
Shahpur ...	...	...	...	...	...	...	...
Chandigarh ...	...	...	...	...	...	...	...
Bohtak ...	...	...	...	...	...	...	...
Jhang ...	...	...	...	...	...	...	...
Amritsar ...	...	1	1	...	...	...	...
Labore old fort	40	34	30	27	...	...	...

TION No. 2589.

Details of (c).	Details of (d).
<p>Lahore C.—Babar Akalis. Bar fetters 1, night handcuffs 1, warnings 2, cross bar fetters 2, remission cut 1.</p> <p>Multan C.—Warning 430, handcuffing and link fetters 201, remission cut 614 and 282, tat clothing 58, change of labour 2, separate confinement 158, fetters and hand-cuffing behind or to a staple 860, corporal punishment 2, reduced to prisoner 1.</p>	<p>One sent up for trial under section 52, 11/94 for being on hunger strike since 24th February 1924 and sentenced to 6 months' rigorous imprisonment on 17th June 1924.</p> <p>One refusing to work, 52 Act IX, 1894, 1 month's rigorous imprisonment on 14th March 1925.</p> <p>One not wearing clothes and refusing to work ditto. Act IX of 1894, 1 month's rigorous imprisonment on 17th March 1925.</p> <p>One still refusing to work, 52 Act IX of 1894, 1 month's rigorous imprisonment on 26th March 1925.</p> <p>One refusing to take food, 52 Act IX of 1894 (Acquitted) on 26th March 1925.</p> <p>One offering bribe to an Assistant Jailer, 111/109, I. P. C., 6 months' rigorous imprisonment on 16th November 1925.</p>
<p>Bawalpatti.—Warnings 184, penal diet 30, separate confinement 68, hand-cuffing and link fetters 272, other minor punishments 68, separate cell alert solitary confinement 103, penal diet with solitary confinement 37, fetters and hand-cuffing behind or to a staple 249, other major punishments 4.</p> <p>Ambala.—Warning 2, remission cut 1, bar fetters 1, night handcuffs 1, fourteen days cell 1, one month's separate cell 1.</p> <p>Multan District, 1925.—Warnings 228, separate confinement 30 and 17, hand-cuffing and link fetters 112, remission cut 207 and 97, tat clothing 9, fetters and hand-cuffing behind or to staple 52.</p>	<p>...</p> <p>...</p> <p>One under 353 I. P. C., 6 weeks' rigorous imprisonment on 26th May 1925.</p>
<p>...</p> <p>...</p> <p>...</p> <p>...</p>	<p>...</p> <p>...</p> <p>...</p> <p>...</p>
<p>D. G. Khasa.—Separate confinement 1, standing handcuffs 1, remission forfeited 4, warning 2, separate cell 1.</p> <p>...</p> <p>...</p> <p>...</p> <p>...</p>	<p>...</p> <p>...</p> <p>...</p> <p>...</p> <p>...</p>
<p>Campbellpur.—Warnings 308, night handcuffs 152, gunny clothing 84, change of labour 8, separate confinement with labour 4, separate confinement with labour 84, remission cut 190, bar fetters 317, cross bar fetters 17, standing handcuffs 135, handcuffs behind 25, penal diet 42.</p> <p>...</p> <p>...</p> <p>...</p> <p>...</p>	<p>...</p> <p>...</p> <p>...</p> <p>...</p> <p>...</p>

PROVISION OF EMPLOYMENT FOR VETERINARY ASSISTANTS.

3163. Sardar Gurbakhsh Singh : (a) Will the Government please state the number of Veterinary Assistants passed from the Punjab Veterinary College who have not yet obtained Government service?

(b) Is the Government aware that several of these are persons who have rendered personal military services during the great war? If so, will it please state the number of such persons?

(c) Will the Government please state what it proposes to do to provide employment for these persons?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer given in February 1925 to a similar Question (No. 1294)* put by him on the same subject. In June last the number of unemployed alumni of the Veterinary College was 81 of whom 5 have since been employed in permanent appointments as Veterinary Assistants and proposals are under consideration for further increasing the staff of such officers. Of the 81 men unemployed 39 were trained for the Military Department and were discharged owing to reductions in establishments.

TAKING OF CO-OPERATIVE SOCIETIES SUB-INSPECTORS INTO GOVERNMENT SERVICE.

3164. Sardar Gurbakhsh Singh : (a) Will the Government please state whether it intends to take in Co-operative Societies Sub-Inspectors into Government service? If so, when? If not, why not, and what also does it intend to do to better the prospects of these Sub-Inspectors?

(b) Will the Government please state whether these Sub-Inspectors are required to keep a horse for touring purposes? If so, what allowance do they get for the purpose?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer given on the 16th March 1926 to his Question No. 2903.†

EDUCATION CODE.

3165. Sardar Gurbakhsh Singh : Will the Government please state the changes that it has introduced in the new Education Code in the matter of the award of grant-in-aid to aided Schools?

The Honourable Rai Sahib Chandhri Chaotu Ram : The changes in the grant-in-aid rules which are discussed in C. M. No. 18070-G., dated November 6th, 1923, have been incorporated in the revised edition of the Code.

* Vol. VIII A, page 48.

† Vol. IX-A, page 745.

PUBLIC HOLIDAYS.

3166. Sardar Gurbakhsh Singh : (a) Will the Government please state whether the birthday of Sri Gura Nanak Dev and Sri Gura Gobind Singh are public holidays for Government departments throughout the province?

(b) If the reply to (a) above be in the negative, is there any objection to make them holidays under the Negotiable Instruments Act for the whole of the province?

Mr. J. M. Dunnett : The honourable member is referred to the answer given on the 20th November 1924 to parts (b) and (c) of his Question No. 1055.*

REVISED TRAVELLING ALLOWANCE RULES.

3167. Sardar Gurbakhsh Singh : Has the attention of Government been drawn to the grievances of the touring officers in general and the revenue assistants in particular in the matter of the revised travelling allowance rules? If so, will the Government please state what steps it has taken or intends to take to redress their grievances in the matter?

The Honourable Sir John Maynard : The question is under the consideration of Government.

REPRESENTATION OF HINDUS AND SIKHS IN THE POLICE SERVICE.

3168. Sardar Gurbakhsh Singh : Is it a fact that the proportion of Muslim officers and men in the police service of the province is out of all proportion to Hindus and Sikhs in the force? If so, will the Government please state what steps it intends to take to give full representation to the Sikhs and Hindus in the police service of the province?

The Honourable Sir John Maynard : The percentages are as follows :—

	Muhammadans.	Hindus and Sikhs.
Constables	78 per cent.	22 per cent.
Head Constables	69 "	31 "
Sub-Inspectors	54 "	46 "
Inspectors	46½ "	53½ "

There is sufficient competition on the part of Hindus and Sikhs for the more highly paid appointments, but they are somewhat averse from serving in the lower ranks of the force.

In the circumstances no action is proposed on the part of Government to give fuller representation to the Sikhs and Hindus in the police force of the province.

COURSES OF STUDIES IN SCHOOLS.

3619. Sardar Gurbakhsh Singh : (a) Will the Government please state whether the courses of studies in the various classes of schools in the province vary from school to school and place to place? If so, will the Government please state the reasons for this variation?

(b) Is the Government aware that this system causes much inconvenience to the children of officers transferred from one place to another and to students in general on transfer from one school to another? If so, does the Government propose to prescribe uniform courses in all the schools of the province?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Attention is drawn to the reply given to Council Question No. 2596 which is laid on the table.

Answer to Question No. 2596.

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The courses in all recognised schools are prescribed by the Departmental Scheme of Studies and apply to all such schools.

(b) Does not arise.

FEMALE EDUCATION AND FEMALE DISPENSARIES.

3170. Sardar Gurbakhsh Singh : Will the Government please state whether any grant has been sanctioned for spreading female education and starting female dispensaries in the province as it has done in the case of education and dispensaries for males? If so, how much in both cases and if no provision has been made in the case of females, why not?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Provision for the education of females is made on the same lines as for the education of males and for vernacular schools grants are given to local bodies while secondary schools are placed on the grants-in-aid list, with a copy of which the Honourable Member has already been supplied.

As regards special medical relief for females, the honourable member is referred to the annual report on hospitals and dispensaries, a copy of which is available in the Council library. It may, however, be added that the question of the provision to be made for the extension of special medical relief for females has been engaging the attention of Government for some time and the tentative proposals which are now being worked out in detail aim at the provision of a nurse *dai* at each rural dispensary, a female section of each tahsil hospital in charge of a female sub-assistant surgeon and a female hospital at the headquarters of each district in charge of a lady doctor. Before this programme can be carried out it will, however, be necessary to make provision for the training of a much larger number of women at the Punjab Medical School for Women at Ludhiana, and proposals to this end are now being worked out with the Principal of the School.

INDIGENOUS SYSTEMS OF MEDICINE.

3171. Sardar Gurbakhsh Singh : Will the Government please state whether it has provided any amount for the development of indigenous systems of medicine in the province? If so, how much and if not, why not?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The indigenous systems of medicine can be assisted largely by research in Indian drugs for which purpose sums of Rs. 70,000 non-recurring and Rs. 22,000 recurring, in addition to the pay of an Assistant Pharmacologist and a Chemist, have been provided in the current year's budget.

AMENDMENT OF THE PUNJAB LOCAL OPTIONS ACT.

3172. Sardar Gurbakhsh Singh : (a) Is it a fact that the Ambala Cantonment Board requested the Local Government through the Northern Command to amend sub-section (3) of section 2 of the Punjab Local Options Act, V of 1923, so as to include Cantonments in the definition of 'local bodies'?

(b) Is it a fact that the Financial Commissioner replied that he did not consider it necessary or desirable to amend the Act in the manner desired? If so, was this reply sent with the approval of the Minister in charge of Local Self-Government?

(c) Is the Government aware that this reply has caused much disappointment among the civil population in Cantonments?

(d) If so, does the Government propose to reconsider the matter and bring in an amendment Bill in the Council?

The Honourable Sardar Jogendra Singh :

(a) Yes.

(b) Both parts yes.

(c) No.

(d) No.

Government does not think that the Act should be amended until further experience of its working. When the time for amendment comes, full consideration will be given to the recommendation of the Cantonment Board of Ambala.

PUNJAB UNIVERSITY AND CANDIDATES FOR EXAMINATION IN ENGLISH.

3173. Sardar Gurbakhsh Singh : Is the Government aware that the Punjab University has this year refused permission to a number of students who had passed the Vernacular and Languages Examinations previously, to sit for examination in English only, in spite of the fact that it had received their examination fees and duly permitted them to appear? If so, will the Government please state what action it has taken in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : No student who had passed the Vernacular and Languages Examinations under the Regulations of the University was entitled to appear in English only was refused permission to appear in the examination. It is, however, a fact, that, this year, as in other examinations in previous years, candidates whose applications under the Regulations could not be entertained had to be refused permission and money sent by such candidates was as usual refunded to them. The permission referred to in the question was subject to the confirmation of the Senate and in view of the fact that the applications were defective in Regulation the Senate could not be asked to sanction the necessary permission.

3174. *Cancelled.*

EXPENDITURE ON THE AKALI LEADERS TRIAL.

3175. **Sardar Gurbakhsh Singh :** Will the Government please give the entire expenditure incurred on the Akali Leaders Trial under the following heads, separately from the beginning up to the 9th July 1925 and from 9th July 1925 to 31st March 1926 :

- (a) Payment of fees to Counsels,
- (b) Upkeep of police for the case,
- (c) Upkeep of the Fort Jail,
- (d) Payment of travelling allowances to persons other than witnesses,
- (e) Payment of diet money to witnesses.
- (f) Any other expenditure ?

The Honourable Sir John Maynard : The information asked for is being collected and will be communicated to the honourable member when ready.

GIVING OF PARTIES TO GOVERNMENT OFFICIALS ON TRANSFER.

3176. **Sardar Gurbakhsh Singh :** (a) Is the Government aware that giving of dinners, garden parties, lunches, etc., on occasions of transfers of Government officials is becoming very common ? Is it further aware that official pressure is often exerted to get these functions arranged ? If so, does the Government propose to issue instructions forbidding the giving or accepting of any such parties on the occasions of transfers or proceeding on leave of Government officials ?

(b) Will the Government please state whether any note or record is kept by it of such functions being given to various officers and whether they are taken into consideration in giving promotions, etc. ? If not, will the Government please make it clear to the officers that no such record is kept and that the giving or accepting of any such function does not in any way affect their official career ?

Mr. J. M. Dunnett : (a) Public demonstrations in honour of Government servants are forbidden except where the previous sanction of Govern-

ment has been obtained. Fare well entertainments of an officer retiring or quitting a district or station are permitted, without previous sanction, when they are of a private nature and are attended only by personal friends.

Government is not aware that official pressure is often exerted to get these functions arranged, but, in view of the honourable member's suggestion that these entertainments have become very common, has addressed all Heads of Departments calling their attention to the rules to which I have referred and insisting on their strict observance in future. The rules have probably been evaded by too lax an interpretation of the terms "private entertainment" and "personal friends". Heads of Departments have been called upon to see that these terms receive in future a more strict interpretation and that cases of lax interpretation are reported for the orders of Government.

(b) No record of private farewell entertainments is kept and the occurrence of such entertainments does not affect the Government in estimating the officer's character.

VETERINARY DISPENSARIES AND CO-OPERATIVE CREDIT DEPARTMENT.

3177. **Sardar Gurbakhsh Singh :** Will the Government please state what provision has been made in the budget for the current year for the opening of new veterinary dispensaries and expansion and betterment of status in the Co-operative Credit Department?

The Honourable Sardar Jogendra Singh : The honourable member is referred to pages 828-24 and 827-80 of the Punjab Budget.

GRANTS-IN-AID TO DISTRICT BOARDS FOR EDUCATION.

3178. **Sardar Gurbakhsh Singh :** (a) Will the Government please state the amounts of grants-in-aid awarded to various district boards in the Punjab during the year 1925-26 for the erection of school buildings, starting of new schools, employment of trained teachers, starting of schools for adults and opening of village libraries and also state further as to what grants for similar purposes does it intend to award during 1926-27?

(b) Will the Government please state whether the grants-in-aid mentioned above are given only for the education of males or whether the district boards are allowed to utilise these grants for the expansion of female education as well?

(c) If the reply to the latter part of (b) be in the negative will the Government please state what provision it has made for the development of female education? If the reply be in the affirmative, will the Government please consider the advisability of issuing specific instructions to the Inspectors of Schools that the same amount should be utilised for the development of female education also?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) A statement showing the nature and extent of special grants awarded in 1925-26 is laid on the table.

[Hon'ble R. S. Chandhri Chhotu Ram.]

(b) These special grants are intended for vernacular schools for males, but the building grants may be used for girls' or boys' vernacular schools.

(c) Government meets the additional expenditure incurred by district boards and girls' schools in accordance with the grading of each board.

Building grants and grants for new schools, additional teachers, etc., and adult schools and grants for village libraries paid to each district during the year 1925-26.

Serial No.	Name of the District.	Grant for new schools and conversion.	Grant for additional teachers.	Grant for adult schools.	Grants for libraries.	Total.	Building grants.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Hissar ...	15,597	5,780	4,424	7,590	33,371	76,000
2	Rohtak ...	7,125	900	5,400	2,500	15,925	76,000
3	Gurgaon ...	14,987	5,680	648	6,712	27,927	71,000
4	Karnal ...	21,246	4,580	4,464	9,151	39,441	76,000
5	Ambala ...	14,179	1,940	1,224	7,740	29,083	66,000
6	Simla ...	733	...	...	699	1,432	8,000
7	Kangra ...	14,142	2,400	5,400	1,665	23,607	80,000
8	Hoshiarpur ...	13,898	4,040	5,400	2,897	26,175	76,000
9	Jullundur ...	8,167	6,180	5,400	1,100	20,847	66,000
10	Ludhiana ...	5,146	1,680	2,304	1,007	10,137	76,000
11	Ferozapore ...	8,250	7,060	2,520	1,395	19,225	61,000
12	Labore ...	20,811	8,620	1,152	2,354	27,337	71,000
13	Amritsar ...	9,175	1,960	4,464	2,878	18,477	71,000
14	Gurdaspur ...	14,168	4,840	1,152	698	20,858	61,000
15	Sialkot ...	10,775	900	2,880	2,645	17,200	66,000
16	Gujranwala ...	18,941	2,840	1,440	2,075	25,296	66,000
17	Sheikhupura ...	14,892	9,500	1,512	2,748	28,652	76,000
18	Gujrat ...	22,683	3,750	1,656	2,300	30,389	61,000
19	Shahpur ...	18,000	8,460	2,880	857	29,997	73,500
20	Jhelum ...	4,125	2,540	5,040	1,410	18,115	58,500
21	Rawalpindi ...	6,800	1,440	2,304	705	11,249	66,000
22	Attock ...	14,988	3,300	1,363	1,260	20,911	66,000
23	Mianwali ...	19,442	4,980	3,168	1,462	29,052	66,000
24	Montgomery ...	9,687	4,820	2,232	2,795	19,534	61,000
25	Lyallpur ...	...	...	...	3,625	3,625	...
26	Jhang ...	18,429	5,480	3,528	2,620	29,057	76,000
27	Multan ...	11,021	4,340	936	2,115	19,422	66,000
28	Muzaffargarh ...	12,103	6,460	2,448	2,140	23,151	76,000
29	Dera Ghazi Khan ...	12,087	4,280	3,312	2,555	22,234	66,000
Total ...		3,54,222	1,13,870	78,566	79,561	6,26,149	18,91,000

SUPPLY OF COPIES OF CIVIL LIST TO MEMBERS OF THE LEGISLATIVE COUNCIL.

3179. **Sardar Gurbakhsh Singh:** (a) Is the Government aware that the members of the Legislative Council keenly feel the necessity for copies of the Civil List?

(b) If so, does the Government propose to supply this publication regularly to members of the Legislative Council?

The Honourable Sir John Maynard : (a) No.

(b) It is considered sufficient to place the list in the Council Library.

SCHEMES OF WATER SUPPLY TO AMBALA CITY AND AMBALA CANTONMENT.

3180. Sardar Gurbakhsh Singh : Will the Government please state the total estimated costs of the various schemes of water supply to Ambala City and Ambala Cantonment and state whether it has decided to undertake any of the schemes and if so, which? Will the Government please also state whether it proposes to meet the cost of any of these schemes, and if so, of which and to what extent?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The Urban Sanitary Board has before it seven schemes, which are estimated to cost Rs. 10,93,272, Rs. 10,72,942, Rs. 9,10,303, Rs. 11,90,889, Rs. 10,48,579, Rs. 8,80,181 and Rs. 20,68,626, respectively. No decision has been made, as reports of the results of trial borings and surveys in connection with these schemes are awaited.

TAKING OVER FROM LOCAL BODIES OF METALLED AND UNMETALLED ROADS.

3181. Sardar Gurbakhsh Singh : (a) Will the Government please state whether it has decided to take over the metalled and unmetalled roads from the various local bodies in the province? If so, will it please give the list of all such roads?

(b) Will it please further state which of the *kacha* roads taken over by it it proposes to metal and when?

(c) Will it also please state how this will affect the grants awarded by Government to the various boards in general and the consolidated grant in particular?

(d) Will it also state further whether it has taken over any of the municipal roads also? If not, will it please state why the municipalities have been debarred from this privilege?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has decided to take over from district boards the roads classified as "arterial" in the Road Reclassification Scheme, a copy of which is laid on the table.

(b) Lists of roads which it is proposed to metal during the current year will be found at pages 30—35 of the Public Works Department Budget estimates for 1926-27 (1st edition) and pages 142—145 of the supplementary estimates, June 1926 (first instalment) copies of which have already been supplied to the honourable member. Other unmetalled roads will be metalled as funds become available.

(c) Consolidated grants to district boards have just been revised and have been fixed for five years. A copy of Punjab Government letter No. 13610 (L. S.-G.—Bds.),* dated the 26th April 1926, explaining how the amounts have been fixed for each district is laid on the table. It will be

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seen that the taking over by Government of arterial roads has not influenced the distribution. earmarked grants will continue to be given for maintenance of roads and for medical, veterinary and educational purposes. It is also hoped that funds will be available for extension of communications

(d) Roads lying within municipal limits have not been taken over by Government, except in special cases for practical reasons where such roads form an integral part of a through route. The aim of the road reclassification scheme was to relieve district boards of the burden of maintenance of roads of provincial importance.

VERNAACULAR MIDDLE EXAMINATION.

3182. **Sardar Gurbakhsh Singh :** (a) Will the Government please give the number of students appearing for the Vernacular Middle Examination each year during the last ten years and the number of passes each year?

(b) Is the Government aware that the pass percentage is very low this year as compared with the result of previous years? If so, will the Government please state what it intends to do in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The necessary statistics are laid on the table.

(b) No, does not arise.

Year.	No. of candidates appeared.	No. passed.	Pass percentage.
1916	... 2,630	2,063	78.4 per cent.
1917	... 2,726	2,250	82.5 per cent.
1918	... 2,908	2,088	71.8 per cent.
1919	... 2,989	1,910	63.9 per cent.
1920	... 3,464	2,452	70.7 per cent.
1921	... 3,731	2,953	79.2 per cent.
1922	... 4,328	3,422	79 per cent.
1923	... 4,648	2,978	64 per cent.
1924	... 6,049	4,466	73.8 per cent.
1925	... 5,850	4,126	70.5 per cent.
1926	... 8,513	4,407	51.6 per cent.

PROSECUTIONS FOR KEEPING TWO KIRPANS.

3183. **Sardar Gurbakhsh Singh :** Is the Government aware that a Sikh B. Bakhtawar Singh by name has been arrested by the Ambala police and challaned in the court of the Revenue Assistant, Ambala, on the alleged offence of keeping two kirpans, one big and one small? If so, will the Government please state whether it intends to make such prosecutions?

The Honourable Sir John Maynard : Yes.

Government will require its concurrence to the initiation of such prosecutions and will consider the circumstances of cases as they arise. The case referred to by the honourable member was not reported to Government, and the question has therefore not come under discussion.

TRANSFER OF AKALI PRISONERS TO RAWALPINDI.

3184. **Sardar Gurbakhsh Singh:** (a) Is it a fact that all the Akali prisoners in the Punjab jails have now been brought over to Rawalpindi? If so, what is their total number?

(b) Is it a fact that sweet *dalya* was used to be given to Akali prisoners in Rawalpindi jail from December 1925 to March 1926 and that saltish *dalya* has again been started from March 1926? If so, will the Government please state the reasons for the change? Will the Government please state whether they have any objection to give sweet *dalya* again?

The Honourable Sir John Maynard: (a) Yes. 170.

(b) Yes, *Gur* was mixed with the *dalya* supplied to Akali prisoners during the winter months on medical grounds; thereafter, the supply of *Gur* was discontinued. The Superintendent of the Jail has been informed that he is at liberty to supply *Gur* on medical grounds.

EVACUATION OF VILLAGES FOR ARTILLERY PRACTICE.

3185. **Sardar Gurbakhsh Singh:** (a) With reference to the Government reply to Question No. 2835,* part (b) will the Government please name the persons of the various villages affected who agreed to accept Rs. 0-8-0 per day as compensation for the evacuation of houses and the names of the leading zamindars and other villagers who consented to the evacuation?

(b) Will the Government please state the population of each of the villages which had to evacuate for the artillery practice?

(c) Will the Government please state for how many years past has this practice been going on and these villages got evacuated and what was the total amount of compensation paid to them during each of those years?

(d) Will the Government please ascertain from the military authorities and state whether they intend to have artillery practice in the said villages during this year also?

(e) Will the Government please state whether it is prepared to enter into negotiations with the Army department with a view to stop this practice from this year?

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

LAND UNDER MORTGAGE WITH NON-AGRICULTURISTS IN MUZAFFARGARH DISTRICT.

3186. **Khan Muhammad Abdullah Khan:** Will Government kindly state:—

(a) the area of land at present under mortgage;

(b) the area of land on lease;

with the non-agriculturists in the Muzaffargarh district?

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

WATERLOGGING IN THE SIALKOT DISTRICT.

3187. **Sardar Randhir Singh:** (a) Will Government be pleased to state what it has done to stop waterlogging in the district of Sialkot along the Upper Chenab Canal?

(b) Has any land been given as compensation to the people whose lands in the district have been affected by waterlogging?

(c) If so, how much of land and to the inhabitants of which villages in the district of Sialkot has the land been given as compensation?

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

1. The effects of seepage are being closely watched by means of monthly observations of water levels in wells extending for a distance of 1 mile either side of the canal and by annual seepage survey which shows the areas reclaimed or areas freshly affected.

2. There is in the Malara Division a total of 50 miles of seepage drains on both sides of the Main Line of which 8 miles were excavated or deepened and widened during last two years. These are being maintained by scoop gangs. These seepage drains discharge into natural drainages of which 35 miles are being maintained clear of jungle and correct to bed levels by similar scoop gangs. Cills of cross drainage syphons have been lowered where necessary to permit seepage drains being deepened. Where the Nallahs have to be deepened under standing water and manual labour would be ineffective, a dragline excavator is being employed. This is at present working on the Tan Nalwah Nallah.

Last year (about) Rs. 20,000 were spent on maintenance of drains and working the excavator and Rs. 50,000 (about) have been sanctioned during the last two years for extension and improvement of these drains,—vide statement attached.

Other proposals in this connection are being dealt with by the Drainage Sub-Division, Raya Division.

3. It is difficult to say with any degree of accuracy as to how far the above measures have succeeded in arresting the spread of waterlogging but the tract along the canal shows a distinct improvement in so far that a number of wells which were thrown in disuse before have started working and in certain areas fresh wells had to be sunk to meet the water requirements of the crops on the reclaimed areas.

Statement showing outfall deepened during 1925-26.

Item No.	Name of outfall.	Sanctioning authority.	Sanctioned amount.	REMARKS.
1	Deepening the outfall of Pasia syphon at R.D. 115,900.	Chief Engineer's No. 0288-N.I., dated 17th June 1925.	Rs. 4,959	Above ½ has been completed the rest will be done during closure.

2. Statement showing drains extended along Main Line Upper.

Item No.	Name of estimate or drain.	R. D.	Authority.	Amount.
1	Extension of seepage drains both on right and left of Canal.	1-R. 19,000 to 20,500, 7-R 65,500 to 67,500.	Chief Engineer's No. 0659-N.I., dated 4th August 1924.	Rs. 1,075
2	Extending the seepage drains 8-R.	67,500 to 68,000...	Superintending Engineer's No. 5249-4-40-W., dated 10th September 1925.	572

3. Statement showing drains widened and deepened.

1	Deepening widening seepage drains both on right and left of Canal.	3-R. R.D. 35,800 to 39,900 6-R. R.D. 54,200 to 58,400 8-R. R.D. 68,000 to 75,800 9-R. R.D. 75,800 to 80,600 1-L. 18,000 to 35,800 2-L. 36,000 to 41,800 3-L. 41,800 to 44,500 1-R. 20,500 to 35,800 7-R. 68,400 to 68,500	Chief Engineer's No. 0659-N.I. dated 4th August 1924.	Rs. 15,398
2	Widening the seepage drains 5-L. R.D. 58,200 to 63,400.	1-R.D. 58,200 to 68,400.	Superintending Engineer's No. 2424-4-40-W., dated 16th September 1924.	1,743

4. Statement showing outfall newly excavated in this Sub-Division.

1	Constructing a new outfall from Jaurian Syphon, R.D. 68,400 to Falcin.	Chief Engineer's No. 42, dated 4th January 1926.	Rs. 9,110
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Recently sanctioned work undertaken.

5. Statement showing drains newly excavated.

1	Excavating seepage drains between R.D. 97,000 to 100,650 and 111,000 to 121,000 Left.	Superintending Engineer's No. 12684-4161-5-44-W., dated 20th July 1925.	Rs. 12,684
2	Seepage drain from R.D. 95,000—100,650 R.	Chief Engineer's No. 5949, dated 28th December 1924.	2,156
3	Seepage drain from R.D., 12,000 to 17,000 R.	Superintending Engineer's No. 5641—4-45-W., dated 4th December 1924.	2,529
Total of above			50,229

All drains have been excavated.

Completed.

Do.

Mian Abdul Aziz : Is it only by way of experiment that these operations are being carried on or are these permanently done at these places ?

The Honourable Mian Sir Fazl-i-Husain : The employment of gangs and the digging of drains are taking place and if they succeed well they will continue.

Mian Abdul Aziz : I am afraid the real answer to my supplementary question has not come. I asked the honourable member to let me know whether this is done only by way of experiment up to this time or has any permanent scheme been settled ?

The Honourable Mian Sir Fazl-i-Husain : In progressive matters of this nature, there is nothing that can be said to be permanent.

AUCTION OF CROWN LANDS IN THE SHEIKHUPURA AND LYALLPUR DISTRICTS.

3188. Sardar Randhir Singh : (a) Has any Crown land been auctioned in the district of Sheikhupura and Lyallpur ?

(b) If so, what arrangements have been made by Government for giving canal water to those lands ?

(c) Is it a fact that the water of the old outlets has been reduced in order to give water to these newly auctioned lands ?

(d) Is it a fact that the volume of water of the canal has been reduced in the districts of Lyallpur and Sheikhupura ? If so, what are the reasons for the same ?

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

REDUCTION OF WATER SUPPLY IN THE LOWER CHENAB CANAL.

3189. Sardar Randhir Singh : (a) Will Government be pleased to state by what percentage the water in the Lower Chenab Canal has been reduced since 1905 ?

(b) Will Government also please state the percentage of enhancement since 1905 of the land and water taxes in the areas irrigated by the Lower Chenab Canal ?

(c) Will the Government please give reasons for such enhancement when there has been a reduction of water supply in the canal ?

The Honourable Mian Sir Fazl-i-Husain : The honourable member is informed that information is not available at present. Enquiries have been made from the local officers and the result is awaited. Further information will follow.

CLOSURE OF THE LOWER CHENAB CANAL.

3190. Sardar Randhir Singh: (a) Will the Government please state for how many days the Lower Chenab Canal was closed during the period from 1st February 1925 to 31st January 1926?

(b) Have there been so many closures on the Lower Chenab Canal before 1925? If so, in what years?

(c) If the reply to (b) is in the negative, what compensation has been given to the zamindars for the damage caused by the closures and during 1st February 1925 and 31st January 1926?

The Honourable Mian Sir Fazl-i-Husain:

(a) 35 days.

(b) Yes in the following years:—

1-2-1924 to 31-1-1925	...	...	36 days.
1-2-1923 to 31-1-1924	...	...	44 "
1-2-1922 to 31-1-1923	...	...	39 "
1-2-1917 to 31-1-1918	...	...	68 "
1-2-1916 to 31-1-1917	...	...	42 "
1-2-1914 to 31-1-1915	...	...	55 "

(c) Does not arise.

HONORARY EXTRA ASSISTANT COMMISSIONERS.

3191. Sardar Randhir Singh: Will Government please state—

(a) whether any term of office has been prescribed for Honorary Extra Assistant Commissioners and if not, whether it proposes to frame rules on the subject; and

(b) whether any age limit has been prescribed by which Honorary Extra Assistant Commissioners cannot function as such as soon as they attain that age?

MR. J. M. DUNNETT: (a) and (b) Honorary Extra Assistant Commissioners are appointed during the pleasure of Government and such appointments continue for life.

These appointments do not *ex-officio* carry any judicial powers. Such powers require notification under various Codes and Acts. As soon as Criminal or Civil powers are conferred Honorary Extra Assistant Commissioners become Honorary Magistrates or Honorary Sub-Judges and accordingly are subject to the rules laid down by Government for such officers.

No age limit is prescribed.

EXHIBITS IN THE LAHORE MUSEUM.

3192. Chaudhri Ram Singh: Arising out of the answer to Question No. 2152* will Government be pleased to state whether the names of the exhibits kept in the Lahore Museum have since been written in Hindi (Devnagari) characters or not? If not, why not?

The Honourable Sardar Jogendra Singh: The appointment of an extra clerk for the work will be necessary. It is proposed to ask for provision for his pay in next year's budget.

RECRUITMENT TO THE POLICE DEPARTMENT.

3193. Chaudhri Ram Singh: Will Government be pleased to name the menial classes amongst the Hindus as well as amongst the Muhammadans referred to in the answers to Question No. 2661†?

The Honourable Sir John Maynard: The honourable member is referred to part VI of the official publication entitled "Panjab Castes" by the late Sir Denzil Ibbetson, K.C.S.I.

SARDAR BAHADUR SARDAR BISHAN SINGH, INSPECTOR OF SCHOOLS,
JULLUNDUR DIVISION.

3194. Maulvi Mazhar Ali, Azhar: (a) Will the Government please state whether there are any standing rules governing the transfer of Inspectors of Schools from one division to another?

(b) If the answer to (a) be in the affirmative, will the Government please lay such rules on the table?

(c) Is it a fact that ever since his appointment as Inspector of Schools, in 1918 Sardar Bahadur Sardar Bishan Singh has not so far been transferred from the Jullundur division?

(d) If the answer to (c) be in the affirmative, will the Government please explain why the Inspectors of Schools in other divisions have from time to time been transferred very frequently while Sardar Bahadur Sardar Bishan Singh has not been transferred at all?

The Honourable Rai Sahib Chaudhri Chhetu Ram: (a) No.

(b) Does not arise.

(c) Yes.

(d) Government transfers officers from time to time as is considered desirable in the interests of the public service, but except in the case of the Rawalpindi division owing to unavoidable circumstances, there has been little change in the inspectorate.

* Vol. VIII-B., pages 1376-77.

† Vol. IX-A., page 327.

COMMUNAL REPRESENTATION AMONG TEACHERS IN THE JULLUNDUR DIVISION.

3195. Maulvi Mazhar Ali, Azhar : Will the Government please state according to each community the number of senior teachers on the staff of—

- (i) Government High schools, and
- (ii) Municipal and District Board High schools, and
- (iii) Government Normal schools of the Jullundur division?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The honourable member is referred to the general answer given to Council Questions Nos. from 1961 to 1975.*

Sardar Jodh Singh : Is it a fact that the claims of not even one senior Muhammadan teacher have been suppressed in the Jullundur division?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I want notice of this question.

Sardar Jodh Singh : Is it not a fact that since 1921 21 senior Muhammadan teachers have been recruited in Board schools?

Mian Abdul Aziz : I once put a supplementary question to a question the answer to which was asked to be laid on the table and you were pleased to give a ruling on that point. As far as I remember the last ruling was that no supplementary question can be put on that.

Mr. President : If I recollect aright, my ruling was that in the case of printed answers to questions supplementary questions are permissible, though such questions are not permissible in the House of Commons where no supplementary questions can be based upon printed answers. But here rightly or wrongly a different practice has grown. My ruling was that when no answer (oral or printed) is given a supplementary question can not be asked but when an answer is given a supplementary question may be asked even if the answer is printed.

The Honourable Rai Sahib Chaudhri Chhotu Ram : I cannot answer this question without notice.

Professor Ruchi Ram, Sahni : Will the Government please take into consideration the suggestion that to avoid such questions in future they will distribute the teachers and other officers in some proportion, so that these questions may not be asked? Will Government be pleased to take the suggestion into consideration?

Mr. President : That is not a supplementary question.

INSPECTOR OF SCHOOLS, JULLUNDUR.

3196. Maulvi Mazhar Ali, Azhar : (i) (a) Is it a fact that no Muslim Headmaster or Second Master has ever been given a chance to work on the staff of the Government Normal School, Moga?

(b) Is it a fact that at present there is no senior Muslim teacher on the staff of the Government High School, Ferozepore?

* Vol. VIII-B, pages 1167-81 and page cxli App. VIII.

[Maulvi Mazhar Ali Azhar.]

(a) Will the Government please state according to each community, the number of students on the roll of the Government High School, Ferozepore?

(ii) If the answer to (a) and (b) be in the affirmative, will the Government please state whether they propose to transfer the present Inspector of Schools from Jullundur?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (i) (a) and (b). The honourable member is referred to the general answer to Council Questions Nos. 1961—75*.

(c) 182 Muhammadans.

93 Sikhs.

764 Hindus.

4 Christians.

(ii) No.

HEAD CLERK IN CIVIL SURGEON'S OFFICE, JHELM.

3197. Maulvi Mazhar Ali Azhar: (a) Is it a fact that B. Abdul Rahman has been working as a Head Clerk in Civil Surgeon's office, Jhelum, for the last 19 years?

(b) Is it also a fact that he is the resident of Jhelum town?

(c) If the replies are in the affirmative, will the Government please state why he has been kept in the district for such a long time and why he has not been transferred to some other district? Does the Government propose to transfer him now? If not, why not?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Yes.

(b) Yes.

(c) It was not possible to transfer him before 1916, as the clerks of Civil Surgeons' offices were not provincialised till that year. Such clerks are transferred for special reasons only, and public interests have not yet demanded the transfer of B. Abdul Rahman.

DISTURBANCES IN CONNECTION WITH THE ROHTAK DISTRICT BOARD ELECTIONS.

3198. Chaudhri Duli Chand: Will the Government be pleased to state (a) whether at the recent district board election for the Rohtak circle there was a breach of peace;

(b) whether as a result of that breach of peace the zaildar and the sufedposh of the circle and the President, municipal committee, Rohtak, have been chailaned;

(c) whether the zaildar and the sufedposh have been suspended without waiting for the result of the case;

(d) whether one of the rival candidates at this district board election has been appointed zaildar in place of the suspended zaildar; and

(e) whether the newly appointed zaildar is also a prosecution witness in the case?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PUNITIVE POLICE POSTS IN THE LAHORE DISTRICT.

3199. Sardar Dhira Singh : (a) Is the Government aware that in several villages of the district of Lahore the hailstone storm last month ruined the whole of the standing *rabi* crops?

(b) Is it a fact that the canal and revenue departments are preparing details to give *muaf*?

(c) Is it a fact that in some of these villages there are punitive police posts, for example at Hudiana and Narli? If so, will the Government consider the desirability of removing these punitive posts from such villages?

(d) Does the Government propose to give *muaf* of the police tax like the canal and revenue departments? If not, does it intend to postpone its collection to next year?

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

NEW LIQUOR SHOPS IN THE AMBALA DISTRICT.

3200. Sardar Gurbakhsh Singh : (a) Will the Government please state the number of new liquor shops opened in the Ambala district for the year 1926-27 and the names of the places where they have been opened stating the reasons for the opening of these new shops?

(b) Will the Government please lay on the table the entire correspondence between itself and the district authorities in regard to this matter?

(c) Is the Government prepared to close these new shops? If not, why not?

The Honourable Sardar Jogendara Singh : (a) Six. At Panjokhra, Khizarbad, Baruval, Oyand, Jatwar and Ambala. The object was to combat illicit distillation.

(b) No. It would not be in the public interest to do so.

(c) No. Illicit distillation is still prevalent in the Ambala district.

Sardar Gurbakhsh Singh : How many public distilleries will be jeopardised if the information is laid on the table.

The Honourable Sardar Jogendra Singh : That is not a question.

Sardar Gurbakhsh Singh : How will the public welfare be jeopardised ?

The Honourable Sardar Jogendra Singh : That is an argument.

Mr. President : Will the honourable member please repeat his question ?

Sardar Gurbakhsh Singh : Will the Government please state the reasons for not laying the correspondence on the table and also state further reasons why they think that public interests will suffer if the correspondence is laid on the table ?

The Honourable Sardar Jogendra Singh : In these matters Government must use their discretion.

Sardar Gurbakhsh Singh : No law or procedure allows this discretion to the Government. To a large number of questions in this House this unreasonable answer is often given.

Mr. President : Order, order. It is open to a Member of Government to refuse to answer a question on the ground of public interest. A member may not start a discussion on answers to questions, which are not resolutions.

Mian Abdul Aziz : May I say that where the reply of the Government is that the Government are not prepared to give a reply, a supplementary question asking the Government for the reasons is not as a matter of fact to disclose the secrets of the Government, but the reason whether it is public policy or some other policy. That would be quite a legitimate question.

Mr. President : I do not think reasons for refusal to answer a question can be asked by a supplementary question.

WATERLOGGING CAUSED BY THE LOWER JHELUM CANAL.

3201. Malik Firoz Khan, Noon : Will the Government kindly state as to what action they have taken or intend taking in the case of owners of land of Wan Miana in the Phalwal tahsil of the Shahpur district who claim compensation for loss to their buildings and gardens and lands by water-logging caused by the Lower Jhelum Canal ?

The Honourable Mian Sir Fazl-i-Husain : The matter is under consideration.

TAX ON DOGS.

3202. Malik Firoz Khan, Noon : (a) Will the Government kindly state the number of cases that came to its notice of human beings being bitten by mad dogs during the last two years ?

(b) Has the Government taken steps for the destruction of all ownerless dogs in the towns and villages in the province ? If not, does it propose to do so now ?

(c) Has the Government considered the advisability of imposing a dog tax on the owners of dogs throughout the province in order to keep down the number of dogs and also in order to finance the dog destroying agency in the province? If not, does it propose to do so now?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Government has not received any reports.

(b) The disposal of mad and stray dogs is a matter which may be provided for by local bodies. The honourable member's attention is invited to section 109 of the Punjab Municipal Act, 1911, and section 35 of the Punjab Small Towns Act, 1921. As regards the area subject to the authority of a district board Government will consider the question of making a direction under sub-section (2) of section 20 of the Punjab District Boards Act, 1888.

(c) This again is a matter for local bodies to consider, and Government does not propose to interfere with their discretion. Four municipal committees have already imposed a dog tax.

REDUCTION OF SUBSOIL WATER LEVEL.

3203. Malik Firoz Khan, Noon: (a) Has the Government any objection to get prepared a book or pamphlet explaining the methods by which the subsoil water level can be reduced in the canal colonies and have it translated into Urdu and distributed freely in the colonies? If so, what? If not, does it propose to get the book or pamphlet prepared?

(b) Has the Government made any experiments in any colony tract for reducing the water level by means of pumps? If so, what has been the working cost of the schemes? If no experiments have been made till now, will the Government please do so now and publish the working cost of the same?

(c) Is it a fact that canal lining reduces the chances of water-logging? If so, what steps are being taken by Government in the matter of lining some of the canals?

(d) Has the Government invited any of the European firms to submit their suggestions for lining the canals?

The Honourable Mian Sir Fazl-i-Husain: (a) The chief objection to preparing such a pamphlet is that it is not so much want of knowledge, as want of action on knowledge already obtained, that prevents the zamindar from improving waterlogged areas and threatened areas by:—

- (i) reducing the number and intensity of waterings to a minimum,
- (ii) properly tilling and levelling his fields,
- (iii) keeping his watercourses clean and straight,
- (iv) using the Khal-Kiari system,
- (v) ceasing to block drainages by cross-bunds,
- (vi) definitely clearing jungle and other impediments to flow from natural drainages,

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- (vi) digging surface drains through and around his fields and linking them up with natural drainages or excavated drains,
- (vii) reducing his demands directly it rains,
- (ix) using wells for irrigation, in *rabi* especially instead of canal water,
- (x) constructing his internal (zamindari) watercourses with the same care as he constructs '*ads*' for well irrigation.
- (xi) etc., etc.

There is no need to publish these facts; every zamindar knows them well, but a very few will act on them.

A demonstration of the practical exercise of all such methods as those indicated above, by the honourable member putting the question, on the *whole* of his land, would prove of more benefit to the country and the zamindar than Government pamphlets.

(b) *Amritsar Hydro-Electric Installation.*

I. In 1911-12 the conditions in and around Amritsar city became very insanitary due to a steady rise in the subsoil water level. In 1912 a scheme was submitted to the Government of India to generate power at the 5' fall on the Upper Bari Doab Canal at the Grand Trunk Road crossing and utilize this on the following among others :—

- (i) Working the machinery in the Central Workshops at Amritsar.
- (ii) Replacing irrigation in about 9,000 acres of the Jethowal Distributary by water to be pumped up from tube wells.

II. The estimate was sanctioned by the Government of India who ordered that improvement in the sanitary conditions at Amritsar was the primary object of the scheme. The actual expenditure has been Rs. 5,06,640.

III. The power generated is being utilised as below :—

- (i) In the Central Workshops, Amritsar, to work machinery at Rs. 0-2-0 per unit.
- (ii) In working tube wells in the area round Amritsar originally served by the Jethowal Distributary.

IV. Statistics prepared for the year 1917-18 to 1921-22 which alone are available in this office show that there has always been a loss financially ranging between 3.55 per cent. and 6.42 per cent. on the capital invested against a gain of 4.7 per cent. anticipated in the project.

V. The sanitary conditions have, however, improved and the Superintending Engineer reports that the water table is now about 3' lower than what it was in 1913. It has now been decided to continue the tube wells working in spite of this loss. There are altogether 16 tube wells.

VI. For the years mentioned above the financial aspects stand thus :—

Probable land revenue expected in the Project.

PUMP IRRIGATION.		Workshops.	Total.
Kharif.	Rabi.		
		Rs.	Rs.
21 x 62 acres=1,302 at 6'25=	21 at 200=4,200 acres at 3=		
Rs. 8,581	Rs. 12,600	20,000	41,181

Rs.

Probable annual expenditure as in Project=22,085.

Net profit =19,047

=4.7 per cent. on estimate
of Rs. 4,04,910.

Actual figures 1917-18 to 1921-22 (average).

PUMP IRRIGATION.		Workshops.	Total income per year.
Kharif.	Rabi.		
		Rs.	Rs.
1,426 acres=5,806	1,555 acres=1,696	7,979	19,380

Actual annual expenditure=41,840.

Annual loss =22,560=4.45 per cent. on capital cost
of 5,06,640.

VII. Owing to defective design of pump strainers repairs and replacements are always going on and at present pumps 6, 7, 8 are out of order. Pump 6 is being replaced at an estimated cost of about Rs. 19,500.

The working of the pumps is so unsatisfactory that the water supply to the lands has to be occasionally supplemented by running the Jethowal Distributary.

Owing to such defective working it has been decided by the Chief Engineer, Southern Canals, not to extend tube well irrigation anywhere on the Upper Bari Doab Canal until the design for the pumps is perfected.

Discharge for which pumps were designed=21 cusecs.

(c) It is a fact that lining canals reduced waterlogging.

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Up to date, after some 30 years' experiment and experience on over a dozen different kinds of lining materials ranging from oiled-paper to cement-concrete, it has been found that the only really satisfactory lining is cement and sand mortar, not less than $1\frac{1}{2}$ inches thick.

As this costs roughly 20 to 25 per cent. square feet the cost of lining various channels would be at least :—

Channel.	Discharge.	Per mile.
		Rs.
Main Canal	10,000	2,80,000
Distributary	150	20,000
Minor or large watercourse	6	5,000
Small watercourse	$1\frac{1}{2}$	2,000

From this it will be seen that the cost is generally prohibitive, in the sense that it could not be incurred without raising the water rates.

Government is proposing to line the first 5 or 6 miles of the Shahpur Branch.

(d) European and American firms have been invited at various times to make suggestions, but so far none of them have been able to supply an efficient and permanent lining at an economic cost.

CULTIVATION IN THE DERA GHAZI KHAN DISTRICT.

3204. Shaikh Faiz Muhammad : Will Government kindly lay on the table the following information for each of the four tahsils of the Dera Ghazi Khan district for the rabi and the kharif harvests of 1925 :—

- (a) Total area cultivated,
- (b) Total area matured,
- (c) Total area irrigated, and
- (d) Total area allowed by way of *kharaba*.

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

CANAL AND REVENUE OFFICERS.

3205. Shaikh Faiz Muhammad : (a) Will Government kindly state if it is a fact that canal officers in the Dera Ghazi Khan district accompany the revenue officers on the latter's tour to assess *kharaba* ?

(b) If so, is the Government aware that the practice influences the opinion of the revenue officers in assessing *khara*? Does Government propose to discourage this practice?

The Honourable Mian Sir Fazl-i-Husain: (a) No, it is not a fact that canal officers in the Dera Ghazi Khan district accompany the revenue officers on the latter's tour to assess *khara*.

(b) Having regard to (a), this does not arise, but even if this system were to be started, Government does not consider that the interests of zamindars would be prejudicially affected thereby.

BATAI SYSTEM IN DERA GHAZI KHAN.

3206. Shaikh Faiz Muhammad: (a) Will Government kindly state if it is a fact that the zamindars under *batai* in the Sori Land tuman of Dera Ghazi Khan district have agreed to pay to their tamandars double the cash land revenue of their lands to get rid of *fini batai*?

(b) If the answer to (a) above be in the affirmative, does the Government propose to accept the arrangement?

(c) Will Government kindly state if it is a fact that Mazari tamandar has also expressed in writing his willingness to relinquish *batai* in his tuman?

(d) Will Government kindly state if it is a fact that Dera Ghazi Khan is the only district in the Punjab in which the system of *fini batai* exists?

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

ATTENDANCE OF CLERKS, ETC., ON GAZETTED HOLIDAYS.

3207. Khan Muhammad Abdullah Khan: (a) Is it a fact that clerks and peons in certain offices of the Government are asked to attend office on gazetted holidays? If so, are there any rules or orders authorising this practice?

(b) Are such clerks and peons granted any extra allowance or compensatory holidays?

(c) If the answer to the former part of (a) be in the affirmative, and to (b) in the negative, does Government propose to consider the advisability of issuing instructions to all the heads of departments in the province directing them either to avoid, as far as possible, the necessity for the clerks and peons to attend office on gazetted holidays, or in case their attendance on a gazetted holiday or holidays is considered absolutely necessary and unavoidable in the interest of purely official work, to grant them compensatory holidays or extra allowance?

Mr. J. M. Dunnett: The honourable member is referred to the answer given to Council Question No. 527* asked by Mian Beli Ram on the 26th July 1921.

vide the answer to question No. 3181, (page 991 ante).

No. 18310 (L. S.-G.—Hds.), dated Lahore, the 30th April 1923.

From—RAJ CHANDRA, Esq., M.B.E., I.O.S., Officiating Secretary to Government, Punjab, Transferred Departments,
To—All Commissioners of Divisions and Deputy Commissioners in the Punjab.

I AM directed to say that the question of the revision of consolidated and development grants to district boards has been for some time under the

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consideration of the Punjab Government (Ministry of Education). In Punjab Government resolution No. 21460, dated the 19th November 1917, it was announced that a sum of Rs. 7,74,400 would be sanctioned annually for five years for distribution as consolidated grants to district boards. This sum has been sanctioned every year up till now and the amount fixed for each district board in 1917 has remained unchanged. As it is considered that these consolidated grants have come to form an integral part of district board finances and cannot be disturbed without causing embarrassment, it has been decided to make no readjustment in their distribution.

2. The total of the consolidated grants for each division was increased by 25 per cent. in 1922, and the additional amount was placed at the disposal of Commissioners for distribution as they thought fit, in Mr. Miles Irving's letter No. 791-S. B., dated the 8th June 1922, to the Accountant-General, Punjab, a copy of which was forwarded to Commissioners with Punjab Government endorsement No. 815-S. B., dated the 9th June 1922. The total increase for the whole province was Rs. 1,23,600. Besides this, in accordance with the policy outlined in Punjab Government resolution quoted in paragraph 1 above, a specified sum has been placed every year at the disposal of Commissioners for distribution among the district boards of their division as development grants for expenditure on new undertakings. The total of these development grants has been Rs. 2,60,000. Thus the total sum which has been placed in the past at the disposal of Commissioners for distribution to district boards has been Rs. 4,53,600.

3. It is now proposed to utilise this sum of Rs. 4,53,600 as a basis for securing the poorer district boards in the province a more permanent form of assistance than was provided by grants from Commissioners. This matter has presented no little difficulty and the system finally adopted is as follows :—

For each district the income from the local rate, if levied at the statutory maximum limit of 12 pies in the rupee of the annual value, has been estimated, and to this has been added the amount of consolidated grant fixed in 1917, which it has been decided not to disturb. The income from these two sources has been used as a basic income and the basic income per one thousand of population has been calculated for each district. A comparison of the figures showed that the basic income per thousand of population varied considerably from district to district, for instance, while it was only 170 in Rawalpindi, it was as high as 942 in Lyallpur and 568 in Sheikhupura. In order to equalise these differences, as far as possible, the sum of Rs. 4,53,600 was distributed as an "equaliser" grant between thirteen districts, so as to secure to each board a minimum basic income of 311 per thousand of population.

4. The amount placed at the disposal of each district board from the grant of Rs. 12,28,500 voted by the Legislative Council for consolidated and development grants to district boards is shown in the enclosed statement. These grants will be subject to revision at the end of five years. In addition, earmarked grants will be given for medical, veterinary and educational purposes. A grant will also be made for maintenance of communications, and it is hoped that it will be possible to place funds at the disposal of the communications board for extension as apart from the maintenance of roads.

No. 12611-F.

A copy is forwarded to the Accountant-General, Punjab, Lahore, for information with the request that he will arrange to have the grants shown in the attached statement placed to the credit of the various district funds as soon as possible.

STATEMENT SHOWING THE AMOUNTS ALLOTTED TO DISTRICT BOARDS IN THE PUNJAB OUT OF THE PROVISION OF Rs. 12,25,000 IN THE BUDGET FOR 1926-27.

1	2	3	4	5	6
Serial No.	Division	District	Consolidated grant as fixed in 1917.	Equaliser grant as now sanctioned.	Total
			Rs.	Rs.	Rs.
1	AMRITSAR	Hissar	16,000	21,900	37,900
2		Rohatak	26,000	...	26,000
3		Gurgaon	52,000	...	52,000
4		Karnal	34,000	26,900	60,900
5		Ambala	53,000	...	53,000
6	JULIANDHUR	Simla	3,400	...	3,400
7		Kangra	60,000	44,200	1,04,200
8		Hoshiarpur	30,000	14,400	44,400
9		Jullundhur	45,000	...	45,000
10		Ludhiana	20,000	...	20,000
11	LAHORE	Ferozapore	2,000	80,500	82,500
12		Lahore	35,000	26,500	61,500
13		Amritsar	50,000	...	50,000
14		Gurdaspur	30,000	...	30,000
15		Sialkot	25,000	47,700	72,700
16	RAWALPINDI	Gujranwala	30,000	...	30,000
17		Sheikhpura	...	...	...
18		Gujrat	30,000	3,900	33,900
19		Shahpur	22,000	...	22,000
20		Jhelum	18,000	28,600	46,600
21	MURREE	Rawalpindi	12,000	65,800	77,800
22		Attock	28,000	32,500	60,500
23		Mianwali	26,000	...	26,000
24		Montgomery	35,000	20,700	55,700
25		Lyallpur	...	...	...
26	MURREE	Jhang	25,000	...	25,000
27		Multan	...	...	...
28		Muzaffargarh	20,000	45,200	65,200
29		Dera Ghazi Khan	55,000	...	55,000
30		Total	7,74,400	4,53,600	12,28,000

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

GENERAL ADMINISTRATION GRANT (*concluded*).

Mr. President: The Council will now resume discussion on the General Administration Grant.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural]: Sir, we have been carrying on this discussion and demanding reduction in the provincial taxation from the Government. In a matter like this, Sir, we ought not only to be very cautious in a place like Simla but we have also got to justify our demand. To a man who does not understand the financial position of this province, it may seem that probably the Punjabees are over-wealthy and they really do not know what to do with their money, and therefore they are trying to extract as much as possible from the Government. The probable effect of a demand of that nature may be that the members of the Assembly—I noticed that their President was here day before yesterday—might go and whisper into the ears of their financiers and say "Look here, these people are already very rich and Government is throwing away a lot of money by way of remissions and therefore no further remissions in provincial contribution should be allowed."

Lala Mohan Lal, Bhatnagar: The Finance Member of the Government of India is himself present in the gallery.

Malik Firoz Khan, Noon: I could not hear the interruption. The honourable member is behind a bench.

Pandit Nanak Chand: On a point of order, Sir, is it permissible to cast a reflection on the President of the Legislative Assembly? The learned member said that the President of the Legislative Assembly may whisper in the ears of the Government members that the Punjab is a rich province.

Malik Firoz Khan, Noon: I am sure the President of the Legislative Assembly is much more broad-minded than the honourable member makes him to be. He will not take it in the light that the honourable member has taken it.

Pandit Nanak Chand: Sir, I want a ruling from the Chair.

Mr. President: It is difficult to decide whether the expression objected to amounts to a reflection or not; but it is common sense that no reflection should be made in the absence of a person who, like the President of the Legislative Assembly, is not a member of this House and therefore is not in a position to explain or refute the insinuation made against him.

Malik Firoz Khan, Noon: I was just putting forward this argument that to a man who really did not understand our actual position it might seem that we were already over-wealthy and that further remissions in the provincial contribution to the Central Government should not be allowed. Therefore, Sir, you will pardon me if I draw the attention of the House and also of the Government of India and the Simla public who are interested in this question to the fact that the Punjab has really been taxed to an extent of Rs. 95 lakhs after the year 1921; that is to say, over and above the ordinary taxation that we are paying to the Government since 1921 on account of the financial stringency the Punjab Government has with or without the consent of the Legislature imposed extra taxation to the extent of

Rs. 95 lakhs on this province. Out of those 95 lakhs, Sir, about Rs. 20 lakhs were remitted last year when the Government of India remitted Rs. 56 lakhs of our provincial contribution. Over and above that, Sir, the Government are in the present Session proposing to remit us another Rs. 17 lakhs, with the result that even after this remission is granted we will still be under an extra taxation, extra burden, of Rs. 58 lakhs over and above what we were paying before the year 1921. So, the demand that we are putting forward for the reduction of taxation is for another remission from this extra taxation of Rs. 58 lakhs which we are already paying. We are not trying to avoid our legitimate burdens that we had before the year 1921, nor are we asking Government to give us anything out of the usual increment in their annual income, which was, I believe, in the beginning of this year Rs. 34 lakhs. I therefore hope that the House and the public will realise that the demand that has been made by the members of this House is not unreasonable. We are only asking, if possible, if the Government can afford it, to give us a little relief by giving us a little more remission.

Sir, one of the well recognized canons of finance is that no present generation should be taxed for the benefit of future generations. That is a proposition, Sir, which I have every confidence the Honourable the Finance Member will not dispute. It is according to that canon of finance, Sir, that all capital expenditure is generally financed by means of loans, so that their interest is spread over a large number of years and the repayment of that loan is also spread over a large number of years, with the result that the burden of those scheme does not fall on any particular generations but is spread over many generations, and the result is that large schemes like the Sutlej Valley Scheme can be undertaken with ease. If that were not so, it would be impossible to carry on most of the development schemes that we are carrying on in the province. If we recognise that canon of finance to be a true one, then, Sir, you will pardon me if I take exception to an item of Rs. 27 lakhs which the Honourable the Finance Member this year included in the Capital Expenditure out of the ordinary revenue. We had a surplus and in order to do away with that surplus and make us believe that we were really very poor and that no taxation could be remitted, probably he easily tucked away these Rs. 27 lakhs in the Sutlej

The Honourable Sir John Maynard: May I correct the honourable member on a point of fact? It was intended to make it 27 lakhs, but actually it was 12.

Malik Firoz Khan, Noon: Thank you, Sir, I stand corrected. Even if it is 12 that amount is still considerable. I will correct my figures to that extent. Rs. 12 lakhs, I submit, ought not to have been spent on capital expenditure, especially when the Honourable the Finance Member was making us believe that the Government were really hard up and they wanted the Council to agree to extra taxation.

Now, Sir, the second item to which I take exception is an item of Rs. 20 lakhs, which the Honourable the Finance Member has tucked away for future contingencies, for famine and so on. That principle of having a reserve fund is all very well for a limited company or for a private person who puts away a certain portion of his income for a rainy day. That we can easily and readily realise. But in the case of Government, whose resources for borrowing money are unlimited, a paltry sum of

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Rs. 20 lakhs being put away I cannot understand. If the Punjab Government really want to have a reserve fund which will meet its need during very bad years, then they will require a very large amount of money indeed. But I personally feel, Sir, that as in the past so in the future, the Punjab Government can always meet its financial difficulties either by extra taxation which the Council will readily agree to or by means of loans. There is really no need of putting away Rs. 20 lakhs for a reserve fund of that nature. Therefore, Sir, I hope the House will join with me in demanding from the Finance Member the return of these Rs. 20 lakhs to the provincial income. Over and above this money we have an ordinary surplus of Rs. 14 lakhs. Add to that, Sir, Rs. 28 lakhs that has been remitted by the Government of India. This gives you a total of Rs. 74 lakhs. Out of these Rs. 74 lakhs the Honourable the Finance Member proposes to remit us Rs. 17 lakhs, and he is also proposing this session to demand from us a recurring expenditure to the extent of Rs. 9 lakhs. That will amount to Rs. 26 lakhs. If you deduct 26 from 74, it leaves you still with an amount of Rs. 48 lakhs—Rs. 48 lakhs which is really not required by the Punjab Government for the purposes for which the ordinary annual income of the province is meant.

11 A. M.

Out of these 48 lakhs, Sir, the members of this House put in a demand to the Honourable the Finance Member for the remission of 40 lakhs. That may be according to the ancient Persian proverb.

برگشت بگویم تا به تیپ راضی شود

But still I do feel that even if the Government consider that the demand of 40 lakhs is too much I still hope to be able to prove to the House if not to the Honourable the Finance Member the fact that we are entitled to at least a remission of 28 lakhs of rupees which is equivalent to the amount of remission granted to us by the Government of India. I know, Sir, it is very hard to part with money when once you have got it and I can quite realise the position of the Honourable the Finance Member. He has every sympathy of mine. He will pardon me, Sir, if I bring to him the example, I think it is an example which he will like, of a *bania* who happens to be the head of a joint Hindu family, who in years of stringency calls upon the various members of his family to contribute to the family fund by pooling their income. The young members of the family readily agree to that proposal in time of need, but when the head of the family, a crafty and wise *bania* has collected the whole of that wealth he sits on it. Suddenly the young members get news of his wealth somehow or other and they come round and ask him to give them back the money that he took from them in time of need. The *bania* hides away 28 lakhs of the money under a stone named the Sutlej Valley Project, another 12 lakhs somewhere else say in a pocket which cannot be seen by any of the members of the family and then he turns his coat pockets inside out and says 'Look I am poor and I have no money'. (Laughter). Over and above that he is so lucky as to be protected by the Government of India Act and rules and regulations which probably he himself had a hand in framing, and which form a barrier between his children and himself. This is the exact position. Although we know that the Honourable the Finance Member got 28 lakhs of rupees which he can give to us, yet we are powerless because he does not wish to give it to us.

The next point that I would like to draw the attention of the House and of the public is this. Is this relief really needed by the province? If it is not needed by the province then we certainly are not justified in putting forward any demands for the reduction of taxation. I personally feel, Sir, that relief is needed in the province by way of a reduction of the extra taxation that was imposed upon the people during the last few years. I do not wish to bring to the notice of the House all the avenues in which relief is needed, but I will just point out a few in order to justify my demand. The first thing to which I should like to draw your attention is the matter of court-fees. The court-fee at present stands at 11½ per cent. That is, if a man wishes to knock at the door of justice in this province for a claim of Rs. 100 against somebody, he has to pay Rs. 11½, in addition to what he has got to pay to his lawyer a sum which will amount to Rs. 15 or 16. Thus he has to spend Rs. 27 for a claim of Rs. 100. (A voice: process fees.) I do not propose to take that into consideration. I am considering only *Motta hisaab*. Then when the case goes to a court of appeal, the court-fees there are exactly the same as in the court of trial, that is Rs. 11½. There again he has to pay for the lawyer with the result that he has spent by this time about 54 or 55 rupees. Then if there is a second appeal in the High Court he has again to engage another lawyer and pay about Rs. 25. Thus eventually he will have spent out of his pocket Rs. 100 before he can get back the Rs. 100 from his debtor. There may not be appeals and revisions and second appeals in all cases, but in most cases the parties go as far as they possibly can go. Perhaps it may be said that it is their own fault. But if the Government undertakes to settle disputes between its subjects, it is their duty to make the charge on justice as light as possible. (Hear, hear). I personally feel that if the Government charges Rs. 11½ in the trial court there is really no need to charge the same amount on the memorandum of appeal, on second appeal or on revision. There must be some relief given to the people by way of reduction in court-fees in the appellate courts.

The Honourable Sir John Mayard : Lawyers' fees.

Malik Firoz Khan, Noon : Certainly. But as far as lawyers' charges are concerned, there is such a keen competition among the lawyers that their fees are very low. In some districts you can engage a lawyer for even Rs. 2. You really cannot find a lawyer being paid less anywhere else in the world. On the other hand Government have a monopoly of their trade, i.e., court-fees and there is therefore no competition. If there were other courts to which the people could go for justice the court-fees would certainly have come down. (A voice: Panchayats.) Yes, it will probably give a good deal of satisfaction, but I am afraid the people have not really understood their benefits so far. So, Sir, one of the various ways in which relief is needed is the remission of court-fees. Government is bringing forward a measure which enables the public who have claims of Rs. 500 or less to pay a decreased court-fee. I do not know who suggested the amendment but I can say that there must be some *dania's* hand in the framing of the Bill; because almost all the cases that are brought by the *dantias* against the poor agriculturists are for Rs. 500 or less. At present because the court-fees are high the *dania* usually agrees to get back his money without resort to courts and thus he avoids the heavy court-fees and shows leniency to his debtor. If the Court-fees Act is amended as is

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proposed now, the result will be that it will enable the money-lender to go to court very easily against the poor villager. Therefore, I fear that the amending Bill has been brought forward at the suggestion apparently of a *bania*.

Mr. President : The honourable member is not in order in anticipating discussion on a subject which is likely to be taken up soon.

Malik Firoz Khan, Noon : I will leave that question there. Relief is certainly needed by way of the amendment of the Court-fees Act. The relief that is proposed to be given is not enough. Government should go still further than they are really going in bringing forward the present Bill.

The next point where relief is really needed is in the matter of taxation of motor vehicles. I know it is usual for a member to get up and suggest measures which touch the pockets of the rich and everybody will applaud such proposals without considering as to whether they are right or wrong but simply because they are meant to have an effect against the rich. But, Sir, I feel it my duty to say a few words in support of the reduction of that unpleasant tax. The motor trade is already fairly heavily taxed because the Government of India has imposed an import duty of no less than 33 per cent. on the value of cars. Moreover, the petrol is already taxed. I have no doubt that tubes and tyres are also taxed. Motor cars that are kept in municipalities like Lahore have also to pay a municipal tax. For the development of a province like ours it is absolutely essential that the Government should encourage the means of communications like roads and motor cars and reduce the tax on motors because they touch the welfare of a large number of people. Moreover, this tax is such a vexatious one, because every three months Government has got to remind the tax-payer of his duty to pay the tax. Each motor car owner has got to keep a sign board in front of the glass showing that he has really paid his tax. Keeping all this in view the tax on motor cars also should be reduced and relief given to the motor car owners as early as possible.

The next point where relief could probably be given is the question of *abiana*. I do not wish to dilate on that point because I will probably be blamed for supporting an item which touches a class of people I represent and also myself. But I do feel that *abiana* is a thing in which the Government really should give some relief to the people, if not to the rich at least to the poor whose holdings are ten acres and less. At present Government has got certain rules by which *abiana* is being charged. At present the income from certain canals may be 40 per cent. or 50 per cent. or more. In others it may be 7 per cent. or so. Government should lay down a policy that for the purposes of *abiana* rates all the capitals spent on the various canals in the whole province should be pooled and water rate should be charged at 6 per cent. of the total capital expenditure, and another 7 per cent. as a royalty for water, so that the total charge may not exceed 13 or 17 per cent. I do feel that this is a case in which Government should pay attention and if possible remit the extra taxation which they have levied during the last few years and for which there is now no need.

Then, Sir, the only other point which I wish to refer to is this, namely, whether the Honourable the Finance Member is able to give us relief or

not. In my humble opinion he is. I do not wish to take up much time of the House, but all I wish to submit is that the ordinary finances of this province have been so arranged by the Honourable the Finance Member that the ordinary expenditure can be met by the ordinary income and this sum of Rs. 28 lakhs which has been given to us by the Government of India can easily be remitted to us in the form of the repeal of some of the Taxation Acts which were passed during the last year or two. He has already agreed to give us 17 lakhs of rupees and I make a moderate demand of another 11 lakhs. I know that the Government has got to be cautious in times of plenty. They must not run about spending and squandering money so that in the next year they may not have enough money to meet their own demands. I would draw the attention of the House to the note of caution that has been given to us by the Honourable the Finance Secretary to the Punjab Government. But in spite of this caution that has been given to us I feel that these extra 11 lakhs can be given to us.

Mr. D. Milne (Director of Agriculture) : Sir, may I say a few words as to the desirability of agricultural development in the province. We have drawn up our five years programme of development and the first instalment is before the House. There are fairly full notes as regards the items in the demand and I need not say anything much further than what is contained in the notes. I wish however to make a few general remarks regarding the desirability of agricultural development in the province.

Diwan Bahadur Raja Narendra Nath : I rise to a point of order. The present demand does not refer to agricultural development and therefore the honourable member is not in order in referring to that subject under the present demand.

Sardar Jodh Singh : The Agricultural grant is not under discussion now and the honourable member need not make out a case for that department just now.

The Honourable Sir John Maynard (Finance Member) : May I represent, Sir, that although at the present moment theoretically the agricultural branch is not under discussion, yet the question is whether we should have expansion or whether we should have remission. The honourable member opposite who has just now raised his point of order perhaps forgets that in his own speech he said definitely that he prefers remission of taxation to increased efficiency of administration. Therefore the argument of the honourable member Mr. Milne is to the point.

Sardar Jodh Singh : I never said that.

The Honourable Sir John Maynard : Not the honourable member, but somebody else opposite.

Mr. President : I am not sure that the speech of the Honourable Mr. Milne is quite relevant to the grant under discussion. Only the detailed items of the grant or matters immediately connected with or relevant to the grant can be discussed. I wish to make myself a little more clear. When a question of principle relating to a certain specific grant is raised, that and that grant alone can be discussed and other grants relating to other departments cannot be brought in or discussed. Now a specific demand for Rs. 1,13,025 is before the House. Any matter which directly relates to that demand or is immediately connected with its details can be discussed. I do not think the whole budget can be reopened and discussed whether as to the matters of principle or as to the matters of detail.

The Honourable Sir John Maynard : May I put one question. Sir? It is argued by some of the honourable members, who have spoken on the subject that it is not necessary to expend money but that it is preferable to use it for the purpose of remission of taxation. Is it not open to us on the opposite side to show that the expenditure of that money instead of its remission in taxation is desirable?

Mr. President : It is certainly open to the Government benches to explain why it is desirable to spend the whole estimated amount of the demand or any specified item or items thereof; but other demands are not under discussion at the present moment.

The Honourable Mian Sir Fazl-i-Husain : I believe the honourable member who spoke last did not refer to the 60,000 rupees of this grant, but talked about the remission of 28 lakhs. If his speech with reference to the 28 lakhs was relevant, the Government members or the Government officials will be in order in showing that the money should be spent on expansion. If the non-official members can with reference to this grant of one lakh urge that they really ought to have 40 lakhs remitted, I suppose it is quite open to the members on the Government benches to say that not only this one lakh and odd should be spent on General Administration but the remaining 39 lakhs also should be spent on other expansions.

Mr. President : I understood the last speaker to introduce these matters only as illustrations and that is quite permissible even to the Government benches. I have already said and repeat again that anything which is immediately relevant to the grant directly under discussion can be brought in by way of illustration.

The Honourable Mian Sir Fazl-i-Husain : That is quite fair and we bow to that. What Mr. Milne proposed to say was only by way of illustration (Laughter).

Mr. President : That is for the Honourable Mr. Milne to say and not for the Honourable the Revenue Member.

Diwan Bahadur Raja Narendra Nath : If my honourable friend Mr. Milne is allowed to proceed with the case of his department, then other heads of departments would be entitled to explain how they also want more money for their respective departments and then there would be no end to the discussion. I submit very respectfully that this general argument should be brought in only by the Honourable the Finance Member and not by any head of department.

Mr. President : It is open to any honourable member, whether he be the head of a department or not, to discuss the grant now before the House and in support of his arguments he can certainly introduce as illustrations matters relating to his department or other departments. He would not be irrelevant or out of order if he did so.

Mr. Milne : Sir, my intention is only to show that there is a great need for expenditure of money in the Development of Agriculture in this province and that it is preferable to remission of taxation. This is my object in speaking and if I am in order I will try to make out a case.

Mr. President : The honourable member will not be in order in saying directly what he means to say but he will be in order if he were to discuss the grant now before the House and bring in his own department as an illustration.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, when my honourable friend the member for Amritsar spoke the other day, I heard his speech with very great interest and I feel.....

Pandit Nanak Chand : The honourable member is not addressing the Chair.

The Honourable Sardar Jogendra Singh : Sir, I heard the speech of my honourable friend Mir Maqbool Mahmood with very great interest. I was greatly gratified that honourable members of this House were taking a keen interest in public finance. If I had been sitting on the opposite benches and if I was as young as my honourable friend Mir Maqbool Mahmood is, I would have perhaps taken the same line as he did. But sitting on the official side, being in charge of Agriculture and Industries of this province and dreaming of future industrial and agricultural development, I am constrained to say that I cannot at the present moment agree to his view and accede to his demand for the remission of taxation. The question before the House is whether we should accelerate the industrial and agricultural development and spend money in their improvement or remit taxation. The House should very carefully consider.....

Mir Maqbool Mahmood : Sir, on a point of personal explanation. I think, I said in my speech that out of 168 lakhs new expenditure, most of it could be spent on beneficent departments and it is only the development of reserved subjects that can wait till better times.

The Honourable Sardar Jogendra Singh : I am very glad to hear the explanation which the honourable member has given. I am glad to see that so far as the beneficent departments are concerned the House is fully prepared to give assistance. I wish to draw the attention of the House to one other matter and that is that the other side, namely, the reserved side is not the less beneficent. It will not be possible for the beneficent departments to carry on their work unless reserved side works in an efficient manner. If on the reserved side a certain sum of money is needed, you should also sanction that money. If the beneficent departments get large sums then the reserved departments are justified in claiming a small share for keeping their side of administration no less beneficent—in good working order. I think the matter is more serious than we imagine. Taxation is a very big problem. It is not easy to hit upon one item of taxation and say remit it. It is not for any individual member who has not fully studied the whole financial problem to come out and say remit taxation in such and such a direction. There are several difficulties in the way. When you sit down to consider the problem of remission one of the conditions which I require is that relief should be given to poor and that relief should reach the masses. At the present moment, I feel that in spending money in the development of industries and agriculture of the province, we can help the masses of the province and in remitting taxation which at the most will work out at about one anna per head we are not affording any tangible relief to the poor.

Then again all of you are quite aware of the question of unemployment. The other day the House was discussing the question of better living and better housing and the House was also discussing as to how to prevent the spread of plague. All these things are linked together as the honourable members are aware. You need better food for the people, you need better housing, you need better health department

[Hon'ble Sardar Jogendra Singh.]

and in fact you need improvement in every direction. When any householder sits down to improve things he has to spend money and the House here is in the position of a householder who has got a certain amount of money. The House can fulfil its trust only by spending this available money to good purpose. I would beg the House to defer the question of remission of taxation and give it full consideration. Time may come when the House can press for remission of taxation with greater strength when they have considered every aspect of the taxation problem. The honourable members can then say; here we have got surplus which cannot be usefully employed but might be used in giving relief to the small tax-payer. As the Honourable the Finance Member pointed out in his speech, we are just emerging from a period of rigid economy. Expenses were cut down in every direction, and only since last year the departments are again beginning to look up. We are just entering upon a period of development. We want better roads, better houses, more hospitals and more educational institutions and we are now busy not only in the making of better men but also in getting hold of the process of making the province richer. We are starting industries to give employment to people. The question for the House now is to help the industrial and agricultural development of the people along with educational and in fact in every other directions. The honourable Malik Firoz Khan, Noon, said sometime ago that the money set aside for the Sutlej Valley Project was in the nature of money put under a stone. I do not think that is the right way of describing the money invested in the Sutlej Valley Project. It will perhaps give a return of more than one hundred per cent. There cannot be any better investment than the money that is being invested on the Sutlej Valley Project and similarly money that is going to be spent in the agricultural and industrial development of the province under proper management will give a good return to the tax-payer. At the present moment I want to ask the House not to press strongly for the remission of taxation. Wait for a better opportunity, then come out with concrete proposals which we can officially and non-officially discuss. And then make a case for remission of taxation.

In the matter of taxation, Sir, the modern tendency is that people below a certain subsistence level should be exempted from taxation and only people who enjoy certain surplus should be taxed and that aspect of the problem will have to be carefully considered in any remission of taxation which in future takes place. Taxes on transactions, or taxes in the nature of a water rate, taxes which are not general, do not occupy the same position as taxes which affect the whole mass of the population. I would ask my friend Mir Maqbool Mahmood who is interested in this side of the question, to study this aspect of the question further.

Yesterday when I was making my demands, I informed the House that we were forming a Development Board. A Development Board without sufficient finances will not be able to carry on any useful work. You will have to provide funds, so that the development of the province may proceed. The question before you is whether to-day by remitting taxation you should stop further progress in the line of industrial and agricultural development or by providing funds accelerate agricultural and industrial development, and I am quite sure this House which is very practical, more practical than any other House I know, will take practical view of the matter, and see that they are public funds properly spent and spent with advantage. That is the main point before the House, I am sure if funds are properly employed, the relief to the people will be greater than any remission of taxation which can at best be very small at the present moment.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, in view of the part which I took in the postponement motion on the first day of the Council, it is hardly necessary for me to say that the general proposition which has been placed before this House to-day, that greater relief should be given to the people in the way of reduction of taxation, has my whole-hearted support. Sir, I agree with those who say that this is not the time and nor the place to discuss the claims of individual items, or to decide where relief should be given or where more money or less money should be spent. I also agree with the Honourable the Minister for Agriculture when he says that money is needed for industrial development. But at the present moment there is no proposition before the House for allocating a large or even a small sum of money for the Development Board. I should have welcomed a definite concrete proposition from him asking for a few lakhs of rupees, ten or fifteen or twenty lakhs of rupees, to be set apart for the Development Board. He has not done anything of that kind so far as I know. I am not prepared to discuss here the claims of individual items. We have done this in a way before. The elected members of this Council met, as most of us here already know, immediately after the postponement motion was accepted. We met and appointed a deputation of three members to wait upon the Honourable the Finance Member and put our case before him. We waited upon the Finance Member. We asked him to get the Government to give a relief in the taxation to the extent of 40 lakhs. We made it perfectly clear to him that the figure of 40 lakhs had no sacredness about it. We said that if it could be reduced or increased by a few lakhs, it would not matter very much. We went into details with him as to what items could be touched in making a re-allocation of the funds that were available at the present moment. We discussed the claims of all interests, urban or rural and of all communities and all classes of people. Therefore I do not wish to refer to that part of the subject on the present occasion. While, therefore, this general proposition has my whole-hearted support, I want to say that with respect to this particular demand which is now before the Council, under certain circumstances, but only under certain circumstances, I would go out of my way, and I am sure the whole Council will go out of its way, and welcome the demand which has been placed before us. Sir, during the last forty or fifty years no proposition, no reform, has been put forward before Government with greater insistence by the representatives of the people, and none has been more readily admitted to be a wholesome and imperative reform than the separation of the judicial from the executive functions.

Mr. President : Order, order. May I ask what has this argument to do with the motion which is now before the Council ?

Professor Ruchi Ram, Sahni : I understand, Sir, that fifteen Extra Assistant Commissioners are to be appointed under this head. They are wanted for the betterment of criminal justice, and for other purposes. Some of them are required for improving criminal justice and it is in respect of that particular part of the present demand, Sir, that I want to say, with your permission, a few words.

Mr. President : Will the honourable member please say what particular item he is referring to ?

Professor Ruchi Ram, Sahni : Fifteen Extra Assistant Commissioners.....

Mr. J. M. Dunnett (Chief Secretary): Sir, perhaps I may be allowed to explain the position. It will be within your recollection that when the question of the separation of judicial functions from executive was under discussion in the last session of the Council, I undertook that proposals would be submitted in this session in order to facilitate a step which was not intended to commit either side of the House but which was recognised as perhaps facilitating the separation and possibly leading us in that direction. It is in fulfilment of that undertaking that these fifteen Extra Assistant Commissioners are included in the estimates.

Professor Ruchi Ram, Sahni: That makes the position perfectly clear. Well, Sir, I was saying that there is no single reform which has been advocated by the country as a whole during the last forty or forty-five years with greater insistence and the justice, the importance and the imperative need of which have been more readily admitted by Government than this particular reform to which I am referring. If I may go a little bit into the history of it briefly, I would say that at the very second session of the Indian National Congress held in 1886 a resolution was carried unanimously advocating this reform and from that year to 1918, the period for which I have been able to ransack the reports of the Indian National Congress, I find that there is not a single year in which in one form or another this reform has not been advocated and urged. In 1888 a deputation waited upon Lord Dufferin and he admitted the justice of this reform and said that want of money alone would stand in the way of carrying it out. He called it a counsel of perfection. Soon after this two Secretaries of State, Lord Kimberley and Lord Cross representing the two great opposing political parties in England also favoured it.

Mr. President: Order, order. The history of the reform is irrelevant to the appointment of fifteen Extra Assistant Commissioners.

Professor Ruchi Ram, Sahni: Sir, the justice of the reform, as I have said, has been admitted again and again.

Pandit Nanak Chand: Sir, there is not a word said about the separation of executive functions from judicial functions in the Note nor has a single member of Government stated that there is going to be a separation of the two functions.

Diwan Bahadur Raja Narendra Nath: Mr. Dunnett has just said so.

Pandit Nanak Chand: He said that we are not committed to this policy but it may possibly lead to it. There is no definite promise on the part of Government. If we are given a definite promise, we might be inclined to support the demand.

The Honourable Sir John Maynard: May I say, Sir, that there is a definite promise on the part of Government to separate the executive and judicial functions among those classes of officers.

Professor Ruchi Ram, Sahni: Sir, if even now a definite assurance is given that it is intended, by putting forward this demand, to separate the functions in the way in which they ought to be separated, that is to say, the judicial functions to be quite separate and not combined under the same head with executive functions, I would accept this proposal and support it.

whole-heartedly, but there seems to be no such inclination on the part of Government. I know something about the matter. I know there is no such inclination on the part of Government to separate the functions. The head of the district will remain the same and the two classes of officers will be under the same magisterial machinery, and, therefore, while more appointments will be made and more money will be spent, while there will be more officers, the reform itself will not be carried out. We know that Government has admitted the justice of it. We have had a great deal of sympathy also on the part of Government. But that sympathy, Sir, I most respectfully submit, should be translated into action before we could attach to-day much value to it. What we want is action and not mere sympathy. We want a clear statement that they will carry out the reform. The highest judicial officers, the Judges of the High Courts, have again and again supported the change and even sent a petition to Parliament. They have again and again urged the need of it, but although the justice of it has been freely admitted, the reform has not been carried out for the last 40 years. I want to submit that, if an assurance is even now given to this House that this particular grant will be used in the way in which it ought to be used in separating the two functions, I for one will whole-heartedly support this item, and I am sure that the House as a whole will support the reform, because we have been asking for it again and again. Even if this money is not spent for the purpose, I am referring to, they can cut down some other item of expenditure and carry out this reform. If we cannot carry out a reform like this, which the Government admits to be an important reform, and the absence of which works oppression, hardship and severity, specially in rural areas, if the present surplus is not used for carrying out that reform, then I may say at once that we have no faith that it will be carried out during the next ten years at least, whatever the professions of the members of the Government may be that they are working for the reform, and that they are really anxious to carry it out. I want a definite assurance on the part of the Government that this reform will be carried out.

The Honourable Sir John Maynard (Finance Member) : I only want to say this, Sir. The honourable gentleman said that if the Government give an assurance that this money would be used in the way in which it ought to be used, he would do certain other things. I can assure the honourable gentleman that it will be used in the way in which it ought to be used.

Lala Mohan Lal [North-East Towns (Non-Muhammadian), Urban] : Sir, I want to make a few observations with regard to the question whether the question of the remission of taxation should be considered by the Government or not. The Government knows as well as I know that when the taxes were originally imposed they were imposed with a view to meet a deficit in the revenue for carrying on the administration of the Government. Now taxes are of two kinds. One is ordinary tax and the other is extraordinary tax. Ordinary taxes are those imposed by the Government whenever they think that for a particular purpose a tax should be imposed. Now, the court-fee was enhanced. A change in the Stamp Act was made and the motor vehicle tax was imposed simply because the Government found that there was a deficiency in the Budget and they wanted to meet that situation. May I ask whether the Government are justified in maintaining these taxes when the circumstances of the money market are easy and

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when the Punjab finances are in a better condition. The fees were enhanced in those provinces where there was a deficiency in the revenues. The Governments of Bombay and the United Provinces made an increase in court-fees. Is it not a fact that those Governments have now abolished the court-fees? So far as I know, the Governments that enhanced the court-fees in order to meet the deficit have now repealed them and abolished them altogether.

The Honourable Sir John Maynard : That is an error.

Lala Mohan Lal : I hope the Finance Member will give us the information which he possesses. My information is that they have been repealed.

Pandit Nanak Chand : Will the Government explain how it is an error.

The Honourable Sir John Maynard : In some of the provinces the taxes were imposed only for a limited period. In every other province except in the United Provinces, I think the taxes remain in force.

Lala Mohan Lal : If I remember aright, the Honourable the Finance Member said that when the circumstances of the Punjab finances become better the whole situation will be reviewed again and there was a sort of half promise that these taxes will be remitted.

The Honourable Sir John Maynard : I never give half promises.

Lala Mohan Lal : If I remember rightly, that is what I understood. When the finances of the Punjab are better the taxes should be remitted. The Government are not justified in retaining these taxes on the ground that they require money for the development of agriculture and other departments. I say that this is not a right proposition. The Honourable Minister for Agriculture has just now told us that he would like to see a remission given to the poor people. May I know one thing? As regards the court-fees, the person who brings in a suit in court may originally spend the money but ultimately the money has to be paid by the person against whom the decree is made and it is only when a man is unable to pay, that the lender of the money brings in the suit.

The Honourable Sardar Jogendra Singh : The honourable member has misunderstood me. Tax on transactions is not a direct tax and is not a general tax.

Lala Mohan Lal : I am referring to the question of relief. I say, Sir, that in the matter of court-fees it is the poor who suffer and it is the duty of the Government to remit the court-fee. With regard to the stamp duty, it is only the person who is in needy circumstances who wants to sell his property. He is also in poor circumstances and he has to pay to the Government stamp duty and the Government should seriously consider the question whether they should not remit the stamp duty too. With regard to the motor vehicles, my friend, the honourable Maik Firoz Khan, Noon, has already submitted before the House that it is a tax which should also be remitted. Motor vehicles are a necessity in the Punjab and especially in the rural areas for the purpose of easy conveyance and for increased traffic and from that point of view it is the duty of the Government to see that the motor vehicles are not taxed beyond a certain limit. In the matter of motors as

was pointed out before, the customs duty is 30 per cent and each accessory that is required for the plying of a motor is taxed by the Government of India. It is not just that the tax should be retained, especially when the municipalities within whose limits the motors are kept also levy a tax. With regard to the observations of the Honourable Minister for Agriculture that money is required for the development of the province, I am one of those who would gladly support the proposition, and I am sure he will always have the support of all of us, but the question is whether the money that is required for the development of the province should come from the tax payers or that the money should be raised by loan. As a businessman I would suggest that the Government should not try to retain the taxes on the public on this ground, but that the money that they require should be borrowed in the open market for the development of the province. Taxes should not under any circumstances be employed for purposes other than those for which they were imposed and taxation should in my opinion be only levied for the purpose of carrying on the administration of the Government, and the Government should take money from the people only so much money by taxation, as will enable them to carry on the Government. For purposes of development, digging of canals and other objects of that kind, the Government has got to borrow in the open market. In the matter of developing the resources of the province, I would strongly urge that the Government should not burden the tax payer by the retention of these taxes.

With these observations I request the Government to give serious consideration to the subject and give relief to the people. If money is required for the development of the province, that money can be raised by way of a loan and I believe that those of us who are really interested in the development of the province will readily lend their support to the Government in the development of the province.

The Honourable Rai Sahib Chaudhri Chhotu Ram [Minister for Education] : I can easily understand the desire of the non-official members to press for a further remission of taxation. To a certain extent I can even sympathise with it. But when all is said and done in the attitude which the non-official members of this House should take as regards the question of remission and in regard to their opposition to this particular demand they should take into consideration the attitude which Government has maintained during the past two years. Now has this House really considered the question whether the Government has been unresponsive? In 1924 the scale of enhancement of water rates which was originally proposed was expected to fetch between 75 and 80 lakhs of rupees. Certain leading members of this House made representations, waited upon the Governor and the Honourable the Finance Member, discussed the question with them and the result was that Government agreed to lower the total amount of enhancement by as much as 25 lakhs. Then again in 1925 Government made a further reduction in taxation of 20 lakhs. Now again, the Government does not propose to spend all the money that it has got on the administration. The Honourable Finance Member has made an announcement that Government is going to remit as much as 17 lakhs. So it cannot be said justly and reasonably that the Government has been unresponsive in the matter of remission of taxation. Then take another question. Has the Government been extravagant? To this question also, a very emphatic 'No' can be returned with justice and with reason. In 1921-22, the cost of administration as will appear

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from the statement made by the Honourable Finance Member was 397. Now, the cost on administration has been brought down to 371. This means a very substantial reduction of Rs. 26 lakhs and this reduction in spite of the all round expansion expenses that has taken place ought to convince the House that Government is reasonable in the matter of meeting the legitimate wishes of the House. The third question is whether the Government have been spending their revenues in wrong directions. To that question also an emphatic 'no' can be returned. In 1921-1922 the total expenditure on beneficent departments was 192, now it is as much as 334 lakhs. This means a very substantial addition of 142 lakhs. Government has not been unresponsive in the matter of remission of taxation. They have not been extravagant. They have not been spending their money in wrong directions. Why then should the House now consider that the Government can really afford to make a very substantial further remission? If the Government had been in a position to make a further remission beyond these Rs. 17 lakhs safely, Government would have done so. The very fact that the Government are not willing to remit any further taxation should be regarded as due to the fact that Government cannot safely do so. Now, one or two members who spoke on Saturday made it clear that they were going to offer only discriminate opposition. They were not going to be indiscriminate in their opposition; they were not going to be consistently obstructive.

Mian Abdul Aziz : If the Government want to be stubborn, they must.

The Honourable Rai Sahib Chaudhri Chhotu Ram : It is rather strange to find that not a single non-official member has touched the merit of the various items which go to form this demand. If they had gone into the merits of these items, I am sure they would have had to admit that the expenditure is in some cases inevitable and in all other cases it is very desirable and laudable. I will just draw the attention of the House to the 9 items which go to form this Demand. Item No. 1 relates to expenditure on the coming elections. Can anybody in the House reasonably say that this expenditure is not inevitable? Elections must be held and on these elections money must be spent. This item is inevitable. Let us take the second item. This relates to the engagement of certain additional staff of provincial and subordinate service people. A look at the note will show that these officers are meant to effect an improvement in the administration of criminal justice. I think those who have anything to do with courts know that criminal cases are not decided as speedily as they should be, and it is a trite saying that justice delayed is justice denied. Now, if the House wishes that criminal cases should be decided as promptly and as speedily as they should be, then they cannot reasonably refuse to sanction this demand. Then, again, it will appear from this note that the additional number of Extra Assistant Commissioners asked for is required in order to introduce the reforms which are essential for the improvement of jail administration. There has been a long and loud cry for improvement in the administration of jails. Now, when a demand is made to take steps to effect that reform, opposition is offered to these steps. This, I feel, is not quite reasonable. (Hear, hear). Most of the other items relate to expenditure which will be incurred on reclaiming criminal tribes, that unfortunate section of our population which is born with a bias for criminality. Now, is this item one to which the House should object? Does or does not the House wish that the criminal tribes in this province should be reclaimed, that they should be in a position to lead more honest, more decent and more honourable life?

Mr. V. F. Gray : The mover of the opposition to this grant made it very clear that he did so with the intention of rejecting the whole demand to bring up the question of remission of taxation. No one has objected to any one of the several items.

The Honourable Sir John Maynard : Then, why didn't he move a nominal cut instead of moving the rejection of the demand ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : From the remarks that have just been made by Mr. Gray, it appears that non-official members feel their position rather insecure so far as the merits of these items are concerned. So I need not pursue the point any further. Now, the question is whether there should be remission of taxation or whether the money that we have should be spent on accelerating the pace of progress all round. On that subject, my colleague the Honourable Sardar Jogendra Singh has already addressed the House and I need not dilate on what he has already stated. The question is whether the House is content with the pace of progress that is now possible, or whether the House wishes to accelerate that pace. If the House is really content with the progress that is being made at present in the Agricultural Department, in the Industrial Department, in the Co-operative Department, in the Educational Department, in the Public Health Department, in the Medical Department, then of course they are welcome to offer opposition to the demand on the ground of principle that taxation should be remitted. But I gathered from the speeches that were made on Saturday that the House is really very impatient at the pace of present progress. As a matter of fact, I came in for very severe castigation at the hands of several members on the ground that I had not put forward a much bigger demand in the Public Health Department than I had done. In the same way the House I am sure wishes that a much more vigorous programme should be pursued in the field of Education, in making Education compulsory, in opening more libraries, in opening more high schools, in opening more intermediate colleges in order to provide educational facilities to the rural population which has not had these facilities of training to a desirable extent in the past. If this is so, then it cannot in the same breath, be urged that nobody should care for progress, every body should care only for remission of taxation. It would be quite different if an attempt were made to show that all the expenditure that is being asked for from this Council in the present supplementary budget can be met from our present resources and yet remission is possible with a margin of safety. That would be quite a different argument, but that argument, so far as I am aware, has not been advanced and therefore I appeal to the House to take a very reasonable and calm view of this demand and pass it. (A voice : And so should the Government).

Rai Bahadur Lala Sewak Ram : I beg to move—

“That the grant be reduced by Re. 1 in respect of the item of Rs. 20,000—Total Legislative Bodies.”

Pandit Nanak Chand : On a point of order, this is a motion for a cut of Re. 1 and asks the House to increase the expenditure so far as the polling booths are concerned. I submit it is not open to the House at this stage to ask for the increase in expenditure by moving a cut, which is really asking for a decrease in the money already provided in the budget.

Mr. President : Without deciding whether it is open to the House to propose an increase in such cases, the question of principle can be raised when a demand proposed by Government is too small or too large. I gave a ruling on this point the other day. It is open to the House to throw out any demand without any reason. In fact, the reason might go one way and the vote might go the other way. I do not think the Honourable Mover of this amendment means to propose definitely that the amount under discussion "should be increased or reduced." He has simply raised the question of principle that the proposed estimate is insufficient in his opinion and he is quite in order in doing so.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] (Urdu) : Sir, the object of my amendment is to move the House to consider and devise some means to remove those difficulties which prevent the rural electors from coming over to the polling stations in order to give their votes. Sometimes it so happens that a polling station is situated at a distance of sixteen miles from certain villages and as such the voters of those places feel it very difficult to go there and have their votes recorded. Consequently a majority of rural electors cannot have their votes recorded. Such being the case we ought to devise some means to overcome these difficulties. Let there be some arrangements for the conveyance of the rural voters. On the one hand, any arrangement for the conveyance of voters is considered to be a corrupt practice, and on the other hand, the rural voters are expected to have their votes recorded at polling stations which are situate at a distance of twenty miles from their places of residence. Moreover, if it be allowed to make arrangements for the conveyance of rural electors, we cannot use motor cars and lorries for there are no suitable roads in the villages which can be used for this purpose. Therefore it is very difficult to travel 32 miles in a day on a pony or a camel. My second suggestion is that each thana should consist of two polling stations and in this way no village would probably be situate at a distance of more than six or seven miles from a polling station. As to this suggestion it may be urged that by adopting it we shall have to increase the number of polling officers. In reply to this objection I would submit that instead of three polling officers two may conveniently be appointed at each polling station. Inspectors of Post Offices and Assistant Surgeons may also be appointed for this purpose. Fair-minded non-officials may be appointed as presiding officers. Sometimes it so happens that a certain village is nearer to a thana to which it does not belong. In such cases I would suggest that the voters of such villages should be allowed to have their votes recorded at the nearer thana provided that it is situate in the same constituency. For instance there are certain villages near Multan, but in Alpa and Mukhdum Rashid Police Stations voters would prefer to come to Multan. Another instance is of Dunapur, which is situated at a distance of sixteen miles from Makhdum Rashid. They may be permitted to vote at the nearest thana. Sir, in such cases I would suggest that the rural voters should be allowed to have their votes recorded at the nearer thana if it is in the same constituency. There is another case such as Ahmadpur Sial in the Jhang district at a distance of 13 or 14 miles from the thana of Garh Mahraja with over 100 voters? What is to be done then, I beg to state that a separate polling booth be made, there is no difficulty as there is a gazetted officer, the Assistant Surgeon, who can supervise the polling and there is also a police chauki. In conclusion, Sir, if the Council is not prepared to consider my suggestions at this moment, I would request

them to appoint some committee to consider the practicability of these suggestions and to make any other proposals which they think proper and which might meet the situation.

Mr. President: Supplementary grant under consideration, motion moved:

"That the grant be reduced by Rs. 1 in respect of the item of Rs. 20,000—Total Legislative Bodies."

The question is that that reduction be made.

Khan Bahadur Nawab Muzaffar Khan (Director of Information Bureau, Punjab) (Urdu): Sir, the suggestions, made by my honourable friend, the mover of the amendment, are most difficult, if not impossible, to carry out. In the first place I would submit that under the present arrangements 800 to 1,000 voters record their votes at one polling station. There are about twelve hundred polling stations in the Punjab. If we accept the first suggestion of my honourable friend, the mover, the present number of polling stations will rise to 2,400 at least, and if there should be separate polling stations for places like Ahmadpur Sial for about 100 voters, as suggested by the mover, the number of the polling stations would certainly increase ten times to give effect to this suggestion. My honourable friend has suggested that the Electoral Regulations be amended to give effect to this suggestion. In reply to this I would submit that the Regulations are meant for whole of the Punjab and not for any particular area. We must look to the general effect and must not be carried away by the effect that they might have on any particular area. I believe that such difficulties might be in existence in some other districts as well. If we increase the number of polling stations, we have to buy a ballot box worth twenty rupees for each polling station and a canvas bag in which the box is put for security, besides punches, seals, stationery, etc. Thus where we spend one rupee now we shall have to spend ten rupees. This means that we shall have to incur heavy expenditure. Besides this, the number of presiding officers would have to be considerably increased and we would not be able to find suitable officers to cope with the situation. As regards the appointment of non-officials as presiding officers we are sure to receive complaints of partiality. There are party feelings in every constituency. We had before this requested the High Court of Judicature at Lahore to lend us the services of some of its officers to act as presiding officers, but the High Court refused to do so on the ground that by complying with our request the public work is bound to suffer. Already we have gone down to Naib-Tahsildars to act as presiding and polling officers at certain places, but if we are to increase the number of polling stations, we would have to appoint ganungoes and patwaris as well. This would certainly prove another source of complaint. The honourable mover has also suggested that at places like Ahmadpur Sial, Assistant Surgeons and Inspectors of Post Offices may be appointed as presiding officers. In reply to this I would urge that these officers cannot be appointed as presiding officers except at the cost of public work. Supposing an Assistant Surgeon is acting as a presiding officer at a place twenty miles away from his headquarters and a serious case is reported, how would he be able to attend that case? Therefore this suggestion is also impracticable. My honourable friend has also remarked that the rules should be so amended as to allow candidates to pay for the fares of voters. As to this I would submit that it is not within the competence of the Punjab Government or even of

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the Government of India to make any amendment in the rules. The British Parliament can only do that. My friend has also remarked that a majority of rural voters do not come to the polling stations. Sir, I have got figures and can prove that sixty or seventy per cent. and in some cases eighty or even ninety per cent. of the voters have had their votes recorded at the polling stations. This shows that our rural voters are not lazy as my honourable friend imagines. I would request the House to consider all these points before they come to any decision. According to the Punjab Electoral Rules, it is not essential that thanas only should be selected as polling stations. It is within the discretion of Deputy Commissioner to decide which place should be fixed as a polling station. In the end I hope that keeping in view the points raised by me the honourable mover of the amendment would withdraw it.

Mr. President : Supplementary grant under consideration, motion moved :

" That the grant be reduced by Rs. 1 in respect of the item of Rs. 20,000—Total Legislative Bodies."

The question is that that reduction be made.

The motion was lost.

Mr. H. W. Emerson (Finance Secretary) : Sir, I understand from the speech of the honourable mover and of the other speakers on the other side of the House who followed him that the ground on which this grant is opposed is that Government out of its bountiful resources does not propose to remit taxation to the extent which the members regard as adequate. In support of that contention they put forward certain figures. I do not want to weary the House with a mass of figures in order to controvert them, nor is it necessary. The state of the provincial finances is perfectly clear. The ability of Government to remit taxation and at the same time to meet the reasonable demands of the province for development is equally clear. The first point which certain honourable members are trying to make is that for some years the Government has been accumulating unnecessarily large revenue balances. Here the figures speak for themselves. On the revenue side the Government started at the beginning of the reforms with an opening balance of 66 lakhs. In 1922-23 it took a revenue loan of 60 lakhs from the Government of India, that is to say, its outside receipts apart from its revenue receipts for the six years from 1921-22 to 1925-26 amounted to 126 lakhs. At the end of 1925-26, it had a closing balance of 80 lakhs, and this amount when subtracted from 126 lakhs leaves a deficit of 46 lakhs. Since the beginning of the Reforms the province has spent 46 lakhs more on revenue account than it has received. There is no evidence here of any accumulation of unnecessarily large balances. It is true that during the past three years, 1923-24, 1924-25 and 1925-26, there have been fairly substantial surpluses of receipts over expenditure. There are, I think, two reasons for those surpluses. In the first place, the three years have been years of rather more than normal prosperity. We cannot expect the cycle of equally prosperous years to continue indefinitely. In the second place, the province had those surpluses because the Finance Department was constantly urging the Government and the Government accepted its advice, that until the finances of the province were in a thoroughly satisfactory condition a check should be put on the departments in regard to the rate of progress that they would like to pursue. The departments have been straining at the least to get on with the schemes they believe necessary for the

good of the province. They have had to be held back until Government was quite sure that the state of the provincial finances would allow them to proceed. I think these are the two main reasons why surpluses have occurred during these three years, but even with these large surpluses the fact remains that since the beginning of the Reforms there is a minus balance of 46 lakhs.

The next point which honourable members have tried to make is that our receipts for the current year are likely to be in excess of our requirements. Here again the figures are quite clear. The original budget estimate for revenue receipts was 1,149 lakhs. Deducting 13 lakhs for the remission of taxation which we will be effecting in the current year, we are left with 1,136 lakhs. The budget demands, together with the supplementary demands before the House, amount to 1,163 lakhs, that is to say, instead of there being a revenue surplus over receipts we anticipate a deficit of 27 lakhs in this year. We propose to overspend by 27 lakhs. These 27 lakhs we propose to find out of the revenue balance of previous years reducing the revenue balance at the end of the year from 80 to 53 lakhs.

Mir Maqbool Mahmood : What about the increase in expenditure ?

Mr. H. W. Emerson : It has also been argued by some speakers on the other side that there has been juggling with the figures, at least the implication has been made that there has been juggling, in order to show that our receipts are not adequate to meet our expenditure, the suggestion being that our receipts have been underestimated, and that our expenditure has been exaggerated. Well, if we look on the receipt side, we find that the receipts for this year are no less than 2 lakhs above the estimated receipts of last year, 1925-26, and are 34 lakhs above the actuals of last year. Our estimate, though based on receipts of the past three years, a series of prosperous years, has still been put up by 34 lakhs. I do not think it can be said that there is any evidence here of underestimating receipts. One honourable member laid emphasis on the fact that the province would shortly receive large receipts from the Sutlej Valley Project and he conveyed the impression to the House that the Government was paying no regard to those anticipated receipts. That is not a fact. The financial forecast of the Sutlej Valley Project is now under revision by an officer on special duty and my own impression is that the original estimate will prove to be an overestimate of actuals. I think it is probable for the first few years at least the receipts on non-perennial land will not be equal to those which have been assumed. At any rate, in the budget estimates the receipts or rather, more than the receipts, that were included in the forecast, has been taken into account, and in the same way in considering how we are to provide next year for the requirements of the province, full regard has been paid to the receipts from the Sutlej Valley Project. I think honourable members recognising the weakness of their case have tried to escape the consequences of the figures that have been put before them. One honourable member has suggested that we should finance our ordinary revenue out of extraordinary receipts. Well, the Council is well aware of the argument against a course of that kind. I think the honourable member for Amritsar suggested that it was wrong that the present generation should be taxed for the benefit of the future generation, and that therefore the present generation should use the proceeds from the sale of lands in order to get over their difficulties.

Mir Maqbool Mahmood: On a point of personal explanation, I never said that.

Mr. H. W. Emerson: It was the other honourable member representing Amritsar, Urban, Shaikh Muhammad Sadiq.

Mr. President: I think it was Malik Firoz Khan, Noon.

Mr. H. W. Emerson: At any rate whoever made that statement is clearly in error because while he was talking of using the receipts from the sale of lands for the benefit of the present generation, he forgot that they are ancestral property of the Government and it is a fundamental principle of customary law in this province that the ancestral lands should not be alienated for the personal benefit of the holder. Another argument that was put forward was that the 20 lakhs that has been put into the revenue insurance fund should be utilised in remission of taxation. I do not think that the abolition of insurance fund would help. We have before us the stern reminder of 1921-22 that we cannot rely on the monsoon always being good. We have to make provision one way or another against bad years and if we do not put 20 lakhs into the revenue reserve fund, we must carry larger balance. I do not think therefore that the argument holds water. There was another argument put forward that we should finance our programme of development out of capital. Well, Sir, in the first place, we are tied down as to the objects on which we can borrow money in the open market. And in the second place, every loan we float is subject to the sanction of the Government of India. I imagine that the Government of India would say some very hard things indeed about the Punjab Government if, having remitted taxation, it then went up to that Government for sanction of a loan in order to meet the costs of ordinary (not extraordinary) development in those branches of the administration which are debitable to the revenue account. I do not think that the Government of India would look very favourably towards further remission of the contribution of a province that followed a policy of that sort. The real crux of the matter is that honourable members on the other side are in between two conflicting desires.

Mian Abdul Aziz: Certainly not.

Mr. H. W. Emerson: They want to remit as much taxation as possible and at the same time as progressive representatives of the most progressive province in India they wish to push on the development of the province as much as they can. In these respects, if I may say so, they represent not only the wishes of their own electorates, but also the aims and objects of members of the Government. The only difference of opinion is that honourable members on the other side believe that they can remit liberally, and that they can also spend liberally. The Government knows that it cannot do both.

The most careful examination of figures leaves no doubt whatsoever that if there were a further remission of taxation, the programme of development would have to be curtailed. It has been suggested that the remission should be increased from 17 to 40 lakhs—thus involving a reduction of 23 lakhs remission in recurring receipts. This means that the cuts must be made not in non-recurring expenditure but in recurring, for if you reduce the recurring receipts by that amount, there must be a corresponding cut in the recurring expenditure. The result must be that the Finance Department, keen as it is, keen as any member of the House on the development of the province, would

have to advise that the whole of the supplementary estimates be withdrawn and that a considerable portion of the new expenditure for which provision was made in the original Budget should not be incurred. A glance through the various items of new expenditure will show which side of the Government would suffer. The programmes which the Honourable the Ministers have worked up for the good of the province, could not be proceeded with, or at any rate, a large part of them would have to be withdrawn. To maintain even the present rate of progress for which we have budgetted in the supplementary estimates, you will have to draw next year—still further on your revenue balance of 53 lakhs to the extent of 40 lakhs. If you decide that the pace put before you this year is too fast, and that the province should revert to the pace of last year, you will still again have to draw on your revenue balance of 53 lakhs to the extent of 16 or 17 lakhs. That, Sir, is the true position. There cannot both be a further remission of taxation and the execution of the large schemes of development which are contemplated. The members on the other side of the House wish to give back in the form of the remission of taxation; Government proposes to give back to the province in another way. It is not hoarding money nor is it spending it on selfish objects. It proposes to give it back to the province in schemes of development that will add far more to the wealth of the people than will the remission of one anna four pies per head of the population that we now propose, or the three annas per head which would be represented by a remission in taxation of 40 lakhs. I therefore urge the Honourable members, before they decide to vote against the grant, the merits of which are not in question, to consider carefully their position and to study carefully the figures that have been put before them.

Sir George Anderson (Director of Public Instruction) : Mr. President, I am very glad indeed that the House was adjourned last Friday after a brief debate, because that adjournment has made it possible for members to listen to the very important debate which took place last Saturday, and then to devote the calm of the week-end to earnest reflection. At any rate, Sir, I have tried to do so. In the first place, I have read again, and more carefully, the very valuable memorandum which has been prepared by my friend, the Financial Secretary, and presented to this Council. I shall not attempt to discuss or to explain that memorandum especially in view of the fact that the Finance Secretary has already done so; but I would say that my interpretation of the facts and figures given in that memorandum differs very materially and very vitally from the interpretation placed on it by my friend from Amritsar and by other speakers. I am unable to paint in such rosy colours the present financial position with which it has been painted by many speakers.

I also have been trying to see whether history has any lessons for us on this most important occasion. In the course of my reading, I came across a passage which has such a distinct resemblance to the present issue, and which supplies us with such a solemn warning that I wish, with your permission, Sir, to read a single sentence from a chapter, in which the historian was dealing with the history of England in the twenties and thirties of last century.

"It was not understood that a progressive community as yet grossly ill-supplied with those services which must in the modern world be rendered by the central and local authorities would obtain less benefit from reducing the public burdens than from adjusting them fairly and spending them to the general advantage."

[Sir George Anderson.]

It seems to me that the passage is most pertinent to the present discussion. Let me try to elaborate it in a very few words. In spite of their reforming zeal and activity, the Whig Government of that time failed, and failed most miserably, to act up to a great opportunity and to a great responsibility. They thought more of reducing taxation than of building up a nation, and it seems to me, Sir, that this is exactly the issue which is before us to-day. Are we more anxious still further to reduce taxation, or are we more anxious, as I hope we are, upon the building up of a nation?

Take, for example, the cause of education. At that time in England there was the same awakening of the masses, the same eagerness to reap the benefits of education, but in consequence of this fatal financial policy, England had to wait another forty years before she was able to enjoy the benefits of universal and compulsory education. What course are we going to take in regard to this great problem? My friend from Amritsar has referred to the question of universal and compulsory education, and I would add a few words in reply to what he said. I understood him to state, Sir, that he was willing to make almost any sacrifice, for the introduction of universal and compulsory education. I note that I have interpreted his statement correctly. I associate myself, Sir, most whole-heartedly with the sentiment expressed by him, but I would make a suggestion to him. Why should he not follow up his noble words by noble deeds? Why wait? Why not grasp the opportunity that lies before him to-day and give his support to the furtherance of the great cause which he and I have at heart?

Pandit Nanak Chand: Why do you not bring a Compulsory Education Act?

Sir George Anderson: I have only a few minutes left and I shall reply only to what my friend Mir Maqbool Mahmood has said. My friend speaks of compulsory education as some new thing. There I differ. For the last six years the Punjab Government, with the encouragement of this Council, has been straining every nerve to reach that goal.

Mir Maqbool Mahmood: On a point of personal explanation, Sir. What I said was that Government should give compulsory and universal education forthwith.

Sir George Anderson: I am afraid that my friend has misunderstood the position. Government has already taken the necessary steps, and for the last six years has been striving to reach the goal which my friend desires. In the last five years the enrolment in our schools has increased by as many as 500,000 pupils. Compulsory education is in force in about 40 municipalities and in about 500 rural areas. Is this not a policy which is leading straight to compulsory and universal education? Is my friend anxious that that policy should be accelerated or does he desire, having put his hand to the plough, to relax his grip? That is the question to which I desire an answer. (Hear, hear.)

Great developments lie before us. I refer in particular to the momentous problem of human reclamation. I wish to say a few words on the subject, and I shall be in order in doing so because this is the specific subject which is before the House. Again, this is no new question. Does the Council desire us to continue and to expand the present policy or does it again desire us having put our hand to the plough, to stay our hand? There is already in

existence a most admirable institution, the Reformatory School at Delhi. During the course of the last cold weather, I received a letter from my friend, the Honourable the Finance Member, informing me that he was going to visit that institution and asking me to make the necessary arrangements. I gladly did so. And I verily believe that the visit of the Honourable the Finance Member to the Reformatory School made a lasting and deep impression upon him. He has since come forward with further schemes for human reclamation. In this connection I listened with great pain to the speech of my friend opposite. He enumerated the items under discussion, and referred to the item of human reclamation, but then with a majestic sweep of his arm said "these items can wait." I would ask this House whether this most important development in the building up of the nation can wait.

An Honourable Member : I never said that.

Sir George Anderson : Excuse me. I took down the words correctly. The honourable member distinctly said that these items could wait.

In conclusion, Sir, I would make a final appeal to this House, though there are many other matters on which I should have liked to speak in connection with this most critical and vital question. The issue, I maintain, is whether we should reduce taxation still further or whether we should persevere in our endeavour to build up a great province by the carrying out of the beneficent proposals which we have put before the House. I have one word more, though I understand members opposite think more of their lunch than of this most important matter. May I trust with all earnestness that the historian of the future will not say what Trevelyan said of the whigs of old : "It was not understood that a progressive community, as yet grossly ill-supplied with those services which must in the modern world be rendered by the Central and Local authorities, would obtain less benefit from reducing the public burdens than from adjusting them fairly and spending them to the general advantage."

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 P.M. Mr. President in the Chair.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] : Sir, the whole line of argument put forward by my friend the Financial Secretary and the two Honourable Ministers in charge of the Transferred Departments comes to this, that on the one hand the House demands development of the province and on the other it demands remission in taxation, and these are two diametrically opposite views which the Government cannot concede. Sir, perhaps the Honourable Ministers in charge of the Transferred Departments do not know—they were not in charge of the portfolios at the time—that the plea for raising taxation constitutionally or unconstitutionally, with or without the consent of the Council, was that there was a deficit and in order to meet the deficit as a temporary measure they resorted to extra taxation. Had it been brought to light then, as a Committee tried to convince Government (perhaps Sir John Maynard remembers) that there was not a deficit, had it been brought to light that in the year 1923 and 1924 there was no deficit, but there was a surplus of 43 lakhs extra taxation would not have been imposed. It was clear to us at the time and we tried to convince the Government that at least a million acres of cotton

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was under extra irrigation, and that in that year alone the surplus would come to about 89 lakhs. I have deducted the Rs. 27 lakhs. If these things had been brought to light, there would have been no excuse for Government to bring in a Bill for further taxation and for enhancing the *adiana* arbitrarily. Now that it is clear that there is a surplus of Rs. 89 lakhs in the year 1925-26, is it not the right of the Council and the country to demand, the country being poor, that the enhancement of taxation, which was at that time justified on account of the deficit, should be removed now? It was with that end in view that a memorandum signed by practically all the non-official members of this Council was presented to the Government, but Government did not care to reply to that memorandum; I think Government was not prepared to remit taxation, and therefore the Council has had to adopt this salutary method of expressing their protest very strongly by rejecting the demand. In doing so, we are not in the least injuring or stopping the normal growth of the beneficent departments. We have not touched a single pie of those Departments. We have not touched the Rs. 20 lakhs set apart for the purpose of meeting contingencies, untoward expenses. Our demand is that all the surplus money which will remain with Government must be refunded to the people in the form of relief of their taxation. My friend the Honourable Minister in charge of Agriculture has read many books upon taxation, and I will tell him that this is one of the canons of sound finance that there should be no surplus and no deficits. A French Financier says that all deficits tend to retrenchment and bad administration and all surpluses tend to money being spent lavishly.

The Honourable Sardar Jogendra Singh : What about the present financial position of France?

Sayad Muhammad Husain : I am quoting a book. Notwithstanding the fact that their financial position is very bad, they cannot venture to ask for fresh taxation. They would rather have their finances going on in this way than ask the public for further and fresh taxation. With all the surpluses in the hands of the Government, under these circumstances, surely this money is going to be spent lavishly. No financier would have thought it fit to keep the money.

The Honourable Sardar Jogendra Singh : Does the *bania* spend lavishly?

Sayad Muhammad Husain : You are not a *bania*. You are in charge of public money; you want to squander it. That is human nature. If you have got more, you will spend more. If you have less, you will think twice before you spend money. How are we to proceed with the normal development of our beneficent departments in the future years? I quote, Sir, from these very supplementary grants that our future outlook is going to be brighter than it was before. I draw attention to page 41 of the Supplementary Estimates. When many of the irrigation schemes materialise in the course of two or three years, they will not only bring sufficient money to meet six per cent. on the outlay, but most of them will bring in more. The extension of the Burala Branch will bring in 17.8 per cent. on the capital outlay instead of 9 per cent. as Government work out now. Several thousand acres of land will be irrigated. That is one scheme. Then comes the further extension of the Gogera Distributary. This will also bring in return, much more than is anticipated. Then come the J plot schemes, by which not only Government land, but 20,000 acres of waste

land will be sold or given to military grantees and to that extent land will be saved from the Sutlej Valley Project; further it will bring money in the form of *abiana* and in the form of land revenue. Extension of Gajazola will bring 18 per cent. Besides these, Sir, the whole of the Lower Bari Doab Colony is going to be resettled next year or the year after next. I have read the forecast report. At present there is a uniform rate of Rs. 2 per acre from Khanewal to Wan Radh. Ram a distance of 200 miles, over an area of more than a million acres. According to the new Land Revenue Bill which is going to be presented to the Council, the lowest income from that will be enhancement by 33 per cent, upon the land revenue.

The Honourable Sardar Jogendra Singh : The highest.

Sayad Muhammad Husain : I have taken a very moderate estimate. The country will be quite satisfied if you take only 33 per cent. and do not have illegal increase of *abiana*. We will be satisfied with 33 per cent. as now contemplated without enhancing the *abiana*. Government is now realising Rs. 30 lakhs at the uniform rate of Rs. 2 per acre. What will be the increase at 33 per cent.? I think it will be more than Rs. 10 lakhs. Rs. 10 lakhs of additional revenue is going to enter into the coffers of Government by the re-settlement of the Lower Bari Doab Colony. It may be more or less. This is a rough estimate. Then comes the Sutlej Valley Scheme. The estimates that we have made are under-estimates. In the course of the next two or three years, several lakhs of acres will come under irrigation and according to the rules laid down, there will be no *muaf* for first crop and second crop. Instead of Rs. 2 per acre which Government is taking in Lower Bari Doab they will have Rs. 4 per acre upon the perennially irrigated area. What would be the income that will accrue to the Government? You are one of the best mathematicians, Sir. Three lakhs of acres of land multiplied by Rs. 4 as the annual land revenue, *plus abiana*, is the income that Government will get. It will repay the heavy loan which we raised in the open market. Money will thus pour into the Government treasury. With this money at our disposal is it right that the Government should tax the poor population? The Honourable Sardar Jogendar Singh told us the other day that the average holding of this province varies from 7 to 9 acres. It is improper to charge and to continue to charge *abiana* upon a peasantry whose holdings do not exceed 7 acres, as was suggested by my friend from Shahpur District. You can let it remain with regard to the big landholders. But why should you get it out of the poor peasants? There is no justification whatever for that. There was a time when the Government was contemplating and they did increase the *abiana* when cotton was selling at the abnormal price of Rs. 20 per maund. Is the Government aware—perhaps the Department of Agriculture knows it—that prices are coming down day after day? Till now the American 4-F is not seeking even Rs. 10 per maund. Is there any justification for keeping the same uniform rate in all the areas, the same in the fertile areas, the same in the water-logged areas, the same where the yield is 10 maunds, the same where the yield is only 3 maunds? Is it right, is it good finance, is it according to the canons of taxation? Surely not. I would ask the Punjab Government to take a leaf from the writing of Sir Michael O'Dwyer, "*India as I knew it*." At page 58 he writes: "It is this consideration for the peasant and his dependant (90 per cent. of the population), whose life is a long drawn question between a crop and a crop, and that has been and is the real asset of the British Government in India." Mark these words "and the strongest argument for the permanence of our

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rule." Let them take a leaf from this book. If they wish to keep their connection with this country permanently, let them take care of the peasant, 90 per cent. of the population, as has been stated by one of the rulers of this country. Let them imitate him and come forward now with the remission. My friend Sir Gopal Das was just saying it is no use giving all sorts of good food to a consumptive patient, because he will die.

Rai Bahadur Sir Gopal Das Bhandari : No. You have no permission to mention it.

Sayad Muhammad Husain : I withdraw it. Some able men say that it is no use giving rich food to a consumptive patient nearing death; it will kill him. The country is poor. You have increased the expenditure and in certain cases rightly. But just consider the amount of money you are going to spend on roads this year. That money, at least part of it, must be spent from capital expenditure. I received a letter last year from the Deputy Commissioner of my district who is now Deputy Commissioner of Dera Ghazi Khan, in my capacity as Member of the Communications Board. He wrote that Lahore-Multan Road was a very necessary road and it was the bounden duty of the Government to have that road constructed in the first instance. He said that in that year alone Government had realised a crore of rupees out of the sale-proceeds of inferior land. Before that time several crores of rupees had entered into the coffers of Government and yet Government did not pay out of the capital expenditure for the road. Now, it is the settled policy of Government to spend all the money realised from the sale-proceeds of land on capital expenditure, on the construction of roads in the colony as they have done in the case of the Nili Bar. Now if the Lahore-Multan Road connecting all important marketing colonies is to be constructed it must be done from the capital revenue, that is, from the sale-proceeds of land. If these things were done, then if we were to look ahead to the money that is coming up, I think there is no need for fresh taxation. It is now time for the Government to come forward and say, 'We accede to the wishes of the people and will give you 40 lakhs.' If the Government does this I assure you on behalf of the House that as was anticipated by Mr. Emerson if the monsoon fails and if you come again to the Council and make out a strong case for fresh taxation the whole House will support the proposal. I will be the first to support any measure that may be necessary for increasing the revenue in cases of financial stringency. Let the Government first come forward and 'say we respond to your wishes' then we will also respond to their wishes and thus there will be hearty co-operation between the executive and the legislature which will be fruitful in the end. It is now for the Government to come forward if it has got any conscience (Laughter). Government said sometime back that the extra taxation was only to meet the deficit. Now that there is a surplus, give it to us. We do not want to stop development. If need be, next year you can come forward with proposals for fresh taxation. I will be the first person to support it. The proposal will also meet with the support of the whole legislature in the same spirit in which I wish the Government to respond to the wishes of the people.

The Honourable Sir John Maynard (Finance Member) : Sir, I feel, I confess that this debate has gone on too long. I should have been very glad if it had been possible to terminate the debate at the point at which that admirable speech was made by my friend Sir George Anderson in which he

really put the whole case in a nut shell. The whole question is whether you are to have expansion or whether you are to have remission of taxation. You hope to have it both ways and I fear it is not possible to have it both ways. I must, I think, begin by giving an explanation on a particular point on which I think the first speaker in this debate attacked me. He said that "There was a time when the Honourable the Finance Member told us that there was a recurring deficit in the finances of the province of so much as 1½ crores per annum" and he asked "now that we have a surplus, how was it that the Honourable the Finance Member did so grossly mislead the House and the province in general." In considering this matter I am tempted to refer to some remarks made not so very long ago by my honourable friend and colleague Mr. Miles Irving. He said that there are different kinds of prophets. There is a prophet who forebodes evil but good comes and everybody is disgusted with him and says "what do you mean by frightening us for nothing?" There is a prophet who prophesies good and good comes and everybody says "We knew all about it. Why do you take credit for the obvious?" Then there is the prophet who prophesies good and evil comes and he has to run away for fear of the consequences. Then there is also the prophet who prophesies evil and evil comes: and he is stoned. I think there is yet a fifth class of prophets. There is the prophet who prophesies evil and evil is actually realised and the prophet somehow or other manages to get over the difficulty by curing the evil. Sir, I or rather the Government which I represent belong to the fifth class of prophets. We told you, if I may say so through you, Sir, we told the House that there was this normal recurring deficit. Since then certain things have happened which have removed that deficit. Let me for a moment remind the House what those causes are. Let them not suppose that it is a sort of accident or that there was really no such deficit. There was a deficit and it is very simple to show you how that deficit was removed. In the first place the Government of India has made remissions of provincial contributions which aggregates 84 lakhs per annum. In the second place we have made certain additions to taxation which at the present moment amount to 75 lakhs per annum or with the reduction which we now propose to make would amount to 58 lakhs. In the third place, there are many measures which we humble servants of yours have taken in order to improve the position. It is very easy to forget these things, forget the debts which we owe to the Irrigation Department and to the Finance Department if I may venture to mention that. It is owing to work and enterprise in these departments that a great deal of the trouble which I represented to you in the form of the recurring normal deficit has been removed. Let me remind the House that the Irrigation Department has been going on with normal development. Although the honourable and humorous member from Amritsar (Shaikh Muhammad Sadiq), I use this expression to distinguish him from another member from Amritsar, although the humorous member from Amritsar did in his speech express contempt of all these little schemes which the Irrigation Department has been pushing forward, yet it is very largely to these as well as to the great development of cotton cultivation that the province owes the removal of its deficit. There are other things too which the department with which I have the honour of being specially closely connected has done in order to help us. We have succeeded in effecting a certain amount of retrenchment, at least figures do certainly indicate that this is so. The direct demands on the revenues which amounted to 100 have fallen to 90. The cost of administration which was 398 has fallen by 26 lakhs in five years. These may seem to you very small

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achievements, but it is by the accumulative effect of such things as these that we finally have succeeded in arriving at the removal of that deficit of which I announced the existence. It is there that we take credit and you are doubtless properly grateful to us for having achieved that measure of success.

Now that this debate has already lasted so long I shall be very brief. I am not going to repeat in detail the arguments and figures which have been already put forward. I must, however, endeavour to impress upon the House one important fact in connection with the figures. When you have balances on hand, from whatever sources those balances may be drawn, you may quite properly spend those balances upon non-recurring expenditure. But when you are considering recurring expenditure, when you are considering those recurring commitments which are to take the form of remission of taxation, then it is necessary to concentrate your attention absolutely on the question of what is your ordinary revenue and what is your ordinary expenditure charged to revenue and if you are wise you will look at those figures not for a single year but for a series of years. That is the true significance of that argument which my friend Mr. Emerson pressed upon you in regard to the actual revenue surplus for a series of five years. He pointed out to you that in order to get a true basis of calculation you must see what you had really succeeded in saving out of your ordinary revenue during a series of years and that saving was such a trifle that it may practically be said to be nothing. It is perfectly true that you may use for non-recurring purposes other items of revenue, but for purposes of the calculation of your true financial position and your capacity to undertake recurring commitments you must look entirely at that revenue surplus and the revenue surplus is an insignificant one.

I have observed from the arguments which were put forward by the speakers on this subject that they were very greatly impressed by the probable revenue surplus of the current year. They saw that we had budgetted for a revenue surplus of 15 lakhs; they saw that we had obtained a remission of contribution from the Government of India of 28; they added the two figures and came to 43 lakhs. Their theory is that we can spend it as we will and out of it we can give them what remission we please. Now, Sir, there are two fallacies, as they appear to me, underlying the argument on this subject. One of them is the assumption that the 43 lakhs is necessarily a permanently recurring item. That is a comparatively innocent mistake to make. The more serious mistake is this, that you can so to speak, spend it and have it both. I thought for a time that possibly the honourable members meant that when they wished us to remit taxation they wanted to give up all our proposed new expenditure. But the honourable member who spoke first in this debate made his meaning perfectly clear at that time and it has since been repeatedly made clear, he proposed that we should assume this revenue surplus to be a recurring one and also assume that we may spend a great part of it on transferred departments and yet have it still on hand available for remission of taxation. There are reasons no doubt for this assumption that it is possible both to spend the money and to use it for remission of taxation, and I shall now endeavour to analyse these reasons. In the first place one or two members very naturally pointed out former errors in budgetting and said "you always budget wrongly, you always budget against the tax-payer, that is to say, you always take a pessimistic view of the situation with the result that the tax-payer never gets his share." I suppose the honourable members who say that have got their

eyes very much on the accounts for the last year or two and possibly very few of them have thought it necessary to turn back to the date of the year 1921-22, the first year of the Reform. If they had looked back to 1921-22 they would no longer be able to say that this machiavellian Finance Department always budgets in a pessimistic way and always budgets against the taxpayer. As a matter of fact our forecasts in that year were entirely falsified and we found ourselves immeasurably less well off than we expected to be. Let me now repeat what I have said before to the House on the subject of the budget. We never know what the monsoon is going to be. Therefore we never know whether the year is going to be good or bad. So we always assume that it will be normal. There is no other way of taking it. We must assume a year to be normal. We cannot guess that it is going to be bad nor can we guess that it is going to be good. Therefore except in that rare circumstance in which you have really a normal year your budget is for that reason absolutely bound to some extent to be wrong. In a poor year the budget will have been too optimistic and in a good year it will have been too pessimistic. That is one and the most important explanation of the reason why our budgets do go wrong. We are not entitled to say that a year would be anything except normal because that is the only datum we have to proceed upon. I should like, I confess, to feel that the House no longer suspected us of intentional under-statement of our expectations. Those honourable members of the House who have been members of the Public Accounts Committee know with that eager efforts we are endeavouring to get at the causes of over-budgeting and are endeavouring to remove them. I notice that there has been an improvement and indeed I drew attention to it in my budget speech in the present year and pointed out that we have actually succeeded in getting nearer the fact than we have been before. That then is one of the reasons why people assume that you can have it both ways, that you can both spend your money and also have it for remission of taxation.

The next reason is, as I gather from the speeches, that they have a notion that after a few years we are going to have a valuable new irrigation in the Sutlej Valley Project and then we shall be able to meet a great deal more expenditure from that source. That of course is what we hope, but we want to see the realisation of the hope before we can begin to act upon it. I do not like to count my chickens before they are hatched. I prefer to wait until the actual realisation of our expectations and in the meanwhile I do not think it would be right for a prudent financier to say that so many years hence we shall probably be doing better and therefore at this particular moment we ought to take a particular course. As a matter of fact the best schemes are apt to be in some measure disappointed. At the present moment all that we know with absolute certainty about the Sutlej Valley Project is that it is likely to cost us a great deal more than what we formerly expected and that there is likely to be some delay in its full realisation.

Then, Sir, there is yet a third reason which I think has prompted people to imagine that you can both spend your money and have it, that is both spend it on beneficent objects and have it for remission of taxation. That is the particular device with which we have been twitted of retaining an insurance of 20 lakhs against calamities. Well, Sir, I suppose I must again remind people of what happened in 1921-22. There we found ourselves suddenly with a deficit on revenue account of something like 200 lakhs. We know that bad years such as that must repeat themselves and therefore we

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thought it wise to set aside sufficient provision to save us from the humiliation of finding ourselves suddenly in serious difficulties. Moreover since those 20 lakhs were put into the budget and since the House approved it and since no one at that time raised a voice against it, though I think the honourable member for Amritsar—I am not referring to the burrourous one (*A voice, the non-honourous one*)—though the honourable member for Amritsar put down an amendment under this head he did not for some reason press it, therefore this item was passed with the budget. It therefore seems to me to be a little unreasonable to expect the House to agree two or three months later to the proposition that that which had been put into the budget deliberately should now be taken out again.

There is yet another reason which I think prompted people to think that you can both spend your money and also have it too. A statement has been made that the Council would be only too delighted to give more money if you want it. I confess I have every confidence in this Council, but I feel that this Council has sometimes got to face its constituents, and the most eager desire to meet the wishes of Government in the matter of providing additional taxation would be apt to be neutralised by the recollection that two or three months hence the representatives will have to meet their constituents. Therefore, I know that although we can ask for the money, although we can call spirits from the vasty deep, but will they come when we do call to them?

Then another expedient has been put forward. It has been said I recognise by a businessman for whose opinion in matters of business I have very great respect—it has been said: why do you not borrow money for your development; why should it be taken out of the revenues? I think that at the bottom of that idea there lies the notion that it is quite easy to go to the market and get the money that you want. He says that there is no difficulty about borrowing. We of course have an experience which teaches us that it is not quite safe to trust to that. We had tried last year to raise one crore of rupees and we did not succeed in raising such a large sum. There is moreover a limit to what the Government of India will allow us to borrow. They have a hold upon the money market. They will not allow us to raise exactly what money we please, even if we were able to raise it. On the last occasion I said that it was a little difficult to get money in the open market. There are limits to what we can borrow. We can best borrow when we are able to say: "here is a productive enterprise which is going to bring seven or eight per cent. let us have your money as loan. We give you very good security. If you give us more money it will go to the development of these enterprises." I have no doubt that many of the proposals of the expanding departments will in the long run produce a great return for the outlay. But they do not immediately produce any return to the pockets of the Government. Therefore for this reason unless we can call an enterprise a productive one, that is to say unless we show that it will yield 6 per cent. or thereabouts, we are not able to borrow money for that purpose.

There remains yet another consideration which has actuated people in saying that they wish to see the taxation reduced. It was put in an epigrammatic form by my honourable friend the member for the Hindu Landholders. He said: we do not want improvement in the administration; we want remission of taxation. I recognise that for the purposes of this debate honourable members do want remission of taxation more than they want improvement of administration. But when we look a little

Outside the limits of this debate, when we remember that it is only on Saturday last that an honourable member scolded us all because we were not spending immeasurably more on hygiene and when we recollect the demands that are continually pressed upon us for sanitation, education and other matters increasing every day then I think we must conclude that in reality the people do not desire remission of taxation more than they desire improvement of the administration though it is true that they may have their own particular ideas as to what particular portion of the administration should be improved. Outside the House when I remember the demands that have been and are being made in the country for new roads, for new hospitals, for new high schools, for new intermediate colleges either at headquarters of districts or even in tahsils, then I feel certain and I say it with perfect confidence that the wish on the countryside is definitely for improvement of administration. (Hear, hear). Of course everybody would like to have it both ways and that is quite explicable. It is very natural that everybody would like to spend as much money as possible and at the same time have remission of taxation too. May I remind you, Sir, of the coming elections and it is natural that honourable members should desire to be able to go to their constituents and say: "Look, we have got you remission of taxation, we have also got you beneficent expenditure." But even at such a moment as this I am afraid it is not possible to have it both ways. And as I am on the subject of election, I think I should like very gently to remind the House that one of the items which it is proposed to reject is an item for the conduct of these very elections. It seems to me to be fairly plain that those who vote for the rejection of this demand for the election must have in the back of their minds a strong pre-conviction that somehow the Government will find money to pay for this election. I ask the House to consider whether when it is absolutely inevitable that Government should somehow find money will they not be acting in a somewhat irresponsible fashion if they reject that item which they know must nevertheless be found? I just want to say one word more because it is a matter on which I think I owe an explanation to the House. It has been asked and I say it is a perfectly fair question which I ought to answer, it has been asked whether when I added to the taxation or when I, as part of the Government, agreed to the policy of increasing the taxes, I did it in order to remove the deficit or in order to provide for the improvement of the administration. Now, Sir, on this point, I am going to be absolutely frank with the House. I did it to remove the deficit. I have been part of the Government which has remitted a part of the taxation. I am a part of the Government which has proposed to remit still more and I ask the House nevertheless to agree to retention of a part of it for the purpose of improving the administration. (Hear, hear). Honourable members may possibly say, no. But whatever they may say they act yes, because they intend—I understand they very properly and wisely intend—to support part or a portion of the demand though they intend to select between one demand and another. Finally let me say that I do not bang the door in the face of any aspiration or any expectation of remission. All that I say is that at the present moment I am not able, on behalf of the Government, to agree to anything more than the 17 lakhs for which I have provided. As our circumstances improve we shall continue to do that which we have already begun. We remitted last year, we propose to remit this year and we shall proceed further as we go on and as circumstances permit (Hear, hear).

Mr. President : The question is —

"That a supplementary sum not exceeding Rs. 1,13,025 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration".

The motion was lost.

ADMINISTRATION OF JUSTICE GRANT.

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

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Administration of Justice".

Mr. President. The question is —

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Administration of Justice".

Sardar Tara Singh [Ferozepur (Sikh) Rural] : Sir, I had no mind to speak this morning, but the importance of this question has compelled me to bring to the notice of Government certain items. The House will remember that the grant under this head was refused by a large majority of votes in the last session. This grant has been brought again before this House for reasons which have been incorporated in the explanation given on page 51. Sir, I have got no quarrel with Government when it engages public prosecutors in certain cases. I know that certain cases do require the employment of expert lawyers, but my difficulty is that Government engages such lawyers or such pleaders in cases which affect the administration only, and not in cases which are looked upon as useful from the public point of view. No doubt there have been in the past two or three years some Babar Akali gang cases which have necessitated the employment of expert lawyers, but I would bring to the notice of Government certain cases in which the employment of public prosecutors was very important.

There has been, Sir, a great deal of discussion about corruption in public services in this Province and Government has been very loud in saying that it is quite prepared to help those public workers who bring cases of corruption to the notice of Government and produce evidence in support thereof. I remember a certain case in my own district. In that case, I remember, about twenty-two complaints have been lodged against two police officers. In that case I remember not only one village but several villages have felt that great deal of injustice has been done to them. The case has been enquired into by the executive officers. Not only that, but the investigation has been carried out by the Police Department. It is after the police investigation and the judicial enquiry by the Magistrate that this case was sent up for trial. But I ask what has the Government done to encourage public workers? I wrote to the member-in-charge in this connection, but did not receive any acknowledgment at all. That is the way in which Government encourages public workers. The letter which had been written to the member-in-charge bringing to his notice the necessity of the employment of a public prosecutor was not even acknowledged. Here is an example of encouragement which Government has given to a public worker and

which I present to the House. I do not want to go into the merits of the case, but the fact remains that Government by its antipathy and by its inactivity has rather discouraged people to put in such complaints. On the one hand, they are looted and, on the other, they are expected to spend a lot of money for engaging such able lawyers as will be able to stand against the defence lawyer. In this particular case the defence has engaged a very able lawyer from Lahore, and if this case fails, for the non-employment of a suitable lawyer, Government will say that the case was false.

This is not a frivolous case. It has been enquired into by the police and by judicial officers and then sent up for trial. Even then Government has not thought it fit to engage a public prosecutor in this case. It is a clear indication to the people that they should not lodge cases against police officers and Government servants. What is the result? The prosecution has been handicapped because the people think that it is not a Crown case, and this fact makes a difference of heaven and earth. In a Crown case hundreds of people are encouraged to come forward to tell the truth, but in a private case people think that Government is against it, and they do not like to incur the displeasure of officers. That is one disadvantage of not trying such cases as Crown cases. In this very case I can say with confidence that a large number of people would have come forward to give evidence, but they are afraid. They apprehend that if they once give evidence they will be harassed by that official or by his successor or by the whole department of police in the district. When the members of Council cannot escape such harassment, how can the poor villagers escape it? This is one disadvantage of not trying such cases as Crown cases. Secondly, Sir, what is the effect on the accused? When the accused knows that he is not being prosecuted by the Crown but is being prosecuted on private complaints, he is all the more encouraged, and he can with impunity approach the witnesses and persuade them not to give evidence against him. If it were a Crown case, he would hesitate. In the case that I have mentioned, I know that the witnesses have been asked by police officers, by his own colleagues, not to give evidence against him. But if it were a challan case, they would not have had the courage to do so, because no one would like to incur the displeasure of the officers. They would in that case remain within their legitimate limits and not discourage witnesses to give evidence. This is another disadvantage of not trying such cases as Crown cases. So I submit that if Government has to engage expert lawyers to conduct cases, this is the sort of case in which they should employ them, and if they refuse to entertain lawyers even in such good cases, I really wonder what else they want the money for. I have no quarrel with Government engaging any number of lawyers, but why should it not engage lawyers in such important cases? In this case I have received complaints that the police instead of helping the prosecution is helping the defence, and it is up to the member-in-charge to establish the reputation of Government and to take to task its subordinates for any misconduct. I think it is a typical case in which Government ought to engage a lawyer for the prosecution, and see that justice is done to both the parties, otherwise people will draw their own conclusion, and say that it is only empty talk on the part of Government in the Council Chamber. With these few remarks I resume my seat.

Sardar Jodh Singh : Sir, I beg to move—

"That the total grant be reduced by Rs. 10."

[Sardar Jodh Singh.]

As given in the Explanatory Note attached to this amendment, I want to urge the discontinuance of the case against the Akali leaders in the Lahore Central Jail. Sir, when I came to this Council the very first subject on which I spoke was this and my repeated requests since have not been able to make any impression on the Honourable the Finance Member but I hope that this last request now will melt his heart and he will agree to the discontinuance of the case. In the Finance Committee the majority of the non-official members.

The Honourable Sir John Maynard : Sir, I rise to a point of order. Is the honourable member in order in dealing with what happened in the Finance Committee?

Sardar Jodh Singh : I am quoting from the proceedings which have been published. So I am in order. May I continue my speech, Sir?

Mr. President : Yes.

Sardar Jodh Singh : The information that I am going to give to this House is already published in the *Government Gazette* and that is that the majority of the non-official members present in that Committee voted against this demand. I hope the majority of the non-official members who are present in this House will support me in this amendment also. Since I spoke last on the subject, circumstances have changed so much now that it is quite unnecessary for Government to spend even a pie on this case any more. There are two organisations that have been carrying on the Gurdwara agitation, that is, the Shiromani Gurdwara Parbandhak Committee and the Shiromani Akali Dal. Both of them have run candidates for the last Central Board elections. Both of them appointed seven gentlemen as arbitrators and one point of the award was that no candidate should stand for the election who does not support the working of the Gurdwara Act and the leaders of both the parties agreed to that award. That is an important point. Of these two organisations there is not a single member now who does not consent to the working of the Gurdwara Act. To anticipate an objection, Sir, I may state that there are certain persons who talk of not working the Gurdwara Act and they convened a conference at Amritsar. Some of them passed a resolution, but the very next day the Shiromani Akali Dal denounced them, saying that they would not obstruct the working of the Gurdwara Act. Therefore the primary object of having a case against these gentlemen—it was designated as the primary object or as one of the objects by the Honourable the Finance Member, i.e. the solution of the Gurdwara trouble has been achieved. There is not a Sikh now working in any reputable organisation that is not for the solution of the difficulty by constitutional means put at the disposal of the Sikhs by Government. I may at this stage I think, answer an objection that might be raised to this. The other day a small incident happened at Amritsar in which some people wanted to take a sort of direct action, but to that my reply is, that not only have the Shiromani Gurdwara Parbandhak Committee and the Akali Dal and all the leaders denounced their action, but not a single Sikh has sympathised or passed any resolution of sympathy with them. On the other hand, they have been condemned by all people alike. In these circumstances when the object for which these prosecutions were started has been gained, and when every Sikh is for working the Gurdwara Act and when the gentlemen against whom the case is being continued applied to Government to be allowed to go to the polling booths to record their votes or to induce the voters to vote in their favour, when they have gone so far, I say, is there any doubt, can there be any reasonable doubt in the mind of Government that they are against the working of the Gurdwara Act?

Sir, the question may be asked why don't they say so. To that question I reply by another question: Where is the necessity for the Government now to insist upon that declaration? Just now the Honourable the Finance Member was telling us that "in your heart of hearts you believe that we cannot give you money but you are acting otherwise." In their heart of hearts the Government believes that by their actions they are for working the Gurdwara Act. Why should they insist upon something which they consider humiliating to them. The Government now will not lose its prestige. The solution which it proposed with the help of the Sikh members of the Council has been accepted by an overwhelming majority of the Sikhs. It has been accepted by the two principal bodies that carried on this agitation against the existing law. It has been accepted by those gentlemen themselves against whom the case is being continued. Is their any justification for spending any more money on this case? Sir, even if the case is carried on for one month more after the constitution of the Central Board, the Government will withdraw that case because after that there will be no justification left for it. May I ask—why waste more money for one month more. Why not save the money of the tax-payer and use it for some other purpose? With these few words, Sir, I hope that the Government benches will respond to our appeal to-day and announce that they are going to withdraw the case.

Mr. President: Supplementary grant under consideration, motion moved:

"That the total grant be reduced by Rs. 10."

The question is that that reduction be made.

Professor Ruchi Ram, Sahni [Punjab University]: I rise to support the amendment moved by my honourable friend from Rawalpindi. I have very little to add to what he has said in support of his amendment. However there is one point which he seems to have omitted to refer to and I would just mention that one point. The leaders who are still under trial in the Central Jail have indicated most distinctly by their action that they are advocates of the Gurdwara Bill. They are prepared to work the Gurdwara Bill with all its defects and its shortcomings. Sir, it is well known to the House that only the other day they applied for permission to be taken to the polling station under police guard in order that they might vote in the elections for the Gurdwara Board which have been going on during the last few days. It is most unfortunate, I am using a very mild word, that the Government did not see its way to grant them that very reasonable request. The Government was prepared, as we all know, to let them off on bail but as the leaders would not accept the offer to go out of Jail on bail, they have been refused permission to appear at the polling booth and cast their votes in the manner they wanted to do. A better plan perhaps, would have been to send a polling officer to the Central Jail, that is to constitute the Central Jail as a polling booth for the time being, but that is not the point with which I am principally concerned at the present moment. My point is that since they expressed their desire in an unmistakable manner to take part in the elections, it is obvious that, they expressed themselves as being among those—a very large majority of the Sikh population, specially those whose voices count for anything—who are prepared to work the Gurdwara Act for what it is worth. That being so, there seems to be no justification whatsoever, in my humble opinion, for the Government to keep them in custody for one single day more after this plain expression of opinion about the Gurdwara

[Prof. Ruchi Ram Sahni.]

Act on their part. There is one little thing more to which I might refer I have been reminded of that by the remarks which have been made by my friend who has preceded me. He has referred to the last Finance Committee proceedings. I would also like to refer to the Finance Committee proceedings, not the last, but the one previous to it. I refer to the published proceedings. In February or March last, there was a meeting of the Finance Committee. In that Finance Committee, an identical demand was brought forward and it was thrown out by a majority of the votes of the elected members of the Finance Committee. That proposal, so far as I remember, did not, therefore, come up before the usual budget session. This particular demand was withheld, because the majority of the elected members of the Finance Committee had voted against it. It was not placed before the Council. Now in the last Finance Committee meeting, also the elected non-official members voted against the demand. For the sake of consistency, I should have thought that the demand would be withheld from this Council also. However it has been brought before the Council, and, therefore, it is up to us now to tell the Government, that they are not quite justified in pushing it through with the support of official members.

There is one other little thing which I should like to say. The honourable member who preceded me referred to that most unfortunate incident at Amritsar. I am absolutely certain, Sir, that if the leaders who are now undergoing their trial were out, an incident of that kind would never have taken place; and if any incidents of that kind take place in the future, we will be justified in throwing the whole responsibility of such incidents upon the shoulders of the Government, inasmuch as, if they keep the leaders unjustifiably away from the scene of public activity, withholding them from taking part in the election of their community, then I submit most respectfully that, it will be a justifiable conclusion to draw that the Government is responsible for such incidents. The Government does not want those incidents. I know they want peace and order. But things happen in spite of our wishes. As a great writer has said, if wishes were horses, we could all run to our destination in no time. But the conclusion is quite simple. The facts are there. I hope that the Honourable the Finance Member will consider this aspect of my argument and see his way to recommending to the Government that these gentlemen, who count for something in their community, whose voice and lead are valuable to the community, should be released. In the interests of peace and order, I hope he will see his way to recommend to the Government that their prosecution should be dropped.

Chandhri Atzal Haq [Ludhiana-cum-Hoshiarpur (Muhammadan), Rural] (Urdu) : Sir, a study of the history of this case will show that there is lurking in the mind of the Government a suspicion about the possibility of the formation of a party which may refuse to work the Act and which may put up an agitation to make the Act a dead letter. These suspicions were justified to some extent and that is why we did not object to the imposing by the Governor of conditions on the release of prisoners. But, events have happened which force us to request the Government to change its policy. Government wants to force the leaders of the Sikh community to give an undertaking to the effect, that they will work the Act. Sir, there is a section of the community which satisfied those conditions. Still Government refused to release all of them on the plea that this will create parties and will place a discount on those who have come out by giving the verbal undertaking. But, Sir, circumstances have changed and there is a band of workers who have come

out of the jail by giving a verbal undertaking that they will work the Act, while there is another set of persons who though they refuse to give any verbal undertaking yet they have by their actions demonstrated beyond all shadow of doubt that they believe in the Act and will uphold it. Now, Sir, I ask the Government if they consider mere words weightier than actual deeds. Are not those gentlemen who are in jail and who have got themselves registered as voters better supporters of the Act? Again, Sir, Government sympathises and upholds the action of those who have obtained their release by giving the verbal pledge. Is it not time for the Government to afford an opportunity to those people who came out of the jail by giving the pledge of saying that they by their action opened a way for the others to follow out of jail? If in spite of all this Government insists upon keeping those gentlemen in the jail, then, either of the two things will follow: Either that they will be acquitted or that they will be convicted. Now, Sir, think of the sad plight of the Government if in a month's time it is found that these gentlemen are innocent of all charges, and also think of the position of the party whose action Government so loudly approves of. But if on the contrary, the accused are convicted, the event will result in a permanent war between the Government on the one side and the Sikh community on the other. If in the last session there was some justification for awaiting the result of the case, that has absolutely been blown away now and there is no reason for keeping these gentlemen in for a minute longer. Such a course is neither good for the Government nor for its sympathisers for they shall have to let them out after a month or so. With these words I resume my seat.

Diwan Bahadur Raja. Narendra Nath [Punjab Landholders (General)]: Sir, I wish to offer a few remarks on the subject which has been introduced in this House by the honourable member who has proposed a cut. It seems to me that the case of the Akali leaders is quite different from the case of other prisoners who were convicted in connection with the Gurdwara cases and who were expected to sign a pledge to work the Gurdwara Act. I leave out of my consideration altogether the condition which Government demands that prisoners who wish to come out from jail should sign a pledge and assure that they are honestly prepared to work the Gurdwara Act. I say the circumstances have so changed that there is reason to believe that there is no case against the Akali leaders.

The Honourable Sir John Maynard: This question is under judicial investigation and no member is entitled to say that there is no case against Akali leaders.

Mr. President: The honourable member was not in order in saying that there was no case against Akali leaders.

Diwan Bahadur Raja. Narendra Nath: Circumstances have changed. I can say that. The Parbandhak Committee has been active for some time. The case was started when the Parbandhak Committee began to send Jathas. That was supposed to be a political offence or an act of sedition and the case was instituted against some men who took part in sending the Jathas. The defence of the Parbandhak Committee was that all their actions were actuated by the best of religious motives and there were no political motives. Since the Gurdwara Act was passed, the sending of the Jathas has ceased and I think it will be quite reasonable on the part of Government to take the advice of their law officers again and ascertain about the guilt and innocence of the leaders under altered conditions as they did

[D. B. Raja Narendra Nath.]

when the case was instituted. Whether these men sign the pledge or not the whole matter should be reconsidered and I appeal to Government not for the sake of mercy, but for the sake of justice that the circumstances of the case should be reconsidered from beginning to end.

Sardar Narain Singh [Rawalpindi Division and Gujranwala Sikh Rural] (Urdu): Sir, it is now three years that the leaders of the Shiromani Gurdwara Parbandhak Committee, the accredited representatives of the Sikhs, were arrested under charges of conspiring to deprive His Majesty of his dominions in the Punjab and India. Times out of number did the leaders say that they have no such intentions. Though they do want Swaraj, Swaraj which is as much a Sikh Raj as it is Muhammadan, Hindu and Christian Raj, yet their present struggle is only religious. In spite of these clear statements, the case was launched and was termed to be a very serious case. Huge sums of money, time and energy were spent like water. But, Sir, now after the expiry of three long years things have taken a turn when one may very well ask, why is this case being persisted in? Three things will strike you in answer to this question. Firstly that the case is very serious and public interests demand that it should be carried to the finish. Secondly that the Government wants to see that the Gurdwara Act is worked, and thirdly that Government wants to maintain its prestige and wants to bring the Sikhs down to the point of humiliation.

The Government, you know, Sir, agreed to release those who would give a verbal undertaking for the working of the Act, but, it is quite a funny thing, that those who refuse to do so, are open to charges of waging war against the king and of upsetting the Government established by law. This is proof enough of the seriousness of the case. I do not want to discuss the merits of the case. I would only place the House in possession of public opinion on the point. People consider it rather funny that a mere word to work the Gurdwara Act exonerates a man of the serious charge of waging war against the king. Now, Sir, people also ask how far it is right to squander public money on this case and deprive those, who consider the giving of the imposed undertaking as humiliation of their liberty.

It has been said that Government have imposed these conditions to see that the Act is worked, I submit, Sir, it is rather lowering the law in the eyes of the people by enforcing its working in such a manner. This Act has been drafted by the Sikh members with the approval and consent of almost all the Sikh leaders. They themselves introduced it in the Council and though it does not give them all they wanted, yet they consider that it satisfies their main demands. I, therefore, fail to understand the anxiety of the Government to enforce it on the very people who sponsored it. Is there any law in the statute book which permits the imposing of any conditions at all on the under-trial prisoners? Does not the imposition of these conditions take away much of the value of the Act? There is a serious misapprehension lurking in the minds of the people as if there is something wrong with the Act, and therefore the Government is so anxious to thrust it upon the willing or unwilling Sikhs. The House knows how the Sikhs had to obtain it after a tough fight. Even taking it for granted that the Act is purely a Government measure how far is it right to adopt such measures in enforcing it? There are other ways of dealing with people who break laws, why not resort to them? In my opinion, people who do not

agree to work the Act fall into three classes. First those who want to remain neutral and do not want to commit themselves either way. Such people neither care to work it nor do they seek to destroy it. What justification is there to keep such people in jail? Secondly those who believe that the Act is not a satisfactory piece of legislation, and want to get it amended by all constitutional means. Is it fair to keep such people in jail? Thirdly there may be another class of people who want to break the law. But, Sir, are there no other provisions in the criminal law of the land to deal with such people that the Government thinks it fit to resort to such objectionable and unreasonable measures to force the law on the unwilling people. But, Sir, now, we know that the Sikhs generally are willing to work the Act. They have passed resolutions, they have registered themselves as voters and have stood as candidates for the Central Board and the Local Committees. Why then insist on such a course? Only a few days ago, you are aware, an arbitration board was formed to settle the differences between the two parties of the Shiromani Gurdwara Parbandhak Committee. I had the honour of presiding over its deliberations and from what I gathered during the course of its proceedings I am clearly of the opinion that there is not a single leader or well-wisher of the Sikhs who does not want to work the Act. When this is the case why does Government insist upon the fulfilment of such unnecessary conditions? You know very well Sir, with what sacrifice and labour the Sikh members of this Council drafted this Bill, with the hope that it will end the unrest and remove the misunderstandings between the Sikhs and the Government. But, Sir, we find ourselves in a very awkward position. Though we never gave any promise to the members of our community that those in the jails would be released with the passing of the Bill yet we did tell them that their release would follow as a matter of course. Now, Sir, you can very well imagine our position in our community when the prisoners have not yet been released. I think there are at the most 15 or 20—my friend here says 15—of the leaders in the Central Jail and that the total number of Sikh Gurdwara prisoners does not exceed 30 at the present moment. Why is Government prolonging this unrest by keeping them in the jail? Is not time and money being wasted for nothing?

There is a section of people who think and, I suppose, they are not far wrong, that Government is keeping its *aid* and wants to humiliate the Sikhs. I have come to know from a very reliable source that on the release of certain leaders when they met certain highly placed officers of the Government they were told that they had done well in upholding the *aid* of the Government. Now, Sir, is this graceful on the part of the all-powerful and mighty Government? If the Government poses itself in the position of parent of its subjects, it should not forget that it is only the children who resort to *aid* and not the parents. I hope Government will before long see its way to release the remaining few prisoners.

The Honourable Sir John Maynard (Finance Member): Sir, I will begin by correcting a rather mistaken impression which my honourable friend the member for the University may have given to the Council. I think he did not give an accurate account of what happened on a former occasion. What happened on a former occasion was that a larger demand was put forward and the honourable member moved its rejection not intending that the whole grant be rejected, but intending to draw the attention to the large amount which was being paid to a particular legal officer.

Professor Ruchi Ram, Sahni: I rise to a point of order, Sir. Is the honourable member justified in referring to details which took place in the Standing Finance Committee?

Mr. President: If he does so he will be out of order, but he has not done so.

The Honourable Sir John Maynard: May I explain, Sir, that I am not going to say anything of what happened in the Finance Committee. I am only referring to what happened inside the Council. It was made quite plain that his intention was merely to draw attention to the heavy payment being made to a particular lawyer. Accordingly having discovered that

Professor Ruchi Ram, Sahni: Sir, I rise to a word of personal explanation. I did not refer to anything that took place inside the House. My remarks were directed to what was said inside the Finance Committee the proceedings of which are published in the Gazette. I did not refer to anything that happened outside the Finance Committee.

The Honourable Sir John Maynard: I tried to explain quite a different point from what the honourable member imagines I tried to explain. I wanted to explain why the Government brings forward this demand again in its present form. The reason is this: The intention in rejecting the former demand was to indicate that the charge that was being paid to a particular lawyer was too much. Therefore Government knowing that to be the reason why the Council rejected the demand has reduced the amount and has ceased to employ the particular lawyer concerned and I have now produced a demand which is based partly upon the Akali leaders' case, but mainly upon the general requirements of the province as regards special public prosecutors. That is what I want to make clear.

In the first place I should like to point out that almost every member who has spoken on this subject has made an incomplete statement of the terms which people were required to accede to before they could obtain release. Everybody here has laid stress upon one point only and that is the readiness to obey and act upon the Gurdwara Act. But there is yet another and very important item in the engagement which everybody appears to me to have overlooked and that is that there should be no forcible seizure of shrines. In my opinion this is of very great importance. According to this agreement there was to be no forcible seizure of shrines. Some of the accused in the case agreed to this and gave an oral statement which included the required undertaking. But some of them did not agree to give that undertaking. Having regard to the events which have been referred to by one or two members who have spoken in recent debates which might possibly be still under judicial investigation and therefore regarding which I should say nothing further except to point out that there does appear to have been some attempt at something like unlawful occupation, I think it is reasonable to say that it would not be quite safe to trust those who decline to give the undertaking regarding abstention from forcible seizures. It is surely reasonable to think that men who definitely decline to say that they will not forcibly seize shrines have at all events some sort of sympathy with those people who are disposed to seize them in this manner. (A voice: Absolutely not). That is of course a matter of opinion. That is one point which

to my mind is a matter of very great importance. This case, of course, as one or two honourable members have reminded the House, is by no means a new one. I seem to have been giving answers on this subject for a considerable time past. I think there has been really nothing novel at least during the last year which can alter the view which Government is disposed to take about it. Last time when I spoke on the subject I drew attention to this. I pointed out that there were certain gentlemen who thought it quite proper to give a certain very reasonable undertaking. No doubt sensible men proved their wisdom in agreeing to give this reasonable undertaking; but we know that there are also some others who think that they have betrayed the common cause by agreeing to give the undertaking. There is thus one class who have given this reasonable undertaking and who are reproached by some of their community for having done so. On the other hand we have a certain number of people who have refused to give that undertaking. Now, would it be right or reasonable to treat, in precisely the same manner, those persons who have given that reasonable undertaking and thereby subjected themselves to criticism in their community and those who have declined to give that undertaking and have by that means done something to earn for themselves some sort of reputation as special martyrs in the cause? I think the answer to that question must be that it would not be fair to those who have given the undertaking to treat those who decline to give it and thereby gain for themselves this sort of spurious reputation precisely in the same manner.

Mian Abdul Aziz: With your permission, Sir, may I point out that according to the Gurdwara Act no forcible seizure is permissible of shrines? If by conduct or otherwise a pledge is given that they will act according to that Act, can it not be inferred that they are not going to seize the shrines forcibly?

Mr. President: The honourable mover of the amendment has a right of reply and if he cares to exercise it he may do so now.

Sardar Jodh Singh (Sikh, Urban): Sir, in my reply I will not take much time, but will confine myself to answering the points which have been emphasised by the Honourable the Finance Member. He says that in our speeches we have referred only to the readiness to obey the Gurdwara Act and that in the undertaking there are two things, one is the readiness to obey the Gurdwara Act and the other is not to take direct action or in other words not to take forcible possession of the shrines and he has referred

(The honourable member was found to be speaking not from the seat allotted to him).

Mr. President: I wish to point out that the honourable member, unless he addresses the House from his own place, has no right to speak.

(The honourable member then went back to the seat allotted to him).

Sardar Jodh Singh: The honourable member referred to a recent incident that happened at Amritsar. Well, Sir, those who are responsible for that incident never consented to the working of the Gurdwara Act. They never accepted it. They were all along against it and in their public speeches, they were protesting against it. To my mind, Sir, it is only logical that when a man accepts a constitutional solution of this question he cannot take forcible seizure of the Gurdwaras. Otherwise what is meant by

saying that he accepts the Gurdwara Act. What is the Gurdwara Act? It is a constitutional solution of the Gurdwara trouble that arose in the Punjab and when a man accepts the method of taking possession of those Gurdwaras by the Sikh community by means of law and the procedure laid down therein, he does reject the other method, namely, the forcible seizure of the Gurdwaras. Hence when those gentlemen have by their actions made it clear that they will work the Gurdwara Act they have in all logic and according to all canons of reasoning accepted that they will not take possession of the Gurdwaras forcibly.

Then the other point raised was what will those Sikhs who have made the statement say when others are let off without making a statement. As to that I gave an answer on the last occasion. They will be very much pleased to see that the trouble is at an end. They do not want to prove that they are better martyrs than those people who are still in the jail. As a matter of fact this is not what is troubling them but it is the unrest that still persists in a portion of the community and which of course will persist until and unless those still left in jail are released, it is this unrest that is troubling them. If as a result of their labours peace is restored in the Sikh community and if better relations are established between the Government and the Sikhs, they will consider their labours to be more fruitful than the vain show of proving to the people whether they are the better martyrs than those who are still left in the jails. Hence, I say that to put forward this reason—this showing of great concern for those who have made that statement—is not becoming on the part of Government. A few months ago they did not pay any heed to the entreaties of these very gentlemen. Therefore, I want to urge upon the Government and to say, as has been said by my honourable friend for Gujranwala, whether it is politic and wise for the Government to keep at the most these thirty persons in the jail and let the thorn rankle in the hearts of a large portion of the Sikh community or to let them off and see the whole agitation buried once and for ever. I hope that in their rarer moments, not of *aid*, not of trying to humiliate the people, but in their calmer moments, the Government will prefer the latter course.

The Honourable Sir John Maynard: I do not wish to reply.

Mr. President: Supplementary grant under consideration, motion moved:—

"That the total grant be reduced by Rs. 10."

The question is that that reduction be made.

The motion was lost.

Mr. President: The question is:—

"That a supplementary sum not exceeding Rs. 90,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Administration of Justice."

The motion was carried.

MISCELLANEOUS DEPARTMENTS (TRANSFERRED) GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 30,205 be granted to the Punjab Government (Ministries of Agriculture and Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Miscellaneous Departments (Transferred)."

The motion was carried.

EDUCATION (TRANSFERRED) GRANT.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 8,97,415 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Education (Transferred)."

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 8,97,415 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Education (Transferred)."

Sardar Jodh Singh (Sikh Urban) : Sir, I beg to move :

"That the grant be reduced by Rs. 10 in respect of the item of Rs. 1,00,000—Maintenance Grants for Vernacular Education."

Sir, I am afraid I will have to refer to some general principles before discussing the particular item for which I move this reduction. Whenever we move a cut in respect of grants to districts boards, the general reply is that that concerns the local bodies and that local boards have got full power to do what they like. My humble opinion is that this view of the affair is wrong. Government has delegated certain powers to the local authorities and therefore it is the duty of the Government always to supervise their doings and see that they are performing their functions all right. Otherwise, supposing they go wrong and they act against the policy of the Government and supposing they do something inconsistent with their wishes, then there will be two Governments in this country, one going quite against the other. I therefore maintain that when the Council gives a lot of money to these district boards, it has a right to see that everything goes right and the Government cannot take shelter behind this reply that because it is an affair of the local boards, they cannot do anything in the matter. The particular district board against which I am going to complain this evening has sinned in more than one respect. They are not only injuring the feelings of a large number of His Majesty's subjects who call themselves Sikhs, but in one particular case I know that the clique that rules in the district board does not care for the feelings of the Muhammadans who do not belong to their *Naqa*. I am very sorry that the honourable member representing the Rawalpindi District Muhammadan Rural constituency is not here. Otherwise he will tell his own tale of the woes against the clique that at present rules in the Rawalpindi district board. He tried his best to have a vernacular middle school opened. . . .

Sir George Anderson : From the note, I understand that this amendment is moved in order to protest against the closure of Gurmukhi primary girls' schools in Rawalpindi and Attock Districts. Is the honourable member in order in dealing with other matters ?

Mr. President : The honourable member will please speak to the amendment.

Sardar Jodh Singh : I am simply showing to the House that the district board against whom I am complaining is a sinner not only in this matter but in other matters as well. It is treating public opinion very lightly. I think,

[Sardar Jodh Singh.]

therefore, that I am in order in referring to this incident by way of illustration. The Director of Public Instruction went so far as to suggest for the opening of that particular school at Kuntrila that he would give a grant of Rs. 25,000 if the district board used that for the purpose of education. But the alique there had said nay to this proposal. Therefore, Sir, when I complain against a particular district board from the point of view of the Sikh community, it is not to be inferred that it is a communal matter. It is a matter that concerns not the Sikhs alone. The district board is sinning against all the communities and it is high time for the Government to see that such district boards as do not behave properly are pulled by their ears in some manner. Referring to the matter under discussion I put a question in the last session asking for information about the number of Gurmukhi primary girls' schools that were closed in certain districts and the number of Urdu primary girls' schools that were opened in those villages where the Sikhs and the Hindus predominate and in which the Gurmukhi schools had been closed. I am astonished to find that the answer to the latter part of my question was nil. I know for certain of one village which happens to be my own village and where a Gurmukhi primary school existed for a long time but it was closed and an Urdu primary girls' school has been started instead. The population of that village consists almost entirely of Sikhs.

Sir George Anderson : What is the name of that village ?

Sardar Jodh Singh : The name of that village is Ghungrila. And the village, Sir, is entirely composed of Sikhs and I know it for certain that an Urdu girls' school has been opened there.

I am always prepared to accept the accuracy of answers from Government benches, but I would like them to insist that their subordinates gave the House correct information. This girls' school I have seen with my own eyes but there are other villages where the same thing has taken place, though to show the incorrectness of reply that was given by Government this example will suffice.

Sir, we are here thinking of compulsory education and we are all anxious to spread education among girls. Fortunately or unfortunately this distribution of population in the Punjab is not on communal basis. There are districts in which Sikhs predominate, there are districts where Muhammadans predominate and there are districts in which Hindus predominate, and if in the spread of education which is ultimately to be compulsory and universal this distinction is to be made that a certain section should be deprived of it or that a particular language or a particular script should be forced upon a section of the population of the province, I think that policy will create a good deal of disturbance. The Sikhs are in a minority in the Rawalpindi district but then they are there and they have a right to expect that the education of their girls will proceed in the script which they like and which is sanctioned by the department and in the language which is allowed by the department and that even a majority will not force upon them any other script or any language that they think ought to be the medium of instruction of their children. Therefore, Sir, I hope that the Education Department will take steps to see that Muhammadans, Hindus and Sikhs, whether they are in a majority or a minority in any district, are in the matter of education at least treated alike by the district boards, that there is no distinction between man and man because ultimately we want that every Sikh, every Hindu and every Muhammadan should be educated. I think the best means of spreading education is to allow them the option of their script and the language

through which they want to be educated, provided of course they form a sufficient majority in a school. What I complain of is that Gurmukhi girls' schools have been closed in villages where there is a majority of Sikhs and Hindus, and Urdu girls' schools have been opened in their place.

Mr. President: Supplementary grant under consideration, motion moved:

"That the grant be reduced by Rs. 10 in respect of the item of Rs. 1,00,000—Maintenance Grants for Vernacular Education."

The question is that that reduction be made.

Sir George Anderson (Director of Public Instruction): **Mr. President,** I understand that the contention of my friend from Amritsar is that the Rawalpindi district board has closed down a certain number of Gurmukhi girls' schools and that in place of those schools they have instituted Urdu girls' schools in villages where Sikhs and Hindus preponderate. My friend asked a question on this point in the last session and the Education Department made enquiries. The effect of those enquiries was that six of these schools had been closed, but that no new school had been instituted in a village in which Sikhs and Hindus preponderate. I am now told by my friend that there is one such village in which an Urdu school has been instituted. I have no further information on the subject, but I shall be very glad to invite further enquiries in regard to the village which he has mentioned, and to any other villages which may have come to his notice.

I would say just a few words on two general questions. In the first place, my friend appears to think that this Council should be far stricter than it now is in its supervision and control of the activities of local bodies. I wish that my friend from Hoshiarpur had been present here to-day to raise his voice on behalf of the sacred principle of local self-Government but I regret that he is not present. On the other general question I wish to say that I have no desire whatever to arouse any communal susceptibilities, but my friend has forced me to allude to this aspect of the problem. I have made enquiries in regard to the Rawalpindi district board and find that, in the year 1919, all the 36 girls' schools which were maintained by the district board were Gurmukhi schools, and there was not a single Urdu girls' school in that district in spite of the fact that Muhammadans formed 82 per cent. of the population. I do not think that it is altogether unreasonable that the Rawalpindi district board, in the space of seven years—it is rather a long time—should have instituted seven Urdu girls' schools. With these figures in front of me, I cannot think that on the general question any injustice has been done. If there has been any injustice, as may have happened in the case of the village of sacred memory, which has been mentioned by my friend, I shall be only too happy to look further into the matter.

As a matter of fact, the Education Minister, after replying to my friend, asked me to make further enquiries about the schools which have been closed down. So far as the Rawalpindi district board is concerned, we have not received a final reply. All that we have heard at present is that three of the schools were closed because no suitable teacher was available; that two of the remainder have been closed down on account of financial stringency; and that the sixth was closed on account of a decrease in the rolls which did not justify its continuance. However, we have been promised a further report; and I shall be very glad to inform my friend of its contents.

As regards the Attock district board we have received a detailed reply. In the first place, the Deputy Commissioner has visited each of the six places in which these Gurmukhi schools for girls have been closed down.

Sir George Anderson.]

The Deputy Commissioner tells me that he has received no complaint whatever from the residents of those places. It seems to me somewhat remarkable that the complaint urged in this House has not come to the notice of the Deputy Commissioner when he tried to investigate the case. The Deputy Commissioner has also given me the main reasons why the Attock district board has closed down these six schools. He tells me that year after year, the Inspectors and Inspectresses found them very inefficient and very unsatisfactory, and that they constantly broke the Code rules. There is also another item of information. After all, if we have girls' schools—and I hope we shall have a large number of them—it is reasonable to expect that the girls will show some measure of improvement and of efficiency. A test which we apply is whether some of those girls have come forward to be trained as teachers. To our great regret we find that not a single girl in any one of these five schools has ever come forward to be trained as a teacher. I feel therefore that, so far as the Attock district board is concerned, its action has been justified. As I have said, I am not quite certain about the Pindi district board because I have not yet received the final reply, but I assure my friend, the mover of the amendment, that as soon as we receive that reply, we shall give the matter every consideration.

Sardar Jodh Singh (Sikh Urban) : Sir, I would have seen no need to reply to this amendment of mine had not the Honourable the Director of Public Instruction introduced quite a new subject. He says he found that in the Rawalpindi district all the girls' schools were Gurmukhi schools. He perhaps thinks that these schools were all the gift of the district board. But that is not so. These Gurmukhi schools were at first started by Sir Baba Khem Singh Bedi, C.I.E., and they were being maintained by him. When the district board wanted to show that it was doing something for female education, they asked him to make over these schools to the board. I would not have raised this question in the Council at all had these Gurmukhi schools been closed in order to give Muhammadan villages the benefit of female education. I would not object to that if the district board had closed the schools on account of stringency of funds. But they have closed Gurmukhi girls' schools in some villages and started the Urdu ones in the self same villages.

As for the reasons given by the Attock district board, I think even the Director of Public Instruction would not consider them sufficient. "Inefficient and unsatisfactory"—may I ask who is responsible for the inefficiency and the unsatisfactory state of affairs in a district board school? Had the reason given been that the number of girls attending those schools was insufficient, then the people would be themselves to blame, but when the department that manages the schools is pleased to keep them inefficient and unsatisfactory, it is the height of unreasonableness, I should say, to bring that as an excuse for the closing of those schools. People have sent girls in large numbers to schools provided by the department, but if the department cannot make them efficient and satisfactory, that is no ground for closing them down. It is rather a ground for taking action against the officers of the department who let the schools get inefficient and unsatisfactory.

Sir, all that I wanted by moving this amendment was to draw the attention of the department to this matter, and since the Honourable the Director of Public Instruction has promised a sympathetic enquiry into the matter, I ask for leave of the Council to withdraw my amendment.

The amendment was by leave withdrawn.

Chaudhri Afzal Haq [Ludhiana *cum*-Hoshiarpur (Rural)] : Sir, I beg to move :—

"That the grant be reduced by Re 1 in respect of the item of Rs. 31,350.—Opening of Libraries in connection with Vernacular Middle Schools."

(Urdu): Sir this motion is tabled to bring to the notice of the Government the long felt demand from villages to have libraries. I admit that it is not possible to have libraries in the villages all over the province at one and the same time. This requires time and money. . . .

Sir George Anderson : Libraries are being opened.

Mr. President : These libraries are already being opened.

Chaudhri Afzal Haq : I want to make some suggestions as to how these libraries should be worked. (Then continued in Urdu). I know these libraries are open to public. But in their actual working they do not prove of much use to the villagers. There is no system of recording the number of people who avail of these libraries. The Government should introduce the system of having a register in which the number of people who avail of the books and periodicals should be recorded daily. This will furnish Government with statistics on the basis of which it can improve the working of these libraries. In some villages where libraries are opened, people do not go and read because these being situated in schools, people do not know whether they are open to public. If they are situated in some building close by, but out of the school premises it is sure to be frequented much more by the people.

It is good that some amount of money is being spent and I wish even more is spent, but we must try to get the maximum return out of our money. I would, therefore, suggest that registers be opened and teachers be instructed to encourage people to read books and periodicals in the libraries.

Mr. President : Supplementary grant under consideration, motion moved :

"That the grant be reduced by Re. 1 with respect to the item of Rs. 31,350.—Opening of Libraries in connection with Vernacular Middle Schools."

The question is that that reduction be made.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, the honourable member from Hoshiarpur has made certain suggestions about the libraries to be opened in village schools. About one of these suggestions there can be no doubt about the attitude of the Government. The opening of these libraries in some adjoining building is impracticable. Government cannot open such libraries in other peoples' buildings and it should not spend money on the erection of new ones outside a school. As regards allowing people to use the libraries, Sir George Anderson has already agreed to the proposal. Then comes the question of making entries about the number of people who availed of these. No detailed rules have so far been framed, but as far as I could make out from the papers that came to me about these libraries, I am of opinion that teachers will be expected to read these papers to the villagers and to create a taste in them for books and they will probably keep a record of the persons to whom books are issued and papers read. The Government, therefore, have no objection to agreeing to two of these proposals but it cannot agree to the third.

Mian Abdul Aziz : Will the Government have any objection to opening these libraries in buildings given free of rent by people for the location thereof ?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Government will agree to such a thing if the buildings are placed at the unqualified disposal of the village teacher without rent.

Chaudhri Afzal Haq: In view of the reply of the Honourable Minister for Education, I beg leave to withdraw my amendment.

The motion was by leave withdrawn.

Professor Ruchi Ram, Sahni (Punjab University): I beg to move :
"That the total grant be reduced by Rs. 1."

Sir, my object in moving this amendment is simply to voice the sense of keen disappointment with which the proposals which are outlined in this memorandum under this head will be received by the subordinate section of the Education Department. Sir, almost as soon as I came into the Council, I took the liberty to move a Resolution in this Council recommending to the Government that they may be pleased to institute a time-scale for the subordinate educational service. The amendment was received with sympathy and the matter was discussed in two or three meetings of the Standing Committee on Education. Sir, in the course of the discussion in the Standing Committee on Education several proposals were discussed and the only difference of opinion between the representatives of the Government from the Education Minister downwards, including the Director of Public Instruction. . . .

The Honourable Sir John Maynard: On a point of order, Sir. The honourable member seems to be disclosing what took place in the Education Sub-Committee.

Professor Ruchi Ram, Sahni: I am not divulging any secret among those who are in a position to know that the only point of difference between the Government and the representatives of the people. . . .

Sir George Anderson: It is really a secret.

Professor Ruchi Ram, Sahni: I am not referring to any of the discussions that might have taken place somewhere. I might have got this information outside the Education Committee meetings from some of the members of the Government, and as a matter of fact I am absolutely right when I say that my information is not entirely based on what transpired in a certain place, but I am referring to the expression of opinion outside that place. Sir, the position is a simple one. It is a question of justice to a very large class of people. You may have a time-scale which fits in with the purse of the Government at the present time, but the time-scale is a necessity. I am sorry to find that whatever reasons are given are concentrated in two words. The proposal about the time-scale is said to be 'inadvisable' and 'impracticable.' That is the sum and substance of the arguments upon which the refusal to grant this very legitimate and very desirable reform is based. Well, Sir, it is 'advisable' in other provinces as I showed in my speech in moving the Resolution to which I have already referred. It is both 'advisable' and 'practicable' in other provinces. I think it would be very bold on the part of anyone—even with all our pride as Punjabees—I do not think we can be so vain or so audacious as to claim that all wisdom and all practicality are the monopoly of the Punjab, and that when we say a certain proposition is inadvisable, it is inadvisable, and when we say it is impracticable it is really impracticable.

The Council then adjourned till 10-30 A. M. on Tuesday, the 29th June 1926).

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 29th June 1926.

The Council met at the Assembly Chamber, Simla, at 10-30 of the Clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ZILLADAR CANDIDATES.

3208. Khan Muhammad Abdullah Khan : Will Government kindly state communitywise the number of zilladar candidates in the province who have passed the prescribed test and are at present on the waiting list ?

The Honourable Mian Sir Fazl-i-Husain : The number is as follows :—

Muhammadans	87
Hindus	13
Sikhs	23
Christians	2
Total	75

PARTICULARS OF ESTABLISHMENTS IN THE VARIOUS DEPARTMENTS UNDER GOVERNMENT.

3209. Khan Muhammad Abdullah Khan : Will Government kindly lay on the table the statistics referred to in the answers to Questions Nos. 1961—75* asked on the 6th July 1925, if these are now ready ?

Mr. J. M. Dunnett : A copy of the statistics required is laid on the table† as asked for.

ALLOWANCES TO COUNCIL OFFICE STAFF DURING THEIR STAY AT SIMLA.

3210. Khan Muhammad Abdullah Khan : (a) Is it a fact that the Council office staff find it difficult to get residential houses at Simla in summer at a short notice and that full season's rent has to be paid even if a house is occupied for a month ?

(b) Is it a fact that the Council office has to stay at Simla only for a short period in connection with the summer session of the Council and that no hill allowance is paid to the staff ?

(c) If the answers to the above are in the affirmative, what steps do Government propose to take to compensate the employees of the Council office for the loss they have to sustain in renting houses on full season's rates for a short stay at Simla ?

*Volume VIII-B., pages 1167—81, and page cxli, Appendix VIII.

†Not printed.

Mr. J. M. Dunnett : (a) Government has no information on this point.

(b) No hill allowance is paid as the staff draws halting allowance for the entire period of their stay. The halting allowance, which is at the hill tracts ordinary rate, is not less than hill allowance admissible under the rules.

(c) Does not arise.

APPOINTMENT OF MEDICAL GRADUATES.

3211. Khan Muhammad Abdullah Khan : Will Government be pleased to state the number of Muhammadans, Hindus, Sikhs and others respectively who obtained the degree of M.B., B.S. in the years 1921 to 1925 and the number of those who have secured appointments under Government up to 31st March 1925?

The Honourable Rai Sahib Chaudhri Ohhotu Ram : A statement is laid on the table. Of these only one secured an appointment under Government prior to the 31st March 1925.

Statement showing the number of Hindus, Muslims, Sikhs and others, respectively, who obtained the degree of M. B., B. S. in the years 1921 to 1925.

	1921.	1922.	1923.	1924.	1925.
Hindus	25	42	37	25	42
Muslims	3	8	10	9	18
Sikhs	9	4	7	9	21
Others .. .. .	..	1	..	..	..
Total	37	55	54	43	81

ROADS IN MUKTSAR TAHSIL.

3212. Chaudhri Najib-ud-Din Khan : Is it a fact that there is not even a single metalled road in the whole of Muktsar tahsil? If so, will the Government please say what steps it has taken to get the most important roads at least in the tahsil metalled?

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

DELEGATION OF POWERS TO EXTRA ASSISTANT COMMISSIONERS AND TAHSILDARS TO GRANT GUN LICENCES.

3213. Chaudhri Najib-ud-Din Khan : (a) Is it a fact that arms licensees desirous of going armed on a journey to another district have to take licenses from the Deputy Commissioner for carrying arms on the journey ?

(b) If so, has the attention of Government been drawn to the inconvenience that would be caused to the licensees by having to travel from distant places to the headquarters of the district for taking the licence ?

(c) Has the Government considered the desirability of removing this inconvenience by delegating powers to the Extra Assistant Commissioners and the Tahsildars to grant such licences ? If not, does it propose to do so now ?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes, unless they hold licences in Form XVI.

(b) No. Application may be made through the post.

(c) Does not arise.

CATTLE-BREEDING IN THE PROVINCE.

3214. Chaudhri Najib-ud-Din Khan : (a) Will the Government please state what steps it has taken for the encouragement of cattle-breeding in the province ?

(b) Has the Government considered the advisability of allotting sufficient amount from the provincial revenues for the purpose of awarding prizes at the important cattle shows in the province ? If not, does it propose to do so now ? If not, why not ?

The Honourable Sardar Jogendra Singh : (a) The Government is keenly interested in cattle-breeding and hopes to make definite advance in establishing a cattle-breeding section.

(b) The Government will certainly consider the suggestion as soon as the proposals which are now under consideration mature.

LOCAL RATES ON AGRICULTURAL LANDS WITHIN MUNICIPAL LIMITS.

3215. Chaudhri Najib-ud-Din Khan : (a) Is it a fact that the municipalities in the province collect the local rates on all agricultural lands within their respective limits and credit them to the district board funds ?

(b) If so, will the Government please state why they are not credited to the funds of the respective municipal or notified area committees ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No local rate is collected by the revenue agency.

(b) It is within the discretion of Government to direct that the net proceeds of the local rate levied within the limits of any municipality or notified area shall be carried to the credit of the municipal or notified area fund and such directions have been issued in certain cases.

DEPARTMENTAL CHARGES FOR WORKS EXECUTED BY THE PUBLIC WORKS DEPARTMENT.

3216. Chaudhri Najib-ud-Din Khan : (a) Is it a fact that the local bodies are required to pay departmental charges at a very high rate for execution of works by the Public Works Department (Sanitary Engineer's Department) ?

(b) Is the Government aware that most of the local bodies on account of unduly high departmental charges avoid the execution of their works by the Public Works Department.

(c) If the replies to (a) and (b) are in the affirmative does the Government propose to consider the advisability of reducing the departmental charges to a considerable extent ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The total departmental charges are 19 per cent. and are made up as follows :—

16½ per cent. for establishment.

1½ per cent. for tools and plant.

1 per cent. for audit.

The percentages are fixed in consideration of the past actual expenditure on establishment in the Buildings and Roads Branch of the Public Works Department.

(b) Even at the present level of charges local bodies generally prefer to entrust their larger works to the agency of the Public Works Department, but it seems probable that the lower the charges are the greater would be the tendency of local bodies to exercise this preference.

(c) The matter is under consideration.

PROVINCIALISATION OF MUNICIPAL BOARD HIGH SCHOOL, MUKTSAR.

3217. Chaudhri Najib-ud-Din Khan : Will the Government be pleased to state when the Municipal Board High School, Muktsar, is likely to be provincialised ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Attention is drawn to Sir George Anderson's reply to Question No. 2043.*

REFUSAL TO ADMIT A CERTAIN CANDIDATE FOR THE B. A. EXAMINATION.

3218. Rai Sahib Lala Ganga Ram : (a) Has the attention of Government been drawn to the fact that on the 21st January 1926 a certain student was permitted to appear in the B. A. examination to be held on the 19th April 1926, but on 7th April 1926 he was told that he would not be allowed to sit for the examination ?

(b) If so, what action has the Government taken or proposes to take in the matter ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Complaints of the nature referred to by the honourable member have been received and enquiries are being made from the University within whose jurisdiction the matter lies.

CONCILIATION BOARDS.

3219. Rai Sahib Lala Ganga Ram : (a) Is the Government aware of the increasing tension between the Hindus and the Muhammadans in the province?

(b) If so, does the Government propose to consider the desirability of appointing a Conciliation Board for removing this daily increasing tension and for maintaining peace and order in the province?

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

LOANS TO THE FARMERS FOR BREEDING CATTLE.

3220. Rai Sahib Lala Ganga Ram : (a) Is it a fact that the co-operative banks advance loans to the agriculturists for cultivation through their affiliated societies?

(b) If so, does the Government propose to offer similar loans to the farmers for breeding cattle?

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

COMMUNAL REPRESENTATION AMONG THE OFFICERS IN THE PROVINCE.

3221. Rai Bahadur Lala Sewak Ram : Is the Government aware that in many districts, sub-divisions and tahsils in the province almost all the officers belong exclusively to one community or another? If so, does Government contemplate making a rule that the various offices in each district, sub-division and tahsil should be distributed among all communities?

Mr. J. M. Dunnett : No. The advisability of maintaining on district staffs an adequate representation of different communities is borne in mind.

EMPLOYMENT OF SUB-JUDGES AT THE HEADQUARTERS OF EACH TAHSIL.

3222. Rai Bahadur Lala Sewak Ram : Is the Government aware that civil litigation has become very costly owing to the fact that litigants have to travel long distances to reach the courts where suits are filed? If so, does Government propose in consultation with the High Court to appoint Sub-Judges at the head-quarters of each important tahsil headquarters or important town in the tahsil?

The Honourable Sir John Maynard : Government is not aware of any increase in the cost of litigation which may be ascribed to the inconvenient situation of civil courts. The courts are already situated at important places selected by the High Court with due regard to the convenience of the litigating public and to the exigencies of the service.

PROPRIETARY RIGHTS TO SHOP-KEEPERS IN THE NEW COLONY VILLAGES IN LYALLPUR AND MONTGOMERY DISTRICTS.

3223. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if they have decided to give proprietary rights to shop-keepers in the new colony villages in Lyallpur and Montgomery districts? If so,

[Rai Bahadur Lala Sawak Ram:]—

will Government be pleased to state the rate proposed to be charged from them?

The Honourable Mian Sir Fazl-i-Husain : It has been decided to offer proprietary rights in Lyallpur district to shop-keepers at Rs. 30 per marla for shops in the village chauk and at Rs. 20 per marla for others.

No such decision has been arrived at in regard to sites in the Montgomery district, but the matter will no doubt be duly considered when the time for it comes.

SMALL TOWN COMMITTEES AT OKARA, ETC.

3224. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if they propose to take up the question of appointing small town committees at Okara, Chichawatni, Mian Channu and Khanewal?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Not immediately, as these colony towns have not yet passed their initial stage.

Rai Bahadur Lala Sewak Ram : Will Government be pleased to enquire if it is the wish of these committees to be made into small town Committees?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Let the committees take the initiative.

HAVELIAN PROJECT.

3225. Rai Bahadur Lala Sewak Ram : (a) With reference to the answer to Question No. 1594* asked on the 13th March 1925, will Government be pleased to state whether it is now in a position to make any definite statement as to when the Havelian Project will be taken up?

(b) Has Government received representations from the residents of Muzaffargarh requesting that the Taleri and Ganesh canals be made the distributaries of the projected Haveli canal? If so, what steps does Government propose to take in the matter?

The Honourable Mian Sir Fazl-i-Husain : (a) Owing to further investigation as stated in reply to part (b) of this question, Government is not yet in a position to say when the Haveli Project is likely to be taken up.

(b) Yes, representations have been received and further surveys and investigations are in hand already.

BURALA AND LOWER GUGERA BRANCHES OF THE LOWER CHENAB CANAL.

3226. Rai Bahadur Lala Sewak Ram : (a) How much area of land near Kamalia and Pir Mahal does Government propose to irrigate by the proposed extensions of the Burala and Lower Gugera branches of the Lower Chenab Canal?

(b) What proposals are in view for the distribution of these lands?

(c) Does Government propose to consider the claims of Hindu aborigines, Tirni Guzars and cultivators when distributing these lands?

The Honourable Mian Sir Fazl-i-Husain : (a), (b) and (c). The proposed extensions of irrigation from the Burala and Lower Gugera Branches of the Lower Chenab Canal are still under consideration. Government is not, therefore, in a position at present to give any information regarding areas and other details of the schemes.

ATTACHING OF KHANEWAL, ETC., TO MONTGOMERY DISTRICT.

3227. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if there is any proposal for attaching the new towns of (a) Khanewal and (b) Mian Chanu to the Montgomery district ?

The Honourable Mian Sir Fazl-i-Husain : The answer is in the negative.

Rai Bahadur Lala Sewak Ram : Will Government be pleased to enquire if it is the wish of the people of Mian Chanu that the town should be attached to the Montgomery district ?

The Honourable Mian Sir Fazl-i-Husain : Hardly necessary now.

PROVINCIALISATION OF SCHOOLS.

3228. Rai Bahadur Lala Sewak Ram : Does Government consider the claims of the teachers already in service in a particular high school at the time of provincialisation of that school ? If not, does Government propose to establish some principle to remove the grievances of the teachers in such cases ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Does not arise.

Rai Bahadur Lala Sewak Ram : In what way are the claims of these people considered ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : In the ordinary way.

ASSESSMENT OF PROFESSIONAL TAX.

3229. Rai Bahadur Lala Sewak Ram : (a) Will the Government please state how the assessment of professional tax in the district boards is made at present ?

(b) Is the Government aware that the present system of assessment causes hardships to the assessee if he belongs to a community to which the assessing officer does not belong ?

(c) Does Government propose to direct the district boards to always appoint two of their members belonging to different communities for the purposes of this assessment ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) By panchayats or committees appointed by the district board concerned, but the list of assesseees is subject to confirmation by the Deputy Commissioner.

(b) In view of the reply to part (a), the reference to " Assessing Officer " is not understood.

(c) Government does not propose to interfere with the discretion of district boards.

VILLAGE COMMUNICATIONS.

3230. Rai Bahadur Lala Sewak Ram : Is it a fact that village roads do not exist in such backward districts as Muzaffargarh, Dera Ghazi Khan and Jhang ? If so, what steps does Government propose to take to improve village communications in such backward districts ?

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

SECTION 84 OF THE POLICE ACT.

3231. Rai Bahadur Lala Sewak Ram : Does Section 84 of the Police Act also apply to such small towns as Rangpur and Sitpur in the Muzaffargarh district ? Is the Government aware that this leads to unnecessary hardship to people and corruption among the police ? If so, does Government propose to withdraw the notification enforcing the application of the section in places mentioned above ?

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

SCARCITY OF WATER IN THE HOSHIARPUR AND JULLUNDUR DISTRICTS.

3232. Chaudhri Afzal Haq : (a) Is it a fact that in May 1924 an expert was appointed to make a report on the scarcity of water in wells of the Hoshiarpur and Jullundur districts ?

(b) Is it a fact that he expressed his opinion that in future no new wells should be dug in the said districts ?

(c) Is the Government aware that the holdings in the Hoshiarpur and Jullundur districts are very small ?

(d) Is Government further aware that any law or order prohibiting the digging of new wells will be resented by the zamindars of the Hoshiarpur and Jullundur districts ?

(e) Is Government considering the advisability of opening a new canal for irrigation purposes in the said districts ?

The Honourable Mian Sir Fazl-i-Husain : (a) The answer is in the affirmative.

(b) The opinion expressed was that " the unrestricted construction of wells must ultimately call for legislation to protect the interests of zamindars themselves ", but it was recognised that such legislation to control well irrigation could only be based securely on the results of extended observations in the localities concerned. No recommendation to forbid the construction of new wells was made.

(c) The figures published by Mr. Calvert in publication No. 4 of the Punjab Board of Economic Enquiry show that the average holdings in Jullundur and Hoshiarpur districts are small.

(d) Government is aware of the difficulty of enforcing any order restricting the construction of new wells, and though it has no proposal for

such actions before it, still it feels that the interests of all the people demand that concerted action should be taken in this matter.

(c) No.

Chaudhri Afzal Haq : Will Government be pleased to lay on the table the expressed opinion of their Government experts ?

The Honourable Mian Sir Fazl-i-Husain : A very large portion of it has been published in the public press.

Chaudhri Afzal Haq : Only by the Information Bureau ; not by the Government.

The Honourable Mian Sir Fazl-i-Husain : That is the agency that is employed to disseminate information.

Chaudhri Afzal Haq : That was the gist only, not the whole report.

POLITICAL BRANCH OF THE CRIMINAL INVESTIGATION DEPARTMENT.

3233. **Chaudhri Afzal Haq :** Will the Government be pleased to state—

(a) the total strength of the Political Branch of the Criminal Investigation Department with the educational qualification of their officers ; and

(b) whether Government is considering the advisability of now reducing the strength of the staff on account of the Khilafat and Congress organisations being comparatively quiet ?

The Honourable Sir John Maynard : (a) The strength of the Political Branch is :

1 Deputy Superintendent.

4 Inspectors.

11 Sub-Inspectors.

14 Head Constables.

28 Constables.

The educational qualifications of the 16 officers are :—

B. A. 8

F. A. 8

Matric. 6

Middle 8

5th Primary 1

(b) No. The cadre is not distinct from that of the Crime Branch which it assists when it can spare officers, and both branches are fully employed.

KARTARPUR MUNICIPAL COMMITTEE.

3234. **Chaudhri Afzal Haq :** Will the Government be pleased to state whether fresh elections have been held for the Kartarpur municipal committee ? If so, what is the proportion of Muhammadan members of the new committee as compared with those of other communities ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The answer to the first part of the question is in the negative. The second part does not arise.

ATTACHING OF AMBALA DIVISION TO DELHI PROVINCE.

3235. Chaudhri Afzal Haq : Will the Government be pleased to say whether they are in correspondence with the Government of India to attach the Ambala division to the Delhi province? If so, will the Government be pleased to state whether it is the Local Government or the Government of India that emanated the proposal first?

Mr. J. M. Dunnett : No.

RAILWAY BRIDGE NEAR GARHSHANKAR.

3236. Chaudhri Afzal Haq : (a) Is it a fact that since the construction of the Jullundur-Jaigon railway line crops in Garhshankar are being devastated every year by floods?

(b) Is it a fact that the zamindars of Garhshankar waited upon the Deputy Commissioner, Hoshiarpur, and requested him to take necessary measures to widen the railway bridges near Garhshankar so that the floods may pass unobstructed?

(c) Will the Government be pleased to state what steps they are taking to save the culturable lands at Garhshankar from the floods?

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

DISTRICT BOARD HIGH SCHOOL, GARHSHANKAR.

3237. Chaudhri Afzal Haq : Is it a fact that the district board, Hoshiarpur, requested the Government to provincialise the District Board High School, Garhshankar, in the year 1925? Does the Government propose to provincialise any High School in Garhshankar? If so, which?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) The matter is under consideration.

HARASSMENT OF POLICE OFFICERS IN CHARGE OF POLICE STATIONS BY THE SERVANTS OF DISTRICT POLICE OFFICERS.

3238. Chaudhri Afzal Haq : (a) Has it come to the notice of Government that some district officers of police when on tour take the following staff with them—a reader, an assistant reader, an orderly head constable, two orderly constables, bearers, private servants, cooks, motor driver, cleaner, grasscutter, syce, sweeper, waterman and khalasis?

(b) Is Government aware of the complaint of officers in charge of the police stations that the staff and followers of the district officers of police harass them by excessive demands?

(c) If so, will the Government be pleased to state whether they have instructed the district officers to take special care with regard to this complaint?

The Honourable Sir John Maynard : (a) Strict orders have been issued that the number of followers should be reduced to the absolute minimum.

(b) No. On the contrary officers in charge of police stations have been warned that any instance of unwarranted hospitality of the kind that comes to notice will be dealt with as a misdemeanour and as evidence presumptive of dishonesty.

(c) Instructions in the Police Department have already issued.

REPRESENTATION OF LABOUR IN PROVINCIAL COUNCILS.

3239. Chaudhri Afzal Haq : (a) Is it a fact that the Muddiman Committee recommended that Factory Labour should be given representation in the Provincial Councils?

(b) Is it a fact that the Punjab Government have been in correspondence with the Government of India on this matter?

(c) Is it a fact that the Central Government have consented to give representation to Labour in the Provincial Councils as recommended by the Muddiman Committee? If so, will the Government be pleased to state when they intend to give Factory Labour representation in the Local Council?

Mr. J. M. Durnett : (a) and (b) Yes.

(c) The matter is still under consideration.

THE PUNJAB INDUSTRIAL BANK.

3240. Chaudhri Afzal Haq : With reference to the answer to my Question No. 2268* put on 10th December, 1925, will the Government be pleased to state what further progress has been made in the case of the Punjab Industrial Bank?

The Honourable Sir John Maynard : The case is still under investigation and no statement can be given at present.

IMPROVEMENT OF SANITATION OF ILAQA BAIT.

3241. Chaudhri Afzal Haq : With reference to my Question No. 2270† put on 10th December, 1925, and the answer thereto, will the Government be pleased to state—

(a) whether they have decided to improve the condition of Malaria ridden Ilaga Bait Dasuha, District Hoshiarpur, by constructing five new nullahs and a new canal?

(b) If so, will the Government be pleased to state whether they are likewise considering the advisability of improving the sanitation of Ilaga Bait, Ludhiana?

(c) If so, will they be pleased to lay on the table the schemes which are under consideration for improving the sanitation of both these ilagas?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) A scheme has been prepared and funds are being asked for in the supplementary demands presented to the Council.

*Volume VIII-B, page 1581.

†Volume VIII-B, page 1582.

[Hon'ble R. S. Ch. Chhotu Ram.]

(b) No scheme has been drawn up but investigations are being made.

(c) Details of the scheme prepared can be seen by arrangement with the Secretary, Rural Sanitary Board.

MACLAGAN ENGINEERING COLLEGE.

3242. Chaudhri Afzal Haq : (a) Is it a fact that when the MacLagan Engineering College was started public utterance was given by a Government official that the students trained in this college would receive preferential treatment in the matter of recruitment for Government appointments?

(b) Is it a fact that no guarantee of Government employment is given now-a-days to the trained students of this college?

(c) Is it a fact that each year less and less number of students seek admission into this college?

(d) If so, will the Government be pleased to state whether they are considering the advisability of making this college popular by giving a guarantee of Government employment to the trained students of this college?

The Honourable Sardar Jogendra Singh : (a) Government is not aware of any definite official announcement on the point.

(b) Yes.

(c) The number of candidates this year both in A and B classes is greater than last year.

(d) The attention of the honourable member is invited to the reply given to parts (a) and (b) of Council Question No. 2287* on the 10th December, 1925.

REVOLVER LICENCE TO LALA CHIRANJI LAL, AMBALA.

3243. Lala Mohan Lal : (a) Is it a fact that Lala Chiranji Lal, Vice-President, Cantonment Board, Ambala, applied to the Deputy Commissioner, Ambala, for a licence for a revolver in May 1926 and that his application was strongly recommended by Mr. I. M. Lal, I.C.S., Magistrate, Ambala Cantonment, who remarked that the gentleman was of great help to him in the administration of law?

(b) Is it a fact that the application was further supported by an attested copy of the remarks of the Honourable Dewan Tek Chand, O.B.E., I.C.S., Commissioner, Ambala Division, in which it was stated that Lala Chiranji Lal always helped the authorities in the administration of law and order?

(c) Is the Government aware that Lala Chiranji Lal applied for the licence for a revolver for his personal safety in view of the recent murderous dacoity in the village of Baman Majra about two miles from Ambala Cantonment?

(d) Is it a fact that in spite of the above recommendations, the Deputy Commissioner refused to grant a licence and told Lala Chiranji Lal that the issuing of a licence for a revolver was practically forbidden by the Government?

(e) Will the Government be pleased to state if it has forbidden the issue of a licence for a revolver in the Ambala District? If so, under what section of the Arms Act or the rules framed thereunder?

(f) If the reply to part (e) be in the negative, will the Government be pleased to state the reasons for refusing the grant of a licence for a revolver to Lala Chiranji Lal?

(g) Will the Government be pleased to lay on the table a statement of the licences for revolvers issued in the Ambala District together with the names and status of the licensees during the year 1925-26 and from April 1926 up-to-date?

(h) Will the Government be pleased to state in what particulars the case of Lala Chiranji Lal differed from any of those to whom licences had been granted in the Ambala District?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) A copy of certain remarks in this sense recorded by the late Commissioner of the Ambala Division in connection with a separate case was attached to the application.

(c) Yes.

(d) The District Magistrate rejected the application. He did not make the statement suggested.

(e) Government has not forbidden the issue of revolver licences in the Ambala District.

(f), (g) and (h). Under the proviso to rule 48 of the Indian Arms Rules, 1924, the applicant, if he is dissatisfied with the decision of the District Magistrate, has a legal right of appeal to the Commissioner of the Ambala Division. The honourable member, will, I hope realise that the merits of individual applications for licences can hardly be determined in answer to interpellations in Council.

ELECTRIC LICENCE FOR THE AMBALA CANTONMENT.

3244. Lala Mohan Lal : (a) Will the Government be pleased to state if the Cantonment Board of Ambala applied to the Government for the grant of licence for the distribution of electrical energy to the people of the bazaars? If so, when did the Board apply for it?

(b) Has the licence been granted? If the licence has not yet been granted, will the Government kindly state the reasons why the grant of the licence has been so much delayed?

(c) Will the Government kindly state the number of reminders received on the subject, and also whether any action was taken on these reminders?

(d) Is it also a fact that the people of Ambala approached the Director of Industries, Punjab, with the request to kindly expedite the matter and in spite of repeated assurances the matter has not advanced a step further?

(e) Does the Government propose to take any immediate steps for the grant of the said licence?

The Honourable Sardar Jogendra Singh : The Cantonment Board of Ambala applied for a licence under the Indian Electricity Act at the beginning of June, 1925 and, as required by the Indian Electricity Rules, gave notice of its application in the public press on the 23rd of June, 1925. The Indian Electricity Rules require that a period of 3 months, in order to admit of public criticism, shall elapse between the date on which notice of application for a licence is given in the press and that on which the application is taken into consideration by Government. The application of the Cantonment Board was accordingly taken into consideration by Government, on the 22nd of September, 1925. A draft licence as finally approved by Government was forwarded, as required by rules, to the Engineer-in-Chief, Army Headquarters, for his approval in March, 1926. Certain modifications in the draft suggested by the Engineer-in-Chief are now under consideration. Government regrets the delay which has occurred in the grant of this licence. After careful consideration it does not, however, in view of the intricacy of the subject and the importance of the interests involved, consider the delay which has occurred to be unreasonable.

TERMINAL TAX IN AMBALA CANTONMENT.

3245. Lala Mohan Lal : (a) Has the Government received the proposal of the Cantonment Board of Ambala for the imposition of terminal tax in Ambala Cantonment in place of octroi? If so, when did the Government receive it?

(b) Does the Government propose to take necessary steps to expedite the notification and the introduction of terminal tax in Ambala Cantonment?

The Honourable Sir John Maynard : (a) No.

(b) The question will be examined when proposals are received.

CANTONMENT MAGISTRATE IN AMBALA CANTONMENT.

3246. Lala Mohan Lal : (a) Is it a fact that since the introduction of the Cantonment Act, 1924, and the separation of judicial and executive functions in the Cantonments in consequence thereof, the Government has appointed junior and inexperienced officers as Cantonment Magistrates in Ambala Cantonment?

(b) Has the Government considered the advisability of appointing senior officers as Cantonment Magistrates in this Cantonment? If so, with what result?

Mr. J. M. Dunnett : (a) The officers appointed to deal with magisterial work in Ambala Cantonment have been junior but not inexperienced.

(b) The arrangements made have proved satisfactory.

BOVINE CATTLE.

3247. Dr. Gokul Chand, Narang : Will the Government be pleased to furnish information as to the exact number (or in the absence of exact number, fairly accurate number) of bovine cattle classified according to their kinds that have been slaughtered in this province for food and hides during each of the last three years?

The Honourable Sir John Maynard : Government is not in a position to furnish this information.

PRODUCTION OF MILK IN THE PROVINCE.

3247-A. Dr. Gokul Chand, Narang : Have the Government taken any kind of statistics to ascertain the production of milk in this province and the quantity of milk an individual is supposed to get as his share? Have the Government considered if the milk is sufficient to meet the requirements of the people of this province? If not, will the Government consider the advisability of taking steps for increasing the supply of milk in this province?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer given to Council Question No. 509* on 4th August 1924.

INFANTILE MORTALITY.

3247-B. Dr. Gokul Chand, Narang : Are the Government aware that owing to the great inadequacy of milk, the percentage of the infantile mortality in this province is very heavy?

The Hon'ble Rai Sahib Chaudhri Chhotu Ram : Government is aware of the fact that the infantile mortality in this province is high, but considers that this mortality is chiefly due to unskilled attendance during parturition, unhygienic surroundings, and lack of elementary knowledge of child welfare.

Approximately one-half of the infantile mortality is provided by children under the age of one month, a fact which cannot be explained by the inadequacy of the general milk supply.

PASTURE LAND IN THE PROVINCE.

3247-C. Dr. Gokul Chand, Narang : Will Government be pleased to state the quantity of pasture land in the province available for grazing of cattle? Do the Government consider such land to be adequate for the cattle of the province?

The Honourable Mian Sir Fazl-i-Husain : Except in colonies where *charagah* is provided there is no definite allotment of pasture land for cattle in the province. The ordinary custom is that cattle belonging to all the villagers graze over the *shamilat* and also over the stubble of all cultivated land in a village. The amount of *shamilat* land may roughly be estimated at 9½ million acres excluding village sites. This would allow for a little over two acres for every head of plough cattle. There is, however, great variation from village to village and while in some villages the *shamilat* land is more than enough for the requirements of the village, in other villages it is inadequate.

LAND TILLED BY PLOUGH CATTLE.

3247-D. Dr. Gokul Chand, Narang : Have the Government taken any kind of statistics to show the area of land that a pair of plough cattle has to till on an average every season in this province?

The Honourable Mian Sir Fazl-i-Husain : The only statistics available are those in the Season and Crop Report and in the Land Revenue Administration Report. The last cattle census gave the total number of plough bullocks at under 4½ millions. The number of male buffaloes, which are used for ploughing is under half a million. These animals suffice for somewhat over 2½ million ploughs. The total area sown with crops in the year 1924-25 is roughly 82 millions, so that somewhat over 18½ acres of land is ploughed every year per plough. Of this 6 acres would be ploughed in the kharif and 7½ in the rabi.

GRAZING COMMONS.

3247-E. Dr. Gokul Chand, Narang : Are Government aware that cultivators are obliged to sell off their prime cattle to butchers as the owners cannot bear their expense till next calving in the absence of grazing lands to feed their cattle? If so, do the Government propose setting apart 10 acres out of every 100 acres of cultivated land as grazing commons in well-distributed centres out of land classed as 'culturable waste' and 'current fallows'?

The Honourable Mian Sir Fazl-i-Husain : Government is not aware of the fact alleged in the question.

FODDER CROPS.

3247-F. Dr. Gokul Chand, Narang : What is the area of land on which fodder crops are grown in this province? Do the Government consider it necessary to encourage the growing of more fodder crops? If so, what steps do the Government propose to take in the matter?

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

SLAUGHTER OF CATTLE.

3247-G. Dr. Gokul Chand, Narang : Will the Government be pleased to state whether they propose to devise checks on unrestrained slaughter of cattle in the province?

The Honourable Sir John Maynard : The slaughter of cattle is restricted by the Punjab Laws Act and sundry regulations applicable to Municipalities and Cantonments. Government has not at present under consideration any increase in those restrictions.

IMPROVEMENT OF CATTLE-BREEDING.

3247-H. Dr. Gokul Chand, Narang : Will the Government kindly state the steps they are taking for improving cattle-breeding in the province? How many Government breeding centres and breeding bulls are there in the province? Are they capable of producing any appreciable improvement in the stock of cattle of this province? If not, are the Government prepared to take early steps for the improvement of breeds as suggested by the Board of Agriculture?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer given to part (h) of Council Question No. 2797* on 11th March 1926.

JERKED BEEF.

3247-I. Dr. Gokul Chand, Narang : Will the Government be pleased to furnish information as to the quantity and value of 'jerked' beef prepared in this province for export? How many cattle are annually slaughtered in this trade? Do the Government contemplate stopping slaughter of cattle for this purpose? If so, what measures are they prepared to adopt for the same?

The Honourable Sardar Jogendra Singh : The honourable member is referred to the answer given to Council Question No. 514* on the same subject on 4th August 1924.

RESTRICTION OF SLAUGHTER OF ANIMALS.

3247-J. Dr. Gokul Chand, Narang : Will the Government kindly state the names of municipalities that have passed resolution for restricting slaughter of any kind or class of animals and the steps the Government have taken or intend to take in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

INSANITARY CONDITION OF WAZIRABAD.

3248. Dr. Gokul Chand, Narang : (a) Is it a fact that in reply to the Municipal address on 8th February 1922, His Excellency Sir Edward Maclagan said that he was personally aware of the most insanitary condition of the town of Wazirabad on account of stagnant water of the Pulkhu Nullah and that a scheme for diverting the water of the Aik Nullah into the Pulkhu was seriously considered?

(b) If so, will the Government be pleased to state when that scheme is likely to be matured?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

BYE-LAWS OF WAZIRABAD MUNICIPAL COMMITTEE.

3249. Dr. Gokul Chand, Narang : (a) Will the Government be pleased to state how many sets of bye-laws have been passed by the Municipal Committee of Wazirabad since 1st January 1920, to what subjects do they relate and on what different dates they were submitted to the Deputy Commissioner, Gujranwala?

(b) Which of them have since received the sanction of the Commissioner and been brought into force?

(c) If none of them has received sanction, will the Government kindly explain the cause of this long delay and also expedite their sanction?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

BRIDGE OVER THE NULLAH IN WAZIRABAD.

3250. Dr. Gokul Chand, Narang : (a) Is Government aware that different organised bodies of the Hindu community of Wazirabad have been making representations to the Municipal Committee of Wazirabad from time to time since 1912 for building a minor bridge over the nullah, across which the Hindu burning ground is situated ?

(b) Is the Government aware that since the construction of the Upper Chenab Canal the rain water in monsoon is generally flooded into this nullah and the funeral processions have to pass through this water chest deep ?

(c) Has the Deputy Commissioner of Gujranwala ever inspected this spot and impressed upon the Municipal Committee the necessity of building this bridge at once in preference to all other works of the Committee ?

(d) In which different years the provision for this work was made in the Municipal budget ?

(e) What steps have been taken for the last fourteen years in this respect and is the bridge likely to be built before the ensuing rainy season ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

CONSTRUCTION OF SHOPS BY WAZIRABAD MUNICIPAL COMMITTEE WITHOUT PROPER SANCTION.

3251. Dr. Gokul Chand, Narang : (a) Is it a fact that early in April 1925 the Municipal Committee of Wazirabad built at a cost of about Rs. 10,000 a row of sixteen shops on a part of a public street without having obtained any previous administrative or technical sanction as required by law ?

(b) Was the matter brought to the notice of the Government by the Ratepayers Association of Wazirabad protesting against this waste of public money and pointing out also that the work has not been done according to the payments made ?

(c) Will the Government be pleased to state if an enquiry has since been made into the matter and if an enquiry was made what embezzlement, if any, has been found ?

(d) Does the Government propose to ratify the action of the Municipal Committee, and, if so, under which rule ? If it is not proposed to ratify, will the Government please state whether it proposes to recover the expenditure from the members who are personally responsible ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

VICTORIA DIAMOND JUBILEE HIGH SCHOOL OF WAZIRABAD.

3252. Dr. Gokul Chand, Narang : (a) Is the Government aware that the Victoria Diamond Jubilee High School of Wazirabad which was established in 1897 as a private aided institution in commemoration of

Her late Majesty Queen Victoria and ever since maintained with best results, has in April last been transferred to the Municipal Committee and its name altered to "The M. B. High School"?

(b) Does the Government propose to consider the advisability of keeping the school under its old name without a change to keep up the memory of the late sovereign?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) The suggestion will be referred to the Municipality.

REPRESENTATION IN WAZIRABAD MUNICIPAL COMMITTEE.

3253. Dr. Gokul Chand Narang : (a) Will the Government be pleased to state if any objections were made by the Hindus and Sikhs of Wazirabad on 6th November 1923 on the draft revised election rules of the Wazirabad Municipal Committee before the said rules were confirmed by the Government? If so, will the Government be pleased to lay the said objections on the table?

(b) Did the Hindus ever demand protection of their interests and separate representation for themselves in the Municipal Committee of Wazirabad on account of their population being in a minority?

(c) Is it a fact that the population of Muhammadans of Gujrat is numerically larger than that of Wazirabad by 3,337 whereas that of Hindus and others in both these Municipalities is equal?

(d) Is it also a fact that the voting strength of Muhammadans in the above named municipalities is 3,421 and 3,555 respectively whereas that of the Hindus and others at Wazirabad is larger by 615 than that at Gujrat?

(e) If the answers to (c) and (d) are in the affirmative, will the Government be pleased to explain why mixed representation has been restored in the Gujrat Municipality and not at Wazirabad?

(f) Does the Government propose to consider the advisability of revising the election rules of the Wazirabad Municipality allowing mixed, instead of separate, representation?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

TERMINAL TAX IN WAZIRABAD MUNICIPALITY.

3254. Dr. Gokul Chand Narang : (a) It is a fact that the people of Wazirabad presented a memorial to His Excellency the Governor on 24th July 1925 at Wazirabad suggesting the advisability of introducing the terminal tax in that municipality, and doing away with the present octroi duty?

(b) Is the Government aware that being situated in the centre of adjacent large trade markets, where there is no octroi, the trade of Wazirabad has been practically destroyed on account of the heavy octroi tax and any delay in the formalities in introducing the terminal tax is likely to prove ruinous to the people?

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(c) Is Government aware that the terminal tax expert, Sardar Sahib Sukha Singh of Gujranwala, has prepared a scheme which while affording adequate income to the municipality has been approved by the Traders' Association of Wazirabad?

(d) Will the Government be pleased to explain the delay in introducing the terminal tax in the Municipality? Does the Government propose to take any steps to expedite the introduction of the same?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

TREATMENT OF *Sarshaf* AS AN INFERIOR CROP.

3255. **Chaudhri Nur Din :** (a) Is the Government aware of the fact that zamindars sow *sarshaf* mixed with gram which they use as fodder.

(b) If the answer to the above be in the affirmative, has the Government any objection to treating *sarshaf* mixed with gram not as a superior crop but as an inferior crop for purposes of water rates?

The Honourable Mian Sir Fazl-i-Husain : The matter is still under consideration.

TREATMENT OF *Senji* AND *Methras* AS FODDER CROPS.

3256. **Chaudhri Nur Din :** (i) Is the Government aware of the fact—

(a) that *senji* and *methras* are sown mixed with fodder crops like *jau*, *javi* and *gandam* and that sometimes a few plants also grow spontaneously;

(b) that this mixed fodder is considered to be very healthy for the cattle;

(c) that zamindars do not let such mixed crops as wheat and *jau* ripen, but they use these as fodder when they are yet unripe?

(iv) If the answer to (i) above be in the affirmative, has Government any objection to issuing instructions to its subordinates that in future all such crops as are used as fodder should be charged at fodder rates?

The Honourable Mian Sir Fazl-i-Husain : (i) (a) Government is aware that *senji* and *methra* which are fodder crops, are sometimes sown mixed with *jau*, *javi* or *gandam*, but the latter 3 crops are not 'declared fodder crops.'

Government is also aware that occasionally a few seeds of these 3 crops get mixed with fodder crops such as *senji* and *methra*.

(b) The reply is in the affirmative.

(c) Government is aware that this is sometimes, though not always, the case.

(iv) Government has recently issued orders that fodder crops containing an admixture of wheat which does not appreciably enhance the value of the 'fodder' crop shall be charged at 'fodder' rates, but when the admixture

of wheat does materially enhance the value of the 'fodder' crop, the field is to be charged at the rate for wheat.

Government adheres to this decision.

TREATMENT OF WHEAT, ETC., GROWN ALONG WITH *senji*, ETC., AS FODDER CROPS.

3257. Chaudhri Nur Din : (a) Has the attention of Government been drawn to the fact that if a few plants of wheat or *jan* grow in a crop of *senji* or *methras*, the canal patwaris enter the whole as wheat crop instead of fodder and charge water rate for a sixth class crop instead of eleventh class crop ?

(b) If so, will the Government please state the area under the Lower Chenab Canal which has thus come under superior crops instead of fodder ?

(c) Is the Government aware of the hardships caused to the zamindars by this practice ?

(d) Does the Government propose to issue instructions to its subordinates that in such cases as those referred to in (a) the crops should be treated as fodder crops and *abiana* should be charged accordingly ?

The Honourable Mian Sir Fazl-i-Husain : The honourable member is informed that information is not available at present. Enquiries have been made from the local officers and the result is awaited. Further information will follow.

ELECTION OF A MEMBER FOR COURT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President : The following names have been proposed as nominees of the Punjab Legislative Council for the Court of the Indian Institute of Science, Bangalore :—

Malik Firoz Khan, Noon,
Chaudhri Afzal Haq,
Chaudhri Duli Chand, and
Professor Ruchi Ram Sahni.

As more than one name has been proposed the Council will now proceed to elect its nominee for the Court by means of card votes. Blank cards will be distributed to the members. They will write thereon the name of the candidate for whom they desire to vote. They will then put their cards in the ballot box provided for the purpose. The Secretary will then count the votes and the result will be announced by me. No member will be considered elected unless he gets an absolute majority of votes. Members are warned that the writing of anything else than the name of the candidate to whom they wish to give their vote will render the card invalid.

Chaudhri Duli Chand : Sir, are the official members going to vote.

Mr. President : It is open to the official members to vote.

Chaudhri Duli Chand : Then I beg to withdraw my name.

Chaudhri Afzal Haq : Sir, I would also like to withdraw my name.

Mr. President : Chaudhri Duli Chand and Chaudhri Afzal Haq have withdrawn their names and no votes need be given to them. There are only two candidates left, namely, Malik Firoz Khan, Noon and Professor Ruchi Ram Sahni.

The election then proceeded and the following result was announced by Mr. President :—

Professor Ruchi Ram Sahni	.. 32 votes.
Malik Firoz Khan	.. 18 "

Professor Ruchi Ram Sahni was declared duly elected.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANTS.

EDUCATION (TRANSFERRED) GRANT.

Mr. President : The Council will now resume discussion on the amendment* moved by Professor Ruchi Ram Sahni to Demand No. 12.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, when the Council was adjourned last evening, I was referring to the *ex-cathedra* statement, if I may say so, which has been made in the memorandum accompanying this Demand or Grant that the institution of a time-scale for the Subordinate Educational Service was 'inadvisable and impracticable.' I maintain, Sir, that if it is advisable to have a time-scale even for the clerical service of the Educational Department, it is doubly advisable for the whole teaching profession. Almost every service has a time-scale from the top to the bottom of the Government system, not only in this province but in all other provinces. The Subordinate Educational Service in other provinces has a time-scale. In the United Provinces, the top limit goes up to Rs. 300. I am not pleading here for any particular limit to be fixed, but for the introduction of a regular systematic time-scale, so that the members of this hard-worked, faithful and loyal service may have a definite prospect before them. Sir, the reason why it is declared to be inadvisable to institute a time-scale for the Subordinate Educational Service is that it will cost a great deal of money. I submit that it will not cost so much as the Department imagines. This is not the time to examine the various schemes. I will have to cover too wide a field if I were to examine the whole question in its statistical aspects. We have examined this question elsewhere, and, as I have said, if the top limit is brought lower down, if necessary, I for one will have no objection to it. All that is desired is that some kind of definite time-scale may be fixed for these unfortunate people. Again it is said that it is 'impracticable,' I believe, for the reason that, as stated in the memorandum, there are men of various qualifications in this service. That, Sir, may be said of almost any service. It may be said of the Provincial Educational Service and also of the Indian Educational Service. Here we have 1,500 men, more or less, comprising the Subordinate Educational Service, and, so far as I can judge, there are men of four different qualifications in it. For these men of four different qualifications, different scales

*That the total grant be reduced by Rs. 1.

can be fixed. The top limit can be fixed at different points. That is all that is necessary to overcome this difficulty which, I submit, is not an insurmountable one. If I understand the position aright, and, as one who has been a teacher for more than 30 years, if I can claim to understand the mind of the teacher, then I would say at once that, it is unjust, impolitic and inexpedient to refuse a time-scale to these people. I know that, some years ago when there was unrest in this province as also in other provinces, the late Mr. Gokhale wrote to a number of friends including myself desiring to know what was the remedy for the unrest. Among other suggestions I mentioned this. I said 'Improve the lot of the teacher so that there may be no discontent among the teaching class.' A discontented teacher becomes unconsciously the centre of discontent and bitterness all around. Therefore, Sir, he is a double source of danger to the society and the state. He is a danger to society and the state inasmuch as he will not and cannot put his whole heart into his work. He will not put forth the same strenuous efforts in removing darkness and ignorance that he should. In the second place, he is a source of danger inasmuch as, being himself discontented, he will be sending out, as if from the centre, ever-widening circles of resentment, which, though not audible, is still being felt all the same. They say that some of the strongest currents are those that flow deeper down below the surface of the ocean.

Well, Sir, I mentioned these things to Mr. Gokhale in a letter in reply to one from him. Soon after that he went to England and placed his suggestions before Lord Morley, then Secretary of State for India, and I have the authority of Mr. Gokhale himself for saying that, Lord Morley was not impressed with any of Mr. Gokhale's suggestions so much as he was with this particular suggestion, that the lot of the teacher should be improved. Mr. Gokhale told me that Lord Morley promised to send a despatch to the Government of India drawing the attention of that Government to this particular aspect of the question of political unrest. It is not necessary, Sir, nor do I want to imply for a moment, that our teachers spread discontent deliberately. At one time teaching was looked upon as a noble profession. The traditions of this country were such that the respect shown to the teacher was quite out of proportion to the emoluments which he received from the state or from the society. But, Sir, that system has broken down. Those traditions have almost disappeared. The teacher have been lowered in the estimation of the people. I beg of the Government to see that he does not lower himself in his own estimation. If he has not got the wherewithal to live in a fair amount of comfort, if he is not allowed to live in a fair amount of freedom from anxiety for the means of his own livelihood, then, Sir, he will fall in his own estimation. Self-respect is a great asset in a teacher, as in every other man, who wants to work amongst his fellows. The Subordinate Educational Service is composed of about 1,500 men, as I have said already. It is the foundation of our whole system of education. The Subordinate Educational Service is that portion of the service which is concerned with secondary education both on the instructional side and the inspectional side. That being so, it is the foundation not only for our educational fabric, but of our whole administrative machinery, because the various departments of the administration must draw largely upon the

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Subordinate Educational Service. The cadre of the higher services will be small in proportion and these services can only be built upon the Subordinate Educational Service as their bases. That is an aspect of the question to which I want to draw the particular attention of Government. I am all the more inclined to draw the attention of Government to this rather political aspect of the question, inasmuch as, at the present moment, we have at the head of the Educational Department a gentleman who is not only a great scholar, not only a great educationist, but who possesses, and justly possesses, a reputation for being a statesman. I appeal to him and to the other members of Government to see that they do not commit themselves to a course of action which, I submit, is unwise, inexpedient and impolitic. We call this department as a nation-building department. It is as comprehensive as the whole nation and therefore the Subordinate Educational Service, lying as it does at the basis or foundation of the whole educational system, ought to have a claim to the special attention of the members of the Government. It may be said, Sir, that the competition is so great that it is possible to secure men on these salaries, but I would submit that we must remember the words of the poet who says :

مکہ عزہ و رخصتی دل کند کار ہوش

I heard a very casual remark somewhere the other day from a high official that the time-scale of pay was likely to make the members of the service lazy. I was rather surprised to hear that remark, because that remark would apply, if it is considered to be true, with equal force to other services also.

Now, Sir, I pass on to the examination, a very brief examination, of the proposals themselves. Do they afford any relief to the service? Do they remove the block in the promotion of the subordinate teacher which has existed in the service for a long time? I am free to admit at once that it does afford some relief. It does help to remove the block to a certain extent. But the question is, to what extent? That will depend upon the manner in which the proposals are worked. Sir, an examination of the proposals will show that, it is intended to add eight appointments in the Provincial Educational Service on a salary of Rs. 250 rising ultimately to Rs. 600. Then, there are seven appointments to be added to the Subordinate Educational Service with salaries of Rs. 200 rising to Rs. 250, six other appointments in the Subordinate Educational Service on salaries ranging between Rs. 140 to 190, three on salaries ranging from Rs. 110 to 135, and 28 more in various grades. Against these additions, 15 posts are to be abolished, five of these, I am sorry to say, are in the higher grades. The net increase, therefore, of the proposals will be the addition of 37 posts only. Now if we examine the list of members of the Subordinate Educational Service we find that as many as 350 men are held up at the maximum of their respective grades, so that against these 350 men that are held up at the maximum of their grades for a very long time, there are only 37 posts to be provided for them. But this will be the case only if all the new posts are filled up by recruitment from the present members of the Subordinate Educational Service.

Sir George Anderson : Does the honourable member mean 350 total or 350 in any particular grade?

Professor Ruchi Ram, Sahni : 350 is the total in the various grades. Those that have been held up at the maximum limits of their respective grades number 350. Against this it is intended to provide 37 new posts and I say that there will be a certain amount of relief not only to the extent of 37 men but many more because some will benefit indirectly. But the relief would be quite inadequate, and this inadequate relief will be possible only if the whole of this number, that is the 37 new appointments are filled up out of the men at present employed in the Subordinate Educational Service. But there is a big 'if', a hypothetical 'if' and an impossible 'if'. I shall be very glad to learn from the Director of Public Instruction that I am wrong because that will mean some more relief. I call it an impossible 'if', because I know that a large number of Intermediate Colleges is being opened and I fear that some of these 37 posts will be given to men who will be recruited for the new Intermediate Colleges. The new Intermediate Colleges will be manned by men who will possess special qualifications, qualifications that are not to be found at the present moment among the members of the present Subordinate Educational Service, especially on the science side. Therefore, it is quite possible that a large number out of these 37 posts will be given to men who will be recruited from outside, so that the number of the posts that will be given to the members of the Subordinate Educational Service will in practice be very much reduced. How much reduced, it is impossible for me to say without knowing which posts are going to be filled up by men recruited from outside the service and which posts are to be recruited from among the members of the service itself. That shows that the relief, such as it is, is a very poor relief indeed. Then, again I find that even that poor relief is not to be given to all sections of the Subordinate Educational Service, because, if I understand the memorandum accompanying the proposals aright, that relief is to be reserved for half the service that is, for the members of the Anglo-Vernacular Section of the service while the members of the Vernacular and the Classical part of the service will be deprived entirely of the benefit of the proposals which are outlined in the memorandum. These men number at the present time 578 out of a total of 1,500 men, so that something like 600 men will be left in the cold entirely, even after this inadequate relief has been given to the other part of the service. In the election of members of the service too, I would submit that if that inadequate relief is given, the men should be taken on their old record and not on the recommendation made at the last moment by someone. We are in a very unfortunate position at the present moment and we find that in a great many cases the men are superseded. I do not wish to refer to individual cases, but I wish to draw the attention of the Director of Public Instruction and the Honourable the Minister for Education to the very painful fact that in a great many cases there is supersession not because the record of a man is bad but because at the last moment someone sends up a recommendation or a remark. I do not want to enter into the reasons which influence that remark, but there are reasons which are unfortunate reasons, very painful reasons and therefore I would submit that in taking the qualifications of a member of this service into account for promotion, his old record should be taken into account and not merely the closing recommendation. The

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members of the various grades should be given equal opportunities for filling up posts of trust and responsibility.

I am glad to know that yesterday the Director of Public Instruction made a most eloquent speech, even more eloquent than what we are accustomed to hear from his own lips and that eloquent speech was inspired by a legend which he quoted at the beginning and with which he closed that speech. That legend was that money should not be withheld from the nation-building departments. I am interpreting that legend in my own poor words: that no money, no finances are better spent than when they are spent in nation-building work and what work is of greater value in building up a nation than that of providing Educational departments with more and more funds and making the teacher a self-respecting, self-contained, a self-contented, industrious and faithful servant. I appeal to the Director of Public Instruction in the name of that legend, which he quoted, to be kind, just and generous to the members of the Subordinate Educational Service (Cheers).

Mr. President: Supplementary grant under consideration, motion moved:—

"That the total grant be reduced by Rs. 1."

The question is that that reduction be made.

Khan Bahadur Shaikh Abdul Qadir [West Punjab Towns (Muhammadan) Urban]: Sir, I want to associate myself with the remarks which have been made by the honourable member for the University on the question of time-scale for the Subordinate Educational Service (Hear hear). I do not want to dwell at any length on the arguments which have been advanced in favour of the suggestion made by him, because the greater part of the ground has already been covered by him and I do not want to repeat those arguments. But I maintain that the Subordinate Educational Service is certainly one of the most deserving services (Hear, hear) and as such it is due to it that whatever privileges in connection with awarding time-scale have been given to other services or to the higher branches of the same service, be extended to this branch. The note of the Government in connection with the supplementary demand refers to this subject and says that though it has carefully considered this question it has found the proposal to be both "inadvisable and impracticable." So far as these two words are concerned, I can understand the point of view of the Government with regard to the word 'impracticable.' That I believe means that it involves very great expense for which the Government is not at present prepared. But so far as the word 'inadvisable' is concerned, I cannot see eye to eye with the Government on that point (Hear, hear). It is not explained in the note why it is 'inadvisable' to help this class of Government servants. As has been observed by the honourable mover of the amendment, it is essential that this class should be encouraged and should remain a contented class, a class loyal to Government and in a position to inculcate loyalty to those who are placed under its guidance as pupils. To ensure that, this scheme will prove very effective. That is not all. If I am permitted to add one more argument to what has already been said on the subject, I think it will be the means of attracting the best talents to this

class of service. We should improve the prospects of this service in order to attract to it our best men. Without wishing to detract in any way from the merits of the present members of this worthy service, I may say that it is a matter of common observation that so far what has been happening in the recruitment of this service and for the matter of that even in some of the higher branches of the Educational Service, is that some of the best products of the Universities have gone to better paid services and it is only those who, generally speaking, have not been able to get into the better paid services that are found in the Education department. I recognise that there are exceptions to that rule. I know that there are some people who are so devoted to the cause of education and to the cause of scholarship that they prefer to choose an educational career as a career for themselves.

But their number is so far limited and ordinarily we have to content ourselves with those who cannot get into the better paid departments. However for the purpose of nation building and for the purpose of giving our students the best possible training that they can get, it is necessary that we should try to find even in the subordinate ranks of the Educational Service men who from the point of view of ability and talent are the best products of our Universities. If we want to bring that about we can do so only by improving the prospects of this service, and therefore I think that the plea that it is 'inadvisable' to adopt any of the schemes that have been put forward in connection with the suggestion of a time-scale for the Subordinate Service, is not a sound one and I would strongly urge Government to reconsider this question, to go into the proposals again and if it finds the expense very heavy it may adopt such measures that the reform that is desired to be introduced may be gradually introduced but it should not say that it is impossible to introduce it.

Sardar Jodh Singh (Sikh, Urban): Sir, I think it will not be out of place for me to put in a word for my brother teachers. The whole question was thrashed out in all its details in the Educational Committee to which this very Council sent the case and after going through all the figures it was convincingly proved that the Subordinate Educational Service had really a grievance. Unanimously the Education Committee recommended to the Minister in charge of Education to forward the case to the Finance Department for its consideration. There perhaps the recommendation was not accepted on account of the heavy charge that it would entail. Much can be said for both sorts of service, the Subordinate Service which now contains so many grades and the time-scale. There are some people who say that if there is time-scale it does not conduce to consistent hard work but that it makes the employees lazy. That argument would have force had not Government introduced time-scale in almost all the branches of its service. If we look to agricultural service, not only the provincial but the subordinate service has also got its time-scale. In the higher branches in this very service, the Indian Educational Service and the Provincial Educational Service, there is a time-scale. Therefore, Sir, the argument that time-scale conduces to laziness and indolence loses force when we see that people higher up are allowed to be lazy and indolent if that assertion be true. I, therefore, heartily associate myself with the previous speakers in supporting the case of this service. I hope I would not be considered

[Sardar Jodh Singh.]

immodest if I praised the profession. We give our children into the hand of these people and it is upon their work that their future depends, and if we keep them discontented or just let them think that when all the services are getting their share it is only they that are not allowed it, I think we are not doing a desirable thing. With these few words I support the amendment proposed by Professor Ruchi Ram.

The Honourable Sir John Maynard (Finance Member): I think, Sir, I ought at this stage to give one word of explanation about this question of the pay of the Subordinate Educational Service. The pay of the Subordinate Educational Service was revised in 1920 when the pay of all the other services was revised and one of the considerations that weighed with Government in deciding upon not doing what the champions of this service wish to have done was that if we were again advised in 1926 or 1925 to revise the pay of the service which had been revised in 1920 that would have the unfortunate effect of raising claims over again of all the other services which were revised at the same time.

Sir George Anderson (Director of Public Instruction): Sir, I have listened with very considerable joy and satisfaction to the very eloquent appeal which has just been made by the member for the University; and I have listened with similar feelings to the speeches of subsequent speakers, in so far as they indicate—and I think they indicate clearly—the keen desire of this Council that the teachers of this province shall receive an adequate and a reasonable remuneration. Time was—not so long ago—that the teaching profession all the world over received miserably inadequate remuneration. But I rejoice to find that, within recent years and in many countries, including the province of the Punjab, there has been very considerable improvement and that the teaching profession is now coming to its own.

In the first place, as the Finance Member has just stated, a revision of the pay and conditions of service of the Subordinate Educational Service was made so short a time ago as 1920. The revision was carried out on a very generous scale. I had not migrated to this province at the time, and so I know but little of the discussions and the decisions which were then made. But I know that the improvement was considerable and that the additional expenditure involved was also considerable. I am glad also that, in spite of that revision and in addition to that revision, Government has now decided to propose the demand which is now under discussion. I maintain, in spite of what has been said by my friend opposite, that the concession is again considerable. Its object, as is stated in the much criticised memorandum is two-fold. Its first object is to relieve the block in promotion. Its second object is to ensure better remuneration to certain members of the department who are holding very responsible posts. Therefore, there is no very serious cleavage of opinion. I trust that we are united in desiring that the teaching profession shall receive a reasonable and adequate remuneration. The question at issue then is between the proposal of Government and the alternative proposal of my friend the member for University; that is, the introduction of a time-scale.

I wish to discuss, I fear, at some length, the two rival schemes in their several aspects. In the first place, my friend opposits has referred more than once to the conditions prevailing in the United Provinces. I wonder why he did not refer to provinces other than the United Provinces. The Council can make its own deduction; I have made mine.

Mian Abdul Aziz : Because it is nearer home.

Professor Ruchi Ram, Sahni : Yes, that is why I referred to the United Provinces.

Sir George Anderson : I have made a different deduction. It is a little difficult to examine and discuss the arrangements of other provinces. I shall not therefore discuss this matter in detail, but if my friends the Honourable the Finance Member and the Honourable the Financial Secretary will promise not to listen, I should make one remark. We have recently had the pleasure of a visit by an officer from the United Provinces who has been placed on special duty to examine the educational system of this province. He has been kind enough to send me a draft copy of his report, and in many passages of that report he has expressed his keen appreciation of the liberality of the Punjab Government and of the Punjab Council towards education. Indeed, he has invited his own Government to imitate the Punjab in many respects regarding educational expenditure. I do not think, therefore that, generally speaking, the Punjab lags behind any province in India in its appreciation of the value and importance of education.

Let me now examine the final financial aspects of these proposals. In my remarks yesterday I said that I am still a novice in the details and especially in the terminology of financial administration. But, under the stimulating and admirable tutotship of successive Financial Secretaries, I have been trying to understand and to grasp the main principles which should underlie a sound and a reasonable policy in finance. In the first place, my friend, the Finance Secretary, always attaches great importance to recurring expenditure and he is always reminding me of the fact that recurring expenditure enforces a continuous obligation on Government. This is a consideration which does not apply to the present issue because both the alternative proposals involve recurring expenditure. But I would remind the Council that even the proposal of Government entails an obligation of nearly Rs. 40,000 a year in addition to the very liberal revision which was made in 1920. But this is not all. My friend, the Financial Secretary, also attaches importance to the ultimate expenditure? He always reminds me of this factor in the problem when I tell him, as my friend, the mover of the amendment, has told us, that the initial expenditure will be comparatively slight. In this respect I am in difficulty, and I notice that my friend is also in difficulty in that he abstained from giving any definite figures. But, Sir, I have this collection of papers which includes a scrutiny and an investigation of a large number of alternative schemes for the introduction of a time-scale. The maximum ultimate cost is close on 10 lakhs. The minimum nearly 3 lakhs; and I do not believe that the minimum, even if accepted, would satisfy in any way the demands of the subordinate service. Indeed, I believe that they would prefer—at any rate the

[Sir George Anderson.]

majority of them would prefer—the continuance of the present arrangements. Surely this is a most important consideration; a recurring and an ultimate additional expenditure of anything between Rs. 2½ and Rs. 10 lakhs. Let us, for arguments' sake, conclude that it is Rs. 5 lakhs. But there is a further consideration. My friend, the Finance Secretary, is not satisfied even when I give him an estimate of the ultimate expenditure. He then fixes me with his glance and asks, what is the indirect expenditure. This is the most important consideration of all, and I submit, Sir, that the indirect effect of accepting a time-scale will involve us in a very large indirect expenditure. My friend from Ghunghrilla has on many occasions had friendly little tussles with me about the comparative cost of a Government and a privately-managed school. I do not wish to continue that tussle with him on the present occasion, but I take it that he will agree with me that if 5 lakhs additional is given to Government teachers, it is inevitable that we shall have to give improved conditions of service to all teachers, whether in board schools or in privately-managed schools.

Mian Abdul Aziz : In the private schools they have already got a time-scale. The pay is lower but there are no grades. They are appointed on the time-scale.

Sir George Anderson : That may be so, but I still hold to my contention that if we grant an additional expenditure of Rs. 5 lakhs, we shall accentuate the gap between the privately-managed schools and the Government schools. In whatever manner we may give this improved remuneration, we shall have to give improved remuneration to the teachers in those schools. That will involve very considerable additional expenditure by Government in the matter of grants-in-aid. Let us go further. There is also the question of vernacular teachers, and I would point out that the number of vernacular teachers in Government employ is a very small proportion of the total number of vernacular teachers employed in this province. In the main, as members of the Council are aware, vernacular teachers are usually employed by local bodies for the purpose of vernacular education. I feel myself that the gap between the pay of Anglo-Vernacular Teachers and vernacular teachers is already ungenerous to the vernacular side. I take it that the acceptance of these proposals will accentuate still further that gap, and that the acceptance of a time-scale for Government teachers will result sooner or later in the necessity of improving still further the pay of vernacular teachers.

Then, as my friend the Finance Member has already observed, if the revision which was made in 1920 is modified and revised in regard to the Subordinate Educational Service, it is almost inevitable that it will have to be revised all along the line. I, therefore, submit that the financial aspect of this proposal is one of great seriousness. We shall be committed at least to an additional expenditure of 5 lakhs. We shall also be committed, I maintain, to an indirect expenditure of a very considerable and indefinite amount.

I would add one further general remark before I finish my discussion of the financial aspect. In my remarks yesterday, I referred to the very great importance of proceeding as quickly as we can towards the universal

application of compulsory education, and I referred to the fact that during the last five years the enrolment of pupils has increased by five hundred thousand pupils. I hope that the rate of progress in the future will be at least as fast as it has been in the last five years. If we estimate the annual cost of educating a pupil at Rs. 10, it will not be difficult to make a rough estimate of the large expenditure required to educate four hundred thousand additional pupils. I have reason to believe that this Council is most earnest in its desire that we should reach the goal of compulsory education as soon as possible. I would therefore ask whether we should impede that development by draining our resources in other directions as is now proposed?

My friend opposite has expressed the opinion that it should not be a difficult task to arrange a time-scale for the Subordinate Educational Service. He has argued that, because there is a time-scale in the provincial service, there should also be a time-scale in the subordinate service. It is a very different matter to arrange a time-scale for a service of about 75 members and to arrange a time-scale for a service which includes very nearly 2,000 members; and, as I have mentioned, those 2,000 members have very varying qualifications and very varying responsibilities. It would be very difficult to arrange a time-scale for a service including Inspectors of Schools, Headmasters, Assistant Inspectors, Drill Masters, Oriental Teachers, Superintendents, and so forth. It may be that my friend is able to solve this difficulty. I have tried to do so; and I must admit that I have failed.

One further word in conclusion. My friend opposite seemed to think that the Ministry of Education will use this opportunity of making a large number of direct appointments. I can give him an assurance that that is not the intention and that this will not be done. For the purpose of Intermediate Colleges special demands will be made on suitable occasions, and therefore that factor need not appear in this discussion. I can give another assurance. It has been suggested that apart from Intermediate Colleges, opportunity will still be taken to make direct appointments. Surely that would be a travesty of justice. Government has stated in its memorandum that one of the objects of this proposal is to ensure promotion for the incumbents of certain posts of responsibility. It would surely be more than unjust not only not to give promotion to those people who are worthy of promotion, but also to degrade them in their official status by super-imposing above them direct recruits. I can give my friend an assurance that he need not be alarmed on this point.

Sardar Jodh Singh : With your permission, Sir, I would like to have one point cleared by the honourable member, that is, the objection which was raised by the Honourable Finance Member, which was to the effect that the scales of pay were revised so recently as in 1920. There was one point that is not clear, viz., whether the scales fixed in 1920 for this department involved proportionately the same increment in expenditure as was involved in similar scales in other departments. As I understand the expenditure on the scales of the Educational department was much lower.

The Honourable Sir John Maynard : I am afraid that would involve a very close examination of the increase in other departments, and I am not in a position to answer that offhand.

Sardar Jodh Singh : Perhaps Sir George Anderson may be able to answer that.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, I was extremely surprised to hear the speech of my friend, Sir George Anderson, to-day, and if there should have been one man who should have supported Professor Ruchi Ram, it should have been Sir George Anderson, but unfortunately we find that on account of this reserved and transferred subjects he has to subordinate his better judgment to the reserved department. The arguments he has brought forward must be closely examined, and I will try to show that not one of these arguments can hold water. He started by saying that the profession of teaching had all along been in a miserable condition on account of miserable remuneration given to teachers, and he welcomed the movement which was going on in every part of the Punjab in regard to the status of teachers which was being bettered. While he has said all this I do not see why he should not have welcomed the proposal which Professor Ruchi Ram had put before him. One of the arguments advanced by Sir John Maynard was repeated by Sir George Anderson and that was that there was a revision of pay of the teachers in 1920 and the improvement there was considerable. Therefore on that ground they did not think it proper that this time-scale should be granted. If I may say so with all respect, both the honourable gentlemen have misunderstood the situation. We are not saying that the pay of the teachers now should be increased but what we aim at and what we have been urging all along is that there should be a time-scale graded pay just as it exists in all services. In 1920 Government found that things had become dearer and it was impossible to carry on life decently on the pay which then existed in all departments, and therefore thought it advisable that some sort of relief by increasing the pay should be given to Government officials in the different departments.

That was the reason why the pay was revised in 1920. Whereas in all other departments time-scale was introduced, this was the only unfortunate department where time-scale was not introduced. Sir George Anderson has given a very curious reply to this argument. He says that in the Provincial Service there are only 75 men where time-scale could have been introduced but in the Subordinate Educational Service there are 2,000 men and therefore this time-scale cannot be introduced on account of the largeness of their number. Now, Sir, may I ask Sir George Anderson as to what is the number of the people in all other Government services where this time-scale is introduced? Is not their number more than 2,000 if taken together? And, if it is a fact that in all these departments this time-scale has been introduced in spite of the fact that there are more than 2,000 men, I see absolutely no reason why these 2,000 men—if there are 2,000 men—should not receive the benefit of this time-scale. I entirely fail to see that that can be an argument against the introduction of the time-scale in the Education departments.

Then, Sir, my honourable friend Sir George Anderson dilated at length on the concessions which are being granted to the people on a generous scale on account of the proposals which are embodied in the memorandum. I may say at once that we are not against these proposals. All that we say is that

you should advance a step further and give a guarantee to the people who are serving in the Education department that they will have graded system of promotion just as it exists in other departments.

When replying to the arguments of Professor Ruchi Ram with regard to the conditions prevailing in the United Provinces, Sir George Anderson was pleased to say that he has not advanced the instances of other provinces. Now, Sir, it was for the Government to bring forward the conditions prevailing in other provinces and to tell us that in all other provinces except the United Provinces time-scale does not exist. This statement has not been made by Sir George Anderson and so, I take it, that what exists in the United Provinces exists in the other provinces also; otherwise I fail to understand why a man of Sir George Anderson's wide information should not have brought forward an argument which would have gone a long way in supporting his argument. Then, Sir, my honourable friend said that there was a certain gentleman on deputation and he paid a compliment to the Punjab Council as well as the Punjab Government for treating Education in a liberal manner. Nobody says that the educational system in the United Provinces is perfect or that the educational system in the Punjab is perfect. There are certain things which the United Provinces must borrow from us in order to improve their department and there are certain things which we must borrow from the United Provinces in order to improve our department. If there were certain good points which struck this gentleman from the United Provinces in the educational policy which is being followed by the Punjab Government and the Punjab Council, it does not mean that we should not try to improve the Educational department any further. If we are to take a lesson from the United Provinces Government in the direction of granting time-scale to the people who are serving in the Education Department of our province, I see absolutely no reason why this important matter should not be adopted.

My Honourable friend, Sir George Anderson, has all along been advancing arguments against the present proposition on the ground of finance. That, I submit, was not his function at all. It was either for Mr. Emerson or for Sir John Maynard to say that they cannot find this money. But Sir George Anderson and the Honourable the Minister for Education should have played the role of those persons who would persistently demand this sum of 10 lakhs or 5 lakhs or 2½ lakhs or whatever that figure may be, because no one figure has been given by Sir George Anderson.

Then, Sir, there was another argument which Sir George Anderson advanced and that was that there would be a great gap in the condition of people serving in private institutions and those serving under the Government. My friend Sardar Jodh Singh has already told the Council that so far as private institutions are concerned, time-scales have been introduced and I may inform Sir George Anderson that in most of these cases these time-scales have been introduced because Government Inspectors have from time to time forced these educational institutions to adopt systems of this kind in order to improve the status of the teachers. Sir, it is an irony of fate that what they lay down for the private institutions they are not prepared to adopt for their own Government institutions. Sir, I submit that even if there was no truth or justification in this statement, that

[Pandit Nanak Chand]

would be no argument for the Government not to improve the status of the teachers in its own department. Government must not forget the fact that these private-owned institutions do not possess the same amount of money and the same amount of resources as the Government does. Therefore to expect that these private institutions should come up to the standard of the Educational department is, I submit, most unreasonable.

Then, Sir, another argument was advanced that there would be a great gap in the pay of the vernacular teachers and that of the Anglo-Vernacular teachers. That, I submit, is also no argument at all. It is no argument to say that because you can benefit 500 men and because you cannot benefit another 1,000 men, therefore you should not benefit 500 men at all. If you can satisfy 500 or 700 men, there is no reason why you should not satisfy them and try to better their prospects. Sir, these are the various arguments which were advanced by my honourable friend Sir George Anderson. I am very glad to find that an *ex-Minister*, I mean my friend Mr. Abdul Qadir, has also supported the amendment moved by my friend Professor Ruchi Ram. My friend Mr. Abdul Qadir has dealt with the Education department and he knows the needs and the desires of the members of that department in this respect. He has very truly stated that the reason why the teachers are inefficient and why the best men are not joining the services is due to the condition of pay and the condition in which these promotions are carried out on account of want of this system of time-scale. Surely if we want to improve, our first duty is towards education and if the Punjab Council is prepared to vote these supplies and if there is money available, there is no reason why this proposal should not be accepted. There was one reason which was trotted out again and again and that was the question of the financial stringency. Now, it is admitted on all hands that there is no financial stringency and there is absolutely no reason why at this time this reasonable demand of the teachers should not be accepted. I quite agree with my friend Mr. Abdul Qadir that, if you cannot bring forward this time-scale at once for all men begin it either from the lower scale or from the upper scale. You should make a beginning so that these people may be assured that they are treated just in the same manner as Government servants are treated in other departments.

Chaudhri Dull Chand [Karnal (Non-Muhammdan) Rural] (Urdu) : Sir, there can be no two opinions on the point that the services of the Subordinate Educational Service people are in every way commendable and that they are strictly honest too. I sympathise with their lot and wish that they should be treated in a better way. But the question arises, how it is possible to improve their lot. Till yesterday I was under the impression that we want remission in taxation at present and nothing else. But the speeches that have been made to-day are all inconsistent with what we demanded yesterday we want remission in taxation on the one hand and expansion on the other. How can these opposing elements go hand in hand? The introduction of time-scale in the Subordinate Educational Service will entail large amount of further expenditure. Not only the pay of the teachers in the Government Schools will have to be increased, but larger grants-in-aid will have to be given to local bodies and private schools. According to my estimate a sum of 15 lakhs of rupees at least will be required to act on the

proposal before us. I ask whence will this money come. If, of course, the urban population is prepared to bear the burden of this new expenditure, I will gladly support the introduction of time-scale in the Subordinate Educational Service.

Pandit Nanak Chand : We are prepared to bear this burden.

Chaudhri Duli Chand (continued in Urdu): What I meant to say, Sir, is that if time-scale is to be introduced, the zamindars must not be made to pay for it and I say so not without any reason. I have a statement before me which shows that in Provincial Educational Service out of 80 Hindu Officers only two are zamindars and likewise there are only two Sikh zamindar officers out of 18 of them. In Anglo-Vernacular Subordinate Educational Service too, the number of Hindu zamindars does not exceed 65 out of a total number of 294 teachers. So long as this proportion is maintained, I, for one, can not support such a proposal.

To remove the misunderstanding that might have been created by the speech made by Pandit Nanak Chand, I would say that no time-scale has been introduced in private schools, except in a few schools located in big towns. It will perhaps interest you to learn that financial position of most of the private schools is such that if grants-in-aid were stopped to-day, they would at once close down. Sir, if such is the financial position of the majority of the private schools, you can judge how it is possible to introduce time-scale in such schools.

It has been suggested that if time-scale cannot be introduced completely a beginning might be made in this direction by giving it to the teachers in lower ranks. I think if such a suggestion is carried, the situation will become worse and will create agitation among those in higher ranks.

Expression has been given to the danger of the teachers becoming corrupt if time-scale is not introduced immediately. I might assure the House that no fear need be cherished on that score. It is only opportunities that make the people corrupt and as there are no such opportunities in this service, I can never think of teachers becoming corrupt. To make myself a little more clear I would say that if we were to post an M.A., B.T., who was getting Rs. 80 per month before as a teacher, as Deputy Superintendent of Police or even as Assistant Superintendent of Police with Rs. 400 per month to start with, you will find that he will try to make money by unfair means although as teacher he was satisfied only with Rs. 80 per month. Therefore besides there being no opportunities in the Education department, the increase in pay is no remedy to root out or prevent corruption, if any.

I am at one with what Sir George Anderson said in his speech, but I take strong objection to one thing in the assurance given by him. He said that in future no direct recruitment would be made and that promotion in higher ranks would be given to selected teachers. I think this is equal to barring the admission of zamindars into the Provincial Educational Service because at present there are very few zamindars even in the lower grades. Before I sit down I might make it clear once again that I have every sympathy with the Subordinate Educational Service people, but unless the Government Circular of 1919 is acted up to its letter and the financial question as pointed out by me is not solved I can not persuade myself to support the amendment under discussion.

Maulvi Mazhar Ali, Azhar [East and West Central Towns. (Muhammadan) Urban] (Urdu): Sir, the feelings to which the honourable Chaudhri Duli Chand has given expression in his closing remarks leave no other alternative for me but to contradict the arguments that he advanced in his speech. He says that he has every sympathy with the teachers, but because according to the statement prepared by the Government the number of zamindar teachers is very small he can not support the introduction of time-scale in the Subordinate Educational Service. I appreciate his love for zamindars and I myself wish that they should be recruited in larger numbers in future, but that is no reason why the introduction of time-scale should be postponed until such time when the zamindars have got their due share of the service.

Chaudhri Duli Chand: I never said this. I only said, whence will the sum of Rs. 20 lakhs come?

Mr. President: I have noticed that some members wish to give personal explanations at once, that is when another member is speaking. This is permissible provided the member who is in possession of the House gives way and resumes his seat. Otherwise the proper stage to give a personal explanation is after the termination of the speech of the member who is speaking.

Maulvi Mazhar Ali, Azhar (continued in Urdu): Sir, I was saying that it is no reason to postpone the introduction of time-scale because the number of zamindars in this service is not as large as it ought to be. Who knows when that time will come? Chaudhri Sahib has not realised that if time-scale is not introduced, not only the non-zamindars will suffer, but those of the zamindars who are in service will also suffer.

Then Chaudhri Duli Chand contended that if time-scale is to be introduced, the burden of further expenditure must be borne by the urban population. I think this contention is also untenable on the face of it. By making this suggestion, does the honourable member mean to convey that in future no zamindar will try to join the Educational Service? If he does not mean that, I do not think he paused and thought of it before making this suggestion. We must not be carried away by such frivolous arguments. The rights and interests of the zamindars are dear and near to our hearts and they are being safeguarded. While originally only big towns were centres of education, an attempt is now being made to open schools and colleges in even the farthest corners of the province and we know that to this attempt no urban member has ever offered obstruction.

This is by way of reply to certain arguments advanced by Chaudhri Duli Chand. I will now proceed to draw the attention of the Government and the members who have the interests of the province at heart to one important matter. The department of Education is important not only from the point of view of education itself, but it has also far-reaching effects if it is working efficiently. I can say that only that country can make any real progress which has efficient Education department to depend upon. Then, as has been admitted by all, there are few chances for the teachers to resort to corrupt practices. Such being the case, I wonder why any opposition should be offered to any proposal by which it is sought to improve the lat

of the teachers. I can assure the Honourable Minister for Education and Sir George Anderson and other members of their way of thinking that if we devote a little more attention in securing the services of the best men available, most of the complaints that do exist at present against the educated community, of to-day will disappear. And the Honourable Minister and the Director should also take it to heart that whereas in the past the Jails, the Police and the others departments were severely criticised the turn of the Education department is soon coming. It is the stuff produced by the Education department that is to run every other department of Government. If this stuff is good every department will benefit, if this stuff is bad every department will suffer. We must therefore take pains to employ best men as teachers so that they, by their exemplary conduct and ability might produce best pupils. And we can secure the services of best men only if we fix attractive pay for them. It is, therefore, not only desirable but highly necessary that time-scale should be introduced. I am not at present concerned how much money will be required for the purpose. What I mean to impress is that we must have efficient staff to produce the best results.

It has been argued that since the general revision in pay in 1920, there has been no increase in the cost of living and therefore any demand for increase in pay is not justified. To this my reply is that there is no demand for an increase in pay. What the mover of the amendment wants is that when you have given time-scale to other departments why it is that you deny the same concession to this department of the Government.

In conclusion, I would suggest that if it appears impracticable to adopt the amendment before the Council, the Government should prepare an estimate as to how much money will be required to introduce time-scale in the Subordinate Educational Service. It should then come before the Council in the next Session with a demand for the estimated amount. We will then see, according as the sum demanded is great or small, whether we should accept the introduction of time-scale or reject it.

Khan Bahadur Chaudhri Fazl Ali [Gujrat: East (Muhammdan) Rural] (Urdu): Sir, there are two important sides to the question before us. We must first see whether the teachers deserve any enhancement in their salaries and secondly how their salaries can be increased.

As to the first side of the question I have no hesitation in saying along with others that the teachers are a deserving class. I will not object to any amount of money that may be given in the shape of salary. But on principle I object to the introduction of time-scale. By the adoption of time-scale, you have to give regular increments to the teachers unless they are reported to have worked unsatisfactorily. But it involves a very lengthy procedure to stop their increments. For example if the increment of any teacher is to be stopped, the Headmaster must report the matter to the District Inspector of Schools, who should further report the matter to Inspector and then in some cases, to the Director. I think it would be much better if instead of regular increments being given as under the time-scale increments are given only to those who may have been reported to have put in satisfactory work.

[K. B. Ch. Fazi Ali.]

Then, as rightly remarked by my friend Chaudhri Duli Chand, only yesterday we were pressing the Government to abolish motor-tax and effect reduction in other taxes. How can we consistently make to-day this demand that time-scale should be introduced in the Subordinate Educational Service? If the new expenditure is to touch the pockets of the zamindars, it is merely adding insult to the injury. You have not provided the rural population so far with other facilities which are more urgent and more pressing although a major portion of the Provincial income comes from their pocket. You have not given them good roads by means of which they may be able to sell their products at reasonable prices prevailing in the markets. Very little attention has been paid to the cause of education in rural areas and if now after years of deep slumber, villagers have thought of opening schools in villages by the help of district boards, the question has been raised that the pay of the teachers should be increased. Will not such an increase adversely affect the progress of the education in rural areas and will not the district board schools suffer materially.

Sardar Jodh Singh: On a point of order, Sir. The point before the House is time-scale for Subordinate Educational Service. The district board schools do not form part of the service.

Khan Bahadur Chaudhri Fazi Ali (continued in Urdu): Sir, I realise it quite all right. I know that district board schools do not form part of the services. But can any body deny that if the pay of the teachers in Government schools is increased, the teachers in district board schools will also demand, if not more, at least the same pay. The district board schools and likewise most of the private schools have short funds at their disposal and therefore the introduction of time-scale in Subordinate Educational Service will surely arrest the progress of education in rural areas. It is also possible that many schools might close down on the introduction of time-scale especially where the people are new to the task. Although zamindars have always been generous, and I am sure they will not give up their traditions even now, the urban population should not always prey upon them. It is highly unjust to make them pay for what they get nothing.

If I may be allowed to say the proposal put forward by Maulvi Mazhar Ali, Azhar is most reasonable. The Government should first prepare an estimate and then we will see whether we can accept the proposal or not. Until that time Professor Ruchi Ram will do better to withdraw his amendment.

Lest I should be misunderstood, I might make it clear that I would never object to the introduction of time-scale in the Subordinate Educational Service if Sir George Anderson has got sufficient funds at his disposal. But we must first be satisfied that the interests of rural population will not be jeopardised. We must have roads, we must have dispensaries, and we must have grants-in-aid and if the introduction of time-scale will not affect them, I will have no objection to the increasing of the pay of the teachers. We have got to see how much money we have got and out of that how much can we spend on education and how much for other necessities. We must cut our coat according to the cloth and because we have not got sufficient funds to spare, we cannot help opposing the introduction of time-scale although we sympathise with the lot of the teachers.

Sardar Buta Singh [Multan Division and Shiekhupura (Sikh Rural)] (Urdu) : Sir, I had no intention to take part in the present discussion but I am constrained to say something on the subject after what Chaudhri Fazl Ali has said in his speech.

I am sorry to point out that my friend Chaudhri Fazl Ali, who always professes to be an enthusiastic supporter of the cause of the rural population, misses no opportunity to introduce the urban and rural question into the discussion whenever he can do so. I wonder why any opposition should be offered to the introduction of time-scale when it is admitted on all hands that teachers are strictly honest and that they are poorly paid. Both Chaudhri Fazl Ali and Chaudhri Duli Chand have complained that the rural population is being preyed upon. I do not understand how they can say so and on what grounds? We are also zamindars and the interests of the zamindars are dear to us as much as they are dear to any body else, but we fail to see how the complaint made by my friends is justified.

These and other self-made supporters of the cause of the zamindars have cried hoarse that district board schools will greatly suffer by the introduction of time-scale in the Subordinate Educational Service. I, for one, do not see any force in this argument. So far as I know district boards have already introduced time-scale and as such there can be no fear of any loss coming to them. If I do not mistake, the district boards are being used as a cloak to introduce the cursed question of urban and rural interests. Chaudhri Fazl Ali has said that 20 or 22 lakhs of rupees will be required for the introduction of time-scale although the head of the department said that only 5 lakhs of rupees would be required. This statement of Chaudhri Sahib confirms my suspicion that it is more to introduce the urban and rural question that speeches are made than to discuss the question on its merits. I request my friend Chaudhri Sahib that he should avoid such questions. We are already fed up with so many factious disputes. He should realise that the interests of the urban and rural population are interwoven. I would not call one a true friend of the rural population who tries to create a gap between the two sections of the population. Such friends should be avoided. If my friend will allow me, I might say that he has misunderstood Maulvi Mazhar Ali, Azhar. He did not mean that this proposal should be rejected because Government has not given us the estimate of expenditure.

Before I sit down I would again request the members of the House that we should all avoid bringing into discussion such questions as urban and rural interests.

At this stage the Council adjourned for lunch.)

The Council re-assembled after lunch at 2 of the Clock. Mr. President in the Chair.

Rai Bahadur Sir Gopal Das, Bhandari [non-official, nominated] : Sir, I have nothing to say with reference to the substantial question, but I cannot control myself without saying something on the general discussion in this Council. It is a matter of deep regret I think, not to me only but to each and every person in the Council, that when a discussion of a subject is going on unnecessarily, I should say, and unreasonably, the question of

[R. B. Gopal Das, Bhandari.]

the urban and the rural matters is introduced. I ask the honourable members, "Do we come here to co-operate and to produce amity, because without co-operation and amity, the work of the Council cannot satisfactorily be done." We are just like the body; each and every part of the body has to perform its own functions. In the same way those who live in rural areas have to do certain things. We are inter-dependent. But to discuss the subject in that way which carries with it the poison, I beg to say that the result of that is not co-operation. We should always discuss from the provincial point of view. The whole province has sent us here to discuss with co-operation and amity, not in a dissected way. I think if the discussions are to go on in this way the result will be not good but bad. I can say this much that if as I am compelled to say, those who live in rural areas have to plough, to till and do manual labour yet all their crops and everything that they produce is used by the city people by whom it is bought at an advantageous rate.

Mr. President : Order, order. Several other speakers on the question before the House brought in the subject of rural and urban differences only incidentally, while the honourable member is now discussing that question as if it is the main question before the House. That is not the case. So I rule him out of order.

Rai Bahadur Sir Gopal Das, Bhandari : I bow to the ruling of the Chair and have nothing further to say, but I should like to end my remarks by saying that the discussion should be conducted with amity and not in the way it has been done.

Subedar-Major Farman Ali Khan [Rawalpindi (Muhammadan) Rural] (Urdu) : Sir, I rise to oppose the introduction of time-scale in the Subordinate Educational Service and I do so for more than one reason. The first and the main reason is that there are other matters more urgent that are awaiting the attention of the Government. Besides, roads, dispensaries and such other matters that must first be provided in rural areas the rural population badly wants the help of the Government in the matter of education itself. I am sorry to point out that the attitude of the majority of the members of the Council has always been to look to the interests of urban population only. The other part and I should say the important part of the population has always been ignored. There can be no real progress unless the whole of the body, if we may call the population a body, is healthy and in normal condition. The rural population is as if it were a paralysed part of the body and therefore it is highly necessary that we must first cure that part. We must not act like a man of the proverb who tied another embroidered turban on his head while he did not even care to stitch the torn *pajama* he was wearing.

Another reason for which I oppose the proposal is that the introduction of time-scale will adversely affect the progress of education in rural areas. The district boards will not be able to stand the burden of further increased expenditure. I know that the district board of Rawalpindi is already under a debt of 35 or 36 thousand rupees and on account of poor funds at its disposal it is already closing down certain schools. I have brought this question to the notice of the Council and of the Honourable the Minister for Education and Director of Public Instruction by means of resolutions and

otherwise that my part of the province is very much backward in education, but so far nothing substantial has been done in this direction. Under the circumstances how can we agree to the introduction of time-scale which must entail further expenditure. If there is money at the disposal of the Government it must be spent in the expansion of education in the rural areas which badly stand in need of it.

Before I close my remarks I would again urge that we must first bring to the same level the rural population in respect of education and when that is done and there is sufficient money at our disposal, I will very gladly support such a proposal. Until that I cannot perusadé myself to support the introduction of time-scale in the Subordinate Educational Service.

Sardar Randhir Singh, Kalaswala (Sialkot-cum-Gurdaspur (Sikh) Rural) (Urdu) : Sir, I had no intention to take part in this discussion, but I have been compelled to do so, because of the dark view taken of the remarks made by my friend Chaudhri Fazl Ali. At present two things are uppermost in our minds. One is that we want that substantial reduction be made in taxation and we also want that steps should be taken for the expansion of education and the province be brought on to the same level with other sister provinces in this respect. No doubt the state of education in urban areas is satisfactory but in rural areas the people badly want it, and if Chaudhri Fazl Ali opposed that introduction of time-scale he did so because he had the interests of the rural population in view. He rightly said that it was better to spend 5 lakhs of rupees towards opening new schools than in spending the same on the increase of pay of the teachers. It goes without saying that if we open 20 new schools with this sum of 5 lakhs we will provide education to another lakh or two of our children and I think that the money thus spent will be best utilized. We are getting good returns for the money we are spending on the pay of the teachers and I do not see any reason why we should incur any further unnecessary expenditure.

I was a little surprised by the remarks made by my friend Maulvi Mazhar Ali, Azhar that increase in pay will necessarily result in the efficiency of teachers. I do not see how it is possible. A graduate who is getting Rs. 80 at present cannot become more capable if he is allowed hundred rupees instead. I do not see any force in this argument especially when the market is so very cheap and you can get many men for the pay you are at present giving. Besides, no case has been made out for the increase in the pay of the teachers. Since general revision of pay in 1920, no marked increase has occurred in the cost of living. The prices of food and other necessaries have not gone up. Therefore, Professor Ruchi Ram will do better if he withdraws the amendment.

Mr. J. M. Dunnett : I move, Sir—

"That the question be put."

Mr. President : The question is—

"That the question be put."

The motion was carried.

(Mr. President called upon Professor Ruchi Ram, Sahni to speak.)

The Honourable Rai Sahib Chaudhri Chhotu Ram : Have I no right to speak, Sir ?

Mr. President : Would you like to speak after Professor Ruchi Ram has replied or now?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I will speak after his reply.

Professor Ruchi Ram, Sahni : Before I exercise my right of reply, I would like with your permission, Sir, to ask the Honourable the Minister of Education if he is prepared to accept the suggestion which was put forward by my honourable friend from Gurdaspur and supported by another honourable member from Gujrat. If he is prepared to accept that modification, then I have no hesitation in saying that I shall be glad to adopt that proposition and, with the permission of the House, place it before the House. I should like to know if that suggestion is acceptable to the Honourable Minister of Education. If necessary, I will exercise my right of reply.

Mr. President : Is the Honourable Rai Sahib Chhotu Ram prepared to make a statement in response to the question put by Professor Ruchi Ram?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The suggestion made by Maulvi Mazhar Ali so far as I was able to understand it was that Government should give an assurance that time-scale would be introduced and that its cost should be calculated afterwards. If that is the suggestion, I am afraid I cannot accept it. Let the cost be calculated first and then I shall be able to say whether the cost is sufficiently low or not unreasonably high for the introduction of a time-scale.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, I rise to a point of personal explanation. What I suggested was that the Government should first prepare an estimate of the expenditure that it would have to incur on the introduction of time-scale and then come before the Council in the next Session with a demand for the estimated sum. The Members of the Council both urban and rural, will have an opportunity to see whether the proposal should be accepted or rejected according as the sum asked for is small or great.

The Honourable Rai Sahib Chaudhri Chhotu Ram : That can hardly be done. I must first calculate the cost and then see whether it is possible to introduce a time-scale. I can then come to the Council if I am myself convinced that the money is available and that the cost is not unreasonable. Let the question be left to the Government. I can certainly go into the question again and see what the cost is likely to be.

Professor Ruchi Ram, Sahni : May I suggest a small modification, Sir, which is that the question be referred to the Standing Committee on Education? They can go through the whole question with reference to the cost which the reform will entail and then place a concrete proposal before the Government. If the Honourable Minister of Education accepts the suggestions with regard to the exact time-scale that may be made by the Education Committee and thinks that he can fit them in with his finances, he can place that proposition before the Government next October. The only difference that I suggest is that the question be referred to the Standing Committee on Education which will, with the help of the Honourable Minister

of Education, the Director of Public Instruction and other members of Government such as the Financial Secretary, go into the whole question and consider it with reference to the finances at the disposal of the Government. If it be found that a feasible and practical scheme can be devised which the Government is prepared to accept, then the Government may place it before the Council at the next October session.

The Honourable Rai Sahib Chaudhri Chhotu Ram : Even now the suggestion is not quite clear to me. If my friend's proposal is that the Standing Education Committee should sit down, consider the question, discuss it and frame proposals and that those proposals and recommendations should be binding on the Minister or Government, I am afraid I cannot accept the suggestion. If his suggestion is that the Committee should consider the question, frame proposals and put them before the Government and then the Government should consider them and pass such orders as are reasonable, I am prepared to accept the suggestion.

Professor Ruchi Ram, Sahni : I accept that form, Sir, with this reservation that we will not be precluded from bringing up this question again.

Several Honourable Members : You will not be precluded from doing so.

Mr. President : Such an undertaking, even if given by the Honourable Minister, would have no binding effect, inasmuch as the question of moving resolutions is governed by the Standing Orders and not by undertakings given by the Government Members.

Professor Ruchi Ram, Sahni : May I know, Sir, whether I will be in order in bringing forward a resolution recommending the time-scale at the next October session if the Government did not give a satisfactory reply?

Mr. President : The honourable member appears to have some doubt as to the meaning of the language of the Rules and Standing Orders in force. If he will read the Business Manual he will find what rights he has in this respect. May I take it that the honourable member is prepared to withdraw his amendment?

Professor Ruchi Ram, Sahni : In view of the assurance now given by the Honourable Minister of Education, namely, that the question will be referred to the Standing Committee on Education.

The Honourable Sir John Maynard : May I point out, Sir, that that was not the form in which the Honourable Minister made his statement?

Mr. President : The language in which the assurance has been given by the Minister for Education has been taken down by the official reporter. If the honourable mover of the amendment is prepared to accept the assurance in the words in which it has been given, it is open to him to withdraw his amendment and I will put his request to withdraw to the House.

Professor Ruchi Ram, Sahni : May I know, Sir, what the exact words of the assurance were before I withdraw my amendment? The only point on which I want.

Mr. President : Will the honourable member please say definitely whether he wants to withdraw his amendment or whether he wants to exercise his right of reply. I am afraid I cannot allow him to make any further suggestions.

Several Honourable Members : Withdraw, withdraw.

Professor Ruchi Ram, Sahni : Sir, I will be only too glad to withdraw my amendment but I should like to know exactly what the assurance is. I do not want to act in the dark. That is my difficulty. Possibly I did not catch the words of the Honourable the Minister of Education.

Mr. President : I am afraid I cannot call upon, nay I will not even allow, the Minister of Education to repeat the words in which he gave assurance. It has been given publicly, clearly, distinctly and in unmistakable terms. I cannot allow those words to be repeated, as repetition is prohibited by the rules of debate.

Professor Ruchi Ram, Sahni : My friends assure me that the assurance is satisfactory (Laughter) and therefore I beg the leave of the House to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 8,97,415 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Education—Transferred."

The motion was carried.

MEDICAL AND PUBLIC HEALTH GRANT.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 3,44,048 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Medical and Public Health."

The motion was carried.

AGRICULTURE GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 3,03,274 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Agriculture."

The motion was carried.

INDUSTRIES GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 1,89,334 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Industries."

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 1,89,334 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Industries."

Professor Ruchi Ram, Sahni (Punjab University): Sir, I believe that enough has not been done in the direction of the industrial development of the province. Therefore, while I cannot but support this proposition I should like to say at once that a great deal more needs to be done. Here in this Council we hear now and again the cry to which reference has been made on a previous occasion to-day which reminds one of those old classical times when similar cry "Carthage must be destroyed" was raised. I for one claim that from the day I entered this Council I have been raising the question and urging the desirability of introducing cottage industries in the villages. Hardly a session has passed when this question has not been brought up by me in one form or another before the Council. Therefore the cry which we hear in this Council that enough has not been done by a certain class of men, the urban people, is a false cry. I would ask my honourable friend from Karnal and every one else of his way of thinking to sit with me and ask the Minister of Industries to sit with us and devise a wide-spread system of cottage industries for the rural areas only. I find that nothing has been done up to the present time by these gentlemen. I merely rise to reiterate that declaration which I made time and again that a well-devised plan or scheme of rural industrial education should be placed before this House.....

Mr. President : Order, order. I think it was on Saturday last that I ruled from this chair that questions of principle or policy can be raised and discussed only when the annual budget is discussed as a whole. Such questions cannot properly be discussed in a supplementary grant unless the demand or some item in the demand goes beyond a certain settled policy or principle. As a rule only the supplementary estimate or an individual item comprised in the estimate can be discussed or criticised. The honourable member is raising a question of general discussion and this he cannot be allowed to do. He is at liberty to discuss the whole demand or any particular item therein but not a matter of principle or policy.

Professor Ruchi Ram, Sahni : I was just pointing out to the House that more money should be spent on the industrial development than is provided in the estimate.....

Sardar Jodh Singh : Sir, I rise to a point of order. May I refer to the Constitutional Manual wherein it is stated that supplementary grants are to be treated just like the original demands in the budget ?

Mr. President : That is with regard to their disposal. As regards the special privilege of discussing the principle or policy of the budget, I do not think the privilege can be exercised except with regard to such items or demands as go beyond the principle or policy already settled and adopted by Government. The point seems to be so clear that there should be no doubt about it.

Professor Ruchi Ram, Sahni : Sir, I do not go beyond the proposal placed.....

Mr. President : May I ask whether the honourable member wishes to oppose or support the motion ?

Professor Ruchi Ram, Sahni : I want to support it as I said at the outset. I should like the Ministry of Industries and Agriculture to go even further in the direction of industrial development than it has gone. If necessary it can frame a special scheme for the development of industries in rural areas. That is all I want to say.

Shalkh Muhammad Sadiq [Amritsar (Muhammadian) Urban] : Sir, I am very glad that Government has taken to helping industries in the Punjab. But although I support the demand I am really opposed to the policy of Government, in this respect. We are opposed to the system of introducing small industries piecemeal. What we want is that Government should have a large scheme of industrial development and they must start industries in accordance with that scheme. There is no use of starting small industries piecemeal. They should have enough of funds. For instance, they can have a crore or two of rupees for industrial development in the province accumulated and then out of that fund they can start fresh industries. It is no use asking the Council for money every now and then, because it is not then in a position to know the policy of Government in this respect. The Council does not want to be led by Government in everything. Rather it wants to lead the Government in the matter of the development of the province. What is our position ? Here we have got a Government which is politically free from our control. That we can't help. What we want is that the Government should not restrict our power as regards industries. The industries of this country have been destroyed by the British Government, as everybody knows, by means of heavy taxation on imports from this country.

Mr. President : Order, order. My ruling, given only a few minutes ago, does not appear to be before the eyes of the honourable member. I hope he will not raise the question of principle or policy, and will discuss only the main grant or any item comprised in the demand.

Shalkh Muhammad Sadiq : There is an item in the demand for weaving industry and since this industry was destroyed by the British people I rise to speak on it. I am not attacking any other item just now.

Now, Sir, I want the Government not to start industries piecemeal, but to have a settled policy in that matter. Then you must allocate a certain specified sum of money for the whole scheme. Without a settled policy there is no use of allotting any money. For, what is the use of allotting one or two lakhs for industries without a settled policy ? To-day you may have a huge income and you may allot a large sum for industries. To-morrow you may not have enough money and Government may say 'stop all industries, we are not going to give you any money.' On the other hand if we put aside some money, at the time of emergency they can take a little out of it. If you pool the income of industries together you will find that the profits of one industry will make up for the loss of another. So it is not only the amount that we want, it is the programme.

After all the Government should start model industries on the first class basis. The industries started by the Government should not make a poor show. The factories should produce the best finished articles.

They must be equipped with the best machinery and with the best workers. I am only criticising the attitude of the Government at this stage in that they do not give out what their policy is. I want an assurance from the Honourable the Minister for Agriculture whether he is ready to accede to my request and whether he, as a member of the Government, is ready to allot every year 10 lakhs of rupees for this purpose so that it may aggregate at least one crore gradually. By allotting 10 lakhs every year, he may not only be able to cover the loss that might occur but he can also help starting other industries.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Sir, the honourable member who has just sat down was perhaps taking tea when the Honourable the Minister for Agriculture made a statement with regard to his policy. The Sardar Sahib chalked out a programme of industrial and agricultural development for the next five years and he gave us an idea as to how he was going to carry out those ideas into practice. I submit, Sir, that to say that because the Government cannot spend large sums of money at the present moment on industrial development, we should refuse the demand would be an unreasonable attitude on our part. A beginning in this direction must be made. I quite agree with my honourable friend who has just sat down that in the early history of British Rule in India, the policy was to throttle down the Indian industries in order to protect the British industries so that the Indian industries may not stand in competition with the British industries. That is known to us all and it was also brought forward in the report which was made by the Industrial Commission to which Pandit Madan Mohan Malavya also appended a note of dissent. If the Government is at the present moment changing that policy, we ought to help and co-operate with that policy initiated by the Government. Therefore, I submit that the demand which is being brought forward and which opens up a new chapter in the industrial development of the Punjab should be acceded to by the Council without any hesitation. Of course we ought to make it clear to the Government that we are not satisfied with the money which has been allotted. We want much more than this. Not only should there be this Government hosiery institute at Ludhiana but the problem must be tackled in every industrial department and facilities should be given to the industries so that they may be able to use the raw material which is produced here in India for their own purpose and therefore . . .

Sardar Tara Singh: The honourable member is not speaking from his seat allotted to him.

Mr. President: I hope the honourable member will observe that rule in future.

Pandit Nanak Chand: I am glad that the honourable member woke up after a long time. I was just going to bring my remarks to a close and I was going to say that we should pass this demand without any further discussion.

The Honourable Sardar Jogendra Singh (Minister for Agriculture): Sir, I have heard with very great interest the remarks made by my honourable friends on the other side. I need hardly declare that the policy in the matter of industrial development will be the policy of the people

[Hon'ble Sardar Jogendra Singh.]

of the Punjab. It is not a policy which is being formulated in isolation by me or by any one who succeeds me. With this object I have framed a scheme for forming a development board. This development board will conceive schemes and I hope it will be in a position to carry them out. All the honourable members who have spoken have pleaded that this development board should have the command of a large sum of money. I entirely agree with them in this respect, for in modern days industries are carried on on a gigantic scale and if India is to compete in the world's markets, it can only do so by having modern appliances, modern organisation and modern ways of production. There is just one point to which I should like to draw the attention of the house. Honourable members have pointedly drawn attention to the fact that British competition had something to do in destroying Indian industries. I am not prepared to look backwards in realising the future. We in India, at the present moment, are in a very favourable position. We are, protected on all sides to carry on experiments in political, social and industrial spheres and we should not ignore, that at the present moment it is the British arms that give us protection and give us opportunities of development. I have been a free-trader all my life. I believe that processes of wealth are at the command of men. It is men we need. In an eloquent speech Sir George Anderson told the story of the tremendous progress which the Punjab was making educationally. It shows we are busy in the making of better men. I am quite sure that if we have better equipped men, we will have industries, we will be able to put our produce in the markets of the world and command them. No country can prosper where men lack initiative co-operation and power of organisation. We must be self-dependent and we must realise the actualities of the conditions, we have to make use of the modern appliances, we have to create modern organisations, we have to sink all communal differences and we have to become one nation bent on making the nation prosperous if we are to make our future resplendent.

(At this stage Chaudhri Afzal Haq got up to speak.)

Mr. President : I cannot allow the honourable member to continue the debate any further. No one stood up when the Honourable Sardar Jogendra Singh stood up half-heartedly and was allowed to have a say on behalf of the Government. Does the honourable Chaudhri Afzal Haq wish to oppose the demand?

Chaudhri Afzal Haq : The closure motion was not put and we did not know whether the speech of the Honourable Minister was the last one.

Mr. President : The debate closes when no one rises to speak. No one in fact rose to speak when, as I already pointed out, the Honourable Sardar Jogendra Singh stood up half-heartedly. Does the honourable member wish to continue the debate?

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Rural) (Urdu) : Sir, I had no mind to speak on the demand but the words used by the Honourable the Minister for Agriculture in respect to Indian industries have compelled me to get up and have my say.

Mr. President : Order, order. I am not prepared to allow the honourable member to speak. I think the Honourable Minister for Agriculture went a little too far in stating the policy of Government. But I am not prepared to allow any further discussion or debate on the remarks made by the Honourable Minister incidentally in his speech.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 1,89,334 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Industries."

The motion was carried.

MISCELLANEOUS RESERVED GRANT.

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

"That a supplementary sum not exceeding Rs. 2,08,722 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Miscellaneous (Reserved)."

The motion was carried.

CIVIL WORKS GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, before moving this demand I wish to say that there is an additional item, which has crept into this demand; this item has been expunged and the original demand reduced. I, therefore, beg to move the following amended demand :

"That a supplementary sum not exceeding Rs. 30,63,856 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Civil Works."

The motion was carried.

SUPERANNUATION ALLOWANCES AND PENSIONS GRANT.

The Honourable Sir John Maynard : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 4,550 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Superannuation Allowances and Pensions."

The motion was carried.

LOANS BY PROVINCIAL GOVERNMENT (RESERVED) GRANT.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 4,00,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Loans by Provincial Government (Reserved)."

The motion was carried.

LOANS BY PROVINCIAL GOVERNMENT (TRANSFERRED) GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture):
Sir, I beg to move:—

"That a supplementary sum not exceeding Rs. 3,00,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Loans by Provincial Government (Transferred)."

The motion was carried.

EDUCATION (TRANSFERRED) GRANT.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education): Sir, I beg to move:—

3 P.M.

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Education (Transferred)."

The motion was carried.

THE PRISONS (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to introduce the Prisons (Punjab Amendment) Bill.

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

"That the Prisons (Punjab Amendment) Bill be taken into consideration."

This, Sir, is a very simple measure and one which arises out of Government's consideration of the report of the recent Jails Enquiry Committee. It has been found that generally speaking the existing class of Jailors, Deputy Jailors and Assistant Jailors is unsatisfactory, and without condemning each and every one of that class it is considered to be desirable to replace it by a class of men of superior qualifications. It is proposed therefore to abolish the posts of Jailors, Deputy Jailors and Assistant Jailors and to establish instead a cadre of Deputy Superintendents and Assistant Superintendents, men with better original qualifications and with a better scale of pay. As it is not possible to provide at short notice for such a large number of officers as would be required to complete the cadre in the whole of the establishment of the Province at once it will be necessary in practice to introduce this system in one jail after another. That is the reason for the form which is given to the Bill. The Bill gives power to Government to introduce in each prison in succession the new system.

Mr. President: The question is:—

"That the Prisons (Punjab Amendment) Bill be taken into consideration."

The motion was carried.

Mr. President: The question is:—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That the preamble stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause I stand part of the Bill."

The motion was carried.

The Honourable Sir John Maynard : Sir, I beg to move :—

"That the Prisons (Punjab Amendment) Bill be passed."

The motion was carried.

THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE BILL.

The Honourable Sir John Maynard (Finance Member) : Sir, I beg to introduce the Good Conduct Prisoners' Probational Release Bill.

The Honourable Sir John Maynard : Sir, I beg to move :—

"That the Good Conduct Prisoners' Probational Release Bill be taken into consideration."

The object of this Bill is to carry somewhat further the principle which was embodied in a Bill which was not altogether fortunate in its reception in this Council something like a year ago. It was, I believe, not due to any defects in that Bill but owing to certain other circumstances which I need not trouble to remind the House. The principle which was embodied in the former Bill was applicable only to adolescent offenders. It was then contemplated to provide for the conditional release of adolescent offenders with the object of treating them in a special fashion with the object of reclamation. Since then it has been decided that the same method should be applicable not only to adolescent offenders but to offenders of all ages provided that they have shown themselves to be of good conduct while in jail. The object is to release prisoners of good conduct and to place them in the charge of suitable persons or institutions so that they may learn to make an honest livelihood and since it is possible that there will not at once be forthcoming the necessary private societies for this purpose Government proposes to set the example itself by establishing suitable farms in the new Colony of the Nili Bar in which the good conduct released prisoners will be received and will be employed in agriculture and be taught to learn their own honest living.

There is, I think, nothing further which I need say in support of the present motion, but I would draw the attention of the House to the fact that certain provisions on which stress was laid by the House in dealing with the Borstal Bill last year have been incorporated in this Bill. That is to say, precautions have been taken to provide against handing over conditionally released prisoners to any persons or bodies having the motive to convert them from one religion to another. It will be seen that the language of the Bill is particularly guarded in this respect.

Mr. President : The question is :—

"That the Good Conduct Prisoners' Probational Release Bill be taken into consideration."

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, undoubtedly last year when the Borstal Bill and the Adolescent Prisoners' Probational Release Bill were introduced in the Council, there was a difference of opinion between the Government and the non-official members of the House. Various objections were raised at that time. Many amendments were moved and carried. But I am sorry to remark that after the amendments were carried the Government did not think it proper to move that the Borstal Bill be passed. On this the House refused to consider the other Bill. Since that time our attitude has proved our *bona fides*, and when the Government has accepted the amendments that were proposed by the House last year with a few reservations we have deliberately abstained from moving any amendments and the Government must have realised that our attitude then was not based on any unfair intentions. I appreciate the broad-mindedness of the Government and I would request them to appoint suitable men to work out the Bill because if good men are employed we are sure to achieve better results.

Mr. President : The question is :—

"That the Good Conduct Prisoners' Probational Release Bill be taken into consideration."

The motion was carried.

Mr. President : The question is :—

"That clause 2 stand part of the Bill."

The motion was carried.

Rai Bahadur Sir Gopal Das Bhandari : Sir, I want to ask certain information with regard to clause 2. I find,

Mr. President : Order, order. Clause 2, as it stands, has already been carried by the House and, therefore, it now stands part of the Bill. Besides, the honourable member has tabled no amendment, nor has he given any intimation to the chair that he intends to make an amendment or suggestion.

The question is :—

"That clause 3 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 4 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 5 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 6 stand part of the Bill".

The motion was carried.

Mr. President : The question is :—

"That clauses 7 and 8 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That the Preamble stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 1 stand part of the Bill."

The motion was carried.

The Honourable Sir John Maynard : I now move, Sir :—

"That the Good Conduct Prisoners' Probational Release Bill be passed."

The motion was carried.

THE PUNJAB BORSTAL BILL.

The Honourable Sir John Maynard (Finance Member) : Sir, I beg to introduce the Punjab Borstal Bill.

The Honourable Sir John Maynard : I beg to move :—

"That the Punjab Borstal Bill be taken into consideration."

There is a particular reason, Sir, why I do not prefix this motion with a motion suggesting the reference of the Bill to a Select Committee. The Bill, as it is now before the House, is in all essential particulars, except one which I shall refer to very briefly, almost exactly the same Bill as it was left by the Council when they dealt with it some time last year. The one exception of any significance I should say, for there are small exceptions in the matter of drafting, the one exception of any importance is in clause 20 of this Bill. That is particularly referred to in the notes on clauses, as honourable members will see. When the Council made up its mind some time last year that it did not wish that the punishment of whipping should be inflicted upon inmates of Borstal Institutions except in the way of schools discipline on the hand, it was naturally necessary for Government to consider very seriously whether this would deprive the official in charge of the institution of the necessary means of maintaining discipline. This matter was very carefully considered and ultimately the decision was that it would be safe to accept the view which the Council had taken on this subject provided that it was possible for Government to transfer to jails any prisoners who had rendered themselves liable to certain particular punishments

[Hon'ble Sir John Maynard.]

and that is what section 20 proposes to do. The punishment to which the Council took exception when this Bill was last under consideration does not figure in the Bill. The clause stands as the Council passed it, but in consequence of that power being withdrawn, it has become necessary for Government to have the power of transferring the offending inmate to a jail. That is what section 20 does. In all other respects the Bill is as the Council accepted it. I don't think I need say much more on the subject of this Bill. Its object should, I think, be clear to all honourable members of this House. It is desired to save the adolescent offender from being committed to jail for certain offences. At the same time it is desired that he should undergo a fairly severe discipline in a special institution to cure him of his evil tendencies. That is the object with which this Bill has been introduced, and I trust that everyone will agree with me that after the careful consideration which it formerly received at the hands of a Select Committee and the prolonged consideration which was given to it in this House, all honourable members will be satisfied that they are sufficiently acquainted with its provisions and that those provisions tend to the eradication of criminal tendencies among the young.

Mr. President : The question is :—

"That the Punjab Borstal Bill be taken into consideration."

The motion was carried.

Mr. President : The question is :—

"That clauses 2 to 36 stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That the Preamble stand part of the Bill."

The motion was carried.

Mr. President : The question is :—

"That clause 1 stand part of the Bill."

The motion was carried.

The Honourable Sir John Maynard : Sir, I move :—

"That the Punjab Borstal Bill be passed."

The motion was carried.

THE PUNJAB COURT-FEES (SECOND AMENDMENT) BILL.

The Honourable Sir John Maynard (Finance Member) : Sir, I beg to introduce the Punjab Court-fees (Second Amendment) Bill.

The Honourable Sir John Maynard : I beg to move :—

"That the Punjab Court-fees (Second Amendment) Bill be taken into consideration."

I should explain very briefly what the object and scope of this Bill is. In 1922, when we were trying to overcome the deficit in the finances of the province, it was decided that one of the methods by which this could be achieved was by raising the charges on account of court-fees. Since then, as has been explained by me in my general statement at the beginning of the consideration of the supplementary demands, it has been found possible to remit a portion of that additional taxation. The present Bill purports to restore the old charges as they stood as regards all suits up to and including Rs. 500. It makes no change except in the *ad valorem* scale of duties in regard to suits of Rs. 500 and less. This is the nature of the Bill which is laid before the House and I trust it will receive favourable consideration.

Mr. President : The question is :—

"That the Punjab Court-fees (Second Amendment) Bill be taken into consideration."

Malik Firoz Khan Noon [Shahpur East (Muhammdan) Rural] :
Sir, I beg to move :—

"That the Punjab Court-fees (Second Amendment) Bill be circulated for eliciting public opinion by September 15th."

My object in moving this motion is that the Bill for one thing does not go far enough. Relief is needed not only in suits below Rs. 500, but also in suits above Rs. 500 ; and secondly that the relief that Government is trying to give, in my humble opinion, is not given in the proper quarter. All these things, I hope will be threshed out when Government will receive public opinion and draft the Bill accordingly. The present Bill, so far as I know, has been drafted by Government itself, and none of the members of this House were consulted in the drafting of the Bill. If they had been consulted probably it would have been different from what it is. I hope that the House will agree to my suggestion.

Mr. President : The original motion was :—

"That the Punjab Court-fees (Second Amendment) Bill be taken into consideration."

Since which an amendment has been moved :—

"That the Bill be circulated for eliciting public opinion by September 15th."

The question is that that amendment be adopted.

Maulvi Mazhar Ali Azhar [East and West Central Towns (Muhammdan) Urban] (Urdu) : Sir, I cannot see my way to support the amendment moved by my honourable friend Malik Firoz Khan Noon. The arguments he gave in favour of his amendment are not convincing and reasonable. He gave two arguments which are, in my opinion, contradictory to each other. In the first place Malik Sahib has remarked that in order that more remission may be made in court-fees than what the Government intends to do now, the Bill should be circulated for eliciting opinion thereon. In the second place my honourable friend has said that the Government should not make any remission in court-fees, as this remission is in the wrong direction.

Malik Firoz Khan Noon : I did not say that.

Mauvi Ma-har Ali, Azhar : At least I understood the honourable member to mean that. Even if I have misunderstood the honourable member I am at a loss to understand why remission should not be made at this time. Why should we wait till September. Let the Government reduce court-fees and if we are not satisfied with the reduction made by the Government we can move another Punjab Court-fees Amendment Bill. The people should not be compelled to pay enhanced Court-fees for the next three months. Let the reduction be made and afterwards we can urge for further remission. Under these circumstances I would request the House that the Bill should be considered and passed at this very moment.

Mr. President : The original question was :—

"That the Punjab Court-fees (Second Amendment) Bill be taken into consideration."

since which an amendment has been moved :—

That the Bill be circulated for the purposes of eliciting opinion by September 15th."

The question is that that amendment be adopted.

The motion was lost.

Mr. President : The question now is :

"That the Punjab Court-fees (Second Amendment) Bill be taken into consideration."

The motion was carried.

Mr. President : Clause 2.

Lala Mohan Lal [North-East Towns (Non-Muhammdan) Urban] : Sir, I beg to move my amendment, which I sent yesterday to the Punjab Court-fees (Second Amendment) Bill.

The Honourable Sir John Maynard : I rise to a point of order, Sir. I think that this amendment was not submitted in time.

Mr. President : The point raised by the Honourable Sir John Maynard is not a point of order. He has made an objection under Standing Order 47. In this case two clear days' notice has not been given as required by that Standing Order. Now, it is left to me, as President of the Council, to exercise my special power and suspend operation of the Standing Order. I do exercise that power, as the amendment appears to be an important one. I allow the mover to move the amendment.

The Honourable Sir John Maynard : May I rise to another point of order ? This amendment appears to go outside the scope of my Bill. It is entirely new and it is practically making a new Bill. My Bill proposes to remit the increase made in court-fees for suits up to a certain sum, but this amendment proposes to.....

Mr. President : Order, Order. As yet the amendment has been neither moved nor put from the Chair. The House should know what it is.

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

"That the following clause be substituted for the existing clause 2:—

"For section 5 of the Court-fees (Punjab Amendment) Act, 1922 (hereinafter referred to as the said Act) the following section shall be substituted, namely:—

Substitution of a new section for section 5 of the Court-fees Punjab Amendment Act, 1922.

Amendment of Article I of Schedule I of the Court-fees Act of 1870.

"5. For Article I of schedule I the following Article shall be substituted, namely:—

Number.		Proper fee.
1. Plaint (A) or memorandum of appeal (B) [not otherwise provided for (c) in this Act], presented to any Civil or Revenue Court, except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees	Six annas.
	When such amount or value exceeds five rupees. For every five rupees or part thereof in excess of five rupees, up to one hundred rupees	Six annas.
	When such amount or value exceeds one hundred rupees. For every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees	Twelve annas.
	When such amount or value exceeds one thousand rupees. For every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees	Five rupees.
	When such amount or value exceeds five thousand rupees. For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees	Ten rupees.
	When such amount or value exceeds ten thousand rupees. For every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees. For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees	Twenty rupees.
	When such amount or value exceeds thirty thousand rupees. For every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees. For every five thousand rupees, or part thereof, in excess of fifty thousand rupees	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees.	

Several Honourable Members : We have not got a copy of the amendment.

Mr. V. F. Gray : Sir, We have not got copies of this long amendment.

Mr. President : This amendment was handed over to the Secretary last evening at 8 o'clock. The rule is that, if time permits, the Secretary will get the amendments printed and circulated. It was not possible, he says, within the time at his disposal to get the amendment printed and circulated.

The Honourable Sir John Maynard : Sir, I now rise to put my point of order. I wish to make it clear that the Bill which I have introduced provides for a particular change in the law calculated to cause a diminution of the receipts of Government from this source by a sum of 9 lakhs of rupees. That was the object which the Government had in view in introducing this Bill. The honourable member (Lala Mohan Lal) has moved an amendment which restores the *ad valorem* scale to the scale of 1870—I believe I am right in saying—in all respects, at all events practically in all respects. That is to say, he proposes a change which would diminish the receipts of Government by 25 lakhs per annum instead of 9 lakhs. Therefore, my submission is that this is entirely a different Bill from the one which I have introduced and that the amendment is practically a new Bill. Naturally, it is outside the scope of the Bill which I have introduced.

Mr. President : Will the Honourable the Finance Member enlighten the House on two points. First, whether the preamble is not sufficiently wide to cover every amendment and secondly whether in the Schedule the words "When such amount or value exceeds fifty thousand rupees, for every five thousand rupees or part thereof, in excess of 50,000 rupees. Thirty rupees," do not cover all amounts how high so ever? In other words, is the honourable member prepared to say that court-fees for any amount not exceeding Rs. 5 up to an unlimited amount have not been provided for in the Schedule of the Bill as introduced? I would like to know in what way the amendments which only propose less court-fees are beyond the scope of the Bill?

The Honourable Sir John Maynard : Sir, my Bill proposes to amend the Court-fees (Punjab Amendment) Act, 1922. This amendment virtually proposes its repeal. Therefore it is entirely different in scope from my Bill.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, with your permission, I wish to say a few words as *amicus curae* on the point raised by the Honourable the Finance Member. The point of order taken is that the amendment of Lala Mohan Lal goes beyond the scope of the Bill. You have been pleased to point out to the Honourable the Finance Member two difficulties which stand in the way and you have been pleased to call upon him to explain those two points, namely, (1) the scope of the Bill as given in the preamble and (2) as indicated by the Schedule on page 2 of the Bill.

Mr. V. F. Gray : Are we now discussing the Bill or discussing your ruling, Sir?

Mr. President : We are discussing the point of order. I think this is a very important matter. So I would like to hear the views of one or two members.

Dr. Gokul Chand Narang : All that the Honourable the Finance Member has been able to say is that his object in proposing this Bill was to amend the Court-fees Act of 1922 and if this amendment were accepted it would mean the repeal of that Act. Now, even to a casual observer it would appear that this argument of the Honourable the Finance Member is absolutely groundless. The scope of this Bill is to amend the Court-fees Act of 1922 and the amendment in question does not want any thing more than the amendment of that Act. In fact, there are two things which are of very great importance in considering this point of order and I would draw the attention of this House to these two points. In the first place, it is the preamble which lays down the scope of a Bill and in the preamble to this Bill we find this :

"Whereas it is necessary to revise the scale of court-fees in the Punjab and to amend the Court-fees (Punjab Amendment) Act, 1922, it is hereby enacted as follows :—"

The words used in this preamble are wide enough to embrace any amendments that might be proposed in connection with the scale of fees to be levied on various plaints in different suits. There is no limitation with respect to the amount to which this Bill would be applicable and therefore so far as the preamble goes there is nothing to show that any limitations are placed upon the scope of the Bill so far as the amount involved in any plaint is concerned or the amount of court-fees payable on any suit is concerned. Then the second and much more important point is that in the Schedule itself as given on page 2 the scope of the Bill, as now defined to be by the Honourable the Finance Member, has been exceeded. In fact, as you would see, Sir, the provisions in the Schedule beginning at page 1 are :—"Plaint in certain cases. 6 annas ; plaint in certain other cases. ditto." Then we find another statement. It is rather important and, with your permission, I would read the nature of the plaint in this case. It is to be found at the top of page 2 and runs thus :—

"When such amount or value exceeds one hundred rupees but does not exceed five hundred rupees, for every ten rupees or part thereof in excess of one hundred rupees up to five hundred rupees. Twelve annas."

If the scope of the Bill were, as the Learned Finance Member claims it to be, limited to five hundred rupees, there would have been nothing after this in the Schedule which has been printed on page 2. The next item on page 2 runs as follows : "When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof, up to one thousand rupees. One rupee two annas." It would have been absolutely unnecessary if the scope of this Bill were only to be confined to Rs. 500. This Rs. 1/2 would have been wiped out and Rs. 7/8 would have been absolutely unnecessary. There would have been no mention of Rs. 15 and there would have been no need to say Rs. 22-8-0 or Rs. 80. Just to illustrate my point

[Dr. Gokul Chand Narang.]

and to show that the scope of the Bill is absolutely unlimited, I would read the last passage in this schedule :

"When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees.....Thirty rupees."

This clearly shows that this schedule covers the whole range of claims which may be filed in different suits up to an unlimited amount which any person may claim in any suit that he may file in any court of law. In fact, Sir, you will see that the figures Rs. 1-2-0 and the subsequent figures appear in the old amending Act of 1922 and it would not have been necessary to reproduce these figures in the same form as they exist under the Act of 1922. Either this is an absolute blunder made by persons who drafted this Bill or it means that the scope of this Bill is entirely unlimited. I would submit that both from the preamble and from the figures given in the schedule it is perfectly clear that the scope of the Bill is unlimited and that the total range of court-fees which are leviable under this Bill, if it is passed into law are fit subject matters of amendment.

The Honourable Sir John Maynard : May I say a word by way of reply to the argument of Dr. Gokul Chand Narang ?

Mr. President : This is not a motion with regard to which the honourable member has a right of reply. However, I call upon him to further express his views on the point under discussion.

The Honourable Sir John Maynard : I will say only a few words by way of meeting the argument put forward by Dr. Gokul Chand Narang. It is interesting to note that this Bill has provoked so much enthusiasm as to get back into the Council the members who so recently deserted it.....

Dr. Gokul Chand Narang : On a point of personal explanation, Sir. It is absolutely necessary in my interest to say a word which I ought to have said by way of preamble to my speech, but which I would like to say now that the Honourable the Finance Member has given me an opportunity to do so. When we went out of the House we kept a reservation that we would be at liberty to attend this House whenever our presence was necessary in the interests of justice and fair play. I submit that this is one of those occasions in which not only the ordinary justice but the justice as is administered in courts is at stake and that is the reason for our coming to the council to-day.

The Honourable Sir John Maynard : At all events my satisfaction remains in that the Bill has brought back the enemies of the Council (laughter) to friendly co-operation, if I may say so.

In the first place I must repeat what I said on the subject of the preamble. It has been overlooked that the effect of this amendment is to repeal the Court-fees Amendment Act of 1922. Therefore it is not a mere amendment, but it is something more than an amendment which is proposed.

In the second place I wish to deal with the question which Dr. Gokul Chand Narang raised in regard to the schedule as it now stands. I should explain that there is absolutely no change in the rates charged on any of the cases of Rs. 500 and above. The reason for specifying any other item in the schedule was a matter of convenience. I very carefully discussed with my legal advisers the method by which we can best bring home to the public the actual intention of the Bill so that there may be no misunderstanding about it. In the first place it was rather a difficult piece of drafting to make it perfectly plain that the change we are making in the rates of court-fees in suits of Rs. 500 and less will not be applicable to the first five hundred rupees of the amount of cases of larger value. For that reason and purely for the convenience of the public that they may exactly understand what the Bill means we specified the remainder of the items. Therefore there is no such re-opening of the whole question as Dr. Gokul Chand Narang represented.

Mr. President : I think the amendment is not beyond the scope of the Bill. Therefore, I call upon Lala Mohan Lal to proceed with his speech.

Lala Mohan Lal : Sir, we were discussing yesterday the question of the reduction of taxation and we also discussed whether the court-fees and stamp duties should be reduced or not. The sense of the majority of the non-official members was that these taxes should be reduced. All that I have done now is that in accordance with the wishes of the majority, I have proposed the substitution of a schedule in place of the one proposed by Government now. It is true that the effect of the substitution I suggest would be that the courts-fees will be reduced to the old level which existed before the passing of the Court-fees Amendment Act of 1922. The amendment I suggest is however very important and I therefore commend it for the acceptance of the Council, as it will give relief to a large number of population.

Mr. President : Clause under consideration, amendment moved :—

"That the following clause be substituted for the existing clause 2:—

"For section 5 of the Court-fees (Punjab Amendment) Act, 1922 (hereinafter referred to as the said Act) the following section shall be substituted, namely:—

Substitution of a new section for section 5 of the Court-fees Punjab Amendment Act, 1922.

Amendments of Article 1 of Schedule I of the Court-fees Act of 1870.

"5. For Article I of Schedule I the following Article shall be substituted namely :—

Number.		Proper fee.
1. Plaint (A) or memorandum of appeal (B) [not otherwise provided for (c) in this Act], presented to any Civil or Revenue Court, except those mentioned in section 3.	When the amount or value of the subject matter in dispute does not exceed five rupees	Six annas.
	When such amount or value exceeds five rupees. For every five rupees or part thereof in excess of five rupees, up to one hundred rupees	Six annas.
	When such amount or value exceeds one hundred rupees. For every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees	Twelve annas.
	When such amount or value exceeds one thousand rupees. For every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees	Five rupees.
	When such amount or value exceeds five thousand rupees. For every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees	Ten rupees.
	When such amount or value exceeds ten thousand rupees. For every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees	Fifteen rupees.
	When such amount or value exceeds twenty thousand rupees. For every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees	Twenty rupees.
	When such amount or value exceeds thirty thousand rupees. For every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees	Twenty rupees.
	When such amount or value exceeds fifty thousand rupees. For every five thousand rupees, or part thereof, in excess of fifty thousand rupees	Twenty-five rupees.
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees."	

The question is that that amendment be adopted.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, we discussed this question of taxation at rather some length yesterday and we gave the Government a very distinct understanding of the lines which we wanted the Government to follow in regard to taxation. I suppose if I do not support this amendment after the remarks I made in the last discussion I should be considered rather inconsistent. But I feel it is wrong to bring this amendment in. I am myself willing to accept the assurance given by the Honourable the Finance Member yesterday that the question of further reduction of taxation will be taken up later and I believe that Government will abolish all the taxes that we have been grumbling about whenever they can. If we put this amendment now I think it is very likely that Government will not proceed with the Bill at all and we will get nothing. So after the assurance given by the Honourable the Finance Member that we will get relief in the matter of taxation to the extent we want provided the finances of the province continue as rosy as they are to-day, I cannot support the amendment.

Pandit Nanak Chand (Hoshiarpur (Non-Muhammdan) Rural): Sir, I whole-heartedly support the amendment which has been moved by Lala Mohan Lal. In fact the speeches that were delivered here some days ago with regard to the remission of taxation showed that the zamindar section of the population feel the burden of this heavy taxation of court-fees very heavily. In fact, perhaps it is this country alone which sells justice at such a dear price. There is no country where justice is sold so dearly. The first principle of civilised Government should be to make justice as cheap as possible so that the poor may easily seek justice whenever they need it.

Now, Sir, this amending Act of 1922 was passed to meet certain emergency. There was a heavy deficit in the budget. Government tried to meet it by retrenchment in every direction and after every kind of retrenchment had been made, still there was a deficit and in order to meet this extra deficit which could not have been met otherwise Government decided to amend the court-fees Act and accordingly increased the court-fees to the extent to which the Amending Act did in 1922. Now, fortunately for the province the financial state of this province is very good and there is a surplus. I therefore submit that this is a fit and just occasion when this extra taxation which was levied for a temporary purpose should be removed. Now, take the case of a poor man who goes into a court and files a suit for the recovery of Rs. 100. He has to pay a court-fee of Rs. 11-4-0 in the first court. Then in the second court he has to pay the same amount of money, then he has to pay again in the court of revision or second appeal. Where there is a fourth appeal, Letters Patent Appeal, there is also a certain sum to be paid by way of court-fees. It must not be forgotten that this taxation does not fall upon the creditor but falls always upon the debtor against whom a decree is passed. The result of all this is that it is the poor man who is really in need of relief that is affected. Government is misled by the fact that there has been no decrease in litigation. Government is entirely wrong there. In the last year on account of the operation of the Limitation Act and as many suits were to expire, people everywhere filed those suits from the month of March upto the month of June. Now if the Government were to institute an enquiry it will find that there is considerable fall in litigation due to this prohibitory taxation in the shape of court-fees. Therefore

[Pandit Nanak Chand.]

my submission is that the relief which the Government wishes at this time to give to the people is very little. It only extends up to Rs. 500. If the Government is really anxious to relieve the burden which falls on those people who seek justice, then it should take this opportunity of substituting the old rates which existed before this amending Act was passed. In the neighbouring province, the United Provinces a Bill was passed for three years and now there is no more taxation of this kind. Similarly when the finances in this province have reached the normal stage, when we are showing a good surplus there is absolutely no reason why this amendment which has been moved by my friend Lala Mohan Lal should not be accepted. It is necessary in the interests of justice, it is necessary to make the Government popular, it is necessary to give protection to the poor that this amendment should be accepted by the Government with good grace.

4 P.M.

Now, Sir, my honourable friend Mr. Gray has almost suggested to the Honourable the Finance Member that if this amendment is passed, he might withdraw his bill altogether and that he might not move that it be passed into law. If the Government is so indifferent to the interest of the people, then it has every right to adopt that sort of procedure. I submit that it would not be in the interests of justice, equity and fair-play for the Government to adopt a procedure of this kind.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, I had no intention of taking part in the debate that has been just raised. But it relates to the taxation problem in which I have been very greatly interested. My honourable friend Pandit Nanak Chand has raised two or three questions, of justice equity and fair-play and other things; but the main problem before us when we have a certain amount of surplus is that we have to distribute it in the most equitable manner possible. Our object was to relieve the poor man who had to go to court and to reduce court-fees in that respect. In another respect we thought that fodder was required for our cattle and we reduced water rate on the fodder also. Only to-day my honourable friend Dr. Narang asked a string of questions regarding the milk supply of the province. The milk supply of the province depends on fodder reserves. The question before the House is whether they want remission in the matter of court-fees or whether they want remission in the matter of water rate on fodder crops. It is for the House to decide which they will have. They cannot have it both ways. You have this limited amount available. This limited amount has been distributed in the most equitable manner and if I may say so it seems to me that court-fees, which is an indirect tax, a tax on transactions only affects the people who go to courts. It is not a kind of tax which should engage the House when the question of remission ought to be considered. In the matter of remission, the House has to consider the general taxes which would give relief to the whole of the population. In the matter of fodder, it can be said that in cheapening the water rates, we have tried to reach down to a large number of people whom the court-fees do not affect. Under these conditions, is the mover of the amendment or those who support him quite reasonable in expecting that their amendments should be accepted and what was refused the other day should be acceded to to-day and that too when

they have passed grants on which Government could draw if they have to accede to their requests? You have sanctioned to-day almost all the demands that were put before you. Money, you have spent and after spending the money, you bring in an amendment and say: "Well, reduce this also". Where is the money to come from for making this reduction? As has been pointed out by Mr. Gray and as has been remarked the other day by the Honourable the Finance Member the door is not shut, the time before you is not long when the question might again come up for consideration. Even then when the question comes up for consideration, I should like the House to consider whether it should like to have remission of taxation like the court-fees or some other tax which affects the whole population. I would ask the honourable member to reconsider his decision and to withdraw his amendment.

Khan Bahadur Shalkh Abdul Qadir [West Punjab Towns (Muhammadan) Urban] (Urdu): Sir, I should have liked to support the amendment moved by my honourable friend, for it aimed at reducing taxation. But I regret, that I cannot support it and for that my reasons are the same as given by my honourable friend Mr. Gray. Sir, in practice we cannot always look to the ideal on which the reduction in taxation should be based. We have to consider the whole situation and see how far the Government can reasonably make a reduction at present. My honourable friend the mover of the amendment and his supporters should look not only to the difficulties of the Government but also to the views of other sections of the House on the subject. The trend of the speeches which have been delivered here to-day and yesterday, show that there are members who think that it is a mistake to make any reduction in court-fees and who want to have larger remission in *abiana*. The Government have proposed a remission of 8 lakhs in the *abiana* on fodder and of 9 lakhs in court-fees. This shows that all interests have been treated alike. It is the duty of the Government as well as of us all to support the just claims of the various communities. We should act on the principle of give and take. Some of our honourable friends earnestly desire that *abiana* should be abolished altogether but others cannot see their way to help them in the matter. I am sure, that under such circumstances, the amendment under consideration cannot serve any useful purpose. Therefore, I would request the House to reject the amendment and to wait for another occasion if they wish to see a larger reduction effected in court-fees.

Rai Bahadur Sir Gopal Das Bhandari (Non-official, Nominated): Sir, technically we are quite within our province to say that the amendment can be pressed and I think honourable members present here are certainly within their right that this amendment should not be limited only to Rs. 500 but should go to a larger amount. I have always been of opinion that court-fee should be restored to what it originally was but to press it at the present moment under technical objection is not right. We know perfectly well that sometimes there are technical objections, but we should not overlook the expediency. I therefore say and say with emphasis that we should not take advantage of an error committed. As there is already a ruling of the President on the point, we should not embarrass the Government

[R. B. Sir Gopal Das Bhandari.]

on this point. We have a right to come again to this council with an amending Act to the effect that provisions of the original court-fees Act be restored again. That is still within our power. Now it is clear that if this amendment is pressed and is passed there will certainly be a reduction in the amount. Quite true, it has been said with great force, let there be remission of taxation under this Act and that that remission can be met out of the surplus. I beg to submit that this is not a proper and just answer. The surplus is intended for many other purposes. The Government had no mind to utilise it save for beneficent purposes. If this amendment is passed, the hands of the Government will be necessarily tied. My honourable friend said, let the income be reduced, what does it matter? If this suggestion is adopted, how can the Government carry on the administration? I therefore think that the proper course for the Council would be not to take advantage of this technical objection but to allow the amendment to be withdrawn with liberty to bring in an amending bill next time with a view to restore the rate of original court-fees.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, it has been very often remarked that the question of zamindars and non-zamindars is unnecessarily introduced in the Council on every occasion. The Honourable the Minister for Agriculture has remarked that *abiana* on fodder crops has been reduced and a remission is made in court-fees. Sir, in my opinion the remission in court-fees is much more beneficial to zamindars than non-zamindars. When the money-lenders obtain decrees from the courts, the costs of suits are borne by the poor zamindars whose poverty is too well-known to require repetition. Really it is the duty of the Government to look to the welfare of every section of its subjects. They should receive justice at the hands of the Government. Justice should be cheap. The idea of making profits or deriving income should not affect justice in any way. Sir, if there be a deficit budget there can be a justification for levying taxes but where there is surplus budget we are at a loss to understand why the Government should not be prepared to make remission in court-fees, so that every body may easily obtain justice. I thought that remission in court-fees was equally beneficial to all interests and as such no hitch will be placed in the way of remitting court-fees. Nor could I think that this question would be considered in the light that remission in *abiana* on fodder would benefit the rural people and remission in court-fees would be beneficial to the urban people. Under these circumstances I cannot but conclude that the atmosphere of this House is such that these questions do arise. I was surprised when my honourable friend Shaikh Abdul Qadir expressed his inability to support the amendment. He is a lawyer. He had been a Judge of the High Court of Judicature at Lahore but all the same he could not see his way to support the amendment under consideration. For the last three years the people had been paying enhanced court-fees. I admit that there has been a considerable decrease in the number of suits instituted in the courts of law, but it is due to the fact that the people cannot afford to pay the enhanced court-fees. The Government cannot be proud of such a state of affairs. They should reduce the court-fees so that the people may easily obtain justice. The fact that

the Government is devoting attention to the fodder question in order to ameliorate the condition of the cattle, needs no praise. It would certainly improve the economical conditions of the province. With these words I support the amendment under consideration and request the House that remission in court-fees should first be made, and then any other question may be taken into consideration.

Chaudhri Sahib Dad Khan [Gurgaon-cum-Hissar (Muhammadian) Rural] (Urdu): Sir, I cannot support the views expressed by Rana Sahib. The number of suits has considerably decreased owing to the enhanced court-fees. The zamindars have gained by that in the long run. If no remission in court-fees be made at all it would be all the more beneficial to the zamindars. The money-lenders used to make false entries in their *bahis* but the enhanced court-fees have, to some extent, prevented them from doing that, owing to the enhanced court-fees they also charge small rate of interest. I therefore oppose the amendment.

Chaudhri Ram Singh [Kangra (Non-Mohammadian) Rural (Urdu): Sir, the *abiana* has been a nuisance in the Punjab. It is better that it is either abolished altogether or a limit is fixed which should not be exceeded in any case. I am surprised to see that even those questions which are equally beneficial to all communities are often opposed in this Council. The owner of canal lands have every advantage here but no body cares for the owners of *barani* lands. It seems that this Council is solely meant for the owners of the canal lands. The owners of *barani* lands have no voice here. Again the Council is bitterly against the interests of the money-lending class. The House leaves no stone unturned to crush the interests of the money-lenders. I would request the Council that the question of *abiana* should not be raised every now and then. I whole-heartedly support the amendment under consideration for, I think that it would specially benefit the zamindar public.

Chaudhri Duli Chand [Karnal (Non-Muhammadian) Rural] (Urdu): Sir, about a year ago a resolution was moved in the Council asking for the abolition of enhanced *abiana*. The attitude of the Government was also favourable at the time. A so-called representative of zamindars moved an amendment to the effect that only the *abiana* on lands which the Ambala division should be abolished and not elsewhere. In this way our position was rendered awkward as we zamindars could not decide whether we should support or oppose the amendment. Likewise the amendment before us to-day stands on the same footing. If we oppose it we are placed in an awkward position. If we carry it, it is most probable that the Bill may be withdrawn and thus the zamindars will not gain a remission of 9 lakhs. But if the Bill is passed into law without substantial amendments it would greatly benefit the zamindars. Consequently the Government has introduced this Punjab Court-fees Amendment Bill. If it is passed the zamindars would gain 9 lakhs of rupees. Now the question arises why none of the zamindar members of the House has moved an amendment to the Bill under consideration. The reasons why it has not been done is that they were afraid lest the Bill should be withdrawn. Sir, I have a great regard for the honourable the mover of the

[Chaudhri Duli Chand.]

amendment, but if it is carried we are sure to suffer a loss of 9 lakhs of rupees. I think these tactics are employed to render our position awkward. Therefore I would request the House to reject this amendment.

Malik Firoz Khan Noon [Shahpur East (Muhammadan) Rural]: Sir the sudden manner in which the honourable member has brought forward this important motion has created a very serious difficulty for the House, because we have had no time to consider the consequences of an amendment of that nature and we are called upon to decide within a few minutes as to whether we are to support that motion or to oppose it. Sir, if an amendment of that nature were passed, there could be only two results. First, that Government may accept it, and, secondly, that Government may not accept it. If Government accept that amendment it means that Government have accepted a reduction of taxation to the extent of 25 lakhs. They have already said that the farthest limit to which they can go is 17 lakhs. Supposing for a moment that they are agreeable to reduce even 25 lakhs, what will be the result? If we support an amendment of that nature, Government will say that that is an amendment supported by all parts of the House and they will be justified in giving no relief in *abiana*. That will be quite a legitimate position, to be taken up by Government. That may be the result of the acceptance of the amendment. Supposing, Sir, the Government do not accept the amendment. They might say: all right, the House has been unreasonable in trying to force a thing which we are unable to do, we do not want the Bill to be passed. Supposing for a moment that that situation arises. What will be the result of that? That will mean that probably the remission of taxation which they are proposing to give us in water rate and court-fees will be held up together. It is reasonable to expect that both these remissions go hand in hand. Government have to their best intention tried to give relief to all sections of the public and I think that remission was fairly distributed. If the honourable member wanted to bring about such a sudden change he should have thought of it earlier and consulted other members of the House with regard to his proposals. Therefore I would request him not to press this amendment and wait for some more suitable time when he can consult other members and try and consult the interests of all the parties concerned.

Sardar Randhir Singh, Kalaswala [Sialkot-cum-Gurdaspur (Sikh) Rural] (Urdu): Sir, I am not at one with my honourable friend Malik Firoz Khan, Noon, but I agree with the honourable members on the other side of the House. We should try to get back as much as we can from the Government by way of remission in taxation. The remission of 25 lakhs would benefit all people whether they are rural or urban, agriculturists or non-agriculturists, owners of canal or *barani* lands. I support the amendment because I think that if it is carried the Government would withdraw the Bill under consideration and the result would be that as the Government has already committed itself to remit 25 lakhs in taxation, it would have to remit 17 lakhs in *abiana*.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban]: Sir, everybody seems to be thinking either from the point of view of town people or from the point of the agriculturists, but nobody seems to be thinking

from the moral point of view. There must be a limit for the sale of justice. In other civilised countries you find that justice is not sold in the way it is done in this country. You will find that court-fee is not so heavy in England as it is in this country. What is the reason? Why is court-fee in England, in Germany, France and in other countries not so high? We complain that Banias charge very heavy interest, but here we find Government out-doing a Bania.

At this stage the Council adjourned till 10-30 A.M. on Wednesday, the 30th June 1926.

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Wednesday, the 30th June 1926.

THE Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

LAMBARDARS, SUFEDPOSSES AND ZAILDARS.

3258. Sardar Gurbakhsh Singh : (a) Is the Government aware that lambardars, sufedposhes and zaildars in the Province are threatened by the interested Government officers not to appear as defence witnesses in criminal cases in general and in cases under Sec. 110, Criminal Procedure Code, in particular, and that circulars to that effect have already been issued in some districts? If so, will the Government please state whether this has been done under its authority and instructions; if so, will the Government please lay on the table such orders or instructions?

(b) Is the Government aware that several lambardars have been suspended and dismissed for appearing as defence witnesses in such cases? If so, will it please give the number of all such lambardars in each district who have been so punished during the last three years and state further as to whether it proposes to consider the desirability of reinstating them?

The Honourable Sir John Maynard : (a) There are no such orders or instructions as are suggested. It is part of the duty of rural officials to assist in the repression of crime; and if a rural official were found to be supporting a bad character in any way, he would probably be called to account.

(b) Government does not think it necessary to make the enquiries here suggested.

HABITUAL OFFENDERS RESTRICTION ACT OF 1918.

3259. Sardar Gurbakhsh Singh : (a) Will the Government please give the number of persons per district restricted under the Habitual Offenders Restriction Act of 1918 for the years 1923, 1924 and 1925, and the number of cases against lambardars and chankidars for not reporting the absence of such persons from the village during the same period?

(b) Is the Government aware that a large number of persons so restricted annoy and trouble the lambardars of their respective villages and that the provision is causing great hardship to lambardars? If so, will the Government please state whether it intends to do anything to relieve the lambardars of this hardship?

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

SUB-DIVISIONAL OFFICER, KAITHAL.

3260. Rana Firoz-ud-Din Khan : (a) Is the Government aware that on or about 24th March 1926 the Sub-Divisional Officer, Kaithal, seeing two Muhammadans carrying cows for slaughter, sent them to the police in order to be challaned, in spite of their protests that the cows were their own property, in consequence of which they were unnecessarily put to a lot of trouble ?

(b) Is it a fact that the cows were found to belong to them and they were not prosecuted ?

(c) Has the Government received any representation from the Muhammadans of Kaithal about this affair along with other grievances ? If so, what action has been taken thereon ?

The Honourable Sir John Maynard : (a) The Sub-Divisional Officer, Kaithal, while riding with his Tahsildar through the jungle saw two Muhammadans driving two cows. Suspecting that the cows were stolen property he questioned the drivers as to where they were taking the cows. Their contradictory replies and the presence of a butcher near-by strengthened his suspicions and he sent them to the police for necessary enquiries. The police made enquiries and reported that the cows were not stolen property, and that they belonged to the two Muhammadans who were driving them. Thereupon the Sub-Divisional Officer filed the case.

(b) Yes.

(c) The Commissioner received a representation from the Muhammadans of Kaithal. The Deputy Commissioner is making enquiries.

KAITHAL OFFICERS.

3261. Rana Firoz-ud-Din Khan : (a) Has the attention of Government been drawn to the articles which appeared in the *Muslim Outlook* of 19th March 1926 and 17th April 1926 under the heading "Kaithal Officers" ?

(b) Is it a fact that the transfer of the officers referred to therein and especially the Sub-Divisional Officer, has long been overdue ?

(c) Is the Government aware that there is a strong agitation against these officers among one section of the community ?

(d) Has the Government received any representation from the Muhammadans of Kaithal complaining against some of these officers ?

(e) Will the Government be pleased to state if there are some special reasons for keeping these officers at Kaithal for such a long time ?

The Honourable Sir John Maynard : (a) Yes.

(b) & (c) There is no rule limiting the stay of an officer in a place to a particular period. Administrative efficiency and convenience alone are the deciding factors in such cases.

(d) No.

(e) No.

M. ABDUL HAKIM, *ex-Municipal Clerk, Jhelum.*

3262. Rana Firoz-ud-Din Khan : (a) Will the Government be pleased to state whether it is a fact—

- (a) that M. Abdul Hakim, *ex-Municipal clerk, Jhelum*, was dismissed by the Jhelum Municipal Committee without any charge being framed by the Committee, the authorized body, nor any charge sheet being communicated to him ;
- (b) that a majority of the Municipal Committee members, Jhelum, made a representation to Government on 9th January 1924 with a resolution duly approved by the Senior Vice-President (Acting President) praying for his reinstatement, as no charges were framed by the Committee ;
- (c) that the Punjab Government decided to enquire into the said clerk's appeal ;
- (d) that the Jhelum citizens also sent a memorial to the Hon'ble Education Minister praying that the grave injustice done to the clerk (M. Abdul Hakim) in the matter of his dismissal may be rectified ?

(ii) If the replies to the above are in the affirmative, will the Government be pleased to call for a detailed report from the Jhelum Municipal Committee on the subject ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has no definite information, but it appears that he was dismissed without being called upon for an explanation.

(b) No.

(c) The Commissioner was informed that a decision of the appeal on its merits or the holding of a proper enquiry by the municipal committee would be an equitable way of dealing with the case.

(d) Yes.

(ii) Government have already asked that the decision of the municipal committee should be forwarded for information.

ALLEGED ILLEGAL DETENTION OF CHARAN SINGH.

3263. Sardar Jodh Singh : (a) Is it a fact that one Charan Singh, son of Megh Raj, of village Majaht, district Campbellpore, was convicted by the Special Magistrate at Bhai Phera on 25th June 1924 to one day's imprisonment ?

(b) Is it a fact that instead of one day he was kept in jail up to 12th April 1926 in Campbellpore and Rawalpindi jails ?

(c) If the answers to the above questions be in the affirmative, will the Government be pleased to state what steps it proposes to take against those officers who were responsible for his illegal detention ?

(d) Does the Government propose to pay suitable compensation to Charan Singh for the suffering that he had to undergo ?

The Honourable Sir John Maynard : (a) No. This man was sentenced to 2 years' rigorous imprisonment.

(b) This is probable since he received a sentence of 2 years' imprisonment.

(c) & (d) Do not arise.

COMMUNAL REPRESENTATION AMONG OFFICERS IN MULTAN DIVISION.

3264. Rai Bahadur Lala Sewak Ram : Is the Government aware that there is a great preponderance of Musalman officers in almost every department in every district of the Multan division? If so, does Government propose to arrange for a redistribution of the officers in the division in such a way that Hindus may have a proportionate share in the number of posts in the division?

Mr. J. M. Dunnett : Government has no reason to suppose that Hindus hold an inadequate share of posts in the Multan division.

SYSTEM OF APPOINTING CONTRACTORS FOR SUPPLIES AT REST-HOUSES.

3265. Rai Bahadur Lala Sewak Ram : Is the Government aware that there is a general complaint that the system of appointing contractors for supplies at rest houses is not satisfactory and that the zaildars and lambardars have not yet been relieved of the duty of making supplies to officers on tour? Does Government contemplate taking any steps so as to free the zaildars and lambardars completely from the necessity of making the supplies?

The Honourable Mian Sir Fazl-i-Husain : No, but if the honourable member has information of any case or cases in which the intentions of Government in the matter of the provision of supplies is not being complied with and is good enough to send definite information to Government, necessary steps will be taken to ensure compliance with the orders of Government.

ESTABLISHMENT OF A SUB-TAHASIL AT GARH MAHARAJA.

3266. Rai Bahadur Lala Sewak Ram : Is the Government aware that Garh Maharaja and Ahmedpur Sial in the Jhang district are at a great distance and very inconveniently situated from the district headquarters? Did Government at any time propose to establish a sub-tahsil at Garh Maharaja? If so, what steps has Government taken in the matter?

The Honourable Mian Sir Fazl-i-Husain : (1) Garh Maharaja and Ahmedpur Sial are situated at distances of 48 and 58 miles, respectively, from the headquarters of the Jhang district. It does not appear that they are more inconveniently situated with respect to district headquarters than are many other towns or villages of the same size as these two towns.

(2) No.

(3) Does not arise.

JINSI BATAI SYSTEM.

3267. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state what steps have been so far taken to abolish the *Jinsi Batai* system in the Dera Ghazi Khan district ?

The Honourable Mian Sir Fazl-i-Husain : An undertaking was given in March 1925 that the system of *Jinsi Batai* in the Dera Ghazi Khan district would be abolished within five years from that date. Government still holds to that undertaking.

INSPECTOR OF SCHOOLS, MULTAN DIVISION.

3268. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state for how many years has the post of Inspector of Schools, Multan Division, been held continuously by Musalman Inspectors ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Six-and-a-half years.

COMMUNAL REPRESENTATION AMONG DISTRICT AND ASSISTANT DISTRICT INSPECTORS OF SCHOOLS, DERA GHAZI KHAN DISTRICT.

3269. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state to what community do the District Inspectors of Schools and all Assistant District Inspectors in the Dera Ghazi Khan district belong ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The honourable member is referred to the general answer given to Council Questions Nos. 1961—1975.*

WATER RATE IN THE ALIPUR TAHSIL.

3270. Rai Bahadur Lala Sewak Ram : Does the Government propose to enhance the water rate in the Alipur tahsil of the Muzaffargarh district ? If so, will Government be pleased to state the reasons for the enhancement ?

The Honourable Mian Sir Fazl-i-Husain : Yes. There is a proposal to enhance the water rate in the Alipur tahsil of the Muzaffargarh district, but the proposal is to be examined in Committee on the return of Mr. J. D. Anderson, I.C.S., Settlement Officer, in October as outlined in the reply given to question No. 3086.†

STEAMER SERVICE OVER THE INDUS AT MITHANKOT.

3271. Rai Bahadur Lala Sewak Ram : Does Government contemplate establishing steamer service over the Indus river at Mithankot during the flood season ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

* Vol. VIII-B, pages 1167—81 and page cxi, Appendix VIII.

† Vol. IX-A, page 838.

HOLDING OF COURTS BY HONORARY MAGISTRATES IN CAMP.

3272. Rai Bahadur Lala Sewak Ram : Is the Government aware that First class honorary magistrates in the Dera Ghazi Khan district hold their courts in camp while they are touring from place to place? If so, has the attention of the Government been drawn to the inconvenience caused to the public by this practice on the part of the honorary magistrates? If so, does Government contemplate taking any action in the matter for the sake of public convenience?

The Honourable Sir John Maynard : First class honorary magistrates in the Dera Ghazi Khan district occasionally hear cases in camp, Government is not aware that inconvenience to the public is caused thereby, and contemplate no action in the matter.

PROFESSIONAL TAX.

3273. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if the district boards have introduced the professional tax among the *kamins* such as *lohars*, *tirkhans*, *dhobis*, *kumhars*, etc.?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Profession tax has been imposed only by four district boards, *viz.*, Rohtak, Ferozepore, Lahore and Jhang. In Ferozepore the tax is leviable on all four classes of *kamins* mentioned in the question; while in the other three districts only *lohars* and *tarkhans* are liable to pay the tax.

Rai Bahadur Lala Sewak Ram : Will Government be pleased to instruct district boards that all *kamins* be exempted from professional tax?

The Honourable Rai Sahib Chaudhri Chhotu Ram : No.

PETITION-WRITERS.

3274. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if the petition-writers who are non-officials are transferred by some District and Sessions Judges from one place to another?

The Honourable Sir John Maynard : Yes. The attention of the honourable member is invited to Rule XVI, Chapter I, Rules and Orders of the High Court, Volume III, under which District Judges are authorised to make transfers of petition-writers within their respective jurisdiction.

TELEGRAPH OFFICE AT AHMADPUR SIAL.

3275. Rai Bahadur Lala Sewak Ram : Has Government received any representation regarding the inconvenience caused to the public for want of a telegraph office at Ahmadpur Sial? Has Government taken any steps, and if not, does it propose to take any, to establish a telegraph office there?

The Honourable Mian Sir Fazl-i-Husain : (a) No.

(b) Does not arise.

ADDITIONAL SUB-JUDGE FOR THE MUZAFFARGARH DISTRICT.

3276. Rai Bahadur Lala Sewak Ram : Is it a fact that there is only one Sub-Judge posted at the headquarters of the Muzaffargarh district? Does Government contemplate appointing one more Sub-Judge there at an early date?

Mr. J. M. Dunnett : No. There are already two Sub-Judges at the headquarters of the Muzaffargarh District and the Honourable Judges of the High Court propose to send another Sub-Judge there by the middle of July.

CANAL ADVISORY COMMITTEE MEETINGS IN THE MULTAN DIVISION.

3277. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if steps have been taken to hold the canal advisory committee meetings regularly once in two months in every irrigation division in all the districts of the Multan division?

The Honourable Mian Sir Fazl-i-Husain : No. Government has accepted the advice of the Canals Standing Committee who decided on the 4th February 1926, that the existing rule of holding meetings of the District Canals Committee, once in three months, was adequate, and who recommended that, when necessary, meetings may be held oftener than once in three months. Government has issued instructions accordingly.

DEFALCATIONS OF FEES ACCOUNTS IN THE GOVERNMENT HIGH SCHOOL, LUDHIANA.

3278. Lala Mohan Lal : (a) Will the Government be pleased to state—

(a) if it is a fact that there have been defalcations of fees accounts in the Government High School, Ludhiana, standing over several years;

(b) that the school clerk has been challaned in court?

(c) If the replies to the above be in the affirmative, will Government kindly state if the fees accounts were not checked for so many years by the Divisional Inspector of Schools?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has received reports of alleged defalcations which are at present the subject of judicial enquiry.

(b) Yes.

(c) Information has not been received to enable Government to answer this part of the question.

DISTRICT AND ASSISTANT DISTRICT INSPECTORS OF SCHOOLS IN THE JULLUNDUR DIVISION.

3279. Lala Mohan Lal : Will Government kindly lay on the table a statement showing how many District and Assistant District Inspectors of Schools in the Jullundur Division were Hindus, Mahammadans and Sikhs, respectively, on the 31st March 1918 and on 31st March 1928?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The honourable member is referred to the general answer given to Council Questions Nos. 1961—1975.*

NUMBER OF HIGH SCHOOLS IN THE PROVINCE.

3280. Lala Mohan Lal: (a) Will Government please lay on the table the number of high schools maintained in the Province by Mission Societies, Muslims, Sikhs, Aryas and Sanatanists, respectively, on the 31st March 1926?

(b) How many high schools of each of the communities mentioned in (a) were on the list of recognised high schools in the Jullundur division on 31st March 1918 and how many on 31st March 1926?

(c) How many high schools of each of the communities mentioned in (a) were on the list of aided schools in the Jullundur division on 31st March 1918 and on 31st March 1926?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The information is being collected and will be communicated to the honourable member when ready.

ABIANA IN THE BARI DOAB CANAL DIVISION I.

3281. Chaudhri Ram Singh: (i) Will Government be pleased to state if it is a fact—

(a) that in the Bari Doab Canal Division I, the size of mogas has been reduced from 12 *nals* to 2 *nals*;

(b) that the rate of *abiana* has been increased from Rs. 5 per acre to Rs. 6-4-0 per acre on all crops except sugarcane;

(c) that the *abiana* on sugarcane has been increased from Rs. 6 per acre to Rs. 7-8-0 per acre?

(ii) If the answers to the above be in the affirmative, will Government please state whether they propose to increase the supply of water and decrease the rates of *abiana*?

The Honourable Mian Sir Fazl-i-Husain: (i) (a) No.

(b) No.

(c) According to Schedule of Occupiers' Rates in force, applicable to Upper Bari Doab Canal, the *abiana* (rate) for sugarcane on perennial and non-perennial channels is Rs. 12 and Rs. 10, respectively.

(ii) Does not arise.

PROFIT ON RESIN EXTRACTED FROM THE KANGRA SHAMILAT FORESTS.

3282. Chaudhri Ram Singh: (i) With reference to the answer to Question No. 2609, † asked on the 2nd March 1926, will Government be pleased to state the reasons for not distributing the profit on resin extracted

* Vol. VIII-B, pages 1167—81 and page cxli, Appendix VIII.

† Vol. IX-A, pages 277-78.

from the Kangra shamilat forests amongst the zamindars of the Kangra district as has been done in the case of profits on resin extracted from the Hoshiarpur shamilats?

(ii) Do Government propose to distribute the profit on resin extracted from the Kangra shamilat forests amongst the zamindars of the Kangra district?

The Honourable Mian Sir Fazl-i-Husain: (i) In the Hoshiarpur shamilat forests referred to recorded rights give zamindars a claim to profits on resin; this is not the case in the shamilat forests of the Kangra district.

(ii) No.

CHANGARWAN OUTLET.

3283. Chaudhri Ram Singh: Will Government be pleased to state if it is a fact that before the construction of Shah Nehr Mukerian the proprietors of lands in tahsil Nurpur, district Kangra, and tahsil Dasuha, district Hoshiarpur, used to irrigate their lands from the Changarwan outlet?

The Honourable Mian Sir Fazl-i-Husain: The Shah Nehr was constructed in the 24th year of the reign of Muhammad Shah Ghazi, King of Delhi (equivalent approximately to 1744 A.D.). In the circumstances it is regretted that accurate information as to the habits of the proprietors of the Nurpur and Dasuha tahsils prior to the construction of the Shah Nehr cannot be given.

INSPECTION OF CERTAIN CANALS BY THE TAHSILDARS OF DASUHA AND NURPUR.

3284. Chaudhri Ram Singh: Arising out of the answer given to Question No. 2972, * will Government be pleased to state whether the Deputy Commissioner interferes only in case the Tahsildars disagree and that he does not interfere in the matter even in case the proprietors make an objection although the Tahsildars may agree? If so, will Government be pleased to state what measures are taken for safeguarding the interests of proprietors in such a contingency?

The Honourable Mian Sir Fazl-i-Husain: If the intention of the honourable member is that a reply should be given as to practice, it is regretted that the only case on record in which the proprietors have moved the Deputy Commissioner to interfere, the district representatives being in agreement, is that referred to in the reply to Council Question No. 2972.* This single instance is not sufficient to justify any assumption as to practice. If on the other hand the honourable member requires information as to powers, the Deputy Commissioner, as the principal executive authority in his district, has power to interfere with the executive orders of his subordinates and would no doubt do so if he thought fit. In the circumstances the interests of the proprietors appear to be adequately protected and Government see no reason for further action in this matter.

BEGAR IN MUKERIAN, DISTRICT HOSHIARPUR.

3285. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the Naib-Tahsildar of Mukerian, district Hoshiarpur, makes the owners of water-mills give an undertaking in writing on stamped paper to the effect that they will supply *begar* and that *begar* is actually taken from them? If so, will Government be pleased to state whether this action of the Naib-Tahsildar contravenes the orders of Government on the subject?

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

CUTTING DOWN OF TREES BY THE SHAH NEHR MUKERIAN DEPARTMENT.

3286. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the Shah Nehr Mukerian Department is cutting down the trees of private proprietors of the adjoining villages and using the timber in the construction of Bund Khuajee in the Shah Nehr creek? If so, will Government be pleased to state the reason for the same?

The Honourable Mian Sir Fazl-i-Husain : The Manager of the Shah Nehr reports that he has issued no orders for the cutting of trees on the land of private proprietors, and that no proprietor has complained that any tree belonging to him has been cut. The insinuation contained in the first part of the question is unfounded, and the second part of the question therefore does not arise.

LUDHIANA, AJMERE, ETC., CANALS.

3287. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the Ludhiana, Ajmere, Dhade, Kotwal, Nusbairra and Soriana canals after irrigating the areas under their respective jurisdiction convey the surplus water into the Shah Nehr, and the water is not thus wasted?

The Honourable Mian Sir Fazl-i-Husain : The answer is in the negative. Water passing through the canals mentioned by the honourable member flows into the Bali channel, where it is used for irrigation, *bunds* being erected to retain it.

This surplus water causes waterlogging and is largely wasted. The Soriana canal is not at present working, but the other canals mentioned by the honourable member are working.

SHAH NEHR DEPARTMENT.

3288. Chaudhri Ram Singh : Will Government be pleased to state the amount realised by the Shah Nehr Department from the proprietors of *Pi-Sadi-Guzar* canals of tahsil Nurpur and tahsil Dasuha during the years 1901—25, and the amount spent each year for clearing the silt from the Changarwan outlet?

The Honourable Mian Sir Fazi-l-Husain : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

RIGHT OF PROPRIETORS OF PRIVATE CANALS IN DASUHA TO DIG OUTLETS.

3289. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the proprietors of private canals in tahsil Dasuha and tahsil Narpur possessed certain rights in the matter of digging an outlet for the irrigation of their lands? If so, will Government be pleased to state whether they possess the same rights now that they are paying 1 per cent. to the Shah Nehr Department?

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

BUNDS IN THE SHAH NEHR CREEK.

3290. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the owners of water-mills in Dasuha tahsil construct bunds in the Shah Nehr creek for the purpose of diverting water for running the water-mills, while the proprietors of private canals are not allowed to construct bunds for the purpose of diverting water into their canals? If so, what are the reasons for showing this special consideration to the owners of water-mills?

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

GRANT OF LANDS TO PEOPLE OF KANGRA DISTRICT.

3291. Chaudhri Ram Singh : (a) Will Government be pleased to state—

(a) the extent to which the Kangra district helped the Government in the matter of supplying recruits, etc., during the Great War;

(b) the number of Kangra people who were killed or wounded during the Great War;

(c) the position occupied by the Kangra district in the matter of war services to Government as compared with the other districts of the province;

(d) the extent to which the people of the Kangra district have been granted lands in the colonies as compared with the other districts of the province?

(e) If the people of the Kangra district have not been granted lands to the same extent as the people of other districts of the province do Government propose to make up the deficiency now?

The Honourable Mian Sir Fazl-i-Husain : (a) (a). The number of recruits supplied by the Kangra district was 11,506.

(b) The number killed was 513. Government has no information as to the number wounded.

(c) The selection of grantees of land in the canal colonies for services rendered in the Army rests with the military authorities. Government is not aware how many ex-soldiers of the Kangra district have been selected for grants.

(d) Does not arise.

LAHORE CONSPIRACY CASE.

3292. Sardar Jodh Singh : Will the Government please state how many prisoners out of those convicted in the Lahore Conspiracy Case of 1914-15 and the supplementary cases have been released up to this time? Does the Government propose to consider the advisability of rescinding the orders about the confiscation of their property and of those actually executed as a result of these cases, when now the law on that point has been changed?

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

FARIDABAD MUNICIPALITY.

3293. Chaudhri Sahib Dad Khan : Will the Government be pleased to state—

- (a) whether it is a fact that the members of the Faridabad municipality in the Gurgaon district have encroached upon nazul land ;
- (b) if so, what action, if any, has been taken against the said members ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PUBLIC PROSECUTORS AND GENERAL PROVIDENT FUND.

3294. Chaudhri Sahib Dad Khan : Will the Government be pleased to state—

- (a) whether it is a fact that the public prosecutors in the Punjab do not enjoy the right of subscribing to the General Provident Fund ; and
- (b) if so, whether the Government proposes to extend this right to them ?

The Honourable Sir John Maynard : (a) Yes.

(b) Public prosecutors are not Government servants. Although they are now getting a consolidated salary per month instead of fees for individual cases, they are appointed for limited periods only and are allowed private practice, subject to certain conditions. In the circumstances Government sees no good reason to extend the right to them.

GHYUR MUHAMMAD, HEAD CONSTABLE OF HISSAR POLICE.

3295. Chaudhri Sahib Dad Khan : (i) Will the Government be pleased to state—

- (a) whether it is a fact that one Ghaur Muhammad, head constable of Hissar police, was prosecuted under section 884, Indian Penal Code ;
- (b) whether the said head constable was acquitted on appeal but was departmentally dismissed ;
- (c) whether it is a fact that Lala Wagar Mal and Pandit Hans Raj, Sub-Inspectors, were convicted first but acquitted on appeal.

and no action was taken against the said Sub-Inspectors departmentally ; and

- (d) whether it is a fact that Ghyur Muhammad, the dismissed head constable, applied to be re-enlisted in the police as a constable but his request was not acceded to ?

(ii) If the answers to the above are in the affirmative, will the Government please give reasons for the differential treatment in the said cases ?

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

HINDU-MUSLIM TENSION IN VILLAGE LAHANI.

3296. Chaudhri Sahib Dad Khan : Will the Government be pleased to state—

- (a) whether it is a fact that there is much tension between the Hindus and the Muslims of village Lahani in the Bhiwani tahsil in connection with the construction of a pucca mosque ;
- (b) whether it is a fact that the Muhammadans who are in an insignificant minority are harassed and vexed by the overwhelming majority of Hindus and that they are not allowed even to let their cattle drink from the village well nor to dig earth from village shamilat to repair their houses ?

The Honourable Sir John Maynard : (a) Enquiries made do not show that there is any general tension.

(b) No.

AMIR ALI OF VILLAGE LAHANI.

3297. Chaudhri Sahib Dad Khan : (a) Will the Government be pleased to state whether it is a fact that one Amir Ali of village Lahani was recently severely beaten and the Assistant Surgeon of Bhiwani refused him admission into the hospital and also the medical certificate and he was compelled to go to Delhi for treatment and medical certificate ?

(b) If so, will the Government please say whether this refusal of treatment in the hospital and medical certificate is due to the fact that all the Assistant Surgeons and the Civil Surgeons in the Hissar district are Hindus ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No. The fact is that of the three injured persons of Lahani village who were sent to the Assistant Surgeon in charge of the Bhiwani hospital, two were examined by him and their injuries were noted down in the medico-legal register. The third man, Amir Ali, refused to be examined or treated by the Assistant Surgeon, Bhiwani. The statement of injuries was returned to the police with this remark, and the statement of the Assistant Surgeon was verified by a local muslim Municipal commissioner.

(b) Does not arise.

SIRSA MUNICIPALITY.

3298. Chaudhri Sahib Dad Khan : (a) Is it a fact that the members of the Sirsa municipality tendered their resignation as a protest against the alleged high-handedness of the President and the Secretary?

(b) Is it a fact that their resignations were not accepted but the members were persuaded to withdraw the resignations?

(c) Is it also a fact that after the members withdrew their resignations they were not permitted to take their seats at the municipal committee meetings and consequently there is no quorum at the meetings and the work of the municipality therefore suffers?

(d) If the answers to the above are in the affirmative, what action has the Government taken or proposes to take in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Six members resigned.

(b) The resignations were withdrawn as the result of an interview with the Commissioner.

(c) The answer to the first part is in the affirmative. A meeting called for the 19th February 1926 was adjourned for want of a quorum, but it is not known whether the want of the quorum was entirely due to the members who had resigned, not being allowed to attend the meeting.

(d) The matter is *sub-judice*, as a civil court has granted a temporary injunction restraining the members who had resigned, from acting as members of the municipal committee.

KHAN BABADUR BASHIR HUSAIN, MAGISTRATE, FIRST CLASS.

3299. Rai Sahib Lala Ganga Ram : (a) Is it a fact that Khan Babadur Bashir Husain, Magistrate, First Class, Kharar, district Ambala, whose term of service ended on 31st December 1925 continued to work up to 31st May 1926?

(b) If so, what action does the Government propose to take to avoid any such irregularity in future?

The Honourable Sir John Maynard : I regret that the answer to this question is not yet ready.

DEPUTY COMMISSIONERS IN THE AMBALA DIVISION.

3300. Rana Firoz-ud-Din Khan : Will the Government please state if there are any Deputy Commissioners in the Ambala division who have been holding charge of the same district for more than three years? If so, will the Government please give the names of such officers and also state the reasons for not transferring them to other districts?

Mr. J. M. Dunntt : One Deputy Commissioner in the Ambala division has held charge of his district for more than three years. Government consider that the public interests have been served by this arrangement.

COMPENSATION FOR LANDS WHICH HAVE BECOME DARYA BURD.

3301. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state what it has done so far to compensate those people whose lands have become *darya burd* (eroded by rivers) in Multan, Muzaffargarh and Jhang districts? If nothing has been done so far, does Government propose to take any steps in this matter?

The Honourable Mian Sir Fazl-i-Husain : The honourable member is referred to the answer given to Council Question No. 2277, part (d).*

OFFICERS AND CLERKS IN THE NEW MANDI HYDRO-ELECTRIC OFFICE.

3302. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state :—

(a) how many appointments of officers and clerks have been made in the new Mandi Hydro-Electric Office; and

(b) how many of them are Muhammadans, and how many Hindus?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Up to the 31st May, 1926, 15 officers and 77 non-gazetted appointments have been made in the Hydro-Electric Branch.

(b) Of these 40 are Muhammadans and 29 Hindus.

DRINKING WATER ARRANGEMENTS AT DAJAL.

3303. Rai Bahadur Lala Sewak Ram : (a) Will Government be pleased to state what steps have so far been taken to improve the drinking water arrangements at Dajal in Dera Ghazi Khan district?

(b) When does Government propose to take up the scheme in hand?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) A rough project estimated to cost Rs. 82,765 was drawn up by the Sanitary Engineer to Government in 1921. But the municipal committee decided to sink a tube well. The Sanitary Board agreed to pay half the cost of the preliminary boring, but the municipal committee was unable to meet its share of the cost and refunded the grant.

(b) The municipal committee has now submitted an application for a grant-in-aid of Rs. 4,658, the entire cost of the trial boring. The application will be considered at the next meeting of the Urban Sanitary Board.

Rai Bahadur Lala Sewak Ram : Has anything been decided up to this time?

The Honourable Rai Sahib Chaudhri Chhotu Ram : No.

ROAD CONNECTING THE GUJRANWALA AND SHEIKHUPURA DISTRICTS.

3304. Sardar Buta Singh : (a) Is it a fact that a large tract of canal irrigated land situated between Gujranwala and Sheikhupura is not commanded by any pakka or metalled road?

[Sardar Buta Singh.]

(b) Is it a fact that there is a kacha road between Gujranwala and Naushera Wirkan in the Gujranwala district?

(c) Is it a fact that Naushera Wirkan is at a distance of 9 miles only from Jandiala Sheikhan, a village in the Sheikhupura district?

(d) If so, does Government propose to consider the desirability of connecting the headquarters of the two above-mentioned districts by means of a pakka road *via* Naushera Wirkan and Jandiala Sheikhan?

The Honourable Sardar Jogendra Singh: (a), (b) and (c) Yes.

(d) The road is in Class II, and the initiative as regards its metalling lies with the district boards concerned—those of Gujranwala and Sheikhupura. An application by them for a grant-in-aid will doubtless be sympathetically considered by the Communications Board. It is believed however that the portion of this road between Gujranwala and Naushera is in the process of being improved as an unmetalled road; that a marked improvement has been effected; and that it is by no means certain that expenditure on metalling is justifiable, provided the whole length from Gujranwala to Sheikhupura is improved to the same standard. The district board of Gujranwala is unable to maintain the road now in its charge, even with the help of a grant-in-aid for the maintenance of Class II road; and, though it may shortly be relieved of the charge of some miles of metalled road, its position must be carefully considered before a new scheme of metalling any of its Class II roads is launched.

RAILWAY BETWEEN GUJANWALA AND LYALLPUR.

3305. Sardar Buta Singh: (a) Is it a fact that a few years back a general survey was completed from Gujranwala to Lyallpur *via* Chuhan Kana, Mananwala and Shahkot with a view to the introduction of railways in that area?

(b) If the answer to (a) be in the affirmative, does the Government propose to bring pressure on the Government of India for the construction of a railway in that area?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes—a survey for a railway of 2'6" gauge between the places mentioned in the question, was carried out by the North-Western Railway in 1914, but no proposal to construct a railway on this alignment has succeeded in finding a place in the list of railways recommended by Government for construction.

(b) Government does not propose to alter the list to include the railway mentioned.

MANANWALA DISTRIBUTARY, UPPER GOGERA BRANCH.

3306. Sardar Buta Singh: (a) Is it a fact that the owners of old abadi on Mananwala distributary, Upper Gogera Branch are allowed water to the extent of 50 per cent. while the new colonists on the same distributary are given at the rate of 75 per cent. of their holding?

(b) If the answer to the above be in the affirmative, is the Government prepared to remove this distinction and allow the old zamindars water at the rate of 75 per cent. as well?

The Honourable Mian Sir Fazl-i-Husain: (a) The reply is in the affirmative. The practice is however not confined to Mananwala distributary but prevails on all other channels in the Lower Chenab Canal System.

(b) The answer is in the negative. Government do not think it advisable to increase the present intensity of irrigation, since it would accelerate the rate of rise in spring level and thereby bring about early deterioration of soil and other allied troubles.

HEADWORKS OF THE SIRHIND CANAL AT RUPAR.

3307. Sardar Gurbakhsh Singh: (i) Will the Government be pleased to state if it is a fact—

- (a) that the opening ceremony of the Sirhind Canal took place in or about 1882 ;
- (b) that people come from different places to see the Headworks at Rupar and its surroundings for their very good scenery ;
- (c) that at the Headworks, there are three bridges, one of the Lock Channel, the second of the Sirhind Canal and the third of the Sutlej River (only half bridge) ;
- (d) that the two bridges, the first and the second have always been used since 1882 as thoroughfares by the people who come from villages Katli, Alampur, etc., beyond those bridges ?

(ii) Is the Government aware that a large number of students and other people come over the Lock Channel bridge and the Sirhind Canal bridge daily and the present European officers of the Canal Department compel the people to make salaam to them ? If so, does the Government propose to take any action in the matter ?

(iii) (a) Is the Government aware :—

that recently three sign boards have been put up at three different places at the Headworks without any date and signature of any authority and the inscription on them both in English and Urdu is as follows :—

"Loitering on Headworks and sitting on masonry parapets is strictly prohibited" (Head par awaraphirna aur diwaron par baithna sakht mana hai)

and that the people going to and coming from villages and the visitors are daily interrupted and insulted by the Canal Officers ?

(b) If so, will the Government be pleased to state the names of the officers who put up the sign boards and the date when they were put up ?

(c) Does the Government propose to remove the notices ?

The Honourable Mian Sir Fazl-i-Husain: The honourable member is informed that information is not available at present. Enquiries have been made from the local officers and the result is awaited. Further information will follow.

THE PUNJAB COURT FEES (SECOND AMENDMENT) BILL.

Mr. President: The Council will now resume discussion on the amendment* to clause 2 of the Bill.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban]: In no country in the world do you find the court-fees so heavy as in India. Now it is only fair that every Government should ask people coming to the courts to pay a certain amount in order to be able to carry on the administration of the country, but, Sir, to go beyond that and to convert court-fees into a revenue-making object is not right. Now what were the intentions of humanity when first courts were started? Surely when the courts were started in this world, the object was not that the Government or the King should make money out of them. The very fact that there is a King or a Republic shows that justice was to be done between man and man, and this justice should be as free as possible. The rules and regulations made by Government are not such as every poor man can understand, and you often find true cases are lost on technical points. It is not always the person who loses who is in the wrong, and court-fees go against the person in debt. In money suits you see that 80 or 90 cases out of a hundred the borrower is defeated; he is not clever enough to know what the money-lender has done. To say we do not want to lower these fees because there will be more cases is absurd. The money-lender is a very clever man and you will find that, in introducing this Bill, we have presumed that he is a very clever man, and we know that when he brings a suit he takes all precautions to see that his suit will succeed. The effect of the high taxation is therefore on the poor borrower. Now, Sir, various arguments have been advanced in this Council. One gentleman whilst supporting the amendment started by saying we want to get as much money as possible for the Government and the Honourable the Chief Secretary said, yes, we want to take money, but the same gentleman later on said, "I want to defeat this Bill, therefore I am supporting the amendment". Is it not a funny argument? He starts by saying we want to get as much money from the Government as 80 or 40 lakhs and then ends by saying "My object in having this amendment is, so that Government will reject this Bill and more money be given for *Abiana*." Now that is absolutely ridiculous. He starts with one idea, he gets confused and ends by saying the contrary. Now this kind of argument on a serious Bill which affects hundreds of thousands of people is not fair. Another honourable gentleman brings in an amendment and wants to circulate the Bill, even though he knows his amendment will be lost. What is the object of his amendment. There can be only two objects: either it is to increase or decrease the rates. A third object could be that they should remain as they are. But in a subsequent speech he contradicts all that he said. He says that if you lower the rates above Rs. 500 there will be more litigation. That is up to Rs. 500 he is willing that poor people should suffer; he does not object to injuring the rights of the poor man; but when it comes to over Rs. 500, that is, when it comes to the lower middle class and the upper class—his own class—he is not for lowering it. Well, Sir, if he thinks that lowering of the court-fees injures the debtor, his proper course would have been to ask the Government to withdraw the whole Bill. But if he is not going to reject the Bill, then why does he say it will be hard for the other side? This kind of confusion of thought on a question not of ordinary business of the House but one affecting thousands of people is not right.

Then, Sir, my honourable friend the gentleman from the hills, with whom I do not always agree, said this question of *abiana* is a kind of scare for my friends on the opposite side of the House. Now, Sir, let us argue the matter. If we pass this amendment, it will commit us to the extent of 25 lakhs. Now, Sir, does it commit us? I say it must be right because Finance Member says it. But, Sir, if it is really reducing tax to the tune of 25 lakhs, then my honourable friend says if we pass this Bill, what will the Government do and where will it bring the money from? Where was the sense of pressing the Government on that item of General Administration if you did not want them to reduce taxation? Not a single member speaking on General Administration took up individual points. They took up every possible subject in the world and discussed it, but they did not take a single item which was on the list. Why? For the simple reason that they did not grudge these items, but my friend was the first man who spoke on this subject. He did not ask the Government to reduce the court-fees. Do we debate matters in this Council with the object of saying we have won or we have lost? Surely not. Our object is a much more serious one. Our object in this place is not merely to defeat the Government but to obtain the substantial results of a debate in which we defeat the Government. Which Government of itself wants to reduce its expenses? Neither the English Government in England nor the French Government in France. And our Government is no exception to the rule. But it is the duty of the people who have to pay taxes to see that the Government's expenses are kept down. Sir John Maynard and other officers are not concerned. They are not likely to bring suits against anybody; so naturally they do not want to reduce it. These gentlemen (agriculturists) here who all the time support Government, do they feel for one moment that if they vote against this resolution, the Government will not give them *abiana*? The only remedy is for them to go on voting against the Government and Government cannot carry on for five minutes without the help of the gentlemen there. I am sure that if to-day our friends opposite help us in this question, my friends on the other side, Swarajists will help the agricultural party for *abiana*. There is not one person who has said *No*, so I take it that the Swarajists will help. If by passing this amendment we force the Government to withdraw the Bill, the agriculturists should be glad. They will succeed in their point that is, no rates should be lowered. But I tell them on the other hand that if they force the Government rather than pass the amendment, the effect will be this. The Government will be willing to reduce 25 lakhs. If the Government is not willing, they will take this sum from *abiana*. If the Government is not reducing *abiana*, then we will help the agriculturist group in forcing Government to reduce *abiana*. Surely Government is too much committed in this Province as regards *abiana*. We know that the gentlemen supporting *abiana* are the breath of the Government's nostrils; the Government depend on them. I to-day the agricultural party were not to support the Government, the Swarajist party, whether full Swarajists or half Swarajists it does not matter, would reduce the Punjab to the same position as the Central Provinces and Bengal. They would like to do it, but they dare not try. So the agricultural party should be courageous. To think that Government will not value their services or value their votes for six or seven lakhs simply because of this is absurd. I assure them no Government in India, no provincial Government, will dare risk fighting the agricultural party. There is the 6 lakhs that can be knocked off. Just as a tailor knows if you give him 3 yards or 2½ yards, he can always save a few strips which

[Sh Muhammad Sadiq.]

may be used for making something else, so in the case of every Government. With a revenue of 14 or 15 crores. Sir John Maynard, with his reputation for finance, can always extract 6 lakhs from here or there. In fact, he could add a zero to that figure if he cares to. But 6 or 7 or 8 lakhs which is going to be given to the agriculturists as a sop is not too much. So I appeal to my friends not to run away with the idea that if this amendment is passed Government will dare not to reduce *ahiana*. It will not. And then, Sir, if they have not got enough strength to force Government for 6 lakhs where is the guarantee that when after six months the next Finance Bill comes up they will not with a stroke of the pen add another few lakhs. Surely it is much better to have a thing you can do under law legally than to depend upon executive action. You tried to force the Government that *ahiana* should not be raised. The Government did raise it. Then after that when the Government had raised more than necessary, they at once promised to reduce it, thus trying to please the agriculturists. It was a very easy process to raise it by 100 per cent. and reduce it by 25 per cent. They know the mentality of the people they have to do with, they know that if they want Rs. 30 lakhs, they must ask for Rs. 50 lakhs and then reduce it and thus please them. They promised them 20 lakhs' reduction and now this year they have forgotten and are remitting only 6 lakhs.

So under the circumstances it is absolutely necessary for my honourable friends on the other side if they think that the lowering of the court-fees is not beneficial to the debtor, to the poor people, then, Sir, they being rich people and custodians of the rights of poor people, they should say that up to Rs. 1,000 it should remain as it is, and that the rates above the sum of Rs. 1,000 should be lowered. That would be natural and logical; but here, Sir, they allow up to Rs. 500, which includes all the poor people, people with 1, 2 or 5 bighas, who are really in the clutches of the money-lenders, to sue them. It is very difficult to see their point. In the circumstances I would ask the Government to withdraw this Bill for the present and take into their confidence the members of the Council, who want to reduce taxation, but at the same time do not want to upset the finances of the Province, because after all the Finance Member has all the ropes in his hands and knows better than we do the needs of the Province. We cannot accept the Bill as it stands, because it leaves absolutely on one side the argument used by some that you are benefitting the money-lender, while on the other hand, people say that by lowering it you are not benefitting the debtors. So the Government should withdraw the Bill, otherwise there is nothing for us but to support the amendment and to ask for the old *status quo*.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, the point now under consideration is, should this House pass the amendment that is before it or reject it? In other words, should the House insist on claiming a reduction of 25 lakhs of taxation under the head of Court-Fees or be satisfied with a reduction of nearly 8 or 9 lakhs which is offered to-day. One naturally asks why should this amendment be passed? And there is a very good reply to the question because this taxation of 25 lakhs was additional taxation imposed recently and, as such, when there is no more need for it it should be remitted altogether. I say that is a very natural reply. But if, Sir, we ponder for a moment over this reply, we notice that this imposition of 25 lakhs of additional taxation by way of Court Fees was not the only additional taxation imposed at the time. It formed only a part of 86 lakhs of additional taxation. Has the remaining, part, over 61

lakhs, been already remitted? If I am not mistaken, Sir, no less than 57 lakhs of additional taxation was levied by way of a rise in the rate of *abiana*.

It is very nearly 17 lakhs that was remitted under that head last year, therefore the additional taxation to the extent of 41 lakhs of *abiana* and 25 lakhs of court-fees is subsisting to-day. How much can the Government afford to remit? How much do the honourable members of this Council desire Government to remit? These are very interesting questions, Sir, but to my mind they are more of an academic nature than of a practical nature. The question is how much the Government has decided to remit, and the reply is, between 16 and 17 lakhs. I will presently deal with the question whether the House can compel the Government to remit more than 16 or 17 lakhs, and whether it would be wise for this House to attempt to do so. It is best, Sir, for us individuals as well as institutions to understand our own powers as well as our own limitations. Now, Sir, assuming for the time being that 16 to 17 lakhs is the only amount to be remitted, if this House were sitting as a committee and were to decide which additional taxation should be remitted and how much under each head, this Council sitting as a Committee I feel confident would surely have arrived at the same decision at which the Government has arrived, namely, that it would be wise to remit in part two large items of additional taxation, firstly, under the head court-fees, and secondly, under the head *abiana*. There was no intention on the part of Government of giving some sop to this side and some sop to the other side. Government looked at the fact thus, whether it was desirable to give 17 lakhs remission out of the 25 lakhs or a remission of 17 lakhs out of the 41 lakhs and it decided to give a fair and equitable relief under both the heads. I believe I am not far wrong when I say that if the proposition were reduced to this, that only 16 to 17 lakhs is to be remitted, and that these are the two large heads of additional taxation, a vast majority of the members of this Council, non-official I mean, would have arrived at the decision at which the Government has already arrived. Remember that a remission of 8 lakhs out of 41 as against a remission of 8 or 9 lakhs out of 25 does not in any way show any favouritism towards those who pay *abiana* as against those who come to court and have to pay court-fees. As a matter of fact, it can be said, "why not reduce taxation proportionately in each case? Then the remission on 41 would have been much larger than on 25." But it is not right that in these matters we should become *banias* counting every pie. In a fair and equitable manner this division by Government of half and half was as good a decision as one could arrive.

Now, Sir, as to how much Government ought to remit, I say the question is an academic one. Non-official members of this Council desired and felt that Government could remit any figure up to 40 lakhs. They may be right or they may be wrong. They felt that they were right and not only did they make their feeling known to the Government, but they pressed it upon the Government. They even went further, I believe constitutionally, in discussing this subject at great length and throwing out the demand for grant for general administration in its entirety as a protest. If at that debate Government had decided to increase the amount of remission it was open to Government to do so. But instead of that, the fact that the Government allowed the grant to be thrown out indicates that Government felt that they could not go beyond the figure which they had announced in the very beginning of the session. Is it not, then, fair to infer that if this Council now passes this amendment the attitude of

[Hon'ble Mian Sir Fazl-i-Husain.]

the Government in all probability will not be one of increasing that remission from 8 to 25 lakhs? It is constitutionally open to this Council to pass the amendment, but is it open to this Council to pass this Bill? I say, 'no'. As I said before, it is as well for us to know our powers as well as our limitations. The Council can pass only that Bill which is placed before it for being passed. If this Council cannot pass the Bill, I ask in all earnestness, in all sincerity, "Is it wise to create a position where this Council compels the Government to withhold the remission?" The honourable non-official members of this Council who are responsible to their constituencies, do they realise the consequences of their attitude in this matter in case they insist upon adopting this attitude? I venture to think, not. Remember that if this Bill is not passed substantially as it is you cannot run away with the idea that the 8 lakhs of rupees that have been thrown away by one section of the House will go to the other section of the House and that there will be an increase in the reduction of *abiana* from 8 lakhs to 16 lakhs. On the other hand, I have a very shrewd suspicion to the effect that neither will materialise, neither the 8 lakhs of court-fees, nor the 8 lakhs of *abiana*. Is it therefore wise, Sir, for us to be not ambitious but avaricious? Remember the word (*Tama*) has three letters to it and all three of them are empty. If the Council persists in trying to get more out of the Government than Government is able or willing to give, it may find itself in the position of the Mirasi who after being refused handsome gifts, in the end put forth his hand for the meanest of that, but did not get it and in the end exclaimed—"Well, give me whatever you like."

Sardar Jodh Singh [Sikh, Urban] : Sir, none would have depicted the helplessness of the Council and the hollowness of the present reforms better than the speech of the honourable the Revenue Member. (Hear, hear). He said practically—the Government has decided upon giving us a reduction of 17 lakhs. If we are even to change the form, the Government may not reduce a pie. We are here therefore, if I understand the Honourable the Revenue Member correctly, to register the decrees of the Executive Government by our votes. Helpless as we are, I think that is not our duty. We have a duty to perform to our tax-payers. It was only the other day that all the members of this House felt that Government should increase this reduction to something, say 40 lakhs. Not only did they feel it as the Honourable the Revenue Member pointed out just now, but they even went so far as to throw away the grant for general administration in order to register their feelings against the insufficiency of the reduction in taxation. Now another opportunity offers to us. In the matter of *abiana* we are helpless. It was increased by an executive decree. It may be reduced by a similar executive decree and it may be increased again to-morrow by the same decree. There is no guarantee that the reduction in *abiana* that is being given to us will be permanent, because in making an increase Government may not even make a reference to us. But in this case we can constitutionally gain the point and make the Government feel that we want more reduction. Sir, is it not our duty to be consistent with that attitude that we took the day before yesterday and to press for more reduction? I fully realise the responsibility that we owe to our constituencies. I know that we are helpless, but because we are helpless we should not take any action is not an argument that appeals to me. We feel that Government can give us more and by pressing for a reduction of 25 lakhs in addition to the 8 lakhs of *abiana* we are not going beyond the limit that we put in our request to Govern-

ment, that is 40 lakhs. The question now before us therefore is whether the pressing for this reduction will, as Sir Fazl-i-Husain has told us, bring us nothing because he has told us in plain words that Government would get angry, and that he had a shrewd suspicion that we would neither get 8 lakhs nor 9 lakhs, that is, there will be no reduction in taxation. Well, Sir, if that is to be the punishment meted out to us for pressing our rights constitutionally, let Government do it. If the Government gives us that reply because we insist upon our rights that we have got according to the present constitution, if they want to intimidate us into submission, let them do so. I hope every member of the House will agree with me that that is not the right course for Government to take. In the course of his speech the Honourable Sir John Maynard said plainly that if the Bill is not passed in substantially the same form in which it is introduced, *abiana* may not be reduced. That is what I understand from the speech. I shall read his exact words to make my point clear :

"If this Bill is passed by the House without amendment in substance, the Government will proceed to reduce the water rate on fodder crops both on perennial and on inundation canals from the present maximum of 2 rupees to a maximum of Rs. 1-8-0 per acre. The cost of this reduction will be 8 per annum."

The cost of this reduction will be 8 lakhs per annum. What the Honourable the Finance Member told us in his note was that if we press for amendments in this Bill, then perhaps the *abiana* might not be reduced. But the Honourable the Revenue Member has gone beyond that even in his threat and he says that if we press this amendment then we will get no reduction in taxation. I will not take into consideration this new threat. I will now continue my speech on the assumption that if we press for this reduction, there will be no reduction in the *abiana*. If the House passes this amendment, then there will be two courses open for the Government either not to move for the passage of the Bill or to move for its passage. If the Government does not move for the passage of the Bill, then the *abiana* is still there. (The Honourable Mian Sir Fazl-i-Husain : No.) Well, I do not find how the Government can go back upon its pledge that it is going to make a reduction of 8 annas if the Bill is substantially passed in this form. If the Bill is not substantially passed and if we insist on increment, then of course the Government can say to the tax-payer that they have no money to reduce *abiana*. If the House insists upon further reduction in this taxation and if the Government does not press for the passage of the Bill, the promise of reduction in *abiana* is there and if the Government does not want to swallow its own promises, it must be performed. I was saying, Sir, that there are only two courses open to the Government. If the House passes this amendment, then the Government may say as it said in the case of the Borstal Bill that it does not want to move for the passage of the Bill. Then the *abiana* a people are saved. If we press for reduction and the Government in spite of carrying out of the amendment moves for the passage of the Bill, then we get relief in taxation to the extent of 20 or 25 lakhs. Now the question is, whether as the Honourable the Revenue Member has put to us, it is more to the benefit of the general tax-payer to get relief in this form or in both forms. From the very Government benches, I have been hearing speeches in this House saying that *abiana* is a tax which does not touch the pockets of all the zamindars of the province

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but of those fortunate people alone who have got lands in the canal colonies. On the authority of the honourable member for Karnal, who is a consistent supporter of the cause of the zamindars in this Council, I can say that the relief in this form will go to the zamindars ultimately.

Chaudhri Dulf Chand : No.

Sardar Jodh Singh : The honourable member did say so yesterday. Probably he forgets his speech. If the report were to be placed before the House, those views will be found there. At any rate if he does not feel so, I have heard in this House that 80 or 90 per cent. of the zamindars are in debt and ultimately this court-fee falls on their shoulders. Whether we should give relief to 80 or 90 per cent. of the zamindars who live not only in the canal colonies but all over the Punjab or whether we should prefer giving relief to those only who have got lands in the canal colonies is a question for the honourable members of this House to settle. For me, if I want relief in taxation, the way is quite clear. I want to give relief to the largest number of people and this has been stated in the House to be the form in which the greatest number of these poor people who are in debt will get relief. Therefore, for us, there are only two courses open. Do we stick to our protest of day before yesterday? I know there are some honourable members who perhaps have changed their minds overnight and who are shaky in their resolve and they might not stick to their word for reasons best known to themselves. For us people who the other day insisted upon throwing out the Government demand not on its merit but on a constitutional basis, for us there is only one course open, that is to insist further in the constitutional way for a reduction to the extent of 40 lakhs which we all along insisted.

There is one point more and I have finished my speech. If the Government agrees to the reduction in court-fees in the form suggested in this amendment, then the court fees will not be increased again till the Government again comes to this Council with a Bill. On the other hand, the reduction in *abiana* is on a slippery ground. If the Honourable the Revenue Member is again incensed with the honourable members of the House, he, with a flourish of his pen can increase the *abiana* on fodder from Re. 1-8-0 to Rs. 3 again without consulting us and without coming to us. This point also has to be remembered by the honourable members of this House. The reduction in court-fees will be a sure reduction and no increment in it can take place till the Government again comes to us and we have expressed our opinion upon it, whilst the reduction in the *abiana* is a favour which may be shown by the executive and which may be withdrawn by the executive the next day when it feels that it should do so. With these few words, I heartily support the amendment.

Mr. Lakh Singh [Rawalpindi Division and Lahore Division, North (Non-Muhammadan), Rural] : Sir, serious efforts have been made to oppose this amendment to the Court-Fees Act. All the technical objections raised have already been brushed aside by you, Sir, as groundless and I submit that the other defects and the reasons which have been pointed out are all equally groundless. A good case has been made out for the restoration of the old standard of taxation in the matter of court-fees which prevailed before the amending Act of 1922 was passed in this House at the instance of the Government. The court-fee is really a tax on justice and as such this form of taxation is considered to be specially odious. These duties should not be levied in order to raise the revenues but only to meet the just expenses of

the administration of justice. Beyond that there is no justification for levying this form of taxation because otherwise such taxation would be perilously near to selling justice. By the excessive enhancement of the court-fee rates, the poor people will be defrauded of their rights. They have not the means or the wherewithal with which to pay the heavy court-fee duties and to go to court to seek relief. If the court fee is kept at the enhanced level in the manner in which it has been enhanced, the inevitable result of that will be that these people would be kept out of their just rights and that is neither proper nor fair. It would be neither in the interests of the general mass of the people, nor, I would venture to submit, would it be in the interests of the Government. These people should not be kept out of their just relief that they can demand in a court of law. With your permission, Sir, I should like to combat the fallacious argument that has been advanced, namely, that the court-fee is a tax, incidence of which falls mainly or primarily on the townspeople as distinguished from the people who live in the villages or who are, in other words, agriculturists. This to my mind is an utterly fallacious argument and no facts and figures have been adduced to show that this is really a correct position of affairs. It has been assumed in the course of the argument by various speakers that have preceded me that all the suits are money suits, and that in all suits the party ranged against one another are the townspeople on the one side and the agriculturists on the other. Now, Sir, this allegation or assumption cannot possibly bear any close examination. There are money suits and there are also land suits and if we were to collect the respective data on this point, I think we would come to the conclusion that more court-fee is being levied on land suits than is being levied on purely money suits. Land suits are mostly between persons who own land and the money suits between those who do not own land. The natural conclusion therefore is that the incidence of this form of taxation falls more upon the agriculturists than on the other people. The argument, therefore, that has been advanced or the attempt that has been made to drive a wedge between the urban and the rural interests in this particular case, I would venture to submit, is thoroughly disingenuous and cannot for a moment bear scrutiny. The argument, as I have already submitted, is fallacious and it is a wonder how such argument could be pressed into service in time and out of time, in place and out of place in this House. I have not for myself classed accurately the volume of litigation that is going on in the province, but I repeat, my impression is that there are more suits which relate to land than there are suits which relate purely to money transactions. In any event the valuation for the purpose of court-fee in the case of land suits is immeasurably in excess of the value of money suits for the purpose of court-fees. It is now high time that the Government should meet honest argument by honest argument and not try to draw a red herring across the line every time that an important question comes up before the House for discussion. It is hardly fair that an attempt should be made to divide the votes in support of every popular demand by raising the bogey of the urban *versus* the rural, of the agriculturist *versus* the non-agriculturist. It is sickening in the extreme to listen to these nostrums session after session. But, Sir, there is another aspect of the question and it is quite refreshing to find that times are changing a little and honourable members of the Council are now beginning to see things for themselves and see through the tricks which are being played with their intelligence and with their interests. I hope, Sir, that time will come when the Government will to their great

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chagrin discover that the old adage, that you cannot fool all the people for all the time would ultimately come out to be true in the case of this Council also. (Hear, hear.)

Turning to the amendment, I will only point out that there are very good reasons why it should be accepted. In the first place, Sir, the enhanced court-fee duties were levied as a temporary measure to tide over a financial difficulty which was explained to us more than once to be temporary in its nature. It is admitted that that financial difficulty is over, it is also admitted that Government have at their disposal a surplus which may be utilised for the purpose under discussion and that it is for the Council really to decide what would be the best form of making a remission in taxation. It is also conceded that when remission is going to be made, it is the additional items of taxation which were temporarily imposed that are deserving of the first claim. But, Sir, although we have been assured that Government would be pleased in the fulness of time and in their own proper way to consider as to what would be the best form or the next stage of reduction, yet the Council is told point blank that the Council would be exceeding its powers, that it would be exceeding its limitations, if it ventured to make suggestions to the Government or insisted that the popular will should be enforced, that court-fee duties should be reduced to the level which prevailed before the Amendment Act of 1922 was passed.

But, Sir, there is a difficulty in our way and that is this, that we find that these promises although they are quite honourably made, are never redeemed. When this taxation was imposed on us, we were told expressly and in so many words that it would be remitted as soon as the state of Provincial finances admitted of it. I do not say that an attempt has been made to go back on that promise as a promise that it was only a temporary arrangement and as soon as the financial conditions would permit this taxation would be reduced or brought to the old level. My complaint is that the promise should not remain only as a promise but that it should be redeemed. This I claim has not been done and further this is not a solitary instance of an unredeemed promise.....

The Honourable Sir John Maynard: Sir, I repudiate this statement.

Mr. Labh Singh: What I have said is simply this that when this additional taxation was imposed and the rates in the *adiana* were increased and when this Court Fee Amendment Act of 1922 was passed, we were assured expressly or impliedly that this was only a temporary arrangement.....

The Honourable Sir John Maynard: I am glad that the honourable member has altered his language. He has now added the word 'impliedly'.

Mr. Labh Singh: I hope I am correct. I am not in a position off-hand to quote the exact words but the impression is distinct that there was a promise to this end, and even in the speech of the Honourable the Finance Member which was made yesterday or the day before a reference was made to that promise.....

The Honourable Sir John Maynard: Sir, I said that it would be 'reconsidered' and it has been reconsidered.

Mr. Labh Singh: I am unable to vouch for the exact words. Perhaps the word 'reconsider' was used. I take the honourable member's word for that, but the impression conveyed to the House was perfectly clear that.....

The Honourable Sir John Maynard: I cannot help the impression. My words are the thing which really matter. But to say that I made a promise to remit the tax, I repudiate that statement.

Mr. Labh Singh: It may be that the Honourable the Finance Member when he used the word 'reconsider' intended to use it with mental reservations. Be that, however, as it may, I am prepared to take the explanation on its face value.

The Honourable Sir John Maynard: Sir, I make no mental reservation. I said 'reconsider' and I meant 'reconsider' and I meant nothing more.

Mr. Labh Singh: Therefore I am constrained, Sir, to say that the impression that I received at that time and the other members received at that time was this that this tax was absolutely temporary in its nature, and that a remission would be effected as soon as Government was in a position to do so and the financial stringency had been overcome and tided over.

To resume, Sir, I feel that this is one of those unredeemed promises with which we are confronted, and that it is not a solitary one of its kind.

The Honourable Sir John Maynard: Again, Sir, I repudiate that insinuation.

Mr. Labh Singh: I note the repudiation Sir, and pass on. It is within the memory of most of us, Sir, that when the Income Tax Act was passed we were told that it was only a temporary arrangement with a view to meet the expenses of the Afghan War, that is, expenses expressly incidental to the Afghan campaign, and every one of us knows not only that the income-tax has not been remitted, but on the contrary that it has grown from more to more, and we are afraid that this instance of the increase in the court-fee duties is very much on a par with that.

Secondly Sir, with your permission, I have only to repeat that it has been shown that Government can at present reduce the court-fee duties to their old level of 1922. The figures showing the surplus at the disposal of Government have not been seriously controverted at all and the Finance Member has indicated, if I have understood him aright, that he will see what he can do later on. But I would submit, Sir, that this is not sufficient for the House. The question to my mind, Sir, is plain and simple. Government is clearly in a position to give relief. Why should it hesitate to do so? Why should it postpone the full redemption of the promise. That the relief claimed is badly needed, is also abundantly clear when we remember that the burden of this tax is extremely heavy. Every suit, normally speaking, can pass through three stages—the stage of the trial court, the stage of the first appellate court and the stage of the second appellate court or the revision court. Now, Sir, if Rs. 11-4-0 are to be paid for every hundred rupees

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of the value of the subject matter of the suit, it comes to this that very nearly 40 to 50 per cent, including also the incidental stamps on applications, very nearly, I repeat 40 to 50 per cent. of the value of the subject matter of the suit is consumed in the process of getting relief.

Dr. Gokul Chand Narang: Knocking at the door.

Bandit Nanak Chand: In an attempt.

Mr. Labh Singh: And that attempt may or may not be successful, and as my friend has put it the suitor has got to pay anything between 40 to 50 per cent., of the value of the subject matter of the suit on court-fees and that only for exercising the privilege of knocking at the door of justice. This is a terribly high figure in itself and considering also the delays in justice and the other expenses involved this figure becomes unmistakably extremely oppressive and an attempt should be made to reduce it as much as it is possible. My friends who have to attend courts of law are perfectly familiar with the saying which is often uttered by the litigant public which runs something like this :

It simply means, to win a case is practically equivalent to sustaining a defeat and he who loses it is absolutely finished and done up. He is as good as dead. This expression in a nutshell makes a reference only to the heavy expenses which are involved in litigation at the present day. A popular saying like this, Sir, sums up the defects of the present system of the administration of justice.

A state of things like this does not redound, I would submit, Sir, to the credit of Government. It comes as I have already said, perilously near to selling justice. I would like to point out at the end, Sir, that the court-fee dues are in a special manner odious to our people as our people are not traditionally familiar with this form of tax. Everyone of us knows that no tax in this form, at any rate, has been levied in India from times immemorial. This form of taxation was introduced with the advent of the British Government in India, and prior to that it did not exist at all. It is also well known that even the highest tribunals of law, that is, those which were presided over by the King himself were open to all and at all times without payment of any fee. The subject had the right to demand justice as a mere matter of right at all hours of the day and night, so much so that it was said :

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"How can you dispense justice—that is what it means in substance—how can you dispense justice when your chamber of repose (bed-room) is so situated that you cannot hear the cry of the oppressed?"

Now, Sir, there is a literal meaning of this verse and also a larger and metaphorical interpretation may be put upon it. The courts can remove themselves to a distance and render themselves inaccessible to persons who want to seek relief from them by placing themselves on a mountain top in an inaccessible place, by keeping out of the way and so on and so forth and that would be rendering themselves physically inaccessible. But you can render yourself virtually inaccessible, Sir, by not doing justice unless the suitor is in a position to pay 40 to 50 per cent. on the value of the subject matter regarding which he seeks relief.

One point more, Sir, I have to refer to and that is this. It is very much to be regretted that honourable members occupying high positions at the Bar, like my friend Shaikh Abdul Qadir and Sir Gopal Das Bhandari, while

admitting the iniquity of high court fees should indicate almost in the same breath that they cannot see their way to voting for the amendment. This is one of the sorry spectacles, Sir, with which we are quite familiar in this House. Honourable members are torn between two loyalties, the loyalty to the people and the loyalty to the Government. More often than not, Sir, the two loyalties are inconsistent and incompatible with each other and one has got to make one's choice.

More often than not, Sir, the two loyalties are inconsistent and incompatible with each other and one has got to make one's choice. The people, Sir, are poor and helpless and incapable of enforcing their will. The Government, on the other hand, is all powerful, and it is no wonder, Sir, that we are constrained to make the wrong choice. In the words of a very ancient Latin poet, we see and approve the better but only to follow the worse. We had hoped, Sir, that things would mend themselves, and that a better day would dawn when we should acknowledge the people as our masters and when the will of the people would prevail, but it appears, Sir, that that was not to be and that the days of the *ma bon* rule are not yet numbered. With these words, I beg to support the amendment that has been moved and which is before the House.

An Honourable Member : Sir, I move—

"That the question be now put."

Mr. President : The question is :—

"That the question be now put."

The motion was carried.

Lala Mohan Lal : Sir, If I waive my reply, will Sir John Maynard speak ?

Mr. President : I cannot give my ruling unless the point actually arises.

Lala Mohan Lal : I waive my right to reply, Sir.

The Honourable Sir John Maynard : In those circumstances, Sir, do I lose my right of reply ?

Mr. President : Yes. This is how I read the Standing Order 33 (3). The question is :—

"That clause 2 stand part of the Bill."

The motion was carried.

The Honourable Sir John Maynard : Is there not some mistake ? Should not the amendment be put ?

Mr. President : No, the clause, and I have already put it.

The Honourable Sir John Maynard : I do not understand.

Mr. President : I will explain. There was the original clause, as in the Bill. Then there was an amendment to omit the original clause and substitute for it a new clause. So I put the original clause and it is carried. Therefore, the amendment falls automatically.

Dr. Gokul Chand Narang: I have just to say a word. There has certainly been a misunderstanding so far as the voting on this clause is concerned, and there have been several instances in this House where there have been mistakes in voting and votes have been taken again. You will see that there was obviously a mistake because honourable members on this side of the House said "Aye", which they could never have been expected to do unless they had been supporting the amendment, and then they said "no" and nobody spoke from that side. So you will see there was obviously a mistake, and it is absolutely necessary, in the interests of justice, that you should take the votes again, and there are many precedents for it. I remember several in the time of Mr. Casson, when he was in your place.

The Honourable Sir John Maynard: I do not wish to take advantage of an accident. I am quite convinced that members voted not understanding the position and I am quite sure when they voted from that side, they were voting for the amendment, not knowing that the voting was not on the amendment. In these circumstances I certainly do not wish to take advantage of that position.

Mr. President: The question is whether votes once taken and the result of voting by voices, once declared by the Chair can be set aside. Ignorance of law, it is for the first time I hear, is a good excuse.

Dr. Gokul Chand Narang: This is not ignorance of law if I may respectfully point out. The law is that people have the right to exercise their right of voting. The case at present before you is one of a mistake of fact, not a mistake of law, and we are not trying to take advantage or asking any indulgence for any ignorance of law. But certainly there was a misunderstanding, as even the Honourable Finance Member has been candid enough to admit. And I appeal to your own conscience. If you really think that the voting here was with full understanding of the matter to be voted upon, then you may not take a re-voting; but if you are convinced that the voting on this side was based on a misunderstanding, I would submit that in the interests of justice and in obedience to the rules also you will have to take votes again.

Mr. President: In the case of a Division the votes given inadvertently or wrongly do not justify a re-opening of the Division. As regards the votes by voices, there is no doubt that once the result is declared, it cannot be challenged. Here, however, I am faced with the case of a mistake. So if it is the wish of the House that I should re-open the case on that ground, I have no objection. Is it the wish of the House that votes should be taken again? (Cries of "Yes.")

The question is:—

"That clause 2 stand part of the Bill."

The Council divided : Ayes 41 ; Noes 31.

AYES—41.

Mr. W. P. Sangster.
 Lt.-Col. E. L. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Honourable Sardar Jogendra Singh.
 The Honourable Rai Sahib Chaudhri Chhotu Ram.
 The Honourable Mian Sir Fazl-i-Husain.
 The Honourable Sir John Maynard.
 Khan Bahadur Shaikh Abdul Qadir.
 Malik Firoz Khan Noon.
 Nawab Malik Sir Khuda Bukhsh Khan.
 Khan Bahadur Nawab Muzaffar Khan.
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. B. H. Dobson.
 Mr. J. M. Dunnnett.
 Mir Maqbool Mahmood.
 Sardar Bahadur Sardar Jowahir Singh.

Khan Sahib Lieut. Malik Muzaffar Khan.
 Mr. D. Milne.
 Mr. H. W. Webb.
 Mr. Owen Roberts.
 Mr. M. V. Bhide.
 Subedar-Major Farman Ali Khan.
 Rai Bahadur Sir Gopal Das Bhandari.
 Mr. E. Maya Das.
 Chaudhri Duli Chand.
 Captain Malik Mumtaz Muhammad Khan Tiwana.
 Rao Pohap Singh.
 Subedar-Major Asghar Ali Khan.
 Chaudhri Kesar Singh.
 Munshi Fazal Khan.
 Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Muhammad.
 Khan Bahadur Chaudhri Fazl Ali.
 Khan Haibat Khan Dahi.
 Lieut. Sardar Sikandar Hayat Khan.

NOES—31.

Chaudhri Saadullah Khan.
 Rai Bahadur Lala Dhanpat Rai.
 Diwan Bahadur Raja Narendra Nath.
 Professor Ruchi Ram Sahni.
 Dr. Gokul Chand Narang.
 Pandit Nanak Chand.
 Sardar Narain Singh.
 Rai Bahadur Lala Sewak Ram.
 Lala Bodh Raj.
 Captain Dhan Raj Bhasin.
 Lala Sham Lal.
 Sayad Muhammad Hussain.
 Chaudhri Afzal Haq.
 Sardar Tara Singh.
 Sardar Jodh Singh.
 Sardar Randhir Singh.

Lala Diwan Chand.
 Mr. V. F. Gray.
 Maulv. Mazhar Ali, Azhar.
 Sardar Buta Singh.
 Chaudhri Ram Singh.
 Lala Mohan Lal.
 Mr. Labh Singh.
 Rai Sahib Lala Ganga Ram.
 Rana Firoz-ud-Din Khan.
 Shaikh Muhammad Sadiq.
 Sardar Bakhtawar Singh.
 Sardar Dhira Singh.
 Sardar Partap Singh.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Muhammad Khan Wagha.

The motion was carried.

Mr. President : The question is :

12 noon.

"That clause 3 stand part of the Bill."

The Council divided. Ayes 44; Noes 20.

AYES—44.

Mr. W. P. Sangster.
Lt.-Col. E. L. Ward.
Mr. C. A. Barron.
Mr. C. M. King.
The Honourable Sardar Jogendra Singh.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sir John Maynard.
Khan Bahadur Shaikh Abdul Qadir.
Malik Firoz Khan, Noon.
Nawab Malik Sir Khuda Baksh Khan.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Mr. A. R. Astbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. R. H. Dobson.
Mr. J. M. Dunnett.
Mir Maqbool Mahmood.
Sardar Bahadur Sardar Jowahir Singh.
Khah Sahib Lient. Malik Muzaffar Khan.

Mr. D. Milne.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Subedar-Major Farman Ali Khan.
Rai Bahadur Sir Gopal Das, Bhandari.
Mr. E. Maya Das.
Chaudhri Duli Chand.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Rao Pohap Singh.
Mr. V. F. Gray.
Subedar-Major Asghar Ali Khan.
Chaudhri Kesar Singh.
Munshi Fazal Khan.
Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
Chaudhri Sahib Dad Khan.
Chaudhri Nur Din.
Chaudhri Ghulam Muhammad.
Khan Bahadur Chaudhri Fazl Ali.
Khan Haibat Khan Daba.
Chaudhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan Wagha.
Lieut. Sardar Sikandar Hayat Khan.

NOES—20.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Buchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Pandit Nanak Chand.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.

Chaudhri Afzal Haq.
Sardar Jodh Singh.
Lala Diwan Chand.
Maulvi Mazhar Ali, Azhar.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Rana Firoz-ud-Din Khan.
Shaikh Muhammad Sadiq.
Sardar Partap Singh.

The motion was carried.

Mr. President : The question is :

"That the preamble stand part of the Bill."

The motion was carried.

Mr. President : Clause 1.

The Honourable Sir John Maynard (Finance Member): Sir, I move that for sub-clause (2) of clause 1 the following sub-clause be substituted:

"It shall come into force on such date as the Local Government may by notification appoint in this behalf."

I should like to explain that the reason for moving this amendment is that at the time the Bill was drafted it was supposed that it would be disposed of easily in good time before the end of June, so that it would be possible to obtain the assent of His Excellency the Governor to the Bill, and that it could then come into force from July the 1st. It is now June the 30th and there is no hope of being able to obtain the required assent in time for the Bill to be actually operative from July the 1st. For that reason I desire that these words be substituted for the original words. At the same time, if I may say so, I feel that the suspicion may possibly cross the minds of some of my honourable friends opposite (Cries of "No! No!") that I have some secret purpose in view and that I may wish to postpone it for 3 or 4 years. I should therefore be willing, if anybody desired it, to fix a particular date instead of saying "on such date as the Local Government may appoint in this behalf". If I am permitted to do so I would modify the amendment thus:

"It shall come into force on the 15th day of July 1926."

Mr. President: May I take it that your amendment is:

"That for '1st' '15th' be substituted."

The Honourable Sir John Maynard: Yes, Sir.

Mr. President: The question is:

"That for the word '1st' the word '15th' be substituted in sub-clause (2)."

The motion was carried.

Mr. President: The question is:

"That clause 1 as amended stand part of the Bill."

The motion was carried.

The Honourable Sir John Maynard: Sir, I beg to move:

"That the Punjab Court Fees (Second Amendment) Bill be passed."

The motion was carried.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY AND ADDITIONAL GRANTS.

JAILS AND CONVICT SETTLEMENTS GRANT.

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

"That a supplementary sum not exceeding Rs. 3,05,452 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Jails and Convict Settlements."

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 3,05,452 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Jails and Convict Settlements."

Mr. Owen Roberts (Nominated non-official) : Sir, I beg to move—

"That the grant be reduced by Rs. 100 in respect of the item of Rs. 92,320—Supplies and Services—Rewards to private persons."

Sir, before dealing with the subject it will be well if I make myself clear as to how I understand this money is to be distributed. I understand that the money is to be paid out in awards to prisoners subject to certain rules under which the prisoner will not be able to earn more than Re. 1-4-0 a month. Half of this money he will be permitted to spend in what is known as canteen system and the balance will be accumulated for his benefit and handed over to him on his release. Now, Sir, in dealing with a subject of this sort one is faced with two main difficulties. The subject carries with it a superficial appeal both to sentiment as well as to commonsense, to sentiment because it seems only right and proper that a prisoner should have some money handed to him on his release in order to tide him over the difficult period of rehabilitating himself among his fellow men ; and to commonsense, because it seems reasonable that he should earn that money and also from the point of view that a prisoner is more likely to interest himself in his work when he is receiving some direct reward for it. I will attempt to deal with the commonsense point of view first. I will ask the Council to take into consideration what is now an admitted principle of prison administration and that is, that the State is under no obligation to a prisoner whatsoever for any labour he may perform while undergoing his sentence. When we look at it from this point of view, I submit that we find ourselves paying something that we ought not to be paying for. In other words we are attempting to bribe a prisoner to do something which our system ought to be able to command. On the sentimental side the first point I wish to draw the attention of the Council to is that pecule is not a Punjab discovery. Criticism has raged round it and the experiment has exhausted all its possibilities. I have brought with me a work on Prison Reform by Sir Evelyn Ruggles-Brise. This work deals with all the international...

Maulvi Mazhar Ali, Azhar : Sir, I rise to a point of order. The question before the House is the amendment moved in respect of the demand for Rs. 92,320. In the ordinary budget of this year Rs. 10,000 were provided for and as a question of principle this House did decide that these rewards should be given. In the supplementary demand only the question of the amount provided can be discussed and not the question of principle or policy. (Hear, hear).

Mr. President : Certainly, that is so. Mr. Owen Roberts cannot enter into the question of principle underlying the demand.

Mr. Owen Roberts : The question of the amount is unfortunately very much mixed up with that of principle (Hear, hear) because we are told that the amount which will be paid to prisoners on which the whole amount is based...

Mr. President : However, the question of principle or policy cannot be discussed when the supplementary estimate is before the House.

Sardar Jodh Singh : Sir....

Mr. President : May I ask the honourable member whether he proposes to raise a question of principle or policy, or whether he really wants a reduction of Rs. 10?

Sardar Jodh Singh : I want an actual reduction. Moreover this demand is a new one and not an old one and I can raise a question of policy also.

Mr. President : Very well. Then you may move your amendment.

Sardar Jodh Singh (Sikh Urban) : Sir, I beg to move :

"That the grant be reduced by Rs. 10 in respect of the item of Rs. 3,070—Total pay of Establishment—Borstal Farm Nili Bar."

Sir, the day before yesterday when we were discussing the reduction in taxation some honourable members remarked that when the Government has got more money in its pocket it spends lavishly. I am going to give an instance of the lavish expenditure that Government indulges when they see that they have got plenty of money in their hands. Sir, there are two farms proposed, one is of one thousand acres and the other of two thousand acres. An ordinary man of business would at once see that the same staff is not required for the farm which is half the extent of the other. Here on the other hand we find that one farm requires one agricultural assistant of the first grade, two of the second grade and six mukadams and the farm which is half the size also requires one agricultural assistant of the first grade, two agricultural assistants of the second grade and six mukadams, that is, exactly the same strength of staff is required in both cases. This is the way in which money is being squandered when the Government has got plenty of it. I hope the Finance Department or the department concerned will admit that this is due perhaps to a miscalculation and that the staff will be reduced by at least one-half. In the case of Superintendents they have really shown that they do want to save the money of the tax-payer, because the Superintendent of one farm is to supervise another farm also by getting a small allowance of Rs. 150. In the case of the staff that I have pointed out something must be done and at least half the staff should be reduced.

Mr. President : Supplementary grant under consideration, motion moved :

"That the grant be reduced by Rs. 10 in respect of the item of Rs. 3,070—Total pay of Establishment—Borstal Farm Nili Bar."

The question is that that reduction be made.

Mr. D. Milne (Director of Agriculture) : Sir, possibly I can help the House to understand what agricultural supervising staff will be needed to run this proposed farm if I state what is generally required in our agricultural farms. On our seed farms, Sir, we allow one agricultural assistant and one mukadam for about 250 acres. There is a seed farm at Chillianwala of 250 acres and this is the staff that has been employed there. There is another seed farm at Montgomery of about the same area and there is also the same staff. A third farm has just been opened at Shergarh which is of about the same size and which has got the same staff. All these farms are cultivated largely by tenants on *batai* system and the chief work done by the supervising staff is to issue good seed, see that they are kept pure and take such records as are necessary in order to ensure that Government gets its proper share of the produce.

For our experimental farms, one agricultural assistant and four mukadams per hundred acres are asked for. These farms are run by direct cultivation in greater part, that is to say, we hire labourers and we have

[Mr. D. Milne.]

to have supervising staff to direct their everyday operations. We have also to keep a very accurate record of all these operations in order to give us data regarding the experiments which are being carried out. On the older experimental farms where many experiments are inaugurated, we require even more staff. The point I wish to make here is that it is the amount and quality of work, as well as the area of the farm that determines the number and quality of the supervising staff.

Now, Sir, as regards this farm of one thousand acres, for conditionally released Borstal inmates it is proposed to employ these young men on the farm and instruct them in improved methods of agriculture. These Borstal inmates will take the place of labourers on our experimental farms. These young lads will know little or nothing of improved methods of agriculture and consequently will require far more supervision than our ordinary agricultural labourers do who are born agriculturists. Then again, Sir, this is to be a farm where these lads are to be instructed in approved methods of agriculture. This will mean that very close records will have to be kept of all operations in order to show the value of the methods employed. I think therefore it will be agreed that the staff required upon this farm will more nearly approximate that which we require on our experimental farms than that which we require on our seed farms. Therefore it is quite obvious that the staff of three agricultural assistants and six mukadams asked for cannot possibly run this farm of one thousand acres efficiently as an instructional farm for young lads who know practically nothing of agriculture. The reason why three agricultural assistants and six mukadams are asked for now is that this is regarded as the minimum staff which will be necessary in order to make a beginning with this farm. I have no doubt whatever that more staff will be needed as the farm develops. As regards the other farm of 2,000 acres for reformatory adults, the same staff has been asked for at present for exactly the same reason, namely, that it is the minimum that will allow us to make a start with this farm. It is perfectly obvious that neither of these farms can be run with this staff when fully developed.

Now, Sir, the Honourable the Minister for Agriculture and several other honourable members have already made it clear in this House that these farms will obviously be very important factors in reclaiming habitual criminals to the ranks of useful members of society. I know that there is no intention on the part of the honourable members opposite to cripple in any way the valuable work that is sought to be done and in view of the explanation which I have given, I hope that the honourable member will withdraw his motion.

Sardar Jodh Singh (Sikh Urban) : Sir, in his explanation the Director of Agriculture has gone into technicalities and explained to us that the seed farms require this much and the experimental farms require this much of staff. These two farms are neither to be seed farms nor experimental farms. Here the staff has simply to supervise the work of these criminal labourers that are provided for. To say that young lads will be quite ignorant of agricultural operations is to say too much because from a very tender age I see young lads taking part in the agricultural operations in the villages. I do not think that the population of the Borstal jails will be derived from anywhere else except the Punjab villages wherefrom most of them would come. The most important question was whether a farm of two thousand acres requires exactly the same staff as a farm of one thousand

acres. It now appears that this is not the whole staff and I would have been glad to know from the Director of Agriculture what will be the full strength of the staff that this farm will ultimately require. I have seen persons with 40 squares and 50 squares of land and I have seen them run quite profitably without employing such a large and expensive staff. The honourable Director of Agriculture has not given us any idea as to what we have to pay ultimately on these two farms. May I also know from him whether there is any idea of getting any profits out of these farms. I wish to know whether these farms are merely intended to be instructional farms or whether these people are to be taught there that by taking to agriculture, they can pursue an industry which will pay them ultimately. Otherwise if they are employed on a farm which shows deficit surely they will think that thieving is much more profitable than being a farmer because ultimately we cannot make both ends meet. My idea is that if we pursue a common sense view we shall have to run this farm as old jagirdars do with the least expense. Improved methods of agriculture are not to be taught to them by instruction, but by experience. They must be taught to plough straight and they must know that industry and good seeds are the supreme factors that count. Surely we are not going to teach them all the things which our professors are experimenting upon in their laboratories at Lyallpur. There are three or four fundamental things which have to be taught and there will not be much of instruction there. It will be for them to do the task appointed for them by the people who are set for this business. I have no idea to obstruct the operations to be performed in connection with these farms because we have all thought that this mode of improving the criminal population of the Punjab is to be tried as an experiment. If the honourable the Director of Agriculture can give me an idea of the staff, I will withdraw my amendment.

Mr. D. Milne (Director of Agriculture): Sir, I think there is still some misunderstanding. I did not say that these Borstal lads know nothing about agriculture. I said that they knew little or nothing. They will certainly know little or nothing of scientific agriculture. Also it must be remembered that they are criminals and they will require a great deal more supervision than the ordinary honest men that we employ.

The honourable member asks what is the full strength that will be required. That is difficult to foretell. I have said that the staff asked for is the minimum required for a start. In my opinion it is advisable to start with a small staff and see from experience what help can be got from the training of these lads themselves as part supervisors of certain works on the farm. This farm is after all an experiment, and I do not think that any of us are in a position to say whether these lads will be of very great use as supervisors or not. In time, I have no doubt a certain number of them will be found who will be useful as supervising staff, but that remains to be seen. In the meantime a minimum staff is asked for and I think the honourable member will agree after considering the figures of staff that I have given as necessary for the working of our farms under direct cultivation, by honest members of society who are born agriculturists, that the staff asked for is really the minimum staff that we can think of to start this very important experiment.

Sardar Jodh Singh: Sir, I beg leave to withdraw my amendment.
The amendment was by leave withdrawn.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I beg to move—

“That the grant be reduced by Rs. 1.”

We have long been raising our voice against the administration of Jails in this country and two years back when I first came into the Council, I raised a discussion on the evils in the Jail Department by moving a reduction of Rs. 1 in the Jails grant. Ever since then, I have taken every opportunity in this Council and outside to draw the attention of the Government and there has been continuous agitation in the press and on the platform. Let me admit, Sir, that we have criticised and often ruthlessly criticised the working of this department even to the point of censure. But, Sir, our agitation has borne fruit and as the result of it we find that Government appointed an Inquiry Committee. When the grant for the appointment of this Committee came before the House, in my speech I told the Government that reforms in this department and for the matter of that in all other departments can be effected only if the Government is serious about doing so, otherwise, the appointment of any number of committees will not help. We have since had the report of the Committee and the Government resolution thereon. We now have before us the grant demanding sums for the carrying out of the recommendations of the Jails Committee. From the report of the Committee, the resolution of the Government thereon and the note in the Supplementary demands, I am gratified to note that Government have determined to remove all evils in the administration of the jails in this province. It is, therefore, doubly my duty, for I never missed any opportunity to belabour the Government on this score, that I should take the first opportunity of congratulating the Government and the Committee. I, therefore, hasten to say that although all our grievances have not been removed I find enough, in whatever, has been placed before us to congratulate the Government with the hope that they will stick to this determination and will not let their enthusiasm about jails reform wane.

I, Sir, have no intention of discussing all the reforms that have been recommended by the Committee. We have them all before us in the form of their report. We know that the greatest thing the Government proposes to do is to improve the character of the staff they engage. They want to have Civil Superintendents in place of Medical Superintendents and to see that men of unblemished character and high attainments are appointed. This is a proof positive of the Government's determination to carry out reforms. This shows that Government if once they think of reforming a department would not stop with replacing the whole staff with better men. The only thing, I have to submit is that Government should be wary in making appointments. They should not be led by the recommendations of influential men, nor by the family claims nor only by the previous record of men in their service books. Only men of real worth should be appointed. The work of reform depends chiefly upon the people who carry it out. You can pass a very good law but if the people who are to carry it out are not moved by good intentions such a law even can be made very harmful. The only thing we should see is that we have good men to carry out these reforms, be they Civil Superintendents or Deputy Superintendents, the name does not count.

I have now, Sir, to draw the attention of the Government and the Honourable the Finance Member to a few things. When a new prisoner goes to a jail he is put in quarantine and is made to grind. The Committee has also noticed this fact. But as he is new to such a thing he finds it rather hard and cannot do that sort of work. This leads to objectionable things. The agents of the jailors then come and fix their terms. This sort of labour should be done away with. The Committee also for identical reasons have recommended its abolition and I hope this is a recommendation which the Government will see its way to adopt. Only to reduce the quantity to be ground is no relief at all. For the main objection of this practice which is the starting point of corruption among the jail officials stands. Whether you give them 18 seers or 8 seers to grind they do find it difficult to do so and once you allow 8 seers corn to be given, you open the door of corruption and in actual practice more corn may be given than is prescribed. I, therefore, request that this recommendation should be accepted in its entirety. Such a thing will not affect the discipline. There are other forms of labour which require no implements which the prisoners can use to make good their escape or which they can use to injure their own persons or those of others, and which can be safely given to the new comers to be performed in quarantine. Why not replace grinding with some of these? Secondly, Sir, there comes the question of non-official visitors. I acknowledge the fact that Government has already given large powers to non-official visitors of jails and has by appointing the members of the Jail Standing Committee of this Council as non-official visitors done enough to give opportunities to the public to look into the working of jails. But there is one thing that must be done to further remove the grievances of the public. Government allow non-official visitors to visit jails throughout the week excepting Sundays. Now Sundays are the only days when a visitor can hope to find a lot of interesting things going on in the jails. Now, Sir, there is already the time after sunset when you cannot get into the jails and if Sundays also are excluded lot of opportunity is lost to see jails as they can only be seen during nights and on Sundays. The exclusion of nights is not much objectionable. But there must be no such restriction about Sundays. I hope Government will reconsider this question and allow non-official visitors to visit jails on Sundays. This will certainly prove of great advantage, not only because the visitors will feel it convenient to visit jails on Sundays, but also for various other reasons. I shall just refer to the report of the Jails Inquiry Committee to establish my point. At present officers do all they want on Sundays as they are sure of no interruption on the part of the visitors. The Jails Committee speaking of unauthorised punishments and unauthorised indulgences say :—

"On Sundays the goddess of chance is not neglected and we are assured that the gambling is conducted under the patronage of the minor jail officials who are no doubt not forgotten by the winners."

Then, Sir, there are serious complaints about the quantity of rations. Non-official visitors when they weighed the loaves they found them often underweighed. Now, Sundays are very convenient days for such short supply of rations. Once during a visit to a jail I was told by prisoners that if I were to visit the jail on Saturday evening or Sunday morning I would find that the fuel and other things supplied for washing of clothes and boiling water is less than the rules permit

The Honourable Sir John Maynard : I think I may, perhaps shorten this part of the honourable member's speech by telling him that it has been decided to allow visitors on Sundays (Hear, hear).

Maulvi Mazhar Ali, Azhar (continued in Urdu) : I do not want to prolong this discussion. I shall mention only one more point. In these days, though we do not feel it here in the cold climate of Simla, it is extremely hot in the plains. But even in the months of June and July the prisoners have to sleep inside their cells. It would be well if they are made to sleep outside. In many jails barracks are very airy and it is not so hard to sleep in, but in many others, as for example, in the Lahore Central Jail, grinding block, the cells are so close that it is simply inhuman to make people sleep in. I wonder how they sleep inside during the rainy season. Government is constructing new jails. I hope, they will remove this grievance in the construction thereof, and try to improve the old jails as far as possible.

Mr. President : Supplementary grant under consideration, motion moved :

1 P. M.

"That the total grant be reduced by Rs 1."

The question is that that reduction be made.

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 of the clock. Mr. President in the Chair.

Chaudhri Afzal Haq : Sir.

Mr. President : Does the honourable member propose to move his own amendment?*

Chaudhri Afzal Haq [Ludhiana-cum-Hoshiarpur, (Rural)] (Urdu) : No, Sir. I wish to speak in support of the amendment already moved. Sir, I take this opportunity to congratulate the members of the Jails Inquiry Committee the labours of which have borne fruit in the form of this exhaustive and well considered report before us. I appreciate the way in which the said Committee tried to acquaint themselves with the condition of the Jails in this province in so short a time. The independence and undauntedness with which the facts coming to the knowledge of the Committee recorded are simply commendable. But I notice one thing in the report which should not have occurred. From the report it appears that the Committee was all along under the impression that there was financial stringency in the province, and I am sorry to point out that the members were very much influenced by this idea when they submitted their report. If no solution has been suggested of the question of food in jails it is because perhaps the Committee thought that any suggestion made in this connection will entail expenditure. That should not have been. The Committee ought to have made its recommendations independently and without any consideration of money. However, I express this hope that if the Committee has suggested no solution the Government itself will see that this long standing grievance is also removed without any delay.

There is another special feature of the report which requires special mention. The appointment of the Committee and its report have produced very wholesome effect on other departments of the Government. The

* "That the total grant be reduced by Rs. 1."

officers in charge have realised that if any defect is found in the working of their departments the Government will take the first opportunity to remove it. I feel that our position is now safe and secure. The report before us has brought about a change in our attitude because formerly we had perforce to offer wholesale opposition to the Government but now we feel we can offer co-operation to the Government.

I will be failing in my duty if I do not make mention of the fact that improvements have taken place in the jail administration since the publication of the report of the Jail Inquiry Committee and I might say that I have seen these improvements with my own eyes as a non-official visitor. I have also seen most of the instructions issued by the Inspector-General of Prisons. They all without exception bespeak of the good intentions on his part to carry out reform in the jail administration. There is one small defect in this connection which ought to be removed. The non-official visitors are not supplied with copies of all the instructions and consequently confusion and quarrel arises between visitors and jail officials. Take for example an instruction has been issued by the Inspector-General of Prisons that a visitor cannot talk to more than one prisoner at a time. Now, if the non-official visitor is not aware of this instruction there is likelihood of some conflict between the visitor and the jail staff. It is, therefore, requested that copies of instructions should be invariably supplied to the non-official visitors.

Much has been done by way of improvements in the jail administration, but still there are one or two defects left which I hope Government will remove particularly when it is now inclined towards reformation of the jail administration. One of those defects has been referred to by my honourable friend Maulvi Mazhar Ali Azhar and that is grinding should not be imposed on the prisoners. There is absolutely no use to make the prisoners grind 8 seers of grain when they used to grind 18 seers before. Piecemeal reform in this matter will not do. I think labour of grinding is the root of all corruption and unless it is completely rooted out, we cannot see the end of corruption in jails.

The second defect to which I like to draw the attention of the Government is in the wording of paragraph 18 of the Jail Manual. According to this paragraph the jail officials are required to buy grain for consumption in jails of the lowest quality and at cheapest rates available. I do not mean to convey thereby that it is the intention of the Government that worst food should be supplied to the prisoners. What I mean to say is that the presence of such wordings in the Jail Manual produces undesirable results. I would, therefore, ask the Government to have this paragraph deleted from the Jail Manual. Before I sit down I again congratulate the Government and the members of the Committee for the work they have done.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] (Urdu) : Sir, I also rise to congratulate the Jails Inquiry Committee on the successful termination of their labours about the prison reform. Our honourable friend Shaikh Abdul Qadir was a member of the Committee and I congratulate him and the Government on the magnificent work the Committee have done. They have rendered a service to the country. I have no doubt there are defects in the jail administration and I hope Government will remove all those when and if it gives them its cool consideration, as they have done in the case of caning in the Borstal Bill.

[Sayad Muhammad Husain.]

I, Sir, do not possess the experience and the information of my friend Chaudhri Afzal Haq in matters connected with the administration of jails. I only have experience about the working of the Montgomery Jail. There I found that there was no difference between the grinding cells and the condemned cells. Now, Sir, I do not like that even those who have to be executed in a day or two should be treated so inhumanly during two or three days of life they have to live. Why should we shut out light and air from these condemned prisoners and thus strangle them even before they are hanged? To treat these people even in such a way is objectionable. But there is absolutely no justification to treat in this fashion those whom we want to reform and who after a short sojourn in jails have to be members of our society. Now, Sir, I, in spite of being so strong will not be able to grind 18 seers and those poor people must be finding it very hard to do so. Once I was going round Montgomery Jail and I found that these prisoners use many ways to lessen the burden of their task. One of these was to tie a small piece of cloth on the axle of the handmill to lessen the friction. I doubt if such things would be allowed to happen in any civilised country. People would prefer death to such an inhuman treatment. Only the other day a European mechanic killed another European in the Canal Department. When this murderer of an European and not of an Indian, was shut up in the lock up he raised such a hue and cry that the place was not worthy of any human being but was more like a kennel that the police were afraid that he may not kill himself. The matter was therefore, reported to the officers who ordered his removal to better surroundings, where police officers lived. He was given all the necessary conveniences. Now, Sir, he is an ordinary mechanic, while many of our best men who afterwards become ministers are denied these comforts. This grinding is inhuman. Nobody can do that work in the burning climate of Montgomery. I am afraid, Government do not think us civilised, or they would not let such things happen. Government have admitted that we are a part of the Empire or at least we shall soon become one. Why, then, treat us differently? You can reform a man only if you treat him with respect and create in him a sense of self-respect. But you can only do that by raising him in his own esteem and that of the others. If you make him undergo all that brutal treatment inside the jail he gets inured in his evil habits and defies the law. Now, Sir, wherever you have tried to bring inhuman methods you have succeeded admirably. My friend Sayad Raza Shah tell me that in Multan Government have appointed a Provincial Service man who has been able, in a very short period of time to root out all the objectionable practices in the jails. If similar men are appointed in other jails as well, it will not be long when you will see the administration of jails purged of all the evil practices. In the end I thank the Government and the Members of the Jail Committee for the good work they have done.

The Honourable Sir John Maynard (Finance Member): Sir, I should like to acknowledge the excellent tone and temper of the speeches which have been made on the subject of the proposed reforms in the jails. Of course my friend opposite, Sayad Muhammad Husain, was perhaps a little carried away by his sympathies as he is apt to be, but I recognise that generally speaking the effort which Government is making to set the administration of its prisons right without falling into the opposite error of excessive sentimentality in indulging a class whom it is not desirable to indulge is recognised by this House. May I say that the Government repeat what Government has already said in its published resolution and express the acknowledgments of

Government's gratitude to those gentlemen who formed the Committee which investigated this subject. One of them, I am glad to see, is in the House at this moment. He is a prominent member of this House. I can assure the House and I can assure him that we are all very grateful for the work which he and his colleagues did. I can assure him that we realise its value, and that the Government recognises that its true strength lies in the removal of defects in its administration.

Now I will just touch very briefly on one or two points which have been mentioned by speakers on this subject. Of course we know that everything depends now, as always, upon the choice of officers and upon the results of our efforts to improve the quality of the supervision and the executive management of the jails. Unless we find the right men and unless they heartily co-operate in the effort to make improvements, our attempts will of course not be fully successful. That we thoroughly recognise. Everyone in the House may rest quite assured that we shall make a special point to try to find the right men for the work.

One honourable member referred to the question of grinding as an employment for prisoners on first admission to the jails, and he said, as I understand, that the trouble arises in this way that prisoners are very much alarmed to find themselves put to this particular employment of grinding, and he thinks that is a means by which pressure is brought to bear upon prisoners on their first arrival and they are thus prepared to accept proposals for illicit indulgences. As to that, our present position is that we do not necessarily give grinding work to prisoners in quarantine. Some of them get it, not all; and the standard is reduced in the case of quarantine prisoners to half the usual standard. That is our existing rule. I do not know whether we can modify that but I will undertake to examine the question further.

Then there is another point. I have already referred to it in an interjection which I made in the course of the discussion. A gentleman said it was very desirable that non-official visitors should be given admission to our jails on Sundays so that they may be able to see what is going on then. We have already arrived at an informal decision on the point that admission should be given to non-official visitors at the usual hours on Sundays also. I should like to say however that we hope non-official visitors will remember that jail officials are also human and sometimes want a holiday. We hope therefore that they won't spend the whole day in visiting prisoners because that would be rather hard on our jail officials.

Another remark that was made was that the food and the wood which are supplied are occasionally short in weight. I think we must all see that this is entirely a question of adequate supervision. Directly we have what we hope to have in course of time, a whole-time officer to supervise, it seems reasonable to hope that the improvement in supervision which is necessary to detect these things will be achieved. It is really entirely a question of whether the principal officer has time to look into all these matters and satisfy himself that everything has been done right. When we have a whole-time officer then, I think, we may reasonably hope we shall have accurate weight both in food and in wood.

[Hon'ble Sir John Maynard.]

Another remark which was made was that it is very desirable that prisoners in hot weather should be able to sleep outside instead of inside. That we recognise and in all the new jail plans which we are making—for instance for the new jail at Manawan and the new proposed central jail at Ferozepore, we propose to have enclosed verandahs in which it will be possible to allow prisoners to sleep at night. I am afraid it is not possible in the existing barracks to have this arrangement, but as opportunity offers, as new buildings are put up, this matter will be borne in mind.

Another point to which allusion has been made is the fact that the rules prescribe the supply of grains of the cheapest quality. That is what I understand a gentleman to have said. I think there is some misunderstanding about the meaning of this expression. It does not mean to say that jail officers are directed to go to the bazars and find the cheapest and nastiest grain they can find. All it means to say is they are to make use of the particular variety of grain which is cheapest at the time. In the interest of the tax-payer it is desirable to buy the cheapest variety of grain which is available. I am not quite certain whether the words which are employed in the rule convey accurately the intention of Government in this matter and therefore I am ready to undertake to examine the words and see whether the formula can be improved so as to make it perfectly plain that all that is meant is that grain of the cheapest variety is to be used.

That, Sir, is all I have to say and I am happy to find that, on this occasion at least, the points which gentlemen have thought it necessary to raise have not been of a very alarming or dangerous kind. I can only say again in conclusion that it is the earnest desire of Government to carry out this reform in a complete and adequate manner.

Maulvi Mazhar Ali, Azhar : Sir, I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 3,05,452 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Jails and Convict Settlements".

The motion was carried.

POLICE GRANT.

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

"That an additional sum not exceeding Rs. 16,729 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police."

Mr. President : The question is—

"That an additional sum not exceeding Rs. 16,729 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police."

Chaudhri Afzal Haq [Ludhiana-cum-Hoshiarpur, Rural] (Urdu): Sir, from page 66 of the note it appears that all the officers required are for excise work. They are supposed to do investigation work about excise cases. Now, Sir, if the Government wanted to lend officers from one department to another, the proper course was to debit the expenditure to that department. This is not the only objection against this item. You are creating a new branch of the police which will be entirely for the detection of charas, cocaine and other drugs. Now, Sir, this is not as innocent as it looks. You are creating a separate service for the detection of intoxicants other than liquor with which the Excise Department will have no concern. Now, this process is not going to end here. This staff is only for the border districts. But such smuggling of charas and cocaine goes on in Hoshiarpur and adjoining districts also and I am sure, they will come for the entertainment of similar staff there as well. Cocaine is mostly secured from Bombay and Calcutta and what guarantee is there that such a staff will not be required in other districts as well. Now, Sir, it is proposed to take away the powers of a transferred department and give them to a reserved one. Now, there will hardly be a member in this House who will not resent such a thing. A transferred department has been brought under the reserved subjects without even the knowledge of the Council. Apart from this constitutional question, is it not proper that the expenditure be debited to the department which employs a man? Now, Sir, police is already spending about a crore and a quarter and the Council does not approve of this even. Why do you add more expenditure? I have had some connection with the police, though they now look at me with an eye of suspicion and I know that they object to the expenditure they have to incur for the benefit of other departments. This expenditure on this staff, therefore, is objectionable not only from the point of view of the police but also on constitutional grounds and I submit that even a pie for this demand should not be sanctioned.

The Honourable Sir John Maynard (Finance Member): Sir, I should like to explain the reason why this particular item which should come under excise has been included under the item police. I think the honourable member thinks that there is something machiavelian in our designs in doing so. He thinks that we did this in order that we may have a particular item of a transferred department specially put in a reserved department. The actual fact is this. Of course the police are quite indignant at having an item included in the police demand which is really intended for the benefit of excise. I am personally connected with the police and not with excise and I myself do not like it. But I have been obliged to do this on principle and that principle is this, that you have to charge the cost of an establishment to the department under which that establishment is going to work. In this particular case, very much against my will as I do not like the cost of the police to swell, I found that it was necessary to do this in order to comply with the rules because this branch will work under the control of the Police Department and not of the Excise Department. That is why we have had to include the cost of this excise establishment under the demand for police against my will.

Mr. President: The question is—

"That an additional sum not exceeding Rs. 16,720 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police."

The Council divided: Ayes 39, Noes 13.

AYES—89.

Mr. W. P. Sangster.
 Lt.-Colonel E. L. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Honourable Sardar Jogindra Singh.
 The Honourable Rai Sahib Chaudhri Chhotu Ram.
 The Honourable Mian Sir Fazl-i-Husain.
 The Honourable Sir John Maynard.
 Khan Bahadur Shaikh Abdul Qadir.
 Malik Firoz Khan, Noon.
 Nawab Malik Sir Khuda Bakhsh Khan.
 Khan Bahadur Nawab Muzaffar Khan.
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. B. H. Dobson.
 Mr. J. M. Dunnett.
 Mir Maqbool Mahmood.

Sardar Bahadur Sardar Jowahir Singh.
 Khan Sahib Lieut. Malik Muzaffar Khan.
 Chaudhri Saadullah Khan.
 Mr. D. Milne.
 Mr. H. W. Webb.
 Mr. Owen Roberts.
 Subedar-Major Farman Ali Khan.
 Rai Bahadur Sir Gopal Das, Bhandari.
 Mr. E. Maya Das.
 Sayad Muhammad Husain.
 Sardar Randhir Singh.
 Mr. V. F. Gray.
 Subedar-Major Asghar Ali Khan.
 Chaudhri Kesar Singh.
 Chaudhri Ram Singh.
 Lala Mohan Lal.
 Makhdumzada Sayad Muhammad Raza Shah, Gilani.
 Khan Haibat Khan Daba.
 Malik Khan Mubammad Khan Wagha.
 Lieut. Sardar Sikandar Hayat Khan.

NOES—13.

Professor Ruchi Ram, Sahni.
 Chaudhri Duli Chand.
 Chaudhri Afzal-Haq.
 Rao Pehap Singh.
 Chaudhri Tek Ram.
 Maulvi Mazhar Ali, Azhar.
 Rana Firoz-ud-Din Khan.

Shaikh Muhammad Sadiq.
 Munshi Fazaal Khan.
 Sardar Partap Singh.
 Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Najib-ud-Din Khan.

The motion was carried.

THE PUNJAB LAND PRESERVATION (CHOS) AMENDMENT BILL.

The Honourable Mian Sir Fazl-i-Husain: Sir, I beg to present the Select Committee's report on the Punjab Land Preservation (Chos) Amendment Bill.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, I beg to move—

"That the Punjab Land Preservation (Chos) Amendment Bill as reported by the Select Committee be taken into consideration."

Sir, I need only mention at this stage that this Bill was carefully considered by the Select Committee and during the deliberations of the Select Committee, it was pointed out by the honourable member representing Hindu Landholders that the Bill did not include amendment of certain sections of the Act which sections also suffered from the defects which were removed from the other sections. On consideration, it was found that the objection was well taken and in pursuance of that idea of removing all objectionable provisions from the existing Act, a second Chos Amending Bill was drafted. This is the item on the agenda after this one. Besides this matter there is nothing in particular to which I wish to draw the attention of the Council at this stage.

Mr. President : The question is —

"That the Punjab Land Preservation (Chos) Amendment Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President : Clause 2.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] :

Sir, I beg to move—

"That for clause 2, the following be substituted :—

"In section 4 of the Punjab Land Preservation (Chos) Act, 1909, the words 'or permanently' shall be omitted, and the words 'for a period not exceeding 15 years' shall be added after the word 'temporarily'."

I do not wish to tire the patience of the House by referring to the chos once again. Sufficient has been said about the chos in this Legislative Council by me every year. But I wish to draw the attention of the Government to one very important fact which they have missed. The original section as it stands runs as follows :—

"In respect of areas notified under section 3 generally from the whole or any part of such an area the Local Government may by general or special order temporarily or permanently regulate, restrict or prohibit . . ."

That is to say the Government has now recognised that it does not want to take possession of the lands of the Hoshiarpur people *permanently* and that its object is merely to acquire or rather to apply section 4 or 5 and other sections only for a temporary period, the object being that during this period the Government will be trying to protect the forests that already exist and to grow forests where they do not exist. With this object, the Government acquires certain lands belonging to these people and applies section 4 or section 5. By this amendment of the Act the object of the Government is to remove the apprehension in the minds of the people that these lands are taken only for a short time or a temporary period. But unfortunately, this word 'temporarily' has not been defined anywhere. As I have submitted in my note of dissent to the report of the Select Committee this 'temporary possession' of Government may extend to 999 years. This would also be temporary possession. The time may extend to 100 years or 50 years and still it would be temporary possession as opposed to permanent possession. Therefore I submit that the word 'temporarily' should be defined and it should be notified to the people that their lands have been taken possession of only for a temporary period, say 15 or 20 years just as the Government considers proper for each case. Now, that being the object

[Pandit Nanak Chand.]

of the Government in removing the words 'or permanently', I entirely fail to see why the word 'temporarily' has not been defined. In order to create confidence in the mind of the people, it is necessary that the Government should make it clear that they do not intend to take possession of these lands for more than a few years. These *sanatha* shrubs or shrubs of a similar nature that are generally grown in these Siwalik ranges do not take more than 15 years for spreading as forests. I submit that the word 'temporarily' should therefore be defined in the Bill and with this object in view I move my amendment.

Mr. President : Clause under consideration, amendment moved :

"That for clause 2 the following be substituted :—

'In section 4 of the Punjab Land Preservation (Chos) Act, 1903, the words 'or permanently' shall be omitted and the words 'for a period not exceeding 15 years' shall be added after the word 'temporarily.'"

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I think we have made it absolutely clear that it is not our intention to occupy these tracts permanently. Now the honourable member from Hoshiarpur takes objection as to the length of temporary occupation. That may be so but when you say 'temporarily', you take over possession 'temporarily' and not for good, and there is a limitation as to the period which may elapse before your temporary occupation comes to an end. I feel, Sir, that whenever a notification issues stating that possession is being taken over by the Government, the notification must specify the number of years for which the possession is being taken. It will not do simply to say that possession is being taken over temporarily. To that extent, I appreciate the criticism which has been made. When the honourable member goes beyond that and says that the maximum limit of that temporary possession should not exceed 15 years, I very much regret that I cannot persuade myself to agree to that. These tracts have a very unfortunate history behind them. I do not know whether it is really necessary for me to go into it in order to convince the Council that the period of 15 years or for the matter of that any particular period, say 20 or 30 years could not be accepted because cases may arise where it may be necessary to keep possession in the interests of the people themselves for a longer period than that. If I am not mistaken, the honourable member the other day urged upon the Government the necessity of holding possession for quite a long time and he urged that the return of possession should be safeguarded by imposition of conditions so that the good work done by the Government or under Government supervision may not be undone within a short time. If the honourable member feels satisfied with what I have submitted with reference to the word 'temporarily', I think the subject need not be pursued further. If on the other hand he feels that the imposition of this specific limitation of 15 years is necessary for his purpose, then I think I must oppose it and further go into the history of the case at some length.

Pandit Nanak Chand : I have not quite caught what the Honourable Member has said.

The Honourable Mian Sir Fazl-i-Husain : Sir, I have given explanation for the word 'temporarily' and if he is satisfied with the explanation he need not pursue the matter further. On the other hand if he feels that the word 'temporarily' should be defined specifically with reference to the period of years, in that case, it will be necessary for me to pursue the subject further and to go into the history of this case.

Pandit Nanak Chand : I shall be quite satisfied if the Honourable the Revenue Member makes it quite clear in his notification that the possession is either for 10 or 15 or 20 years. I am not committed to the period of 15 years mentioned in the amendment. All that I want is that some period which may be reasonable period should be fixed in the notification.

The Honourable Mian Sir Fazl-i-Husain : I quite appreciate that point of view that the notification should not be vague and that the word 'temporarily' should be left as it is in the Bill. I assure my honourable friend that the word 'temporarily' means only for a definite number of years and the particular period shall be fixed in accordance with expert advice that may be given and not by any sort of hazardous thing like 999 years and so on.

Pandit Nanak Chand : Sir, I beg leave to withdraw my amendment.

The motion was by leave withdrawn.

Mr. President : The question is—

"That clause 2 stand part of the Bill".

The motion was carried.

Mr. President : Clause 3.

Pandit Nanak Chand : I hope the assurance which the Honourable the Revenue Member gave with regard to section 2 will also be repeated with regard to section 5. In that case I would not like to move my amendment.*

The Honourable Mian Sir Fazl-i-Husain : My remarks concerning the word 'temporarily' apply wherever it occurs.

Pandit Nanak Chand : In that case, I do not like to move my amendment.*

Mr. President : The question is :

"That clauses 3 to 5 stand part of the Bill".

The motion was carried.

Mr. President : The question is :

"That the title and the preamble stand part of the Bill".

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain : I beg to move :

"That the Punjab Land Preservation (Chos) Amendment Bill be passed.

The motion was carried.

*"In section 5 of the said Act, the words 'or permanently' shall be omitted and the words 'for a period not exceeding 15 years' shall be added after the word 'temporarily'".

THE PUNJAB LAND PRESERVATION (CHOS) SECOND AMENDMENT BILL.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to introduce the Punjab Land Preservation (Chos) Second Amendment Bill. I have already submitted what the genesis of this second Bill is and the reason why it is being brought forward immediately after the first one is passed. The matter was brought to my notice in the Select Committee. There were technical objections to the inclusion of this amendment in the first Bill and therefore it was found necessary to have a second one and it was felt advisable to have it immediately prepared and introduced and passed, so that the whole work about this particular improvement be effected at once.

The Honourable Mian Sir Fazl-i-Husain : Sir, I beg to move—

"That the Punjab Land Preservation (Chos) Second Amendment Bill be taken into consideration."

The motion was carried.

Mr. President : The question is—

"That clause 2 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clauses 3 to 7 stand part of Bill."

The motion was carried.

Mr. President : The question is—

"That the title and the preamble stand part of the Bill."

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain : Sir, I beg to move—

"That the Punjab Land Preservation (Chos) Second Amendment Bill be passed."

The motion was carried.

THE PUNJAB BORROWERS' PROTECTION BILL

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : Mr. President, Sir, I beg to move—

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration."

This Bill, Sir, as you may remember, was originally moved by me as the Punjab Money-Lenders' Bill, and it provided that every money-lender in the Punjab shall maintain regular accounts in the books prescribed and that he shall furnish to the borrower a memorandum about each of his transactions and a six-monthly statement of accounts. The definition of "money-lender," Sir, in the original Bill included the retail trader whose business was that of charging interest on his balances not occasionally but as his business, and in moving that inclusion in the Bill, I made it clear

that I did not want to include the retail trader as such or to interfere with the trade of the province, but only to prevent wholesale evasions of the Bill by the money-lending classes. In the debate that took place in the House on my motion that the Bill be referred to a Select Committee, leaving aside general considerations, the Bill was attacked on three main points. First, it was stated that the sending of a memorandum of transactions for each item was very burdensome and inconvenient, because some of the villages were far distant from post offices. The second objection which was raised was this, that the inclusion of the retail trader who charges interest regularly was not justified and would interfere with the legitimate trade of the Province. The third objection raised was that the penalty clause was much too severe. The Select Committee, Sir, took all these matters into consideration and others besides these, and as a result of their deliberations two of these points raised have been accepted. I mean the memorandum of transactions has gone, and the provision relating to the retail trader is omitted. To the third question of penalty the Select Committee gave a very anxious and careful consideration and after considering every alternative possible, as they have said in their report, they came to the conclusion that for not maintaining regular accounts the only effective penalty was that originally proposed. But let me make it clear here, lest there should be any misunderstanding, that the penalty for not sending the six-monthly statement is the exclusion of interest for the period of every six months for which the money-lender has omitted to furnish the account, but even then if later the money-lender supplies the information which he ought to have sent earlier it is open to court to give him interest for any such period if he has sufficient cause for the delay. The Select Committee has made some other changes in the Bill. For instance, they have brought in a new clause 4. That clause was intended to embody the unanimous decision of the Select Committee that the borrower should have the right to obtain a copy of his account on demand, but unfortunately the procedure proposed was so cumbersome and dilatory that even I had to record my dissent to it. Let us hope that in the final form of the Bill that clause shall disappear. The Select Committee also added two safeguard clauses to the Bill, I mean clause 7 and clause 10. In clause 7 they enjoin that there shall be no presumption as to the correctness of accounts against any borrower who receives an account and does not protest as to its correctness. The second safeguard clause brought in by the Select Committee is clause 10 which excludes from the operations of the Bill all transactions effected by a money-lender before the commencement of the Act.

Then, Sir, there is the clause 6. In that clause, as I originally inserted it in the Bill, I stated that every person declared to be a money-lender by a competent court shall be presumed and not held to be a money-lender for the purpose of this Act, unless that decision is upset or the contrary is proved. I inserted that clause to avoid the inconvenience and the difficult position in which a money-lender or a court may be placed if on the same set of evidence one court were to hold that a person was a money-lender and the other court were to hold that he was not a money-lender. But the Select Committee has thought it fit to narrow down this presumption by excluding all cases decided *ex parte*.

Another very important change effected by the Select Committee refers to the definition of loan. The Select Committee has materially narrowed down the scope of this Bill by limiting and restricting the definition of 'loan.'

[Mr. Maqbool Mahmood.]

And, lastly, the Select Committee has recommended that the name of the Bill should be the Borrowers' Protection Bill instead of the Money-lenders' Bill.

These are in the main, Sir, the recommendations made by the Select Committee. This Bill, as reported by the Select Committee, has been subjected to both friendly and unfriendly criticism in the Press and outside. Some say that the Bill goes too far; others assert that it does not go far enough. That was expected in a controversial measure of this kind, but all seem agreed on this that the preponderating majority of Punjab population consists of poor and ignorant borrowers who need some kind of protection. You may differ as to the effectiveness or the advisability of a particular form of protection, but that protection is needed by these men is agreed on all hands. The most effective way, Sir, to afford protection is no doubt the extension of better agencies of giving credit, such as the co-operative societies. That is being done. But unfortunately at present the co-operative movement caters only for one-tenth of the credit needs of the Province, and it may take long before they cover the whole field. In the meantime, I submit, that it would be reverse of wisdom and fairness if we are to refuse whatever legitimate protection we can offer to this vast but unfortunate section of the Punjab population whose average annual income per head is below the expense of feeding and clothing of a prisoner in the Punjab jails. Now, Sir, the protection of the borrower all the world over has been tackled objectively by limiting or placing restrictions on the activities or demands of the money-lender. This is the lesson of history. The Lycurgus enactment in ancient Greece, the Licinian law in ancient Rome, the Boetharis edict in ancient Egypt, the edicts of Manu and Katayana in ancient India, the English money-lenders' Registration Act and the Indian Usurious Loans Act in modern India have all gone on the same principle. The present legislation, Sir, therefore, is by no means a novel departure in the method which it adopts in protecting the borrowers as such.

It is calculated, Sir, that 78 per cent. of the borrowers of the Punjab borrow from the professional money-lender, and in fact the Punjab is dominated by the money-lender to an extent unknown in any other province. The population of the Punjab is one-eleventh of the whole but one-fourth of the money-lenders in British India work and reside here. This is, Sir, why the attention of all students and reformers of the problem of credit in the Punjab has been diverted to the study of the business methods of the money-lenders, and that explains why the present attempt to protect the borrowers has also involved the professional money-lender. Let me, however, make it clear, Sir, that as a student of Economics I recognise that in the present state of our society the money-lender is an absolute necessity and that anything which increases the money-lender's insecurity is a move in the wrong direction.

I also recognise, Sir, that this abnormal increase in the number of money-lenders is no evil *per se*, so long as they are free from certain defects which exist in our system of money-lending today, or so long as the borrowers can look after their own affairs. But unfortunately in the Punjab it is not so and we have here, on the one hand, a mass of ignorant borrowers who need protection, and on the other, we have a system of money-lending which suffers from certain serious defects. The most prominent of these defects, as has been pointed out by Mr. Darling, and observed by all unprejudiced official and non-official observers are three:— (1) a

too facile credit, leaving a heavy unproductive debt, (2) a very high rate of interest, and (3) what Mr. Darling calls a vicious system of money-lending, by which I mean an unintelligible system of keeping accounts, in which capital and interest is always mixed up together, and the withholding of information from a borrower about his state of accounts. Now Sir, this Bill does not claim to cover the whole field, but it is an attempt to deal with the third feature of the defects, the evils of the vicious system of money-lending by which I repeat I mean bad accounts, mixing up of capital and interest and withholding information from the borrower and occasional falsification of accounts. Let it not be understood, Sir, however that I accuse the business methods of all the money-lenders of this province of these defects. Far from it. I am aware of many money-lenders in the Punjab whose dealings are perfectly regular and do not admit of any improvement. I know that they are an asset to the industrial development of this province and are entitled to our best admiration. But, Sir, they won't suffer any particular hardship or loss so far as my Bill is concerned, and it is not they who mostly resent it. It is the other type of money-lenders who protest, and I am sure that, so far as they are concerned, they will not find a single champion in this House.

The Bill does not seek to abolish money-lending but to restrict it to better hands and regular methods. Coming, Sir, again to the form of the Bill, as recommended by the Select Committee, I claim that the Borrowers Protection Bill offers in three respects effective protection to the borrower without placing any unreasonable proscriptions on the money-lenders. It does not stop the money-lender from carrying on his traditional business: it does not force him to abandon it: all that it requires is that, at the time that he advances a loan, and at the time that he receives a repayment concerning that loan, he shall make an entry in any number of books, he likes but for the purposes of our Bill, he must make that entry in one of our books, and later six-monthly or at harvest time he shall supply certain information to the borrower. Now, Sir, this obviously does not mean any particular hardship on the money-lender, but to the borrower it means effective protection in three aspects. First take the Usurious Loans Act. That Act, Sir, as you will remember, empowered the courts in certain transactions to re-open the whole dealings between the parties and to relieve the debtor of excessive interest. The court can only relieve the debtor of excessive interest and cannot touch the principal as such. That Bill, Sir, was hailed by all sections of public opinion representing all shades of interests as a veritable Magna Charter for borrowers, but unfortunately the courts have found, since the Usurious Loans Act came into force, that they could not give relief to the borrower under that Act, because the borrower could not prove to them that the sum for which he was sued was made up of a large outstanding interest and some amount of principal. What certain lenders did was that, just before going to court, they got a new bond executed without any reference to old documents or loans describing the whole amount as the principal amount lent. They came to court. If the borrower could show the amount was made up of old interest and principal, the court was ready to grant relief, but the borrower had nothing in his hands to prove it, and the lender did not produce his old books and thus protection offered by the Usurious Loans Act is rendered ineffective. It may be asked, if a man gets a new bond executed, how can the borrower secure any relief even if he gets six-monthly statements? If this Bill is passed, the relief he will get will be under section 3 of the Usurious Loans Act. That section enjoins that the

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court can re-open dealings which are closed, and even when new obligations have been entered on, they can re-open the whole proceedings, they can trace back the transactions and separate the principal from the interest, and grant relief to the debtor, and I submit by bringing in this Bill, you will make it possible for a borrower to prove the history of the loan and secure that fair play which has been acclaimed by all shades of Indian opinion.

The second aspect in which the borrower gets relief under this Bill, as recommended by the Select Committee, is this, that up till now, with very rare exceptions, we find that our borrowers, once they get a loan, have to live in a feeling that they have a debt still paying still to pay from which they can never get out. The experience of co-operative societies has shown that, if at repeated intervals, a borrower is informed that this is the state of his account, it is a great incentive to him to make efforts to pay back his loan, and that change of mentality which this Bill is likely to secure is in itself a factor of great value.

The third point in regard to which this Bill attempts to give protection to the borrower is this. Now if accidentally or otherwise, any falsification occurs in the books, the poor borrower does not know anything about it until he is actually sued. But if he gets a six-monthly statement, he will be able to know it in time either to get it rectified or cease dealing with that type of lender. And this protection, Sir, offered by the Bill is offered to all borrowers alike to whatever community or country they may belong, and considering that the borrowers of this province are 33 per cent. of them Hindus, 16 per cent. Sikhs and the rest Mussalmans, I submit the Bill is in reality nothing but an economic measure. (An honourable member: And the creditors?)

I admit that most of the creditors happen to be Hindus, but I appeal to my friend, if he can conceive of a small tract of country near the frontier inhabited by my rich Hindu friends, and if the Mussalmans came and exploited them and my honourable friend brought a Bill to protect his Hindu friends would it lie in my mouth to say this is a communal measure and not a measure of fair play? I appeal to his sense of judgment and experience. If he finds that these money-lenders, of whom the majority happen to be Hindus, are asked to do something which is not very hard, and not very unreasonable, and protection is offered to those who need protection, why should he grudge it? (An honourable member: Why not let the Government come forward with a measure?)

I am afraid my honourable friend talks in whispers which do not reach me. As I was saying, the Bill applies to all borrowers concerned, and I am glad to find that dispassionate and responsible papers like the *Bengali* and the *Servant of India*, which represent Indian opinion and Hindu opinion as strongly as any one else, have publicly repudiated any idea that this is a communal measure; in fact they have gone so far as to say that it is the opponents of the Bill who tried to bring in a communal atmosphere. Not only that, Sir, but I am glad to be able to find that international economic papers in France, Rome and Copenhagen have approved of this measure and said that it should be adopted in other countries as well. This, Sir, is the Bill as it has been recommended by the Select Committee and it is by no means in its final shape. Many improvements and amendments are yet likely to be made before it is passed, but I would venture to make an appeal to all the speakers who follow me either in support of the Bill or against it.

to avoid, as far as they can, irrelevant references which might bring in communal tension. The communal atmosphere of the province is very bad and I appeal to all my friends to contribute nothing to make it worse.

An Honourable Member : Why not withdraw it for some time ?

Mir Maqbool Mahmood : Because there is no guarantee that matters will improve later. Moreover true unity must rest on fair adjustment and not on surrender of legitimate rights. And if my learned friend comes forward with any constructive suggestion for the improvement of communal situation I will be the first to support him.

An Honourable Member : Why not leave it to the Government to start this ?

Mir Maqbool Mahmood : Because the Government did not bring it in, and if the idea occurred to me while I was in Oxford, why should I not have the honour of being cursed or credited for this particular Bill ? Before I finish, I want to declare one thing ; I want the clauses of this Bill to be discussed on their merits, and I give this assurance, that if a case is made out that any particular clause gives an unfair opportunity to a dishonest borrower to create mischief or places an honest borrower in an awkward or unreasonable position, I declare in this House on behalf of myself and of the friends whom I represent, that I would be prepared to accept any constructive amendments put forward either by the Government or by my friends. (An Honourable Member : That opportunity will also come.)

When that opportunity comes, I am sure my friend will find me readier to accept it than he sometimes is when amendments are made from this side.

Sir, the problem of credit in the Punjab is an economic and a human problem and I appeal that it be discussed with economic arguments in a spirit of human and constructive sympathy. With these words, Sir, I beg to move that the Punjab Borrowers' Protection Bill as reported on by the Select Committee be taken into consideration.

Mr. President : The question is—

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration."

Rai Bahadur Sir Gopal Das Bhandari (Nominated Non-Official) : Sir, the Bill as it is now before us has got three phases. One is whether in its amended form it should be considered and whether it is a good one. The second is whether it requires that it be sent again to Select Committee for the reconsideration ; and the third is whether in the light of the amendments without referring it back to any Select Committee it be passed or it be not passed. I will confine myself only to the first point, whether this Bill is one, with all its amendments and the report of the Select Committee, which should be accepted and considered as a good one. Mr. President, to my mind it appears that this Bill is like a baby which has come out of its swaddling clothes quite unrecognizable by the parent. It is just like a sickly and unhealthy child (A Voice : An unnatural child !). With the nursing and the care given by the capable experts in whose hands it was put, it has only been made to stand on its legs but there seems to be no life in it. (Further interruptions). Well, you know that as a lawyer I am accustomed to interruptions and if certain interruptions are to go on in that way I think in the end I shall be gainer and not loser. Therefore I would ask honourable members silently to hear what I have to say and to reserve their criticisms, whatever they have to say against me, to reserve it till another time. The fact, Sir, is that there is an inherent defect in this Bill and I may say

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that when you are treating a sick man you may give him medicine but really if he is suffering from a disease which is fatal to every part of his body, these palliatives, these temporary measures will not do any good. I can quote a Persian poet on this point who says :—

خشت اول کہ نهد معمار کج تا ثوبا می رود دیوار کج

In other words what is meant is that at the laying of the foundation stone if the mason puts not in the right way the first brick up to the sky the wall will go as a crooked one and not a straight one. Now, Mr. President, I have no quarrel with the motives of the honourable member who moved this Bill but the declarations made by the two communities—I do not say only one—the declarations made by the two communities through the press, through written statements, through opinions and otherwise, strengthen my contention that this Bill is nothing but the result of communalism. (Cries of "No! No!") The honourable mover has said there is nothing like that. But I will go one step further though I do not wish to take part at all in that idea—the Bill is not only due to communalism but is intended to serve personal purposes. (An honourable member: "What about the opposition?"). It is not a question of opposition or of reform and I have every right to say—it is an open secret—that the exploiting of this Bill is only to serve personal purposes. (An honourable member; "What personal purposes?"). The coming elections. One side wants to obtain votes by showing that they have done this much for their community. (An honourable member: "Why not?"). I am not concerned with that. I am only giving you one of the reasons. The other side might possibly say that they have opposed the Bill. I do not know whose purpose it will serve but I think the blame lies with the one that has moved it and not with the other side. Now, as I was submitting, it is true and I associate myself with all the remarks which have been made on this point. that we should not at this stage feel shy of calling a spade a spade. We certainly should not be led away by over-enthusiasm because some of the provisions of the Bill have been made to appear as tantalising. In this I agree with the honourable mover that we must judge the Bill on its merits and see whether the passing of this Bill would in any way improve the interests of the peasants in whose interests this Bill is propounded. As a matter of fact the result of the passing of this Bill would be injurious to the cause of the peasants and not in any way beneficial as has been said. (An honourable member: "How?"). Well, first of all, I have to put before you that the aims and objects of the honourable mover may be classed under four heads. His object is in a way first of all to bring prosperity to the agriculturist. The second is to reduce poverty. The third is to free them from the payment of exorbitant rates of interest. And the fourth and last is to save them from the trickery and the overfleeing of the sahukar. These are the four things which he has in view—all very laudable objects about which I do not disagree with him. There is hardly any one in this Council who will not have sympathy with the agriculturist; but it is still a relative question, I beg to say, whether what has been said on the other side or what has been said on this side, or whether what I am going to say is the true thing. Is it really injurious to the agriculturist? That is a relative question. It is not a question like the elections where we can assume that such and such is the right thing. While keeping in view that all of us have sympathy with the agriculturist, we must not at the same time forget what has been said before

that the money-lender from time immemorial has been the chief factor in the constitution of the village community. View it in any way you like, from every point of view, you will see that his presence is really a necessity and an indispensable necessity. As I am going to show, you want to drive out sahukars, you want really to upset and revolutionise the constitution of the community by the introduction of this Bill and by making an effort that this Bill be passed. Now it is generally said—though I am not given to generalisation, I always want practical suggestions and practical things—it is generally said that the sahukars have sucked the blood of the peasants. Possibly it might be said so and to some it might appear to be really a very good reason. But has any paper, any document, been put before this Council or before the sub-committee to substantiate this charge? I have not seen any. I wanted to see on the table papers which would show that whatever is said is right or wrong. Have the documents been put on the table? If they had been, we would have scrutinised those papers and come to our conclusions. Very frankly we would have said these are good instances. But merely to go upon this general assertion is very unfair. Not only so, Sir, but what I beg to say is that we are now in a way proceeding on the principle of giving a dog a bad name and hanging him, of condemning a class without justification, without any positive proof. I expected from the honourable mover that he would have cited instances in support of all his contentions. That would certainly have carried weight. But to come here and say this or that without giving any instances or precedents, without showing and convincing the House that really in this way the blood has been sucked, that is not right. If the honourable member had done so, that would have carried great weight in this House, not otherwise. Unsupported arguments cannot be of any value. It might possibly be considered by the honourable member that they have very great weight; but I beg to say that they have not. As a lawyer he must know that general arguments after all carry no weight, there must be some substantial facts, before us so that we may know whether, as a matter of fact, what is said against the sahukar is really true or false. As I have said to condemn the class in this way is not fair. But let us examine the question of the exorbitant rate of interest. Now the rate of interest, as has been said and acknowledged to be correct, ranges between 12 per cent. and 15 per cent. I ask the honourable mover who comes from that very city to which I belong, I say, is it not a fact that where the people are intelligent enough to know the consequences of their bargain and settlement, where they are contracting on an equal footing is it not a fact that a property well situated, giving a good yearly rent, can be had at 1 per cent. in mortgage? Is it not a fact? I think not one in this House can contradict me on this point. Now if this is the fact, that a property can be mortgaged in town at 1 per cent. and a very good property too, well situated and so on, is it fair to say that the payment of 12 to 15 per cent. by an agriculturist is an exorbitant rate of interest, where there is no security, I beg to remind you. I do not wish to minimise the capacity or the talent of the honourable mover, but I can say that during the whole career of his advocacy, and I say with good knowledge, I say it on substantial facts, hardly any case of this nature came into his hand for which he is now a champion. How many cases has he conducted in which he found as a lawyer that there was an exorbitant rate of interest, or that there was undue influence, or that there was coercion or that there was

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fraud? I beg to say his knowledge amounts really to ignorance, his knowledge is really hearsay knowledge and not based on anything which has come within his experience. I have every regard for his intelligence, but when we have to argue a point and when he emphasises a certain thing I have a right to ask him how he has come to know all these facts, and I say again with emphasis that he has never come in contact with these facts. Then again we have to consider another thing. When a man is going to lend money, is he not to see what are the chances of repayment and recovery? Now I say, and as a lawyer he must know as well as I know, that there is a ruling of our High Court to this effect, that when a property to be attached has come into the hands of the son, that property cannot be attached and the decree cannot be executed against him. I only allude to that. Is it not a fact that when a man dies having borrowed Rs. 20,000 and the property comes into the hands of his son—I do not wish to say what the ruling should have been, but, as a matter of fact, there is a ruling (An Honourable Member “A Full Bench ruling”)—a Full Bench ruling if you like, that that property cannot be attached. Now take the case where a decree is to be executed against the borrower. Possibly the learned mover has not seen that ruling, or probably he does not like to look into it. There again I would refer him to the Civil Procedure Code if he has not already read it. If he had read that Code, he would have known that the provisions say that when a decree has been passed then it cannot be executed by attachment and sale of property. There are six or seven sections on the point. The decree has to be referred to the Collector and he has to make arrangements for farming of the property. Under the circumstances, is it fair to contend that a man who lends money should be put in danger of losing his money?

Now, coming to the question of poverty, it has been said over and over again that the poverty of the peasants is due to the payment of exorbitant rate of interest. There again as an old and experienced man I say that the poverty is not due to the payment of exorbitant rate of interest. It is due to something else. I will say presently what that is. Go to any village and see the settlement papers from the year 1852 up to the present time. You will find that in this province there are very small holdings. It was admitted by the Honourable Minister in charge of Agriculture that the average amount of land in the hand of an average peasant is only about nine acres. I shall not speak in terms of acres, I shall put it in *bighas*. An average peasant possesses 10 *bighas* of land. Of course I exclude those who have got lands from Government and those who are the sons of rich landlords. I am speaking from personal knowledge, I am sorry that the settlement papers are not before the Council, still I can say without fear of contradiction that the average holding of a peasant is 10 *bighas*. He has about six or seven children and he has to maintain them and marry them. He has to attend to the ordinary requirements such as clothing and other necessities of life. He has to meet the expenses on all these heads out of the proceeds of these 10 *bighas*. What is the average rate of rent on these lands? For this purpose the lands may be divided into three classes, *barani*, *chaki* and canal-irrigated. The average rate of rent where the land is *barani* is not more than five rupees per *bigha*. This is the maximum. As regards the *chaki* land, it does not go beyond Rs. 7 and for canal-irrigated land, excluding exceptional cases it does not go beyond Rs. 10 a *bigha*. Now if one owns 10 *bighas* of land, he gets only Rs. 100 a year if the maximum rent is allowed. With these Rs. 100 how can he maintain his big family? Our friend, the Pir

Sahib has very frequently told this House that the people of Muzaffargarh are very poor, and that they do not possess brass vessels, but only earthen vessels. It is impossible to suggest that this is due to the exorbitant rate of interest. Certainly not. There are other causes, other substantial causes and the main cause is the small holding. In this House an attempt was made sometime back, when I was not a member, to press the Land Alienation Act. I ask whether the passing of the Land Alienation Act has brought about the prosperity of the peasant? (A voice: Yes.) I am not speaking of the rich peasants, but of the ordinary peasant. Has the Land Alienation Act brought about prosperity to the ordinary peasant? (A voice: Yes.) If it has brought prosperity, then why this Bill? (Laughter). If the Land Alienation Act has brought about prosperity, then why all this bemoaning? Is there any good reason for it? If the Land Alienation Act has brought about prosperity, then they must be more prosperous than the *banias*. Very often we see attempts made to improve the lot of the peasant, but it often proves detrimental to their interests. The attempt that is made is not the proper remedy for the disease. The disease can only be eradicated by proper remedies. The disease cannot be cured if there is no proper remedy. Wrong measures cannot bring us to the right path. I am going to show that if this Bill is passed, a day will come after two or three years when the peasants will not thank the mover for this Act, but will blame him and say "you have ruined us, you have ruined us."

Now I shall turn to the question as to whether there is any necessity for passing this law. I ask whether the present law is inadequate or insufficient to help the poor agriculturists. One who has read the Contract Act beginning from section 15 up to 20 relating to coercion, undue influence and misrepresentation would say that there is ample provision in the Contract Act to save the peasants. Well, leave that aside. In 1918 an Act was passed called the Usurious Loans Act. The honourable mover has alluded to it. If he has studied that Act not with a jaundiced eye, but with clear eyes he will find that there is a section by which the Court has got power with regard to transactions passed after the passing of that Act to give relief to the injured party if the transaction has been unconscionable or if there has been any undue influence. I ask, is that not adequate? (A voice: No). You may not agree. But I think that is more than adequate. There is therefore really no necessity at all for this Bill in view of the fact that the provisions of the Usurious Loans Act are more than sufficient to protect the borrower.

I shall next turn to the economic aspect of the case. In this connection I should like to draw the attention of the House to the words of His Excellency the Viceroy which are still ringing in our ears. His Excellency the Viceroy said in the most emphatic terms and I think the Honourable Member in charge of Agriculture will follow those points, that there are three things which can improve the position of a peasant. The first thing is capital. This word should be written in capital letters. The second is good seeds. The third is good implements of husbandry. The last two also fall under the head capital, because without capital good seeds and implements of husbandry cannot be bought. The question ultimately resolves itself into only capital. Now, I ask whether by passing this Bill we will be augmenting the capital of the peasant, or we will be reducing it. That is the first thing we have to examine. That is an economic

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point which should not be ignored. For the sake of argument let us assume that this Bill is passed into law. What will be the economic effect? You are always talking of the *bania*. You very often refer to the Honourable Sir John Maynard as a *bania*. Who is this *bania*? The term shows that he is a person who takes care of his money. Sir John is a *bania* because he looks after his purse, he looks after every pie that he gets. Possibly some day may come when Mr. Emerson also will be called a *bania*. Now the *bania* has to care for his money. If the provisions of this Bill do not suit him, then he will have to ask for the return of the capital he has advanced to the peasant. Who will come to the aid of the peasant at that time? Are the honourable members of this House going to come to the help of the peasant? When as a result of the passing of this Bill the peasant meets with difficulties in the matter of capital nobody will come to his help. The members of the House will say, "I did what I thought best for you. It is for you to repay the amount if the creditor wants it back". This is the answer that will be given by this Council. The result will be that the capital will go back into the hands of the *bania*, and the peasant will not have the capital with which to buy good seeds and good implements of husbandry.

If there is another society which can be substituted to give loan to repay the *bania* then I think it is a very good thing.

A. P. K.

Let us see what is the substitute suggested. The substitute suggested is the co-operative society. I read a notice only the other day to the effect that a co-operative bank is going to pay 7 per cent. on the deposits. The honourable mover of this Bill can work out the rate and find out at what rate the co-operative society will be willing to advance money to the peasants. Especially if the co-operative society would find that there is nobody to come in the field in competition, then it will also raise the rate of interest. The co-operative society would lose no opportunity to reap the harvests if only opportunity offered itself to it. The honourable mover might say that the co-operative society will get a lien on the property and so it will advance money at not more than 11 or 12 per cent. After all by substituting the co-operative society for the *bania*, what is the rate of interest that the poor borrower is saved? At the same time, I feel certain that the co-operative society has not got enough funds to replace all the *banias* and thus be able to advance money to all the people in the province. My honourable friend will agree with me that in this province there are no philanthropic societies and there are no philanthropists who will come forward and say "here is the money, we are going to help the poor." In the absence of any such alternative, are we not treading on dangerous grounds and are we not going in the wrong path if we reduce the capital of the province?

Then, with regard to the new points introduced by the honourable mover in the Bill, I have to say something. I was astonished to see his statement in the Bill that he was enacting this legislation only for the peasants. All his arguments are therefore applicable to the peasants. But I will show presently how he has swerved from his original intention while the Bill was developed in its further stages. He said that his object was to protect the borrower, because he was an ignorant man, and that he did not know anything. He was anxious that where the contracting parties were ignorant, the interests of the borrower should be safeguarded.

Mir Maqbool Mahmood: I said that it was intended primarily for the borrowers.

Rai Bahadur Sir Gopal Das Bhandari : What I beg to say is that the Bill as presented to the House applies both to the towns and villages. No exception is made of villages. I will be satisfied if the honourable mover can show me anywhere in the Bill provision excepting the towns.

Mir Maqbool Mahmood : On a point of further information. On further examination my honourable friend will find that he has made a mistake. In the statement of objects and reasons exception is made of urban borrowers.

Rai Bahadur Sir Gopal Das Bhandari : It would not be vain on my part if I say that I have studied the Bill. I do not come without studying the Bill properly. Exception does not apply to towns and villages in the same way. It is said again that the people in the towns are ignorant, and that they cannot contract. Has the honourable member come across any case of that kind? How many cases have been decided on the ground that the borrowing amounted to an unconscionable transaction? I have been practising in courts for over 45 years. There may be denial of consideration. But I have never come across a case where there was a plea of undue influence. Let us leave this aside. There is another reason given by the honourable mover. He says that the accounts are kept in the most imperfect condition. Has my friend ever seen an account kept by *banias* who deal in lakhs and lakhs? I am sure he has never seen their accounts; otherwise he would not have made that statement. Another complaint of my honourable friend was that the interest and capital are mixed up. I am surprised at the colossal ignorance of the honourable mover on this point. If he has seen the *bahis* of some money-lenders, he would have been surprised at the most perfect way in which they are kept. The system that these money-lenders follow is considered to be the best up to the present time. Look how many books they keep. An account has to pass through so many books. I have never till now seen capital being mixed up with interest. The *soodkatak* and the *mut* are kept quite distinct and they are never mixed. The net result of passing this Bill will be that you will revolutionise the whole system, and that you will drive the people to despair. You will revolutionise the whole system adopted by people in towns.

Then coming to the system adopted in the villages, that too is not bad. Even granting that they are bad, what reason has he got to conclude that false accounts are kept. If all along they had been maintaining false accounts, this provision in the present Bill of sending a post card once in six months or so is not going to deter them from pursuing their old game of keeping false account. What provision have you made in the Bill to prevent a money-lender from saying that he has advanced Rs. 120 when he actually advances only Rs. 100? All that you require of a money-lender is that he should send half-yearly accounts to the borrower. Nothing more. This Bill aims at nothing but revolutionising the whole system of maintaining accounts. The fact that no exception is made of towns goes to show that nothing but rank communism is at the bottom of the affair, and that the honourable mover wants to injure the interests of the Hindus. There can be no other motive behind the Bill. If my honourable friend was only anxious to benefit the people in the villages, he should have made an exception of those who live in towns. Even where a man advances money on the security of immoveable property, there also he has to keep accounts. With so many defects in the Bill, can the honourable mover take pride in his Bill? The little improvements effected in the Bill when it was before

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the Select Committee are all due to the members of the Select Committee and the honourable mover cannot take any credit for them. The Bill as brought before the House is against all canons of law. The Bill is against good conscience equity and justice. According to Act IV of 1872, the first thing that a court has to keep in view is to decide a case according to justice, equity and good conscience. Supposing a man advances Rs. 100. Supposing he does not maintain any account and supposing he files a suit in court for the recovery of the amount. The honourable mover must know that honesty has not yet disappeared from the world and so the defendant might come forward to court and admit his liability even though the plaintiff is not able to produce his account substantiating his claim. Then the court cannot give a decree for the full amount, even though admitted by the defendant, because it is forbidden from passing a decree for the full amount according to the provisions of the present Bill. According to the provisions of the Bill the suit ought to be dismissed or one-fifth of the amount should be deducted from principal and interest. Can injustice go to any greater length? Here is a man who goes to the witness box and admits his liability in full and yet the plaintiff is denied the fruits of his opponent's admission. Is this the sort of justice to be meted out in British courts? According to the Code of Civil Procedure, if a man admits his liability, then a decree has to be passed in pursuance thereof. This Bill purports to go against the provisions of the Code of Civil Procedure. Has the honourable mover of the Bill taken that point into consideration at all?

Then I give another reason to show how absurd it is to pass this Bill. In clause 3, sub-clause (2), it is said that the half-yearly accounts have to be sent to the borrower on a particular day. Supposing through oversight a money-lender loses his account book and is not able to send his half-yearly account. Have you made any provision in the Bill to accept the non-compliance with the provisions of the Bill on the part of the money-lender for such sufficient causes as the loss of the account book and so on?

Mir Maqbool Mahmood : Please read clause 9.

Rai Bahadur Sir Gopal Das Bhandari : I have carefully read clause 9. I do not wish to dilate any further upon these matters. All facts ought to be at the fingers ends of a lawyer. Clause 9 does not at all apply to the case I have put before the House. There is no provision in the Bill for accepting the explanation of the money-lender for his non-compliance with the provisions of the Bill in so far as he has not sent in his half-yearly returns to the borrower. Supposing a money-lender takes the trouble of going to a post office—post offices as honourable members are well aware are few and far between especially in the village parts—supposing a money-lender takes the trouble of travelling more than 20 miles in posting a card showing the account and supposing the borrower refuses to take delivery of the card, what is the presumption? Or supposing that the borrower takes delivery of the card, but fails to controvert the accuracy of the account, what is the remedy for the money-lender? The presumption is not that the account is adequate. Go to any part of the world, is the money-lender put at such a great disadvantage in respect of his relations with the borrower? Notwithstanding the fact that accounts are sent punctually to the borrower, the borrower can defy the money-lender. Is this the reward for a person who has helped a man in times of need, is this the justice meted out to a man who has provided the borrower with raiments and food in times of distress?

May I ask is this how British justice is administered? Is this the protection which the honourable mover of the Bill wishes to give to the borrower? What he is doing is not in accordance with the canon of law. There is a presumption imposed on the money-lender—that is, another point.

I still doubt whether 'court' is defined. Does it include a panchayat court or not? If so, supposing there is a suit brought with regard to one minor item and it is decided by the panchayat that the man is a money-lender. Next time the case goes to a Sub-Judge. What is the result? Presumption that he is a money-lender will follow him like the devil. That is the presumption against him according to the provision. Now, I beg to point out that no attention has been paid to section 11 of the Civil Procedure Code. Are we to ignore for the sake of the borrowers and the peasants those principles which are the main principles of the law? Like that of a gambler, the presumption is that he is a money-lender. A dice is found in his house and he is declared to be a gambler. The court gives a decision and whether he is a money-lender or not there is a presumption, just like the gambler, that he is a money-lender.

There is another provision in section 3 (1). Possibly I am wrong, but I think the word 'record' occurs in that section. I shall read it. It reads: "regularly record and maintain accounts in such form and in such account books and containing such details as may be prescribed." I ask the honourable mover, as to what he means by 'record'. I do not know whether the details are to be written or not. Does he mean that the money-lender shall himself record? I fail to understand. What does he mean by the words "record and maintain accounts in such form and in such account books and containing such details"? If details are to be given in the account book, that means they are to be written. I do not know what object the honourable mover has in putting in those words. I fail to understand the provisions of the Bill. Of course I reserve my criticism on them when the amendments are being considered; I just wanted to confine myself to the general principles of the Bill. Can anyone take a pride in the form in which the Bill now is? And is this the protection given to the borrower?

One thing more. It may be said that we have changed the name of the Bill. It was originally the Money-lenders' Bill and now it is called the Borrowers' Protection Bill. Give it whatever name you like, but face facts. Give relief to the money-lender as well as to the borrower. May I ask the honourable mover to tell us what the word 'includes' means. He should have been very explicit as this is a very important Bill. Once a court has given a decision that the man is a money-lender that decision will be absolute. I really do not know what the word 'includes' means. No doubt I have seen the word used in many Acts, but from the context we can always say what is meant by it. But here from the context we cannot understand what is meant. Besides this there are several other fatal mistakes, and I shall deal with them when the Bill is taken into consideration clause by clause.

A few words more and I have done. Is it not a fact, I ask, that communal feelings are very bitter in the Province in these days? Is it not a fact that if they are a little more embittered, the result will be such as can

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never be desired by any one residing in this Province, be he Hindu or Muhammadan? I therefore appeal in the name of justice, in the name of true cause, in the name of the development of the Province and from the provincial point of view in the name of brotherhood, that we should adopt only such measures as bring the communities closer to each other, and that we should not do anything to widen the gulf which exists. That this Bill will widen the gulf there is no doubt. I admit one fact which may not be admitted by others, and that is that no doubt the *banias* will suffer if this Bill is passed, but rest assured that it is not only the *banias* who will suffer but the peasants will suffer more

Chaudhri Duli Chand : No.

Rai Bahadur Sir Gopal Das Bhandari : This "no" comes from a gentleman who is always accustomed to say 'no' in such matters. Had it come from an intelligent man, it would have been different. He entered the Council harping on that note and he will go out of it doing the same. I beg to say that in the interests of the Province, in the name of justice and in the name of the right cause, this Bill should be dropped. Do not widen the breach any more. There have already been outbursts in the province. Do not make the conditions worse.

I have full confidence in the wisdom and the far-sightedness of Government. Members might say that I am always part and parcel of Government. But, Sir, there is no bargaining in this respect. Yes, if Government had promised me squares of land, it might have been different (laughter). Government should come forward at this stage and settle the conflicting points, for its own sake, otherwise it means only an increase of responsibilities for them. I am glad to find that Government has tabled amendments to the Bill. I say judge it on the merits. It is not a question whether a certain community is to be harmed or is not to be harmed. Do you wish, Sir, that the two brothers who have been living so amicably together should now cease to live so? There was a day when Hindus and Muhammadans used to live together in towns. I have no experience of my brothers in the villages. But if such measures are adopted with the vehemence which has been exhibited, then I say the result will be more disappointing than what is expected on the other side.

Chaudhri Duli Chand [Karnal (Non-Muhammadan), Rural] (Urdu) : Sir, the opponents of the Bill have been describing it as a Muslim measure. First of all I will try to show that if the present Bill is at all a class measure it is a zamindar measure and not a Muslim measure. In the Central and Western parts of the province there is a majority of Muhammadan and Sikh zamindars. But in the Ambala Division there is a majority of Hindu zamindars. They are in favour of a Bill to save them from the wiles of money-lenders. Had it been a Muslim measure they would have been opposed to it. Long before Mir Maqbool Mahmood introduced this Bill the leaders of Hindu zamindars had been thinking of drafting a similar Bill. If they had come forward with their Bill before Mir Maqbool Mahmood, the non-zamindar Hindus in the Council could not have misrepresented the Bill as a Muslim measure. In that case they might have described it as a zamindar measure.

The Council then adjourned till 10-30 A.M. on Thursday the 1st July 1926.

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Thursday, the 1st July 1926.

THE Council met at the Assembly Chamber at 10-30 of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

ROADS FROM RUPAR TO THE HEADWORKS OF THE SIRHIND CANAL.

3308. **Sardar Gurbakhsh Singh :** (a) Will the Government be pleased to state if it is a fact that the Sirhind Canal authorities have declared the three roads from Rupar Sub-Divisional Magistrate's Court to headworks forbidden for public use?

(b) If so, will the Government be pleased to lay a copy of the order on the table?

(c) Is it a fact that these roads have been in use by the public for the last forty-four years?

(d) Does the Government propose to cancel the order?

The Honourable Mian Sir Fazl-i-Husain : (a) There are only two and not three roads from the Sub-Divisional Magistrate's Court at Rupar to the Headworks of the Sirhind Canal and only one road is closed to the public.

(b) & (d) Do not arise.

(c) No.

BENCHES ON THE SIRHIND CANAL BANK NEAR RUPAR BRIDGE.

3309. **Sardar Gurbakhsh Singh :** Will the Government be pleased to state if it is a fact that the Municipal Committee, Rupar, applied to the Sirhind Canal authorities in 1924 or 1925 for permission to place a few benches on the Sirhind Canal bank near the Rupar Bridge, and that the authorities refused to give the permission? If so, will the Government be pleased to state the reasons for the refusal? Has the Government any objection to reconsider the case and give permission to the Municipal Committee to place a few benches on the bank of the canal?

The Honourable Mian Sir Fazl-i-Husain : Yes; permission to place benches on the canal bank near the Rupar Bridge was refused. The reason is that the canal here passes through heavy cutting and the site is already congested for traffic purposes. Government regrets that the case cannot be reconsidered.

CIRCULAR ROAD, RUPAR.

3310. Sardar Gurbakhsh Singh : (a) Will the Government be pleased to state if it is a fact that the Municipal Committee at Rupar has constructed metalled circular roads round the town of Rupar, and that there is a road from the mosque of Lakkor Shah to the Bombaghat passing near the Veterinary Hospital, which is unmetalled?

(b) Is it also a fact that the Municipal Committee at Rupar in order to complete the circular roads requested the Canal Department to hand over that road to the Municipal Committee for maintenance on certain conditions? If so, will the Government please state whether the Canal Department has granted that request? If not, does the Canal Department propose to get it metalled soon in the interest of the public? Is there any objection to hand over the road to the Municipal Committee for maintenance on conditions stipulated by it?

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

ELECTION FOR THE MUNICIPAL COMMITTEE, RUPAR.

3311. Sardar Gurbakhsh Singh : (i) Will the Government be pleased to state if it is a fact—

(a) that the election for the Municipal Committee, Rupar, was held on 3rd, 4th and 5th of February 1925;

(b) that the election notice for the purpose of rule 10 (election rules) was signed by the Superintendent, Deputy Commissioner's Office, instead of by the Deputy Commissioner himself, as required by the rules?

(ii) If the answer to (i) (b) is in the affirmative, has the Deputy Commissioner any authority to delegate his powers in the matter of election to the Superintendent of his office? If so, under what rules or circular of the Government, if any? Will the Government please lay those rules on the table.

(iii) (a) What was the date of the issue of the election notice at Ambala and when was it publicly proclaimed at Rupar?

(b) Were the provisions of rule 10 (election rules) complied with? If not, what are the effects of this irregularity on the election and what action does the Government propose to take in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PARDAH GHAT ON THE SIRHIND CANAL NEAR RUPAR.

3312. Rai Sahib Lala Ganga Ram : Is it a fact that the Executive Engineer of Rupar Canal Department permitted the construction of a pardah ghat for the use of Hindu and Muslim women on 9th November 1921, but now the permission has been cancelled by the present Executive Engineer on the 29th January 1926? If so, will the Government be

pleased to give the reasons for the cancellation? Does Government propose to reconsider the order passed by the Executive Engineer cancelling the permission of his predecessor?

The Honourable Mian Sir Fazl-i-Husain: The records of the Department do not show that permission referred to in the first part of the question was accorded. The remaining portions of the question do not arise.

INSPECTOR OF SCHOOLS IN THE JULLUNDUR DIVISION.

3313. Rai Sahib Lala Ganga Ram: Is it a fact that the present Inspector of Schools in the Jullundur Division has been there for a period of eight years? If so, does the Government propose to consider the advisability of transferring him to another division?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) No.

(b) Government does not consider that a change is necessary.

DEFALCATION IN THE ACCOUNTS OF THE GOVERNMENT HIGH SCHOOL, LUDHIANA.

3314. Rai Sahib Lala Ganga Ram: Is it a fact—

(a) that there has been defalcation in the accounts of the Government High School, Ludhiana, extending over several years; and

(b) that the school clerk has been chained in the court?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Government has received reports of alleged defalcations, which are at present the subject of judicial enquiry.

(b) Yes.

INSPECTORS OF SCHOOLS IN THE JULLUNDUR DIVISION.

3315. Rai Sahib Lala Ganga Ram: Will the Government kindly lay on the table a statement showing how many Inspectors of Schools in the Jullundur division were Hindus, Muhammadans and Sikhs, respectively, on 31st March 1918 and 31st March 1926?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The honourable member is referred to the general answer given to Council Questions* Nos. 1961—1975.

GRANT-IN-AID CALCULATIONS.

3316. Rai Sahib Lala Ganga Ram: Is it a fact that the details of grant-in-aid calculations are not furnished to the school authorities concerned? If so, has the Government any objection to furnishing the school authorities in future with the details of the grant-in-aid calculations?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Enquiries are being made and when the reply is ready it will be communicated to the honourable member.

JAILS ENQUIRY COMMITTEE AND GRIEVANCES OF FEMALE PRISONERS.

3317. **Sardar Partap Singh :** (a) Will Government please state if any evidence was produced before the Jails Enquiry Committee ventilating the grievances of the female prisoners ?

(b) If the answer to (a) above be in the affirmative, will it please lay a copy of this evidence on the table ?

(c) If the answer to (a) above be in the negative, will it please say—

(i) whether female prisoners have no grievances to redress ;

(ii) whether the Committee did not feel the necessity for taking any evidence on the subject ;

(iii) whether no witnesses were forthcoming, and if so, whether it is possible now to record their evidence on the subject ?

Mr. J. M. Dunnett : (a) No.

(b) Does not arise.

(c) (i) Government is not aware of any grievances on the part of female prisoners, but will enquire into any which come to light.

(ii) & (iii) As the Committee is now dissolved, Government is not in a position to say whether witnesses were forthcoming concerning the grievances of female prisoners, or whether the Committee felt no necessity for taking such evidence. For the same reason it is not now possible to record such an evidence.

CLOTHING FOR FEMALE PRISONERS.

3318. **Sardar Partap Singh :** (i) Is it a fact—

(a) that female prisoners in the Lahore Female Jail get only one set of clothes, i.e., one coat, one pyjama and one chadar ;

(b) that female prisoners have to keep naked during the weekly washing of their clothes, and that they are not allowed to put these on till the inspection next day so that they may look neat on the inspection day ?

(ii) If the answer to (i) (a) be in the affirmative, and to (i) (b) in the negative, will Government please state what clothing is allowed for these female prisoners to wear when they are washing or drying their clothes ?

(iii) If the answer to (i) (b) is in the affirmative, will Government please state whether it proposes to make some arrangements so that female prisoners may not have to remain naked at all at any time ?

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

GRIEVANCES OF FEMALE PRISONERS.

3319. Sardar Partap Singh: (i) Is the Government aware that the female prisoners in the Lahore Female Jail have the following grievances:—

- (a) that they get only two soap nuts for washing their hair every week and a very small quantity of oil for their hair;
- (b) that light is provided only for a few minutes during the night;
- (c) that the prisoners are forced to take meals in the open and if a piece of loaf is left uneaten with any one of them it is taken away;
- (d) that children of female prisoners are not supplied with clothes;
- (e) that the children of these prisoners do not get enough quantity of milk for the lack of which they grow weak and sickly;
- (f) that the doctor visits these prisoners when they are taking their meals so that they are not able to consult him even if any one of them is ailing?

(ii) Will Government please state whether it proposes to enquire into the above grievances and take steps to afford a speedy redress?

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

DEATH OF MUSSAMMAT JIMAN, PRISONER IN LAHORE FEMALE JAIL.

3320. Sardar Partap Singh: Is it a fact that Mussammat Jiman who was undergoing a life sentence in the Lahore Female Jail returned at 4 P.M. after her day's work on some day in September 1924 and died the same night at ten o'clock; and that a *post-mortem* examination was held? If so, will the Government please state the cause of her death?

Mr. J. M. Dunnett: Yes. The death of the prisoner was proved to be due to heart failure. The heart showed fatty degeneration. Tubercle was present in the lungs, and the stomach and intestines showed evidences of Gastritis and Enteritis, respectively.

MAINTENANCE OF ACCOUNTS OF CO-OPERATIVE SOCIETIES IN GURMUKHI.

3321. Sardar Partap Singh: (a) Is it a fact that many co-operative societies are composed almost entirely of Sikh members who can read or write no other characters, except Gurmukhi.

(b) Is the Government aware that *sahukars* keep their accounts in *Lande* or in Gurmukhi characters, and that courts recognise such accounts?

(c) If the answers to the above be in the affirmative, has Government or the Registrar, Co-operative Societies, any objection in allowing such societies as are composed of Sikhs only to keep their accounts in Gurmukhi characters? If it has any objections, what are they?

The Honourable Sardar Jogendra Singh: (a) There are a small number of such societies.

(b) Yes.

(c) Government leaves it to the discretion of these Societies to keep their accounts in any script they choose.

FEEs FOR AUDIT OF ACCOUNTS OF Co-OPERATIVE SOCIETIES.

3322. **Sardar Partap Singh :** (a) Is it a fact that 7 per cent. of the profits of the Co-operative Societies is charged by the Government as auditing fee, which in some cases amounts to Rs. 80 or Rs. 100 or even more?

(b) Is it a fact that a Sub-Inspector of the Audit Department audits the books of these societies twice a year and an Inspector only once a year?

(c) If the answers to (a) and (b) be in the affirmative, does the Government know that these co-operative societies have to pay Rs. 80 or Rs. 100 or even more for a day's labour of the Inspectors and two days' labour of the Sub-Inspectors?

(d) Will Government please state if it proposes to consider the advisability of fixing the auditing fee in proportion to the time devoted by the auditing officers instead of fixing it at a certain proportion of the profits?

The Honourable Sardar Jogendra Singh : The audit fees are levied by the Punjab Co-operative Union, an unofficial body controlled by the banks and societies which pay the fee. Government does not impose, recover, or receive any portion of this money.

SLAUGHTER HOUSE IN VILLAGE KARIHA.

3323. **Sardar Partap Singh :** (a) Is it a fact that a slaughter house exists in village Kariha, Thana Banga, tahsil Nawashahr?

(b) If the answer to the above be in the affirmative, will the Government please state when and with whose permission it was started?

(c) If it has been started without permission, will it please state whether the district officers are aware of its existence and whether any action has been taken by them in the matter? If no action has been taken, does Government propose to call for an explanation from the district officers.

(d) Is it a fact that in village Kariha there are a number of Hindu families living, and that the surrounding villages have a large population of Hindus and Sikhs?

(e) Is it a fact that Hindus made a representation to the Deputy Commissioner, Jullundur District, requesting that the slaughter house be closed? If so, what action was taken on the same?

(f) If the slaughter house has been started with the permission of some Government official, did the official take into consideration before according permission the likelihood of the existence of a slaughter house in a village containing Hindu population and surrounded by villages mainly inhabited by Hindus and Sikhs being a fruitful source of Hindu-Muslim riots and detrimental to the public peace?

(g) Does Government propose to issue orders for closing down the slaughter house immediately?

Mr. J. M. Dunnett : In existing conditions Government think it undesirable that these subjects should be ventilated, and does not therefore propose to answer this question.

COURT OF THE REVENUE ASSISTANT OF AMBALA.

3324. Lala Mohan Lal : (a) Will the Government be pleased to state if it is a fact that the Revenue Assistant of Ambala begins to hold his Court at 2 or 3 P.M. and continues till 7 or 8 P.M. much to the inconvenience of the members of the Bar and of the public ?

(b) Is it a fact that the Bar Association of Ambala made a representation to the Deputy Commissioner of Ambala, and that the latter has so far taken no notice of the representation ?

(c) Will the Government be pleased to state if this practice is not against Government orders ?

(d) If the replies to the above be in the affirmative, will the Government be pleased to say what action it intends to take in this matter ?

The Honourable Mian Sir Fazl-i-Husain : (a) No.

(b) Yes, a complaint was made and the Deputy Commissioner enquired into it. The honourable member is not right when he says the Deputy Commissioner took no notice of it.

(c) Government considers it improper that Revenue Courts should sit at times when the attendance of parties and counsel cannot reasonably be demanded.

(d) The Deputy Commissioner made enquiries and found that in March and April last when Girdawari, diluvion work, the assessment of damage done by hail, and Elections work had to be undertaken, the Revenue Assistant had to work late. The Revenue Assistant does not now try cases outside the regular hours.

LICENCE FOR COW SACRIFICE ON FESTIVAL OCCASIONS.

3325. Rana Firoz-ud-Din Khan : (a) Is it not a fact—

(i) that the practice of cow sacrifice in Panipat on Id-ul-zuha without licence has been a long standing one ;

(ii) that section 43, Punjab Laws Act, and rules framed thereunder have never been enforced in Panipat to cow sacrifice on the occasion of Id, and that Muhammadans of Panipat have enjoyed perfect freedom of sacrificing cows in their private houses unrestricted ?

(b) Is the Government aware that the recent decision of the Lahore High Court in the Panipat-cow sacrifice case convicting a Muhammadan of an offence of sacrificing a cow on the last Id without licence has directly interfered with the long established and time honoured practice and caused a great sensation among the Muslim population of the town ?

(c) Does the Government propose to consider the advisability of revising the rules framed under section 43 of the Punjab Laws Act so as to exempt from their operation slaughter of kine on religious festivals in the towns in which they have never been enforced ?

Mr. J. M. Dunnott : In existing conditions Government thinks it undesirable that these subjects should be ventilated and does not therefore propose to answer this question.

MUHAMMADAN SUB-REGISTRAR, ROHTAK DISTRICT.

3326. Rana Firoz-ud-Din Khan : (a) Is it a fact that in the district of Rohtak there was only one Muhammadan Sub-Registrar whose post has recently fallen vacant ?

(b) Is it a fact that among the applicants for the vacant post there are suitable Muslim candidates with good record of personal and family service ?

(c) Does the Government propose to consider the desirability of appointing a suitable Muhammadan candidate to the vacant post ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PRIMARY AND MIDDLE DEPARTMENTS OF THE GOVERNMENT HIGH SCHOOL, ROHTAK.

3327. Rana Firoz-ud-Din Khan : (a) Is it a fact that on the Government High School, Rohtak, being raised to the standard of an Intermediate College it is proposed to do away with the Primary and Middle Departments attached to that school ?

(b) Is the Government aware that a similar scheme was tried elsewhere, but proved a failure ?

(c) Is the Government further aware that there being no Muslim school in Rohtak, Government High school is the only institution to which the Muslim boys resort, and that the proposed abolition of Primary and Middle Departments in that institution, if carried into effect, will adversely affect the Muslim educational interests ?

(d) Does the Government propose to allow the Primary and Middle Departments of the Government High School, Rohtak, to continue ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No.

(b) No.

(c) Yes.

(d) Yes.

KHAN BAHADUR BASHIR HUSAIN, MAGISTRATE, FIRST CLASS, KHARAR.

3328. Dr. Gokul Chand, Narang : (a) Will the Government be pleased to state when the term of office of Khan Bahadur Bashir Husain, Magistrate, first class, Kharar, district Ambala, came to an end ?

(b) Is it a fact that under the notification of his appointment his powers had terminated on the 1st of January 1926 ?

(c) Is it a fact that the said gentleman went on working as an Honorary Magistrate even after the 1st of January 1926 ?

(d) If so, will the Government be pleased to lay on the table a list of cases tried by him from 1st January 1926 to 31st May 1926, with the sentences passed by him ?

(e) Is it a fact that the Sessions Judge of Ambala held the orders passed by the said Magistrate after the 1st of January 1926 as *ultra vires*?

(f) Will the Government be pleased to state what action, if any, it intends to take against the said Magistrate and how it proposes to compensate those who were convicted by the said Magistrate without any jurisdiction?

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

CIRCLE OF WORKS AND COMMUNICATIONS, PUBLIC WORKS DEPARTMENT.

3329. **Sardar Gurbakhsh Singh:** (a) Will the Government please state whether any circle known as the circle of works and communications in the Punjab Public Works Department has recently been created? If so, when?

(b) Is it a fact that the Engineer-in-charge of this circle has suggested that all the works in the circle should be carried out by some European firm? If so, will the Government please lay the proposal on the table?

(c) Is the Government aware that this proposal is being resented by the public and is also more expensive than getting the work done through Indian agency?

(d) Does the Government propose to abandon the proposal if it has already been accepted, and get the work done by Indian agency.

The Honourable Sardar Jeggendra Singh: (a) The designation of the appointment of "Road Engineer, Punjab," was changed to that of "Superintendent of Works, Communications," with effect from the 1st March 1925, by *Punjab Gazette* notification No. 105-E-20-164-E. S., dated 19th June 1925. This appointment is not equivalent to that of a circle, but has the status described in Public Works Department Code, para. 71.

(b) No.

(c) & (d) Do not arise.

GREEN MANURES.

3330. **Sardar Randhir Singh:** (a) Will Government be pleased to state whether any charges are made by the irrigation department for the cultivation of green manures?

(b) Is the Government aware of the utility of green manures?

(c) If the answers to (a) and (b) are in the affirmative, has the Government any objection to remit such irrigation charges as are made for the cultivation of green manures?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes, at Re. 1 per acre.

(b) Yes, they increase the water holding capacity of the lighter soils. To achieve this the only practicable measure that can be taken is green manuring by which is meant the practice of ploughing in, in its entirety some

[Hon'ble Mian Sir Fazl-i-Husain.]

leguminous crop such as 'San', 'Guara', 'Indigo' or 'Lobia' in September, letting it rot (for which a considerable amount of water is required), and then sowing a wheat crop.

(c) Government at the suggestion of the Honourable Minister for Agriculture has considered the whole matter, and in order to help the agriculturist in getting greater yields from his land, has decided to remit irrigation charges for the cultivation of these green manures and has issued a circular to local officers to this effect.

GREEN MANURES.

3331. Malik Firoz Khan, Noon : (a) Will Government be pleased to state whether any charges are made by the Irrigation Department for the cultivation of green manures?

(b) Is the Government aware of the utility of green manures?

(c) If the answers to (a) and (b) are in the affirmative, has the Government any objection to remit such irrigation charges as are made for the cultivation of green manures?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes, at Re. 1 per acre.

(b) Yes, they increase the water holding capacity of the lighter soils. To achieve this the only practicable measure that can be taken is green manuring, by which is meant the practice of ploughing in, in its entirety, some leguminous crop such as 'San', 'Guara', 'Indigo' or 'Lobia' in September, letting it rot (for which a considerable amount of water is required), and then sowing a wheat crop.

(c) Government at the suggestion of the Honourable Minister for Agriculture has considered the whole matter, and in order to help the agriculturist in getting greater yields from his land, has decided to remit irrigation charges for the cultivation of these green manures and has issued a circular to local officers to this effect.

CORRUPT POLICE FUND.

3332. Chaudhri Afzal Haq : With reference to the Honourable the Finance Member's speech on the 16th March 1926 in connection with the discussion of the demand for Police Grant (page 757, Vol. IX, No. 15, Punjab Debates), will the Government please state whether it has since taken any steps to ascertain the truth of the existence of corrupt police fund. If so, with what result?

Mr. J. M. Dunnett. The Government is not aware of the existence of the fund to which the honourable member refers but will welcome any specific information from him which will make it possible to verify the allegation.

DEATH OF GHULAM HASSAN IN THE CIVIL HOSPITAL, AMRITSAR.

3333. Chaudhri Afzal Haq : (a) Is the Government aware of the death during operation on the 19th April last of Ghulam Hassan, son of Muhammad Ibrahim, in the Civil Hospital, Amritsar?

(b) Will the Government please lay on the table a full report of the circumstances under which the death took place?

(c) Will the Government please state when the Surgeon who operated this case was posted to the Civil Hospital, Amritsar, how many operations he has performed in that hospital since then; and how many of those operations have resulted in the death of the patients?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Yes.

(b) A full report of the circumstances under which the death took place is placed on the table.

(c) The Surgeon who operated on this case was posted to Amritsar in March, 1926. He has performed 121 operations. With the exception of the case referred to in (a) above, the other six patients who died were in a desperate condition when they were operated on. It is not justifiable to refuse operation upon such cases so long as the Surgeon considers there is the faintest ray of hope that by doing so the patient may recover.

The death in question took place under chloroform during an operation for removal of tuberculous glands in the neck. The operation presented no unusual difficulties and up to the moment when the Anaesthetist reported that the pulse was failing the patient had been taking the anaesthetic well. The patient had been under the anaesthetic some 20 minutes when the pulse began to fail. The operation was immediately suspended and artificial respiration commenced. Cardiac stimulants were given, but the heart failed to respond to any form of treatment and never contracted again. This was one of those peculiar cases, impossible to predict or prevent, which have been attributed by some authorities to the condition known as the Status Lymphaticus, but which others regard as an idiosyncrasy, an inborn susceptibility of the heart to the effects of chloroform. No blame whatever attaches to the anaesthetist who is exceptionally skilful and has administered chloroform to 6,000 cases without a single previous mishap. There had been no hæmorrhage during the operation which had been proceeding quite smoothly up to the moment when the pulse suddenly and unexpectedly began to fail. Nearly forty cases of this nature have been operated upon by the same Surgeon since April, many of them of the most difficult and complicated nature, without any untoward incident.

NEWSPAPERS APPROVED FOR PURPOSES OF GOVERNMENT ADVERTISEMENTS.

3334. Chaudhri Afzal Haq: (a) Will the Government be pleased to state whether they have got the list of newspapers which are approved for purposes of giving Government advertisements?

(b) Is it a fact that the several departments of Government keep separate lists of newspapers for giving Government advertisements?

(c) If the answer to part (b) of the question is in the negative, will the Government be pleased to state whether the Judicial department called for an explanation from certain Judicial officers who gave court notices for publication in certain particular newspapers even though they have been admitted to the Government list of approved newspapers?

Mr. J. M. Dunnett: (a) Yes,

(b) No, but it is possible that the High Court who are concerned with the application of moneys paid by parties maintain a list.

(c) Government has no information.

NEWSPAPERS AND GOVERNMENT ADVERTISEMENTS.

3335. Chaudhri Afzal Haq : With reference to the answer to Question* No. 2002, asked on the 6th July 1925, and the answers to the supplementary questions thereto, is the Government aware of the impression among the public that the Government suppresses newspaper criticisms of its actions by refusing Government advertisements to those newspapers which indulge in such criticisms? If so, does the Government propose to abandon the practice of refusing Government advertisements to these newspapers in order to remove the impression of the public referred to above?

Mr. J. M. Dunnett : The Government is not aware of any such impression for which there is no justification. Government does not refuse advertisements to papers solely because of their criticisms of Government and its measures. The latter part of the question does not arise.

Chaudhri Afzal Haq : Will the Government be pleased to say what are the other reasons for not granting the Government advertisements to these papers?

Mr. J. M. Dunnett : The listing of papers to receive Government advertisements is a matter of business. Government naturally uses the funds placed at its disposal for this purpose by the House as a business firm would do, and its first consideration in selecting a newspaper as a suitable means of advertisement is "Is it a means of conveying to the people concerned the information which Government wishes to give?"

Chaudhri Afzal Haq : Is Government aware of the fact that these three papers are the most largely circulated papers in the Punjab?

Mr. J. M. Dunnett : Government is aware of the reported circulation of the important papers of the province.

Chaudhri Afzal Haq : Sir, will Government be pleased to say what are the other reasons for not granting these advertisements to these papers?

Mr. J. M. Dunnett : Sir, does that arise out of Question No. 3335, which is concerned with Government's abuse of their power of giving advertisements to papers? That allegation is denied.

Chaudhri Afzal Haq : I make no allegation, but I want to know the reason for not giving Government advertisements to these papers.

Mr. President : Supplementary questions, as ruled on a previous occasion, cannot be converted into a cross-examination. If further information is wanted, a regular notice might be necessary.

"MUSLIM OUTLOOK" AND GOVERNMENT ADVERTISEMENTS.

3336. Chaudhri Afzal Haq : (a) Will the Government be pleased to state if it is a fact that the *Muslim Outlook* of Lahore has been admitted to the list of approved newspapers for giving Government advertisements?

(b) Is it also a fact that some judicial officers have been reprimanded for giving Government advertisements to this paper? If so, why?

(c) Will the Government be pleased to state what action it proposes to take to prevent the recurrence of such cases?

Mr. J. M. Dunnett: (a) Yes.

(b) Government has no information.

(c) Government is content to leave the control of judicial officers in this matter to the Honourable Judges.

Chaudhri Afzal Haq: Will the Government be pleased to say whether they will similarly leave control of the officers of the other departments to their several heads?

Mr. J. M. Dunnett: I presume, Sir, the honourable member refers to this matter of giving advertisements?

Chaudhri Afzal Haq: Yes.

Mr. J. M. Dunnett: Sir, I think I have already in reply to the previous question of the honourable member said that the Government is not aware that any department maintains a separate list, possibly the High Court may.

Chaudhri Afzal Haq: My question has not been understood, Sir. I asked whether the Government would similarly leave the control of the officers of the several departments to their respective heads.

Mr. J. M. Dunnett: In reply to the previous question I have given the honourable member a good deal of information. I have explained to him that the High Court controls monies, not only provided for this purpose by this Council, but also lodged in court by parties. The High Court case therefore is a special case. The general case of freedom of other departments to expend money at their discretion without reference to Government is a general question on which I am not prepared to commit Government on a supplementary question.

Chaudhri Afzal Haq: Will the Government be pleased to say whether they will give similar control to other heads of departments? If not, why not?

Mr. J. M. Dunnett: The honourable gentleman, it seems to me, asks the old question whether *Zulaskhan* is a man or a woman.

ELECTIONS TO THE PUNJAB COUNCIL AND THE LEGISLATIVE ASSEMBLY.

3337. Chaudhri Afzal Haq: (a) Is it a fact that some Government servants in Simla who are enrolled as voters for the Punjab Legislative Council and the Legislative Assembly have to go to Delhi in winter season just before the time when the elections take place and thus are unable to exercise their vote?

(b) If so, what action does the Government propose to take to enable them to record their votes?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes.

(b) The matter is under consideration.

GOVERNMENT HIGH SCHOOLS IN AMBALA DIVISION.

3338. Chaudhri Afzal Haq: Will the Government be pleased to state the number of Government High Schools in Ambala Division and the number of Muslim headmasters in that Division?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The honourable member is referred to the general answer given to Council Questions* Nos. 1961—1975.

ASSISTANT DISTRICT INSPECTORS OF SCHOOLS.

3339. Chaudhri Afzal Haq : Will the Government be pleased to state the names of those Assistant District Inspectors of Schools who have been given special promotion and the names of those headmasters and Assistant District Inspectors of Schools who have been degraded in the Ambala Division.

The Honourable Rai Sahib Chaudhri Chhotu Ram : In view of the fact that no period of time is stated, and in view of the fact that the terms "special promotion" and "degradation" need further definition, it is not possible to answer this question.

BOOK NAMED "TUNBAH."

3340. Chaudhri Afzal Haq : (a) Has the attention of the Government been drawn to a book containing obscene Punjabi songs named "Tunbah" published by various publishers in the province beginning with the words : *Tunbah wajda na tar bina* ?

(b) If so, will the Government be pleased to state whether the Government has proscribed that book as containing obscene songs and whether the publishers and printers of that book have been prosecuted ?

(c) If not, will the Government be pleased to state whether they are now considering the advisability of declaring that book proscribed and bringing to book its printers and publishers ?

Mr. J. M. Donnett : (a) Government has seen various editions of a book beginning with these words, but none of them were obscene.

(b) & (c) do not arise.

SUB-REGISTRARS IN AMBALA DIVISION.

3341. Chaudhri Afzal Haq : (a) Will the Government be pleased to state the number of non-Muslim Sub-Registrars and the number of Muslim Sub-Registrars in the Ambala Division ?

(b) Is the Government considering the advisability of increasing the number of Muslim Sub-Registrars in the Ambala Division ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Seven non-Muslim and four Muslim.

(b) No. Muslims form only 26.3 per cent. of the population in the Ambala division and if the honourable member intends to convey the suggestion that these posts should be filled on the basis of population, it will be seen that Muslims are already over represented.

APPOINTMENT OF POLICE INSPECTORS IN THEIR HOME DISTRICTS.

3342. Sardar Partap Singh : (a) With reference to the answer to Question No. 2087* put on the 30th November 1925, will Government be pleased to state whether a copy of the orders mentioned therein has been communicated to the Superintendents of Police of the various districts in the Province ?

(b) Will Government be pleased to state whether effect has been given to these orders in the eastern range and especially in the Ferozepore district ?

(c) Will Government be pleased to state whether they propose to consider the advisability of insisting upon the fact that the orders mentioned above should be carried out to the letter?

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

ARMS LICENSES, KARNAL DISTRICT.

3343. **Sardar Gurbakhsh Singh :** (a) Will the Government please state the number of applications for renewal and grant of licenses for arms presented to the Deputy Commissioner, Karnal, in the month of December 1925 and state further when the license was issued or renewed in the case of each applicant?

(b) Is the Government aware that delay in the issue of these licenses causes serious trouble to the persons concerned? If so, will it please state what action it proposes to take to avoid such delays in future?

The Honourable Mian Sir Fazl-i-Husain : Government does not consider that the value of the statement for which the honourable member asks is likely to be commensurate with the labour which would be involved in its production. The complaint suggested by the honourable member will however be investigated, and should it transpire that delay occurs in the issue and renewal of arms licenses in the Karnal district remedial measures will be taken.

ZENANA GHAT IN THE SIRBIND CANAL AT RUPAR.

3344. **Sardar Gurbakhsh Singh :** Is the Government aware that no zenana ghat exists in the Sirbind canal at Rupar and that its absence causes a serious inconvenience to the Rupar public? If so, does the Government propose to take early steps to have a zenana ghat built there at an early date?

The Honourable Mian Sir Fazl-i-Husain : The reply to the first part of the question is in the affirmative and to the second and third parts in the negative.

LOANS UNDER THE PUNJAB INDUSTRIAL LOANS ACT.

3345. **Rai Bahadur Lala Dhanpat Rai :** Will the Government be pleased to lay on the table a statement showing the amount of loans which have been advanced to the small industries from the date of the passing of the Punjab Industrial Loans Act up to date together with the names of the persons or firms to whom these loans have been granted.

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

STAMP DUTIES ON TRANSFERS OF URBAN PROPERTIES.

3346. **Rai Bahadur Lala Dhanpat Rai :** (a) Is the Government aware that the increase in stamp duties on transfers of urban properties tells very heavily on poor people mostly who owing to their financial

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embarrassment have to sell their properties or who are compelled to part with them under orders of the Court, i.e. in execution of court decrees.

(b) Does the Government propose to consider the advisability of reducing this duty by repealing the enactment on the point.

Mr. J. M. Dunnett : (a) and (b) No.

CENTRAL CO-OPERATIVE BANKS IN THE PUNJAB.

3347. Rai Bahadur Lala Dhanpat Rai : Will the Government be pleased to state—

(a) if the Central Co-operative Banks in the Punjab pay interest to their depositors at $7\frac{1}{2}$ per cent. per annum and sometimes more also ; and

(b) whether such a high rate of interest by State subsidised Banks has the approval of the Government ?

(c) If the answer to (a) is in the affirmative, and to (b) in the negative, does the Government propose to bring its influence in getting such high rates of interest stopped for the future ?

The Honourable Sardar Jogendra Singh : (1) Certain banks have from time to time paid $7\frac{1}{2}$ per cent. for long term deposits.

(2) The rate of interest in these banks is not controlled by Government, and the approval of Government is not required. Co-operative Banks are not subsidized by the State.

(c) Government sees no reason for taking action.

INDIGENOUS JOINT STOCK BANKS.

3348. Rai Bahadur Lala Dhanpat Rai : (a) Has the Government any objection to consider the claims of the Indigenous Joint Stock Banks to the patronage of the Government ?

(b) If not, has the Government any objection to select some such banks and authorise the District and Municipal Boards of the province to deposit their money in any of those banks without previous reference to the Government.

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has no objection to consider the claims of the Indigenous Joint Stock Banks to the patronage of Government.

(b) Government has decided not to maintain a general list of selected banks (indigenous or otherwise) in which District Boards and Municipal Committees may deposit their funds without previous reference to Government. It has been, and is, the policy of Government within the provisions of the law to sanction a particular application of a District Board or Municipal Committee to deposit its funds in an indigenous bank, provided that Government is reasonably satisfied that the bank in question is sound.

EXCISE DUTY.

3349. Rai Bahadur Lala Dhanpat Rai : (a) Will the Government be pleased to state if it is a fact that excise duty on liquors is levied on all liquors manufactured in the province or imported therein excepting those which are imported from foreign countries ?

(b) Is the Government aware that country and foreign liquors and rectified spirits can be had as bye-products of sugar industry?

(c) Is the Government aware that Java, Mauritius and Germany are very keen competitors of sugar industry in India?

(d) Is it a fact that the bye-products of sugar manufacture of those countries have free access to the Punjab while the same products of Indian manufacture are prohibited from being imported into the province free of duty?

(e) Does the Government propose to consider the advisability of removing these restrictions on import of these articles from within India and thereby indirectly help the Indian sugar industry?

(f) Is it a fact that Unao sugar works have applied to the Government to supply liquors and rectified spirits (mostly used for educational and medicinal purposes) at a very cheap rate? In case the total removal of the restrictions be not feasible, has the Government any objection to treat the Unao Distillery which is owned and worked by Punjabis and financed by Punjab capital in the same way as the Rosa sugar distillery.

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

PANSALNAVIS.

3350. Rai Bahadur Lala Dhanpat Rai: (i) Will the Government be pleased to state—

- (a) the pay of pansalnavis on the Bari Doab Canal;
- (b) if they are required to be literate;
- (c) if they are required to work as chaukidars also and are expected to be on duty for all the 24 hours of the day?

(ii) Has the Government any objection to consider in the light of the replies to the above questions, the desirability of increasing the salaries of the pansalnavis?

The Honourable Mian Sir Fazl-i-Husain: (a) Rs. 15 per mensem plus Rs. 2 and Rs. 5 at Headworks.

(b) Yes to a very limited extent.

(c) The information is not available. It is being collected and will be intimated on receipt.

(ii) The question of increasing the salaries is already under consideration.

EDUCATION DEPARTMENT OF THE DISTRICT BOARDS IN THE PUNJAB.

3351. Sardar Harchand Singh: Will Government please state if it is a fact that posts in the Education Department of the District Boards in the Punjab are filled on communal lines? If so, will it please state—

(a) the proportion fixed in each District Board for the different communities;

(b) whether that proportion is being maintained in the case of the Lyallpur district?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has no knowledge that this is the case.

(b) Does not arise.

EMPLOYEES IN THE EDUCATION DEPARTMENT IN LYALLPUR DISTRICT.

3352. Sardar Harchand Singh : (i) Will the Government please state —

- (a) the number of District Board high schools in the Lyallpur district and the number of Muslim, Sikh, Hindu and Christian headmasters in them ;
- (b) the number of Anglo-Vernacular Middle schools in the Lyallpur district and the number of Muslim, Sikh, Hindu and Christian headmasters in them, their present pay and the period of their service in the district.
- (c) the number of Vernacular middle schools in the Lyallpur district, the number of Hindu, Sikh, Muslim and Christian headmasters in them, their present pay and period of their service in the district ?

(ii) Will Government please state the number of candidates from the Lyallpur district sent to the normal schools and the S. V. class during the years 1922 to 1926 and also state how many of them belong to each of the different communities ?

(iii) Will Government please state community wise the number of matriculates and middle passed persons employed in the Education Department in the Lyallpur district and also give the number of agriculturists and non-agriculturists among them ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Government has no information on the subject, and the time and money spent in its collection would not be compensated by the benefit to be derived from it.

HEADMASTERS OF THE VERNACULAR MIDDLE SCHOOLS IN LYALLPUR.

3353. Sardar Harchand Singh : Is it a fact that all the headmasters of the vernacular middle schools appointed after 1922 in the Lyallpur District Board Schools are with a single exception all Muslims in spite of the fact that they are very junior men ? If so, will Government please state the reasons for the same ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

HEADMASTERSHIPS OF DISTRICT BOARD SCHOOLS IN LYALLPUR.

3354. Sardar Harchand Singh : (a) Is it a fact that the District Board, Lyallpur, passed a resolution in 1922 that one-third of the headmasterships in the District Board schools should go to the Sikhs and communicated the same to Government ? If so, will it please state if any action has been taken on the resolution during the last four years ?

(b) If that resolution has not been acted upon, will it please state the reasons for the same ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Government has no information on the subject. The appointments rest with the local authority.

OFFICERS OF THE EDUCATION DEPARTMENT IN THE LYALLPUR DISTRICT.

3355. Sardar Harchand Singh : Is it a fact that all the officers of the Education Department in the Lyallpur district, with the exception of one who has been there only for the last four months, are Muslims? If so, will it please state the reason for the preponderance of one community in the Education Department of the Lyallpur district?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The honourable member is referred to the general answer given to Council Questions Nos. 1981—1975.*

(b) Does not arise.

CLERKS IN THE EDUCATION DEPARTMENT IN LYALLPUR.

3356. Sardar Harchand Singh : Is it a fact that all the responsible posts in the office of the Education Department in Lyallpur are held by Muslim clerks? If the answer to the above be in the affirmative, does Government propose to take steps to give due representation to other communities also?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The honourable member is referred to the general answer given to Council Questions Nos. 1981—1975.*

HEAD CLERK OF OFFICE OF DISTRICT INSPECTOR OF SCHOOLS, LYALLPUR.

3357. Sardar Harchand Singh : Is it a fact that in 1913 the then Deputy Commissioner of Lyallpur ordered that if the Head Clerk and the District Inspector of Schools be Hindus, the School muharrir should be a Muslim and that this course has been followed till 1924? If the answer to the above be in the affirmative, does Government propose to appoint a Sikh head clerk for the reason that the District Inspector is a Muslim?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Government has no information on the subject.

(b) Not for the reason suggested.

SITTING OF THE COUNCIL.

The Honourable Mian Sir Fazl-i-Husain : Sir, Sir John Maynard the Leader of this House, retires from service on the 3rd July and is leaving Simla this afternoon at 4 o'clock by Rail Motor. It is the wish of a large number of members, both official and non-official, to have an opportunity of seeing him off at the railway station at 4 o'clock.

May I, therefore, request you, Sir, to close today's afternoon meeting at 3.30 P.M., instead of at 4.30 P.M. as you have the power to do.

Mr. President : In view of the suggestion made, the Council will adjourn today at 3.30 P.M., instead of at 4.30 P.M. as usual.

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now resume discussion on the motion that the Punjab Borrowers' Protection Bill be taken into consideration.

Chaudhri Duli Chand [Karnal (Non-Muhammadian), (Rural)] (Urdu) : Sir, yesterday I was trying to show that the present Bill is not a Muslim measure as it is alleged to be. I am glad to know that since yesterday most of the opponents have also agreed so far as the principle of the Bill is concerned. Now if there is any conflict of opinion, it is with regard to the penalty clauses. As I have said before, the Bill is not a Muslim measure. It is neither a Hindu nor a Christian measure. We cannot call it a Sikh measure nor even a zamindar measure. The Bill is meant to safeguard the interests of ignorant borrowers. If it be argued that certain persons will suffer if the Bill be passed into law, I may say that even if that is true, the sufferers will be few, and then they are distributed over all the communities. We, as representatives of the people will be guilty of the breach of our solemn duty if we are carried away by the idea that a few money-lenders will suffer when we know that by passing the Bill into Law, we will afford protection to a large majority of the population. I say that justice must be done and if in doing justice, we displease any section of the people, we should not mind the displeasure.

I will next proceed to show that the Bill is essential. There are dishonest persons to be found everywhere and the Punjab is not an exception to the general rule. Even although certain forms of dishonesty have ceased to exist within the last decade or so in the Punjab, there are many still in existence and to remove them it is necessary that the Bill before us be placed on the Statute Book. I will briefly deal with a few of the forms of dishonesty to prove what I have stated above.

It is my personal experience that in the Ambala division money-lenders keep their accounts in *bakis*. In fact, everywhere in the Province books of accounts are of the same type. Such *bakis* are not paged and they are loosely stitched. There is no law to compel the money-lenders to keep their accounts in proper books with pages numbered. Being loosely stitched, the money-lenders can conveniently insert new pages or take out old pages of these account books whenever they are minded to rob the poor and ignorant zamindars. If any one doubts the truth of what I have stated, he will do well to refer to the record of a court of justice where he will find that many cases of this type have been detected in the course of trial.

The second great defect which necessitates the making of some law to protect the borrowers is that sums of money lent out are recorded in figures and if, unfortunately, any borrower happens to displease his creditor, the latter feeds fat his grudge by changing the figure 10 into 100 or 1,000, which is so very easy for the creditor under the present conditions. You cannot compel the creditors under the present law to write down sums of money advanced in words in order that creditors may not have any opportunity to deceive the people.

The third defect in the present system of accounts is that there is no arrangement to attest the entries made by the creditors in their account books at the time of lending out money. In the absence of such an arrangement the creditors write down 100 or 1,000 when they advance only 10 or 100 rupees even if the borrower is sitting before them and they can do so with impunity because the borrowers being ignorant cannot check the accounts.

The fourth great defect, on account of which the borrowers are suffering is that there is no check placed upon the creditors by which they may not be able to mix the principal and the interest into one item. What the creditors do now is that at the end of every year, they change their books of account and thus in the new *bakis* the principal and the interest are shown as principal. Naturally after a period of 5 or 6 years, small sums advanced grow into fairly large sums. The courts, under the present state of affairs, cannot help the borrowers inspite of the Usurious Loans Act, because it gives no power to the courts to cut down the principal. Another form of dishonesty has of recent years begun to find favour with the creditors and that is resorted to when the borrower happens to be a clever man. If a certain borrower can check the figures entered into the account books, the creditors copy the accounts in a duplicate account book kept for the purpose when the borrower is gone and they copy the figures and the thumb impression in such a manner and with exactly the same ink and pen that no one can differentiate between the genuine and the false accounts unless he is an expert. Now because a certain borrower, even though a clever man, has never been to Phillaur, he is duped and makes the payment on the basis of the entries in the duplicate account books. He goes satisfied that he has cleared his account with his creditor. But only a few days after that he finds to his dismay that a suit has been filed against him for the recovery of the same sum of money. The poor borrower fails in the face of the documentary evidence and is compelled to pay the same sum over again. It is extremely unjust and we must take immediate steps to root out such an evil.

Now the question arises whether the present Bill will cure all the defects I have mentioned. My reply to this question is in the affirmative. When the books of accounts are prescribed with pages numbered, it will become difficult for the creditors to insert new pages or take out old ones of the account books. The Bill authorises the Local Government to make rules for carrying out the provisions of the Bill and under that rule-making power, the creditors can be compelled to write the figures in words. This will cure the second defect. As regards attestation I cannot say how far the present Bill covers that point. Any way when the six-monthly accounts are supplied to the borrowers, as required by the Bill, any change in figures or false entries will at once be detected. On the passing of the present Bill, the Usurious Loans Act will also come into full operation. The six-monthly accounts supplied will make it easy for the borrower, to prove how much money was originally lent. I think what I have stated above makes it sufficiently clear that the present Bill is not only essential but it will also prove an effective remedy to cure the defects in the present system of accounts.

Sir, as I have said before even the opponents of the Bill are agreed so far as the principle of the Bill is concerned. It must be within the recollection of the members that in the last session of the Council the opponents of the Bill had said that they had no objection to regularly maintain and supply the accounts. At that time they objected to the compulsory registration clause. Now that clause is deleted, I do not understand why any opposition should be offered to the Bill. An objection has now been taken to the furnishing of accounts to the borrower on demand. I do not see any justification in this objection when the poor borrowers are prepared to pay registration and postal charges. The Bill has also been attacked on the ground that it is against equity, justice and good conscience to dismiss the claim in case the creditor has not complied with the provisions of Law relating to the maintenance of accounts, even if the borrower may have

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admitted the claim in the courts. To this, I would reply that it is in consonance with justice to disallow the claim in such a case. When the provisions of any law are expressed and they are not complied with, the penalty must follow. In this connection I would like to remind the House that we must not leave any loophole in the Bill. Suppose we delete this penalty clause or relax it a little, the creditors will not keep the accounts and knowing that they will be allowed only half of the claim by the courts, because they have not maintained regular accounts, they will file a suit for Rs. 1,000 when only Rs. 500 is due to them. Thus they will succeed in frustrating the object of the law. Of course, if you wish that dishonest dealings should continue, you might delete or relax the penalty clause.

I will next briefly state the advantages that will accrue to the zamindars on the passing of the Bill into law. The Usurious Loans Act will come into full operation. No creditor will then be able to avoid it as the history of old transactions will easily be traced. Secondly, the province will gain much industrially because, as alleged by Sir Gopal Das, Bhandari, the money-lenders will try to get back their money from the borrowers. They will, then, naturally invest that money either in Industries or deposit it in Co-operative Banks. On being thus financed, such Banks will bring prosperity to the peasants. If it were feasible,

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I would urge that money-lending by private individuals should be declared a crime so that *sahukars* may be compelled to deposit their money in Co-operative Banks.

Before I close my remarks I think it necessary to remove some misunderstandings that have been created by the persons interested against the Bill. The people in the villages have been made to believe that the Bill if passed, will preclude people from borrowing from their friends just as they can borrow without any writing whatsoever. I may say that it is quite incorrect. A man by lending out money once or twice, and even on interest cannot become a money-lender. The Bill applies to the money-lenders and their dealings and not to every Tom, Dick and Harry. Another misunderstanding has also been created and that is that partners-in-cultivation will not be able to advance money to each other with security unless they have complied with the provisions of law. This is apparently the work of interested persons. A study of the Bill will show that loans advanced by partners in cultivation are exempted from its operation. Over and above that, the Bill empowers the Local Government to exempt any person or class of persons from the operation of the Bill. I am rather afraid that the Government may not exempt all the three classes of the money-lenders.

Pandit Nanak Chand (Urdu): Which are those three classes to which you are referring?

Mr. President: Order, order. No question can be put to a member direct. If any question is asked, it must be asked through the Chair.

Pandit Nanak Chand: May I ask, Sir, through you what those three classes are?

Chaudhri Duli Chand (continued in Urdu): Although it is not relevant to the question under discussion, I would reply to it. There are to be found money-lenders in each and every community, but real money-lenders are Aroras in the Western Punjab, Khatri in the Central Punjab and Banias in Eastern Punjab. Reverting

to the subject before the Council, it has been alleged that the present Bill has been brought forward by the mover for self-aggrandisement, that is to secure votes during the coming elections. I say that if that remark applies to the honourable mover of the Bill, it equally applies to those who are opposing the Bill. To minimise the importance of the Bill, it has been alleged that if the peasants are poor, they are so because they have got very small holdings, and that in certain areas there are no canals to irrigate them. Perhaps Sir Gopal Das did not realise when making this remark that he was betraying his ignorance of the existence of a book by such an eminent writer as Mr. Darling. This eminent writer has clearly shown in his book that money-lenders are the main cause of the poverty of the peasants. I know that in Karnal where there are canals the zamindars are poorer, while in Gurgaon, they are not so poor, although there are generally no canals there. Similarly in the Western Districts of the Punjab the zamindars are poorer, although they are possessed of many acres of lands, while zamindars in my constituency are not so poor, although they have got smaller holdings.

Then the Bill was attacked on the ground that just like the Alienation of Land Act it would serve no useful purpose. I wonder how Sir Gopal Das Bhandari could say that the Alienation of Land Act has proved of no use to the zamindars.

Dr. Gokul Chand, Narang : May I with your permission, ask the honourable member if he is aware that in his presence and in the presence of Pandit Madan Mohan Malavayya and other leading Hindus, Chandhri Lal Chand, *ex-Minister* of the Punjab, said that Alienation of Land Act did not fulfil the object with which it was enacted so far as the poor peasants are concerned?

Mr. President : Order, order. The honourable member may not answer that question.

Chandhri Duli Chand (continued in Urdu) : No doubt the big zamindars have gained much at the expense of the petty zamindars since the passing of the Alienation of Land Act, but that is a defect which we are all anxious to remove. And when that defect is removed the Act will become all the more beneficial to the zamindars. A question was asked by Sir Gopal Das Bhandari as to why the towns have not been exempted from the operation of the Bill, although the borrowers in the towns are not ignorant people as is the case in villages. The gallant knight in putting this question ignored the fact that villagers do borrow money from money-lenders in towns also. Besides that there are a class of labourers in towns who stand in need of as much protection as the borrowers in villages. Sir Gopal Das further said that the Bill under discussion was against the canons of law. When such Bills have been proposed, passed and placed on the Statute Book in civilised countries like England, I do not believe that the contention of the honourable member is true. I am not prepared to believe for a moment that we know more of law than the people of the other civilised countries.

With these words I support the motion.

Mr. J. M. Dunnett (Chief Secretary) : Sir, I am authorised to make the following statement on behalf of the Government regarding the Punjab Borrowers' Protection Bill. The Government has long been impressed by the desirability of securing the general adoption of an intelligible and standardised form of account by persons who lend money to those unaccustomed to business methods. One important object is to furnish courts

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with easy means of investigating the past history of loan transaction, which is contemplated by the Usurious Loans Act. The Bill introduced into the Council by the honourable mover and modified by the Select Committee furnishes the basis for the enforcement of an intelligible and standardised form. The Government is therefore prepared to assist in shaping that Bill and in carrying it through the Council (Hear, hear) on the understanding that the amendments which it thinks necessary are accepted, and that no such amendments are made as would render it an unsuitable measure. The Government reserves the consideration of its final attitude towards the Bill until the Council has concluded its deliberations upon the amendments which have been or may be proposed. (Applause).

Chaudhri Sahib Dad Khan [Gurgaon-cum-Hissar (Muhammadan), Rural] : Sir, this Bill is neither a Muslim nor a Hindu nor a Sikh measure. This is a Bill to protect the poor, the dumb and the ignorant debtors from the clutches of the greedy and dishonest money-lenders who belong to all classes even among the Muslims, as it was said by my honourable friend Dr. Narang in his speech on this Bill. This Bill does not deprive the money-lender of any right which has been vested in him by law. If custom is to be invoked in this connection, it is a custom against law, public policy and based mainly on instances of dishonesty. Can any sensible man say that a measure adopted to remove the evil from money-lending business is a communal matter? No. This Bill requires the regularity of accounts and keeping them in certain prescribed forms. This Bill requires a money-lender to send to his debtor once in six months a true state of his accounts. If the money-lender does not obey the provisions of the Bill, he will reap the fruit of his obstinacy by having his suit dismissed if he goes to court to recover his dues. It is an admitted fact that there are black sheep on both sides, both among the creditors and among the debtors. This Bill will save the poor zamindars from the dishonest dealings of creditors and save the debtors and creditors from moral degradation. This Bill is like a medicine which if well administered to the sick, will cure him of the disease from which he is suffering. If a certain class of people do not think that the Bill is not a cure for all the ills which the money-lenders are suffering from, then it is not the fault of the mover of the Bill, but it is the fault of the Indian nature to suspect even good things. When a new medicine is applied to combat a disease, it is the Indian nature to resent it. Who does not know the objection that was raised when quinine was first administered for fever? When plague inoculation was first introduced, people hated it. Even now some of the western systems of medicine are not considered to be efficacious by the people in this country. If to combat an evil is a matter of communalism, certainly the Indian Penal Code was the first of its kind. When the *thugi* and the *sutti* were first abolished, people did not like that. This Bill is a sort of cure for the poor zamindars as well as to the money-lenders. It will save the former from economic loss and the latter from moral degradation. The zamindar's prosperity lies to a great extent in the economic use of his earnings. If he earns Rs. 100 a year and is obliged to pay Rs. 80 as undue interest, is it an economic use of his earning? Is he not really robbed of the main portion of his earnings and is left with scanty means to get on in this world? The zamindar's poverty is also due to some extent to small holdings, but this is a point in favour of the Bill. The zamindar requires capital, seeds, and good agricultural implements, but can anybody say that the money-lender advances money on philanthropic idea of helping the poor zamindar or for earning his own livelihood out of the hard

earned money of the poor zamindars? It is merely to earn his livelihood that the village money-lender lends money to the zamindar. No measure can stop the village money-lender from pursuing his avocation so long as he lives in the village and so long as he considers it a profitable job to advance to the villager. This measure is not intended to widen the gulf between the two communities. If demand of justice and fairplay can widen a gulf, it can never be bridged over. If a certain class of people are disinclined to do justice to others or to give up their bad habits, it is not the fault of the honourable mover that he has brought forward this Bill to cure that class of their bad habits. The co-operative societies are far less usurious than the money-lender. The system of keeping accounts at present is very defective and the zamindar is completely at the mercy of his creditor who can keep as many loosely stitched *bahis* as he likes. The money-lender is at perfect liberty to say that he keeps only one *bahi* and this becomes the gospel truth in a court of law at present. Justice, equity and good conscience require that everybody in this House should do his best to efface the evil at present rampant in money-lending business, which cannot be denied even by the opposite party. Are there no other laws under which the court of justice, in spite of the admission of parties cannot help the plaintiff? Section 17 of the Indian Registration Act read with section 91 of the Indian Evidence Act is one of the instances. If one goes to a court of justice to seek justice, then one has to comply with the provisions of law. My honourable friend the Knight of Amritsar has asked the honourable mover to substantiate his motion on the basis of documentary evidence. I say this evidence is available in each and every district and he being a very senior lawyer, cannot be presumed to be ignorant of all these things. If he wants concrete instances let him follow me to Hissar where I will show him a number of decided cases and even if after the inspection of these files he is not satisfied, I will request him to go to three or four big villages where there are honest and dishonest money-lenders, because in his own words, there are both black sheep and good sheep among the money-lenders. There he may examine the accounts of the honest money-lenders. Let him not make any enquiry from the zamindars. He will be satisfied about the vagaries of the money-lenders. He will be satisfied that the percentage of black sheep among the money-lenders is far higher than that among the zamindars. My honourable friend has referred to certain laws. Is he unaware of 31, 103, and 124 of the Punjab Record of 1918 in which many times interest was allowed to the creditors in mortgage suits? Is he unaware of 2 or 3 Lahore—page, I do not remember—where there was no express agreement to pay interest and yet the court awarded interest by way of damages? Is he unaware of the recent circular issued as to the arrest and detention of judgment debtor in civil jail? Why was it done? Because the Honourable Judges wanted the courts to help in the realisation of money decrees? Does the Honourable Knight resent those circulars? He cannot and he should not resent. Nor do I resent because they were merely intended to bring into effect the decrees passed by courts. He has farther referred to section 16 of the Indian Contract Act and section 9 of the Usurious Loans Act and section 60 of the Code of Civil Procedure. No doubt these provisions find a place in the statute books, but I may submit with due respect that these laws are not administered by the Judges, because they all belong to the non-zamindar Hindu community. The Civil administration of the province has been monopolised by the non-zamindar Hindu community. I may submit, Sir, that in the Ambala division, the sub-judges, fourth class are mostly non-zamindar Hindus and all the

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senior sub-judges and the district judge with one exception at Ambala are all non-zamindar Hindus. Is it not a fact that the whole judiciary in the Punjab is not above the present communal atmosphere? Is it not a fact that the doors of justice are closed to zamindars in general and the Muslims in particular. Is it not a fact that the decision of a court presided over by a Hindu non-zamindar Judge is not reversed on appeal in the appellate court on a question of fact.

Pandit Nanak Chand : I rise to a point of order. How are the remarks relevant to the discussion on this Bill?

Chaudhri Sahib Dad Khan : Because they are all non-zamindar Hindus, justice is not meted out to the zamindars who are mostly debtors. The first court is presided over by a non-agriculturist Hindu Judge, the appellate court is presided over by a non-agriculturist Hindu Judge. In money suits there is always the question of fact and it is rarely a question of law. This is the fate of the poor zamindars all over the Punjab. In conclusion, I have to say that large hearted men should come forward to solve the problem of ever-increasing tension between the Hindus and the Muhammadans; else it will have far reaching effects on the vital interest of the country. I have purposely used the word 'large hearted' because unless one is free from bias and prejudice, one cannot be just and fair. With these words, I heartily support the motion. I belong to a Hindu ridden district and our position there is really very precarious and pitiable. It is not better than that of the Hindus on the Frontier, though there is not so much cry on our part, because we know we do not command the same position and our voice will enrage our next door neighbours. It is better to yield to them rather than cry which may bring more misery upon us.

Rai Sahib Lala Ganga Ram [Ambala-cum-Simla (Non-Muhammadan), Rural] (Urdu) : Sir, much has been said for and against this Bill, and I do not wish to repeat those points which the honourable member put forward in its favour or against it.

In arguments, one can justify his views but we have to see and judge the real facts of the law which we are going to make. It is said by the honourable mover that the Bill is intended for the benefit of the poor peasants; but this view is challenged by the opposite party who alleges that the Bill, instead of benefitting the peasants, will strike a death blow to the really poor peasants. Not only this, it will go a great way in widening the gulf of communal tension which already exists in the Province to a great extent.

Sir, this may or may not be correct, but unfortunately this has been taken in such a light by the opposite party which means that it will enhance the communal tension. Leaving these facts aside, I wish to bring to the notice of the House the question of the real effects of the operation of this Act and its practicability. Sir, I do not understand as to why the honourable mover did not exclude those money-lenders who have no dealing with the zamindars whatsoever. The definition of money-lender is so vague and indefinite that it does not exclude anybody.

Even he who sells piece-goods and other articles on credit is not spared from the clutches of this law: while the honourable mover made such a paradoxical statement that the Bill does not interfere with trade in any way.

It is further pointed out that a great portion of the income of the farmer is paid by way of interest to the money-lender. I cannot say whether the figures given by the mover are correct or faulty. But I think it is based on presumption that such a heavy sum is really paid to the money-lender or merely credited to his account. Circumstances have changed and, Sir, if you will try to investigate you will realise that the money-lender is more aggrieved than the borrower.

A number of *sahukars* in the villages will be prepared to accept half of the money which is due to them. There may be black sheep among the money-lenders; but there is no doubt about it that there are black sheep among the borrowers too who take loans and after a few months apply to be declared insolvents. There may be a few cases of dishonesty on the part of the money-lender, but I suppose it has never been represented by the peasants that they wish to do away with the money-lenders.

This money-lending institution has been in existence from time immemorial and has played its part in meeting the monetary needs of the peasants even at the time of distress.

It is also pointed out that the poverty of the zamindars is due to the existence of the money-lenders. I am of opinion, Sir, that this accusation against the money-lenders is quite baseless. I think the cause of their poverty, besides other causes which have already been brought to the notice of the House, is due to the litigation, extravagant and unthrifty habit in marriage and in various other social functions.

The credit of the peasant is already at a discount and this Bill would add to his difficulties in getting loans for the legitimate purposes, such as the purchase of seeds and plough cattle. Can this fact be denied? The price of a bullock has risen from Rs. 50 to Rs. 150 which means that he has to pay Rs. 200 extra for a pair of bullocks. The average working period of a pair is not more than ten years. After this period he loses the extra value of Rs. 200 and the interest thereon, amounting to Rs. 240.

Sir, how can a poor peasant prosper? You will remember that, at the previous session of the Council, I brought a resolution for the protection of plough cattle. I admit that the co-operative societies are doing a very useful work, but they cannot meet the demands of the whole agriculturist community. Those who are associated with these societies are fully aware that in spite of all precautions, a number of societies have not been able to repay the loans. Had the money-lender been the cause of the poverty of the people in question there would have been no failure on the part of the peasants to repay the loans to the co-operative societies.

As I have mentioned above we have to see to the practicability and the effects of the Bill and I wish to say a few words in this connection. There are two aspects of every law: one is that the execution of that lies with the government and the other is forced upon the governed by the governors. For instance, a tax is imposed and the people are required to supply certain figures of the assessment; and on their failure the Government has a right to tax them according to the information at its disposal. In this case the taxpayer pays the tax and the matter ends there. This Bill would come under the category of the second aspect of the law. And, therefore, Sir, we must see whether it would be practicable or not for those on whom it is thrust.

[R. S. Lala Ganga Ram.]

All of you know that in rural areas the petty money-lenders are illiterate. Some keep no accounts, while others have their accounts in their own peculiar methods and get them written by anybody who is within their reach. In small villages, petty items are advanced to poor peasants and menials. I am at a loss to understand, Sir, how it would be possible for them to maintain regular accounts and in the form prescribed by the Government not to speak of the thousands of poor widows whose mainstay is the petty interest obtained therefrom.

Perhaps under the circumstances they would consider it safe to desist from lending. Sir, then what would be the agency to provide money to such a class of people?

I, therefore, Sir, think that it is the duty of the Government to see and weigh the arguments put forward by both the sides and judge as to whether the measure would be in any way beneficial to the peasant community or whether it is intended merely to satisfy a wrong sentiment. With these remarks, Sir, I oppose the Bill.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Mr. President, I find it a little bit difficult in discussing this Bill because technically the Bill before us is the Bill printed here, and I do not think there is a single member in this House who could agree to it (Cries of Question)—not even the mover—certainly not the Government benches. I presume we must really discuss the Bill taking into consideration the announcement made by Government that they must have their file of 5 or 6 amendments included in the Bill—there are over a hundred amendments and we have no idea what the Bill will be like when the Council has finished with it. I shall, however, look at the Bill now from the point of view of the Bill as it stands with the file of Government amendments included—that, I understand, is the condition on which the Government are going to accept it.

The Punjab Chamber of Commerce, which I represent, agreed to accept the principle of the Bill provided it was kept simple. On the last occasion there were three points I laid down (1) simple accounts to be kept, (2) reasonable penalty for failure to do so, and (3) the borrower to be entitled to a statement of accounts. Now, I am not sure that the Bill before us is quite as simple as all that. In my opinion, it is very complicated. However, realising that the borrower's position is bad and that this Bill is an attempt to improve his position, I am going to support the introduction of the Bill, but I shall not support the passing of the Bill even with the Government amendments as they stand. The Government amendment to clause 8 is restricted to three years. I shall certainly object to that restriction strongly. I do not see why we should pass a Bill now for three years and then impose after that a penalty so severe that it has never been heard of in any civilised country. To unsuit a man because he does not keep books, whether he wants to or not, and then say that he cannot get a penny of his money back, interest or capital, if he cannot produce those books, is to my mind most unjust. Away in the districts where you have got a whole lot, perhaps of, Muhammadans and one Hindu money-lender, and when they know that the production of those books means that they have got to pay back the loan and that if the money-lender cannot produce those books they need not pay back a penny of their loan, it would not take them very long to burn those books.

It seems to me, therefore, that the penalty is far too severe. A fifth is a more reasonable penalty. If a man lends money and refuses to keep books and is penalised to the extent of the interest, that is, that no interest be allowed, and in addition that one-fifth of the original loan is resumed, I think that penalty is quite severe enough. I know the argument will come forth that the penalty will be put on first. But if you are going to make the penalty severe the only man who is going to suffer by it is the borrower. The money-lender is not going to lose his money whatever penalty you may impose. If you make the penalty too severe he will make the borrower pay for it. That is an economic law which you cannot get away from. If you make the penalty 50 per cent. it will only be making it far more difficult for the poor borrower to get the money; he will have to pay much more when he pays back; and I am not at all sure that the Bill helps the borrower very much. I think the old way of writing out on the bond when the money was repaid, that is by having it endorsed on the back of the bond, was more protection to the borrower than the fact of the man keeping accounts. He has got to send his accounts, I believe, by the 30th June. Very well; a man borrows money any time, and he pays back a certain portion on the 1st of July. According to the Bill as it stands, even with the amendments, he will not get a receipt for that amount for six solid months and that receipt will then only be in the form of a statement of accounts. Now an illiterate villager will after waiting for this statement of accounts for five or six months only then find he has had no credit for his repayment, how can he after six months get evidence that he has paid it? If the Bill enabled him to get a receipt the moment he has paid his money, or in two or three days, he knows, though he may be an ignorant man, something is wrong and gets suspicious at the non-arrival of this receipt, and he will agitate till he collects evidence that he has paid it. I am not at all sure therefore that by the present proposals you are going to protect the borrower very much. I personally would like to make a suggestion to the mover and to the Government to scrap the whole Bill and bring in a very simple one by which you could get away from all communal questions, making it compulsory in the Punjab that every borrower must be given a receipt for all money repaid and must be given a statement of his accounts on request. A Bill with that one clause would cover everything; you have no need to exempt any single person; a business man when he receives money gives a receipt and anybody asking for a statement of his accounts always gets it from a business house or a shop, he could always have it from every single one of these people whom you have exempted. Why bring in this Punjab Borrowers' Protection Bill at all with the implication that it is a question of money-lenders all through? Why bring in a Bill that is going to make one community object to it? Bring in a simple Bill that every borrower when he borrows money and when he repays a portion of it can always have a statement of accounts when he sends out a registered letter asking for it. It does not matter whether the money-lender keeps accounts or does not keep accounts. What the borrower is concerned with is that he has paid so much and that it has been credited to his account and that he should get a receipt for the money he has paid if he asks for it (dated) and also, if he likes, for a statement of accounts. If you bring in a simple little Bill like that, nobody, no commercial house would object to it, because we all follow that practice. Not a single person in the world would object to it. I do say that though there should be no penalty for not sending a statement on certain dates because business houses do not do that, yet,

[Mr. V. F. Gray.]

at the request of the borrower, whenever it is demanded, a statement must be sent with some penalty for non-compliance and whenever money is paid back a receipt must be given. This Bill enforces the keeping of books by the money-lender but the borrower never sees the books and has no right to demand to see them and therefore he is absolutely in the hands of the money-lender for at least six months. And he has no receipt during these six months for any of his payments; he is too ignorant to take in advance, statements as evidence to be used six or even five months later in anticipation of the books being wrongly kept, and I think the position of the borrower under the Bill is weaker than it is to-day. I think the system of endorsement on the back of the bond whenever any money is repaid is far greater protection than this book system.

There is one item that I would like to raise from the point of view of Government. I really think if this Bill becomes law it will require an amendment of the Stamp Act because I do not quite see how it can be avoided. At the present date when you borrow money on a bond you pay eight annas or a rupee for Government stamps as proof of the transaction. Under this Borrowers' Protection Bill, this stamp is going to be no proof whatever. Therefore I say Government will be taking money under false pretences. However, that is a side issue. I should very much like the proposer to consult with Government on the suggestions that I have thrown out of bringing in an extremely simple Bill. As I have said before I shall insist in clause 8 on the amendment of the Government not being restricted to three years. There is an amendment of Pandit Nanak Chand on the point, proposing that the penalty should not exceed one-fifth of the whole amount, whilst the Government amendment makes the maximum penalty of one-fifth only applicable for three years. Unless the limit of three years is withdrawn in the amendment I shall refuse to support the Bill as I also shall and unless my own amendment that loans advanced by a landlord to his tenant, or lessee be deleted from the list of exceptions be accepted. Government and the mover consider, as I do, that anybody who borrows money is entitled to have a statement of accounts. Now, why should not tenants of a landlord be entitled to a statement of accounts? Why should not the lessee be entitled to know what his position is when he borrows money? Why should landlord money-lenders be exempt? After all tenants are in the hands of the landlord. They are on his land and they are bound to do what he tells them. He might say "you owe me so much and unless you pay, you will have to get out of my land". I consider he is more in the hands of the money-lending landlord than the outside money-lender and I do not see why such lender should be exempt from keeping accounts.

So with this reservation, that my amendment to clause 2 (5) (xi) be accepted and Pandit Nanak Chand's amendment of the Government amendment that one-fifth be for all time and not only for three years, I will support the Bill on behalf of my Chamber and so for the present I support the motion to take the Bill into consideration.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]:

12 noon.

Sir, I would like to reply to the speech of Mr. Maqbool Mahmood first. We had hoped against all hope that the report of the Select Committee will not come up for consideration at the present moment. With the communal tension that exists in the province at the present time we had expected that the honourable mover should have chosen a better time than the present for this Bill.

He has appealed to us on this side of the House not to increase the tension which already exists in the Punjab but to help in smoothing it. Sir, on behalf of this section of the House I may say at once that there is not one of us here who looks with favour upon the communal troubles which are going on in the Punjab and we would be the first to agree to any proposal which would go to mitigate the troubles which are arising everywhere, not only in the cities but also in the villages of the Punjab. Similarly, I had expected that, taking this point of view, the honourable mover should not have thrown a communal bomb in the Council Chamber at this time.

Chaudhri Afzal Haq: This is not the first time.

Pandit Nanak Chand: In 1924, when Mr. Maqbool brought forward his Money-Lenders' Registration Bill I was the first man to characterise the measure as a communal measure (a voice a Muhammadan measure), yes as a Moslem measure, and from every part of the Punjab what I said in the Council Chamber has been confirmed. There have been protests everywhere by the Hindus who regard this measure merely as a communal measure (*A Voice:* What about the zamindar?) I will deal with the zamindar also. I wish to submit that I was the first man to characterise this measure as a communal measure in this Chamber and I take full responsibility for the words which I used. Let me make it clear to my honourable friend the mover that when I call it a communal measure, I do not mean that the Muhammadans will be benefited by it. Not at all. I will try to explain to the House and to the honourable mover what I mean by calling it a communal measure or a Moslem measure. The two mentalities, the Hindu mentality and the Muhammadan mentality, so far as money-lending is concerned, are entirely different, and the European mentality which supports this Bill also is entirely different from the Hindu mentality. According to the sacred laws of the Muhammadans the taking of interest is unlawful. It is regarded as sinful. Therefore you will find that Muhammadans all over the province and even in other countries which are populated by Muhammadans, refrain from lending money. On the other hand, just as was pointed out in a speech delivered some time ago by my friend Chaudhri Ram Singh, an agriculturist by caste and representing an agricultural district, according to Manu, the *sahukar* is a necessary institution and the people are enjoined not to live in a place where a *sahukar* does not live. While Muhammadan laws regard money-lending as sinful, as criminal, Hindu Shastras or Hindu law-givers have regarded money-lending as a necessary thing for the preservation of society and for the improvement of commerce, agriculture and trade. It is on this account that the mentality which is at the back of this Bill and which seeks to destroy the money-lenders in the province is a Muhammadan mentality.

Sir, I said that the mentality which supports this measure, i.e., the European mentality, is also quite different from the mentality of the Hindu law-givers and the Shastras. Sir, it would be known to you that only some years ago laws against usury existed in England. As a matter of fact in all European countries the laws of Moses, the laws of Hazarat Musa, were given effect to by legislation. With your permission, Sir, I will read some of the laws which were given effect to in European countries. You will find in this book some passages given. Money-lenders' Act of England, a commentary by Mr. Alabaster, "Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury. Unto a stranger thou mayest lend upon usury." That is to say, Moses

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enjoined upon his followers not to lend money on usury to their brethren, or to men of their own caste or his followers but to lend money to a stranger upon usury. However, these were mediæval ages and the laws of mediæval ages may not be re-enacted again now. But what I want to point out to my honourable friend Mir Maqbool is that the mentality which is at the back of this Bill, which has produced this Bill, and the mentality which supports this Bill are entirely different from the mentality of the Hindu law-givers or Hindu traditions. Now, Sir, my friend was bold enough to refer to the Laws of Manu in his speech. I submit that if he referred to the laws of Manu to prove that money-lending was not to be resorted to or if he was quoting Manu with some other object, he should have made it clear, because Manu recognises a *sahukar* as a necessary institution and he recognises the lending of money as not only not a bad thing or a sinful thing but a thing which is pious to a very great degree.

Mir Maqbool Mahmood: On a point of personal explanation, Sir. What I said was that even Manu in order to protect the borrowers had tackled the problem objectively by placing certain limitations on the demands and activities of money-lenders.

Pandit Nanak Chand: I am glad, Sir, that he has made this point clear in some half-hearted manner. But he does not mean to say that Manu recognises money-lending as a bad thing. I hope he will admit that it is recognised by Manu that money-lending is regarded as a necessary thing, as a thing which is in certain instances pious. That is the first point which I want to submit on the position that it is a Moslem measure. That is to say, the mentality which has produced it is entirely different to the mentality which opposes it. That is the first ground.

The second ground—and it was admitted by my friend the honourable mover,—is that in this province money-lending is carried on mainly—though he did not use this word, I will use this word—mainly by the Hindus. The Hindus who carry on money-lending are not confined to these three particular classes the Mahajans, the Aroras and the Khattris, but money-lending on an extensive scale is being carried on even by the members of the agricultural tribes, the Hindu Jats, the Hindu Rajputs and the Hindu Gujars. To that book which was referred to by my friend Chaudhri Duli Chand, I would refer again where Mr. Darling states that in various districts of the Punjab the agriculturist money-lender is ousting the Arora or the Mahajan money-lender. That is to say, in the districts of Jullundur, Rohtak, Hoshiarpur, Karnal and certain other districts you will find the agriculturist money-lender doing his business side by side with the Arora money-lender or the Mahajan money-lender. It is wrong for Chaudhri Duli Chand to say again and again (if he has read this book and the quotations which have been cited here) to say that the agriculturist money-lenders are very few in number. It is necessary on that account to repeat the quotation which I gave some time ago from the book of Mr. Darling. What he said was: "The most prominent type is the Sikh Jat of the Central Punjab, who has some of the canny business flair of the Lowland Scot. Round Jullundur he has already ousted the *sahukar* and in Amritsar, Ludhiana and Hoshiarpur he meets him on almost equal terms. In the south, the Hindu Jat of Rohtak, a district full of *ex-officers*, runs him close, and here and there even the Mubammadan Jat is finding ways of squaring the precepts of religion with the claims of business."

Chaudhri Afzal Haq: You have said this is a Muhammadan measure.

Pandit Nanak Chand: Do not interrupt me please. I wish to translate for the benefit of my Muhammadan friend from Hoshiarpur, this last sentence which refers to Muhammadans, "here and there even the Muhammadan Jat is finding ways of squaring the precepts of religion with the claims of business." It distinctly means that the Muhammadans here and there are trying to take up this business of money-lending. It does not mean that the Muhammadan Jat has taken to money-lending to the same extent as the Hindu or the Sikh Jat. This is the meaning of these words. This is quite clear and if the Government call for statistics, they will find that what are called the hereditary money-lending classes are being ousted by the agriculturist money-lenders who are coming forward everywhere. I welcome this change, this attitude on the part of the agriculturists who are taking to different professions which exist in this province.

Now, Sir, if you pass this measure, you are bound to destroy a large number of these money-lenders, and these money-lenders, as I have already submitted, are non-Muslims, that is to say, Sikhs and Hindus. In that sense it is a measure which is aimed against the creditors who are in a majority of cases Hindus or Sikhs, belonging both to agricultural and non-agricultural classes.

There is a third ground why I call it a Muslim measure. I have already submitted that when I say that it is a Muslim measure I do not in the least mean that it will benefit the Muhammadans. I say it will equally affect the Muhammadan whose profession is agriculture. What I am trying to show is that the people against whom it is aimed at are the Hindus. Sir, I submitted last year and I submit now, that if you want proof of these various statements that I have made from time to time in this Council Chamber, you will find it in the columns of the "Muslim Outlook". The "Muslim Outlook" is the leading newspaper of the Muhammadans of the Punjab. It is conducted in English. It has got a very responsible editor. When the first Bill was brought in the Council this is what the "Muslim Outlook" said in its issue of 16th or 17th November 1924:—"We will cheerfully admit that the Bill marks an instance of Muslim revolt against Hindu rapacity, for it must follow that any undue tenderness expressed by Hindu leaders for a class of traders whose greed is a bye-word and notorious throughout India betrays the Hindu propagandists in their true colours, the colours of confederates of people who are morally criminal and whom Islam teaches Muslims to despise." Could there be a stronger evidence of the allegations I made in this Council Chamber about the communal nature of this Bill?

Not only this. In another issue published on the 17th November 1924, and in yet another issue, dated the 26th November 1925, it is stated that Mir Maqbool Mahmood's Bill is regarded as a piece of *tanzim*. *Tanzim*, as I submitted, is a sort of *sangathan* movement amongst the Muhammadans. Now, Sir, not only has the editor of the "Muslim Outlook" written these articles, but he has recently published and only circulated, a few months ago, an article headed: "A brood of Shylocks" and in that article he gives support to this Bill. I ask my friends to read that article and then say whether this measure is not a communal measure. That is the third argument why I call it a Muslim measure and yet there is a fourth.

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Now, Sir, I have been attending the Council always when this question comes up. I have always found that there is not a single Muhammadan member out of the 35 or 36 members who has said a word against the nefarious and pernicious measures which have been brought from time to time. That they are nefarious, that they are pernicious and impracticable have been proved by the fact that the first Bill was withdrawn by the mover himself. It was withdrawn because it was considered impracticable or communal. The second Bill which was brought forward and which is not the present Bill had been equally characterised by me as a communal measure and not one Muhammadan supported the Hindus in their opposition to this measure while there were a number of Hindus who, like Chaudhri Duli Chand, supported the measure. Is it not fair and just to expect that at least one Muhammadan should have come forward and criticised some portions of the Bill?

Maulvi Mazhar Ali, Azhar : I did criticise.

Pandit Nanak Chand : That is another argument which I have advanced to prove that this is a communal measure. There is yet another argument, and that is furnished by the internal evidence contained in the Bill itself, that it is aimed against the Hindus. I shall proceed to cite only a few clauses of the Bill to prove my case. Unfortunately the Government members have run away and are not here when I come to the most important point.

The Honourable Mian Sir Fazl-i-Husain : Some of us are here.

Pandit Nanak Chand : I meant most of them have run away. Now, just look at clause 2, 'Definitions', where certain exceptions are made in the case of a loan. I will refer to sub-clause (viii). I would like the honourable mover of this measure to take his copy of the Bill in his hand and go with me through these few items to which I wish to draw his attention. He says the following loans are to be excepted: "Loans advanced to a trader for the purpose of trading or to a money-lender". That is to say, if a loan is given by a person to a trader for purposes of trade, then it is not to come within the provisions of this Bill, but you find a qualifying clause 'for the purpose of trading'. That is to say, the burden of proof is on the lender to prove that he advanced a particular sum of money to the trader for the purpose of trading only. Only when he succeeds in proving that the amount was advanced for the purpose of trade, then he will come within the exception, otherwise not. Now, come to item (xi): 'A loan advanced by a landlord to his tenant, lessee or partner in cultivation'. That is to say, a landlord may give a loan to a lessee or his partner for indulging in opium or for drinking purposes. This also is excepted. In the first case my friend will realise that the majority of the traders in this province are Hindus, though there are exceptions to this, for there are some Muhammadans also who trade, but the commerce in this province is practically in the hands of the Hindus, that is the reason why you have the qualifying or the limiting clause. When an amount of money is to be given to a trader it must be for the purpose of trading; the lender must prove this otherwise he does not come within the exception. On the other hand, for most of the landlords here who represent various Muhammadan constituencies for their sake, this qualifying or limiting clause is omitted. That is to say there is no qualification that these loans can be given only for the

purpose of carrying on agriculture. I hope, Sir, I have made my meaning clear to my friend the mover of the Bill. In the case where a landlord gives a loan to his partner in cultivation, to his les-see or his tenant, he at once comes within the exception irrespective of the fact whether the loan is given for the purpose of carrying on agriculture or for some other purpose. How will you explain that while in the one case where the majority are Hindus, that is traders and commercial men, there is the qualifying phrase and the burden of proof is always on the lender to prove that the debt was advanced for a particular purpose, in the other case, the case of landlords, where the majority are Muhammadans there is no such qualifying phrase to indicate that the loan should be given for purely agricultural purposes? I entirely fail to see why these landlords have been brought under the exception. Sir, one would have expected of them who in season and out of season are crying for the protection of the small zamindar, that they should not have brought themselves under the exception. Even my honourable friend Mr. Gray, who does not represent any community, but who represents the Chamber of Commerce and who is a European, even he has taken exception to this exception. Is this not a sufficient reason to show that communalism is at the basis of this Bill?

This is not the only instance. Coming next to sub-clause (6) where 'money-lender' is defined, we see "that money-lender includes every person whose business whether carried on in his own name or in any other name or by him and any other person jointly, is that of advancing loans, or who is a partner in any firm which carries on such business, or who advertises or announces himself or holds himself out as carrying on such business." Sir, the words to which I draw the attention of the House are "or who is a partner in any firm which carries on such business." Now, either my friend Mir Maqbool Mahmood is entirely ignorant of the Hindu law or he has got a clause put in on account of communal bias. In the Punjab there are two kinds of firms, firms which are created by contract and firms which are joint Hindu family firms. You will find, Sir, that the Hindus have the joint Hindu family system and the legal presumption also is that all Hindus live in joint family and if a person is carrying on money-lending then the whole family will be considered as carrying on money-lending. Let me make my meaning clear. Supposing the father of a family carries on money-lending, one of his sons is an I.C.S., the second is a barrister, the third carries on agriculture and the fourth has taken to some other profession, all these according to the joint Hindu family system will be members of that trading firm and if that firm comes within the definition of money-lender, the unfortunate I.C.S., the unfortunate barrister and the unfortunate professional man doing business elsewhere will also become a money-lender. I do hope that the learned mover will come forward and say that this was not his meaning, and that he was referring to partnership in a firm which is created under the Contract Act for the purpose of carrying on money-lending. But look at the words. No exception has been taken to these words either by the Government or by any of my Muhammadan friends. Can it be explained that this clause was purposely put in? It not only brings in the actual persons who are doing money-lending, but it brings in every respectable Hindu whose parents or father or brother has anything to do with money-lending. I have submitted that the settled law is that the normal condition of a Hindu family is that of a joint Hindu family. The burden of proof has always been on those who say that there has been a partition. In a

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majority of cases, if my learned friend goes through the cases he will find that it is very difficult to prove that such and such a man has separated or there has been a partition. Even in a case recently decided by the Privy Council, the case relating to this province, an I.C.S. gentleman was held responsible for the debts of his family firm. Therefore I ask my learned friend, was it ignorance of this Hindu law or was it communal bias which lies at the root of putting in this particular clause? This is one piece of internal evidence which I give to him.

Now, let me draw his attention to clause 4. What a wonderful clause this is! Really the Government members of the Select Committee must be congratulated that somehow or other they could find such a clause and introduce it in a Bill of this kind. I ask all impartial people who are not touched by communal bias to look at this clause and tell me whether there can be any other reason but the one I advanced that this is really meant to humiliate a large section of His Majesty's subjects who are law-abiding in every sense of the word.

Now, Sir, clause (4) runs as follows:—

- (1) Any person who owes anything to any other person on account of a loan or loans may apply to any Magistrate having jurisdiction in the place in which such other person resides or carries on business petitioning such Magistrate to call upon such other person to lodge in the Magistrate's court a statement of accounts between him and the applicant.
- (2) On receiving an application submitted under the provisions of sub-section (1) the Magistrate shall examine the applicant upon oath and if upon such examination he is satisfied that the applicant has sufficient reason for believing that such other person is a money-lender, he shall issue an order calling upon such other person either to lodge or cause to be lodged in his court within one month of the service of the order a statement in such form as may be prescribed and containing the particulars mentioned in sub-section (3) or to appear in person or by a duly authorised agent within the same time and satisfy the Magistrate that he is not a money-lender or that he has other sufficient cause for not complying with the order."

Let us understand what these clauses mean before we proceed further. Supposing in my village there is a *dhobi*. The *dhobi* goes to my honourable friend Sardar Bakhtawar Singh who is a Magistrate under the law and says that he owes a certain sum of money to Pandit Nanak Chand and the *dhobi* puts in an application to this effect. What is the next procedure? The next procedure is that the man who makes the application is called upon to state upon oath that I (Nanak Chand) am a money-lender. You, Sir, with your wide experience of courts know how people come and perjure themselves in almost every case. This fact is not unknown to Government officials or to those who have anything to do with the courts. Just imagine a *dhobi* making a statement in the magistrate's court to the effect that Pandit Nanak Chand is a money lender and if the Magistrate is satisfied that Pandit Nanak Chand is a money-lender, he at once summons him before his court either to lodge a statement before him or to appear in person or to appear by a duly authorised agent. If the Magistrate happens to be a

magistrate of some other nationality, and if he is affected with communal bias which is the bane of the province, he says that he is not satisfied with my statement and declares me a money-lender. What have I got to do then? Let us go to clause 4, sub-clause (4) which runs—

“If the person on whom an order has been served under the provisions of sub-section (2) fails duly to lodge the statement ordered, and

(the Council will please note that in the second sub-clause it was ‘or’ and now it is ‘and’—).

“does not appear in person or by duly authorised agent or if he does so appear, but fails to satisfy the Magistrate that he is not a money-lender or that he has other sufficient cause for not complying with the order, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code; provided that if he is convicted of such offence he shall not be liable to be punished with imprisonment.”

Just see the wisdom, the fairness and the equity of this legislation. This is the clause to which I am glad to say that the honourable mover of the Bill has appended a note of dissent. I give him credit for seeing that this clause was a nefarious clause, that it was a vile clause and that it was a clause which showed either communalism to the extreme or vindictiveness on the part of the Government against the Hindus. Whatever be the motive with which the Government inserted this clause, there it is. Any Hindu of whatever respectability he may be can be hauled up before a criminal court, and if the case goes to a Magistrate who has communal bias—he may be an Honorary Magistrate who acquired that appointment through the favour of Government, not on account of his inherent merit but owing to some other reasons—he has got the power to hold that he is a money-lender and convict him. You, Sir, are well aware how communal feeling prevails amongst the members of the judiciary in the Punjab. This fact is noted by everybody who has got eyes to see. In some cases even the Magistrates and the Judges are influenced by communal considerations. This is a very unfortunate thing. It is a thing which I bewail, but the fact is there, and if by inserting this clause you want to humiliate and destroy the self-respect of the Hindus, you can do so. Now, I ask my honourable friend and those who are responsible for this clause whether they are not ashamed of calling themselves as members of a select committee which is going to make laws for the people of this province which is torn up by communal dissensions and troubles and riots. It is no consideration for us that we are subsequently going to omit this clause. You may, for aught I know, omit this clause or withdraw your amendment for the omission of this clause, but the fact remains that the mischief has been done in the select committee, and this nefarious clause exists in the Bill as amended by the select committee, and it is presented to the House for consideration. I want to warn everybody, be they Government officials or be they Muhammadans, that the Hindus have stood the test of time for centuries, that Kingdoms have come and Kingdoms have gone but the Hindus remain where they are. In our civilisation there is a potency, there is a latent power which when called forth will give effective reply to these dangers. Sir, I do not know who it was who said that you can pass repressive laws, that you can send people to jail and that you can do many other things but you will not destroy a people. If you want to destroy a

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people, you must destroy its soul, and here I submit, that in this clause 4 an attempt, a vile attempt, has been made to destroy the soul of the Hindu in order to humiliate him and in order to heap indignation on him, and in order to show to the outside world that he is a man of no self-respect and that he can be hauled up and humiliated before a criminal court presided over by any two-penny half-penny Magistrate. Can my honourable friend, in the face of this clause, say that there is no vindictiveness at the back of this bill? Does it not show prejudice of the vilest kind? Does it not show that those who are responsible for this report and who have not attached any minute of dissent regarding this clause have bidden farewell to all principles of justice, fair-play, equity and good conscience? This is the third internal evidence in the Bill.

I come now to the fourth internal evidence, and that is contained in clause 5. I am glad to note that my honourable friend, Mr. Dunnett, has come to the Council, though I would have been gladder if he had been here while I was referring to the objectionable features of clause 4. He has not attached any minute of dissent as regards clause 4. Well, Sir, let us go to clause 8. Clause 8 runs as follows:—

“Subject to the provisions of section 10, if in any suit a money-lender makes a claim or raises a plea in respect of a loan or loans or in respect of a security taken for the repayment thereof and the court finds that such money-lender or his predecessor in interest.....”

Well, Sir, the predecessor in interest is also included—

“has not complied with the provisions of clause (1) of section 3 in respect of the transaction or transactions out of which the claim arises or on which the plea is based, the court shall dismiss such claim or plea.”

I ask my honourable friend to consider the effect of this clause in all seriousness and tell me whether in inserting this clause they were acting on the principles of justice, fair-play and good conscience or whether they were led away by their feelings of vindictiveness or by their communal bias. What does it all mean? Here is an honest money-lender who has in every way complied with the vile and nefarious provisions of this Bill; he suddenly falls ill. The leaves in his *bakis* are accidentally torn up by some stranger in his house or by his innocent child. When this unfortunate money-lender brings a suit in court against a certain debtor, the court says ‘the leaves in your *baki* are torn up. Out you go. We will not allow you to go on with your suit’. Let us take another case. Here is a money-lender who has done everything to satisfy the provisions of this Bill. The defendant, on the other hand, comes forward and says that he made a payment of Rs. 40 or Rs. 50 on such and such a date, and produces a receipt in acknowledgment thereof. The money-lender perchance might have fallen ill and he might have entered the amount on some subsequent day finding that he got Rs. 40 or Rs. 50 from such and such a man and that he granted a receipt too. Well, if that money-lender goes to court for the recovery of his money, the court says ‘the accounts are irregular, the date given is wrong, and so the suit is dismissed’. He cannot go to the High Court, he cannot appeal because the case has not been tried. No evidence is allowed to be led to prove that the accounts are regular or what the circumstances are to show that the suit should not be dismissed. The suit

which he brings may be worth Rs. 100, Rs. 200 or Rs. 3,000 or it may be worth Rs. 50,000 or it may be worth even a lakh. The fact that there was omission through some accident over which he has no control is not taken into consideration at all. When the case goes before the Judge, he holds that he is bound by the rules and law passed by this legislature, and he says he can give no relief to the poor money-lender. He says that he holds the accounts to be irregular. The poor man loses not only his interest, but also the principal. These are extreme cases where a man having done everything to comply with the provisions of the Bill and having tried to the best of his ability to fulfil all the provisions of this Bill fails through some accident to be within the strict letter of the law. His case, I submit, is far worse. Such men are not to be given protection in the British courts. It is the boast of the British in India that they hold the scales between the two communities even, that they mete out impartial justice between man and man. They say that but for their presence in India the Hindus and the Muhammadans would be flying at each others' throats. In spite of all this boast the British courts are to deny elementary justice to the money-lender who seeks the agency of the court for the recovery of his dues. Who is responsible for this enactment and for this provision which the Government has supported and which the members who represented the Government in the Select Committee were parties to? They must explain that, and give a fair reply to the objections which have been urged against this Bill. All that they say is this. If we do not give exemplary punishment in dishonest cases, more dishonest cases will crop up. This is the reply which the gentlemen who represent the Government give to the arguments which have been advanced from time to time from these benches and also from impartial persons about this clause. May I ask them to say whether these are fit replies to the arguments that I have advanced? It may be that on account of some accidental omission with no desire to deprive the debtor of the credit of any sum of money which he might have paid and with no moral turpitude on his part, the money-lender might have failed in some stray instance to keep within the strict letter of the law and yet he is to be denied justice in courts of law. You must not forget that under clause (6) even a Hindu Barrister or an I. C. S. is a money-lender according to the provisions of the Bill if he belongs to a joint Hindu family, and a member of this family carries on the business of money-lending.

I ask now in all seriousness, what were the Government members doing when they were considering this clause? I submit that they afterwards realised that there was hardship in this case, and with this object they have now tried to bring a sort of amendment which, as Mr. Gray has already stated, is not even now a fair and just amendment at all, but I ask why in the report of the Select Committee, to which a number of Government officials were a party, no such protest was made or a minute of dissent added by them? Sir, these are only a few of the clauses to which I have drawn the attention of this honourable House to show that the Bill is based on communal feelings and that there is a communal vindictiveness at the back of this Bill.

Now, Sir, I come to my second point. It has been said by my friend Chaudhri Duli Chaud, the self-styled sole representative of the zamindars of the Punjab, it has been said by him: "Look here, such laws exist in all civilised societies. There is a Money-Lenders' Act in England. Why

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should there not be one here?" Now, Sir, if people do not read the Money-Lenders' Act which was enacted in England, it is not the fault of the framers of that Act. Before a man comes forward and makes such a statement in the Council, one should have expected that he should have gone through the Money-Lenders' Act in England which is entirely different and which protects entirely different sets of debtors from the one which this Act is intended to protect. I have got a copy of the Money-Lenders' Act of England in my hand, and I shall be glad to lend it to my friend, so that he may read it through at home and then find out whether the Bill which is being introduced is the same sort of Bill as the Money-Lenders' Act of England or whether it is a different Bill. Sir, the English Act was passed in 1900 and this is the opinion about that Act by a High Court Judge of England. I do not mean an English Judge in a High Court in India, but a Judge of the High Court in England. In the case *Samuel versus Cayley* he is reported to have said about the Money-Lenders' Act: "There has been only one Judge who could have, to the satisfaction of any one, understood this statute. That was King Solomon. If there ever was another he was Sancho Panza". I hope you know who Sancho Panza was.

Well, Sir, this is the opinion of a High Court Judge of England about the Money-Lenders' Act which is in force in England, and if my friend had taken the trouble to study this Act he would not have made the statement that he made. Sir, if you go through the cases, you will find a paucity of cases on the Money-Lenders' Act. The reason is plain. This Money-Lenders' Act, as it was passed, is hardly understood by the Judges there, and it is so unworkable that even a Judge had to say that only King Solomon could have understood that Act.

This is with regard to that Act. My friend does not know apparently that the indebtedness of the peasantry in India is, not a problem peculiar to the Punjab, but is present in the whole of India. And this question of giving protection to the indigent and unintelligent borrowers was brought forward in the Legislative Council which existed before the present Councils existed. The Usurious Money-Lenders' Act was passed in 1918 and then this question was gone through by much more capable men than either Chaudhri Dali Chand or myself, and it was found that it was impracticable and impossible to have the same kind of Act here. They advanced reasons which I shall presently advance why such an Act was not possible to be enacted in India. But they took what was best in the English Act and incorporated that in an Act which is called the Usurious Loans Act. I would invite my friend's attention and of other gentlemen who have got the impression that they are merely copying the English Money-Lenders' Act, to the Objects and Reasons of the Usurious Loans Act. This was what was said by Sir Alexander Muddiman and Sir William Vincent:

"The remedy proposed by this Bill is to empower the courts on the lines of section 1 of the Money-Lenders' Act, 1900 (English Act) to reopen transactions by way of money or grain loans in cases where the court is satisfied (1) that the interest or other return is excessive and (2) that the transaction is substantially unfair, and after investigation of the circumstances, both attendant and antecedent to revise the transaction between the parties and, if necessary, to reduce the amount payable to such sum as the court may decide to be reasonable. Provision has

been made to cover the case of loans of grain as well as of money, as loans in kind are often made on very oppressive terms."

These provisions, as the honourable framers of that Bill distinctly stated, were taken from the Money-Lenders' Act of England, and they were framed so that they may meet the hard cases which come to the courts in India. With that object everything that could have been incorporated here was incorporated in that Act. And yet my learned and honourable friends come and say that they require a Money-Lenders' Act. One of the commentators of that Act says:—

"This Act (the Usurious Loans Act) is much wider in its scope than the Money-Lenders' Act as regards the class of transactions embraced by it. A transaction by a firm *bona fide* carrying on any business, not having for its primary object the lending of money, in the course of which money is lent, is excluded from the operation of the Money-Lenders' Act. There is nothing in the Usurious Loans Act which would exempt such a loan from coming within the purview of the Usurious Loans Act."

Here is another testimony—a commentary by two learned gentlemen who have tried to show in their book that really the Usurious Loans Act is much wider in its scope and embraces a far larger number of transactions than the Money-Lenders' Act in England, and my friends are still crying, "Oh! the vile money-lender, the vile money-lender." They may raise the objection that I am merely reading from the Objects and Reasons, so, for their benefit, I shall quote the section itself—

"Notwithstanding anything in the Usury Laws Repeal Act, 1855."

The Government has always been anxious for the protection of the poor debtors, and in 1855 there were certain laws which were repealed by this Act (the Usury Laws Repeal Act):—

"Notwithstanding anything in the Usury Laws Repeal Act, 1855, where, in any suit to which this Act applies, whether heard *ex parte* or otherwise, the Court has reason to believe,—

(a) that the interest is excessive; and

(b) that the transaction was, as between the parties thereto, substantially unfair,

the Court may exercise all or any of the following powers, namely, may,—

(i) re-open the transaction—"

I invite the attention of my friends to this phrase "may re-open the transaction"—

"take an account between the parties, and relieve the debtor of all liability in respect of any excessive interest."

Suppose there is a money-lender who has struck a balance in which he includes interest and compound interest, it is open to the court to re-open

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the transaction and relieve the debtor of the excessive interest that the money-lender had charged :—

“(i) notwithstanding any agreement, purporting to close previous dealings and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of any excessive interest.”

This clause distinctly lays down that the transaction can be reopened and where it can be shown that such and such an item contains in it many items of interest or compound interest, the liability of the debtor could be relieved under clause (ii) or clause (i)—

“and if anything has been paid or allowed in account in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof”

All that the Bill under consideration does is that it merely dismisses a suit. Is that any satisfaction to the debtor who has paid in excess, that the suit of the money-lender is dismissed. His feelings of vindictiveness may be satisfied, but I submit that he gains nothing. The money-lender can get his suit dismissed, but the provision of Usurious Loans Act gives a better protection. The Court can compel the creditor to pay back to the debtor whatever he (debtor) has paid in excess.

“(ii) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent as it may deem just.”

Now, Sir, the Court is given the power to alter the terms of contract which have been made between the debtors and the creditors. It can revise the terms, it can do anything, it may order the creditor to indemnify the debtor in any manner which the court may deem just. That is an Act which protects the debtor. Whereas in the case of this Bill you say, “dismiss the suit of the money-lender.” This Act was passed in 1918, only seven or eight years ago. . . .

Chaudhri Duli Chand : On a point of information, Sir. Will the honourable member kindly let me know in how many cases this Act has been applied ?

Pandit Nanak Chand : Sir, if this Act has not been applied, is it my fault ? (Voices : yes.) Well, if the honourable members are so unreasonable as to say that it is my fault I have nothing more to say to them. But I am addressing the reasonable section of the House. But can they ask me in how many instances this Act has been applied by the Courts ? Is it not for Government to have come forward and given the facts and figures and told us that in such and such cases the Act was applied ? Why has Government been silent and not collected the facts and figures and given them for our information ?

Mir Maqbool Mahmood : Sir, there seems to be some misunderstanding as to what I said with respect to the Usurious Loans Act. All I said was this, that the Act empowers the courts in certain transactions to re-open the whole dealings between the parties and to relieve

the debtor of excessive interest, and when in a case it is not possible for a court to distinguish between the principal and the interest which makes up the whole amount in a particular case, the court cannot give relief. In facts the courts have stated that many times creditors have got a new bond executed without any reference to old documents, and there is nothing to show that so much of it is old interest and so much of it capital, and the present Bill by introducing the six-monthly statement gives an opportunity to the borrower to come forward and prove that the sum for which he is sued is made up of a large outstanding interest and some amount of principal.

Pandit Nanak Chand : Sir, what the honourable member said is not a point of order. It is a reply to my argument which Mir Maqbool Mahmood has given

Mir Maqbool Mahmood : It was a point of explanation.

Pandit Nanak Chand : No, it is not a point of explanation. The honourable member was trying to reply to my argument.

Mr. President : Order, order. The Council will now adjourn till 2 o'clock for lunch.

1 P. M.

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 of the clock. Mr. President in the Chair.

Pandit Nanak Chand (continued) : Sir, I was referring to certain clauses in the Usurious Loans Act when certain objections were raised ; and before I proceed with my points I shall deal with these objections. I was first asked in how many cases this Act to which I was referring has been applied. My reply to that is this : that it is the Government which ought to have prepared statistics about this matter and place those statistics before the Council. Government has not done so. The duty does not fall upon me to prepare statistics in this matter. But the real reason why that Act cannot be applied in a large number of cases is, as was admitted by Chaudhri Duli Chand himself, this. I took down his remarks while he was making his speech. The real reason in his own words was this :

بد دیانہ لڑک جو ہرے ہیں وہ بہت تہہ زے ہوئے ہیں اور وہ سب فرقوں

میں ہوئے ہیں

That, Sir, is the real reason why the aid of this Act cannot be invoked in very many cases. Whatever vile things you may say about the money-lender, there are very few money-lenders who are so vile or dishonest as to take advantage of the poverty and indigence of the borrower. That is the real reason why these cases are not frequent. (An honourable member : "No".) My friend says 'no'. But a moment ago when he was making his speech he said "why are you crying so much ? This Bill is really meant to disappoint those people or checkmate those people who are dishonest." And according to him dishonest people are very few. That is the real reason why this Act has been applied in fewer cases than otherwise it would have been..

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Now, Sir, there is still another reason. This Act was passed in 1918. Up to this time even most of the lawyers are ignorant of the existence of this Act. What can others do if even lawyers who ought to place these matters before the courts have not themselves studied this Act and are unable to place it before the courts?

Then again it was said, and the reason was as a matter of fact advanced, that the real reason why the loans Act was not applied was that the courts of justice were Hindu-ridden. These were the words used by one honourable member who is sitting just there. Now, I ask this question. Will this Act which you now seek to place on the statute book rid the province of the Hindus who are performing their judicial functions? Will it mean that these Hindus will leave their posts and say "Well, you non-zamindars or Muhammadans or whatever you may like to call yourselves, you come and occupy these seats." Would this Act bring the Hindu judges out of the courts of justice? I submit not. This argument, that the judiciary is Hindu-ridden, has been advanced and solemnly stated from almost all parts of the House. And that is an additional argument for my saying that it is a communal measure, the result of the communal bias. Unfortunately, Sir, in this province, some communities feel that if they can destroy the other community they are doing some real benefit to themselves. It is a very unfortunate tendency. They seem to think that if they cannot benefit themselves they ought at least to destroy the other community. Let me tell them that there is no Hindu who is not prepared to help the Muhammadans in educational or in other matters, and there is no Hindu who will not be glad if our Muhammadan friends advance and make progress. But what we deplore is the fact that there is this desire to pull down men of other religions and of other castes without doing the slightest benefit to your own community. That is a very undesirable tendency and should be checked, and to this tendency from all quarters of the House expression has been given.

Now, Sir, I was submitting that this Act, the Usurious Loans Act of 1918, has taken all the provisions of the Money-Lenders Act which could be made applicable to India. I was also submitting that the cases of India and England stand entirely on a different footing. It has been asked as to why all the provisions of that Act could not be enacted here. To that I will make a reply by quoting from the debate which took place in the Legislative Assembly on the Money-Lenders Bill of 1923. That was a Bill brought forward by one Mr. Muhammad Yamin Khan, representing the Meerut Division in the United Provinces. One of the principles of the Bill was that everybody who lent money should keep regular accounts. Now, this is what was said by one official who represented Government at that time and who opposed the introduction of the Bill on behalf of the Government and he said:—

"Whatever hard things may be said against money-lenders as a class or individuals in particular, the fact remains that the money-lender is one of the most useful members of society in this country. (A voice: Question). The honourable member says 'question'. But how is a vast agricultural country, especially those tracts where the ryotwari system is prevalent, how is it to be carried on at all if money is not available for agriculturists? Agriculture cannot be carried on without borrowed capital. (A

voice: Co-operative Societies). An honourable member says 'co-operative societies'. How many co-operative societies are there as yet in this country? Does he not realise that co-operative money-lending, in spite of the great strides that it has made, is still in its infancy, and that if we were to strike a blow at the common system of lending money in this country the results would be disastrous."

Now, Sir, this is what was said by a Government official when this question of keeping accounts and dealing with this problem came up for consideration in 1923 in the Legislative Assembly. But in 1918 the question of prescribing accounts also came up before the various governments in this country. And this is what the Government of Madras said in 1918 about the keeping of accounts:

"Nor does the Governor in Council consider that any useful results would be produced by compelling money-lenders to keep accounts or give receipts from counterfoil receipt books."

The Government of Bombay said—

"The problem of dealing with money-lenders in England is totally different from that of dealing with them in this presidency, and arguments from the success of the Money-Lenders Act in England are, in the view of the Governor in Council, full of danger. In England a small and fairly well-defined class of professional lenders catering for a comparatively small class of borrowers has been taken under control without difficulty and without interfering with or unsettling the whole of the credit system of the country. In India, practically every one with a little money in hand lends it out, and an agriculturist who has saved a few rupees is often quite as rapacious as any *sahukar*. Registration of money-lenders would present enormous difficulties in India, and in fact may be said at once to be impracticable. Even to arrive at a satisfactory definition of money-lender would be a hopeless task."

The Burma Government was of the same opinion. The Central Provinces Government was of the same opinion. The Lieutenant-Governor of the United Provinces thought that all ideas of registering money-lenders and insisting on their keeping books and the like were quite out of the question.

Now, Sir, this was in 1918 when this question came up for consideration before the various governments. (An honourable member: What about the Punjab?) The Punjab Government never gave an opinion. The Punjab Government is a wonderful Government. Well, Sir, these are the opinions collected of almost all the Governments in 1918, and in clear terms they have stated that it is impossible to prescribe the money-lenders to keep regular accounts. Mr. Haig in 1923 made it quite clear that you cannot possibly carry on agriculture in this country if you were to pass laws of this kind, laws which Mr. Yamin Khan proposed in 1923. This question also came up before the United Provinces Council, where certain of her gentlemen wanted to move a similar kind of Money-Lenders' Bill and it was found that the whole thing was impossible and that it was even beyond the jurisdiction of the United Provinces Council to consider a measure of that kind.

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Now, Sir, in the face of these facts to go on stating " Well, you have a Money-lenders' Act in England and you must pass a Money-lenders' Act here," without taking into consideration the various circumstances which show an entire difference between the two countries, is, I submit, unfair and unjust. Those who talk of the Money-lenders' Act in England did not read or have not read the report of the Select Committee there. What was the problem which confronted the Select Committee in England? You must remember that everybody in England is educated. In every village there is a post office, banking facilities exist everywhere, and the credit system has been carried to perfection by means of banks, co-operative societies and similar other institutions. The problem in England was that there was a large number of people who advertised themselves in the newspapers as benevolent people and stated that they wanted to benefit the poor and they gave out in those advertisements and in the newspapers that they were prepared to lend money at the rate of 5 or 6 per cent. for helping the poor and the needy. They did not mention whether this rate was to be for a year or for a month. Now, there were people there who on account of immature age but having derived or inherited large landed properties from their ancestors took to all kinds of bad habits, habit of drinks and other things and those people could not get money from anybody and they used to see these advertisements with the result that they approached these money-lenders, who instead of lending money at 5 per cent. per annum used to lend at 60 per cent per annum. The Select Committee reported that in one case that came before them the debtor had to pay interest at the rate of 1,300 per cent. There was a small class of money-lenders who indulged in practices of this kind in order to cheat immature persons. There was a small class of people on the other side who wanted to take loans for various purposes of theirs. In order to meet that particular kind of disease the Money-lenders' Act in England was passed.

I quoted the opinion of an English Judge about this Act. You have no banks in the villages in India. It was admitted that you have not got sufficient co-operative societies to lend money to the people; it was admitted that there are not even post offices in hundreds and thousands of the villages in India; can you then say that the conditions in England and in India are the same and that you have the same problem to tackle? As I have already stated, that which could be taken from that Act has been incorporated in the Usurious Loans Act. Then, Sir, I make bold to say that even if you pass this Bill, you cannot destroy those people whom you want to destroy, namely, the Shylocks. (An honourable member: We do not want to.) Don't you want to destroy the Shylocks? I do. Do not misunderstand me when I say that I have got no sympathy for the poor agriculturist or for those who are indigent or those who sometimes fall into the clutches of unscrupulous people who are very few in number and whom you find existing not only in this country but in almost every other country. I have full sympathy for them and I shall be prepared to support any enactment which will give a death blow to these Shylocks. What I stated and what I repeat here to day is that this Bill will really strengthen the hold of Shylocks on society. It will not destroy the Shylocks. I propose to develop this argument with your permission, Sir. It is the first principle of political economy and the honourable mover told us that he has read political economy—that these things are governed by supply and demand. One natural, inevitable result of the passing of this Bill would be that you would drive out the honest money-lender from the market.

You would drive the agriculturist money-lender from the market. Why should a man place himself in such a dangerous position that the court under clause 8 shall be compelled to dismiss his suit? Why should a man place himself in that unhappy position? The agriculturist money-lenders and honest money-lenders will go out of the market. The road will be open to those who can take resort to sharp practices, who can perjure, who can commit forgeries and who can cook accounts. Nobody could prevent them. What would be the result? Supposing now in one village there are three money-lenders one, an agriculturist money-lender, the other a non-agriculturist money-lender to borrow your term, and the third a Shylock money-lender. After the passing of this Act the first two will be thrown out and the third will remain. You cannot possibly say that by the passing of this Bill you will destroy the needs of needy men. The agriculturist who has not got sufficient means, the professional man who sometimes requires money in order to give a fee to the doctor or for certain other purposes, to whom could they go whenever they require money? There is only one money-lender existing. There are no other money-lenders. Is it not possible for that money-lender to exact as high a rate of interest as possible? Can he not say, "Well, I will lend you money, but I want cent per cent. interest. He will take cent. per cent. in this way. He will say, "I will lend you Rs. 100 but write down Rs. 200" in my *bahi*. He will say, write down '*Do san rupya aakad lige*' " Who can prevent that? What will be the protection which this law will give? Would this Bill prevent it? Supposing a man who is not illiterate but who can read and write is in need of money. He has to fight a case in a court, perhaps he has to defend himself against a criminal charge which has been brought rightly or wrongly against him or suppose he has to meet a necessity arising out of the serious illness of his wife or child. He goes to the money-lender. The money-lender says "I am prepared to lend you money, but I will give you Rs. 500 and you have to write down that you have taken Rs. 1,000 in cash". What is there to prevent it? What protection does this wonderful Bill give him? You say that this Bill will help the poor agriculturist. But the result would be that the poor agriculturist who is always needy—sometimes he wants money for his grain, sometimes he wants money for his clothes, sometimes he wants money for his plough or cattle or for other purposes—he would always be in the clutches of these unscrupulous money-lenders. Not only this. Further this Bill does not impose any kind of obligation or penalty on these landlords. The tenant or the small peasant proprietor who works in partnership with a rich landlord goes to his landlord and says, "I require money for such and such purpose." There is no other money-lender. You have already destroyed him. He says, "I am ready to give you money, but I want your land. Give me in writing that you have taken Rs. 500 from me and I will advance you Rs. 200." It is very easy for this illiterate man to do so. You yourself admitted it. Then the next day, this pious landlord, this charitable landlord, who is now waxing eloquent about the troubles and trials of these poor agriculturists, goes to the court. He is not required to keep any regular accounts. He attaches his land and takes the property of the tenant, or his partner in cultivation. How are you protecting the poorer man? Are you protecting him, I ask, by means of the provisions of this Bill? I submit that by destroying this competition which is the essence of all good trade and good commerce, you are practically throwing the poor man, the needy man, into the clutches of the

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unscrupulous money-lender or the unscrupulous landlord, whom you want to protect by means of this Bill. Give me an argument which can cut at the root of the argument that I have advanced and I will at once support you. But I say you are supporting the Shylock. You are not supporting the honest money-lender.

Then we find that this Bill has been named the Debtors' Protection Bill.

Chaudhri Afzal Haq : The Borrowers Protection Act. You have not studied that even.

Pandit Nanak Chand : I am very glad that you have studied it and that you are correcting me. I must acknowledge that you have studied this word particularly more than anything else.

Mr. President : Order, order.

Pandit Nanak Chand : Borrowers' protection. What is the meaning of this ? You do not want to protect the indigent borrower only. You do not want to protect the illiterate borrower. You do not want to protect any particular class of borrowers, you want to protect all borrowers. I submit you are demoralising a whole section of the community, people who would not have raised those pleas which would be raised in courts if this Bill is passed. You are giving them a tempting bait that they should raise these pleas. Sir, I would not name any member of this Council, but let us assume that there is an I.C.S. gentleman who wants money, who is in need of money. (An honourable member : Is he here ?) No, no. He may be a European or an Indian or belonging to any other caste. He may need money. We all need money sometimes. (A voice, yes.) Suppose he goes to a person for borrowing. The creditor says : " Here is an I.C.S. man, drawing Rs. 2,000 or Rs. 3,000 and he needs money. Let me give it to him." This I. C. S. gentleman is well acquainted with the provisions of this Bill which if passed will be an Act. He says, " Why not raise the plea that this fellow is a money-lender ?" Well, the plea is raised and the two parties are ranged on different sides the I. C. S. gentleman on one side and the ordinary man, perhaps a *sahukar*, a very important person in another way but not an important person when facing an I. C. S. gentleman. The court decides that the plea prevails and declares the creditor to be a money-lender. Are you not throwing this sort of tempting bait in the way of honest people who would like to pay their dues ? [Some honourable members : No, no]. It is no good saying " No no". Tell me, does this I. C. S. gentleman need the protection of this Act ? [Some honourable members : Yes, yes (laughter)]. My friends who laugh, they would be the first to go and borrow money from these men and then they will raise all sorts of pleas and pocket the money. One could have understood if you wanted to protect those people who on account of their illiteracy or other reasons, undue influence, coercion or such other matters, place themselves at the mercy of those who lend money. But why give protection to all borrowers ? If you give protection to all borrowers I submit you are throwing a temptation in the way of honest men and you are leading them towards the path of dishonesty and corruption.

While talking of the Money-lenders' Act in England I had to make a reference to the Usurious Loans Act which was passed in 1918. My Honourable

friend Mr. Dunnett says: "We are only committed to the keeping of regular accounts." I drew his attention and the attention of the Council last time to the provisions of the Evidence Act contained in section 34, and I again draw his attention to the Evidence Act. This is what section 34 says:—

"Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability."

Illustration.

A sues B for Rs. 1,000, and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient, without other evidence to prove the debt."

This section I submit, gives sufficient protection to anybody who has got any desire to raise the plea that the books are not regularly kept. We know from personal experience that in courts thousands of suits are dismissed to-day because the account books are not regularly kept.

My friend will go on saying that they are not dismissed. They may make statements which will not stand scrutiny for a moment. I say the Government should have prepared statistics to see how many money-suits come to the court and how many are dismissed as a rule for the reason that the courts are reluctant to act upon the entries in *bahis* which in their opinion are not regularly kept. Not only this. This section of the Act lays down that merely keeping of regular accounts is not sufficient evidence. You have to prove your case by other independent evidence. And we who work in courts know that people have to produce other independent evidence in order to support their case. What further do you want? I have told you that it is impossible to ask such a large class of people to keep regular accounts. There is this provision already existing. What further do you want? Do you want a particular script? Do you want a particular form of account to be maintained? If you want that a particular form of account should be kept I will give a reply to that. It is not unknown to you that every country has got its own form of accounts. The form of account that is prevalent in England you won't find in France. The form of account you find among the Mahajan money-lenders you will not find among the agriculturist money-lenders. There is a certain tradition behind these accounts. They are evolved by lapse of time. And you want to impose a new system of accounts on people who perhaps may not be able to understand or may not be able to follow. How many people will be able to understand the system of accounts which you want to impose upon them? It was said by my friend the honourable mover of the Bill that he has got no grudge against those people who keep two or three or five *bahis*. What he wanted was and he assured us solemnly, that the money-lenders should keep one account book more. Then the whole system of accounts will have to be changed. The present system of accounts is based on a particular system. You want to introduce a particular kind of account book. That means that the accounts of three or five *bahi* accounts will have to be changed entirely. That will mean a great hardship and you have not made any exception in favour of those people who have always been accustomed to keep regular accounts.

[Pandit Nanak Chand.]

The safeguards I have already alluded to are not the only ones which have been granted by law to people who generally go to the money-lender. Those gentlemen who read the Contract Act with eyes open will find that the courts which decide such cases have in many instances administered relief to those people who have been put to trouble owing to undue influence or who have been cheated by the money-lenders on account of fraud. Even the most solemn document registered under the Registration Act can be set aside or its terms altered by a court if it can be proved that the transaction in question was entered into by undue influence or fraud, mistake or misrepresentation. Then, what particular sacredness attaches to the present Bill? I do not know how the present law is going to prevent all this cheating, fraud and undue influence which the existing law has not been able to prevent. As I have submitted already, the existing law gives sufficient protection to the needy borrower and I submit that the present measure, even if it is passed, as I am sure it will be passed with certain modifications which the Government is going to suggest, will not in any case prevent fraud or undue influence.

I come to the next point that this Bill if passed is bound to destroy the trade and commerce of this province. One effect, as I have already submitted of this Bill will be either to drive out capital from this province or for the capital to become idle and useless as the people will not lend. Impartial people who want to see the province develop will find that credit system is at the basis of all progress in trade and commerce. The result of this Bill will be that capital will lie idle and useless because people will not lend or because the capital will be lent out of this province and consequently the trade of this province will suffer. Not only that. The people living in Karachi, Calcutta or Bombay will not trade with the Punjab owing to the existence of this measure here. Why should an outsider put his neck in the noose? With such a law in this province you cannot possibly carry on trade with England or with any of the provinces in India. It was, I believe on this ground that the United Provinces Council dropped a similar proposal. It was also held there that the Council had no jurisdiction to pass a law of this kind. If the problem of the borrower is such a serious one, and so easy of solution why should not the Government of India be asked to tackle this problem for the benefit of all the provinces? The result of this law will be to destroy credit and thus to injure industry and trade.

My next point is that if this Bill is passed, it would also injure agriculture. My friend the mover may say that this Bill is necessary for the development of agriculture. He may say that this would protect the poor agriculturists who are always in need of money. I want to ask him, when capital is thus restricted, and when you yourself admit that there are not co-operative societies existing in every town or village, when you yourself admit that there are no banking facilities, when you yourself admit that there are no post offices where money could be deposited, when you admit all these things, just tell me whence is the money to be borrowed? To whom is the agriculturist borrower to go to and ask for money?

Chaudhri Duli Chand : Co-operative societies.

Pandit Nanak Chand : My friend Chaudhri Duli Chand says 'Co-operative societies'. He says he represents a district of agriculturists. He represents the district of Karnal. I ask him "How many co-operative societies are there in Karnal and to how many people these societies have advanced loans?" It is one thing to interrupt me in the course of a speech,

but it is quite a different thing to meet arguments which I have advanced. It was frankly admitted by the honourable mover that co-operative societies are, yet in their nascent state and that they do not exist everywhere and it is a doubtful proposition whether these agricultural societies are as beneficial to the agriculturists as the ordinary money-lenders. (A voice : Question). I will presently show that. Now, Sir, when it is admitted that there are no sources from which the agriculturists can take money, how is he to be helped at the time of need and by whom? You find hundreds and thousands of villages in the Punjab where even big landlords with a lot of money do not exist. Consequently the poor peasant cannot go even to the big landlords for loans. Our everyday experience shows that he has to go to the *sahukar* at times when he needs money most and he pays it back from out of his produce at his convenience. This would not be possible if this Bill is passed. The result of that would be that there would be a wholesale sale of land which belongs to these poor agriculturists and that land will go into the hands of other persons which I believe is not a state of things which the mover of the Bill wishes to bring about, though the other members may have that idea. Thus it would be a blow to agriculture. Now you find that agriculture is making rapid progress in this province. New methods of cultivating land and new methods of manuring land are being introduced. For this everywhere agriculturists require money in order to take advantage of these new methods. When you shut out the sources from which money can come for these agriculturists there will be a deathblow to the agriculturists and to the agricultural industry of this province.

Now, I come to the question whether the co-operative societies will be as useful as private money-lenders. I would in this connection refer to the book by Mr. Darling, where he says that the average rate of interest taken by money-lenders is 15 per cent. Whatever people may say about the money-lender, that gentleman who has studied facts and figures will find his conclusion right, namely that on an average 15 per cent. is the rate of interest at which money is advanced. There is one benefit in taking a loan from a private person which you do not have in a co-operative society. You can always appeal to the pity of the private money-lender. We have seen several cases in which remission of interest has been made. There have been many cases where the borrower has been allowed to repay the loan at his convenience. This sort of concession you cannot have from a co-operative society. I make this remark after consulting a large number of gentlemen who have resorted to co-operative societies. They say that it is impossible for them to get these concessions from the co-operative societies while it is possible for them to have concessions from private individuals. I wish that Government institutes an enquiry into this question as to how far co-operative societies are popular, that is whether they are popular to the extent to which the private money-lenders are popular. It is a different thing with *Shylocks*. Their existence here and there I do admit, but as I have already pointed out, that class you are not going to kill by this measure, but rather you are going to strengthen them. This appeal to individual pity cannot be made to co-operative societies.

I now come to another point. By this measure you require the money-lender to send a letter card to the debtors at different intervals, and thus you are making the whole thing ridiculous. There are many respectable people, and among them there are many agriculturists, who have got their own honour and the honour of their families to safeguard who take loans privately and who do not want to make their dealings public. They do not want that

Pandit Nanak Chand.] their credit should be destroyed. You ask the money-lender to send information to these people on letter cards and expose their private transactions to public view thus destroying their credit and self-respect. I submit that this Bill will not in this respect help the agriculturists at all. If it would do anything it would stand in the way of agriculture and agricultural industry.

Another point which I want to take is this. I have gone through this wonderful document several times and I find that those who were parties to the drafting and acceptance of this report did not even care to take into consideration the very elementary principles of justice, justice which has been so long administered in courts of law here. With your permission, Sir, I shall have to refer to three clauses in the Bill (*A voice : You did so already*). That was only with regard to one principle, that it is a communal measure. The Bill aims at destroying the very elementary principles of justice and this will be borne out by the fact that provisions such as clauses 5, 6 and 7 are introduced in the Bill.

Mr. President : A discussion of the general principles of the Bill, was in order, but a discussion of the clauses of the Bill is out of order.

Pandit Nanak Chand : With due respect to you, Sir, I want to submit that the point I am trying to make now is that this Bill goes against the rudimentary and elementary principles of justice. It is to that view which I wanted to invite the attention of this House. My object in referring to this particular clause is that this clause goes counter to the elementary and fundamental principles of justice as at present administered in British courts.

Mr. President : The principle of the Bill as a whole is one thing while the principle of any of its specific provisions is another thing. The two should not be confused. I think the clause referred to by the honourable member does not touch the main principle of the Bill.

Pandit Nanak Chand : I bow to your ruling, Sir. Now I want merely to show that this whole Bill goes against the rudimentary principles of justice. I will try to show to the entire satisfaction of this House that not only in one particular clause to which I was going to refer but throughout the Bill from beginning to end the whole thing is an entire negation of the elementary and rudimentary principles of justice, and fair-play as they are administered in courts of law to-day. Sometimes in one clause and sometimes in another, this principle is set at naught. In one place it is said that if a court decides that a particular person is a money-lender and a suit is brought subsequently between that person and a third party or a fourth party or a fifth party, that clause will operate not as *res judicata*, but there would be legal presumption which the courts must draw that the person against whom that decision was given in a particular previous case is a money-lender. Let me illustrate this. A man owes Rs. 500 and the creditor brings a suit and the plea is raised that this plaintiff is a money-lender. He does not want to contest the suit because it is for the recovery of a paltry sum of Rs. 500. He does not want to bother himself by contesting the particular plea raised, namely that he is a money-lender. He allows the plea to go by default. Subsequently a suit is brought for Rs. 500, not between this man and the man against whom he got a decision in his favour but between quite a different man who is neither his successor in interest nor his heir in interest nor even his legal representative. What does this wonderful Bill say? The court shall presume that

the person is a money-lender in spite of the fact that the first court had no jurisdiction to hear the subsequent suit and in spite of the fact that this second suit is not between the same parties. I ask in accordance with what rules of procedure, what principles of equity, justice, fair play and good conscience you call upon the court to presume the thing in favour of the defendant in the second case, who was not a party in the first case and which case having been decided by a court which has no jurisdiction to hear the second suit. I say it runs counter to all the elementary principles of the Code of Civil Procedure and against all the accepted canons of civilised society.

Mr. President : I have already ruled that that is a matter of detail and cannot be gone into at present. So far as I understand the Bill, the only principle underlying it is the keeping and rendition of accounts. All other matters are matters of detail.

Pandit Nanak Chand : The keeping of accounts is undoubtedly the real principle of the Bill but a decision has to be given by the courts whether a certain set of accounts is to be given by a particular person and with this end in view, the court has to determine whether a person is a money-lender or not and when this decision is to be given by a court, then the other decision which has been previously given by the court cannot be taken into account at all. The two things are I submit interconnected. You cannot draw a conclusion and ask a man to produce regular accounts unless it is proved that he is a money-lender and if a person is to be declared a money-lender, you cannot legally presume that because a decree has been given to him in a previous case in a previous suit, therefore he is a money-lender. That I submit was the line of argument that I wanted to develop.

Mr. President : That is a matter which the honourable member and the House will have ample time to discuss hereafter.

Pandit Nanak Chand : Very well Sir. This is a Bill which keeps in view the regulation of accounts. Certain penalties are provided for the non-compliance of the provisions of this Bill. The clauses require that a person who seeks the help of a court to recover his dues must show that he keeps accounts in a regular manner, in the prescribed form and in books which have been authorised by the Government. There is the penalty of non-suited to which I have already referred. Such is the harsh penalty which is imposed if the accounts are not kept regularly. Here is a man who does all these things and in spite of that, the Bill says that the court shall not consider that these are regular accounts. You have required the money-lender to keep prescribed accounts on prescribed books and in prescribed form. He fulfils all these conditions. In the next breath, the law says, there will be no presumption in favour of this money-lender in spite of the difficulties which he has overcome, in spite of the fact that he has tried to meet all the objections raised by the court and in spite of regular account he has kept there would be no presumption of the correctness of the account. It entirely passes my comprehension in what other manner has the man to prove that his accounts are regular. You say your bill is drafted to regulate the accounts. You prescribe certain forms of documents on which these accounts are to be written. You say that this particular form of document must be written in this prescribed form. You prescribe further that the debtor should be apprised half-yearly about the state of his accounts. The money-lender does all these things. He then goes to a court of law for the recovery of his dues. Though he has kept regular accounts and though he has complied with the

[Pandit Nanak Chand.]

provisions of the Bill yet there is to be no presumption that the accounts are regular. How then are you going to ask this man to prove that the accounts are regular? What is the use of the enactment that you are making? There shall be no presumption of the correctness of the accounts. What does it mean? I ask those who are sitting to frame laws whether, when you yourself say that you will consider the accounts to be regular when they are kept in a particular manner, when information is given to the debtor about the state of his accounts and when he fulfils all these conditions is it right on your part to come forward and say there shall be no presumption as to the correctness of the account? I would like my honourable friend to convince me and to tell me what else has this wretched money-lender further to do to show that his accounts are correct and regularly kept? Is he going to prove by some divine manner of which he may have no idea. You say you want a certain standard of accounts. He fulfils them. My honourable friend Chaudhri Duli Chand referred to the large number of mistakes or irregular methods which were resorted to by the money-lender and he asked this House to pass this Bill because this Bill when passed will enforce the system of keeping regular accounts. Even when this standard is strictly adhered to, you are not prepared to say that the accounts of the money-lender are correct. These hardships take my breath away. The very existence of these hardships goes to show that the Bill has been framed in a very unreasonable frame of mind. If you are making a law for the whole province one would have liked that you took all points of view into consideration. Without bestowing the slightest attention on all these difficulties, you draft a drastic bill and come to this Council and ask it to pass it into law. Does it redound to the credit of the framers of this Bill that they should thus act against the rudimentary and fundamental principles of justice, equity, fair play and good conscience?

I do not think that I should take up much of the time of the Council any further.

Shaikh Muhammad Sadiq: Thank you?

Pandit Nanak Chand: I quite appreciate my honourable friend's 'thank you'. He means that I should sit down. Before concluding my speech, I have to make a final appeal to my friends.

You have got the name of your province used as a bye-word amongst all other provinces. Charges are being brought against us that it is the Punjab from which communal tension rises and spreads to other provinces. You have seen the fruits of this tension on various occasions. I appeal to you, can you not stay your hand for a while and wait for calmer times when you would be able to think the matter in a calm manner? Is it not possible for you and us to sit down together and find out a solution for the remedy of the disease which everyone of us wishes to cure? This is an appeal which I make to them. What do they lose if they were to wait for that calmer atmosphere which is bound to come in spite of all these quarrels which are existing in the Punjab and elsewhere. Sir, Hindus and Muhammadans and others have been living together in peace for centuries and I ask them in the name of neighbourliness and of brotherliness that when you find that this Bill is detested by one community, is it too much for you to wait for a calmer atmosphere or must you add to the difficulties of the situation by bringing in a Bill of this kind and increasing this communal trouble once more or giving an impetus to this communal trouble? Let us not be traitors to our country and to the

S. P. M.

fair name of our province, and I ask them that they should wait and see how things go on. So far as this Bill is concerned, so far as the protection to borrowers is concerned, it is there already and if it is insufficient let us wait for an atmosphere in which Hindus, Muhammadans and Sikhs all should join for finding out a proper solution for removing the indebtedness of the poor peasant.

Maulvi Mazhar Ali, Azhar [East and West, Central Towns (Muhammadan), Urban] (Urdu) : Before I address myself to the arguments advanced against the Bill, Sir, I would like to answer the eloquent appeal made by my honourable friend Pandit Nanak Chand and others of his way of thinking. It has been said that the present atmosphere in the country is not congenial to the passing of such a measure. The country is at present torn up by communal divisions, they say, and such a contentious measure should not be placed on the Statute book, so that it may not lend weight to the present strife and struggle. Wait for a better time we are advised, when you have restored good will and friendly feelings between the various communities. Well, Sir, the appeal is really very strong and has been addressed to us in this House and outside. Even individually we have been approached. Now, Sir, my reply to this very moving appeal is ready. This Bill, if it creates dissensions, is only fit to be moved in the present atmosphere. For who would advise you to let the present quarrels subside and let people live in a peaceful manner and then sow this seed of discord over again. Would you like to see the recrudescence of this trouble when once you have begun to feel a little respite. My answer to this very patriotic appeal is, that we should not tarry a while but should see that the Bill is enacted even when the atmosphere is so very fiery and people are quarrelling with each other. Why let these feelings pacify and reintroduce the Bill which may necessitate speeches of inordinate length as we have been doing already. These will, then, be published in the papers and people will begin to talk and the whole thing will be acted over again. I, therefore, Sir, cannot agree to such a stirring appeal for I believe that this Bill can do no further harm. It has been before the House for two long years and I submit that there was ample time for friendly consultation that was not availed of so far. Not only that, I doubt even if it is really the wish of my honourable friend Pandit Nanak Chand and his sympathisers to enter into such consultations. I am inclined to believe that it is mere talk and *bas*. The time for such a consultation lay only during the period when it was first introduced, published for public opinion and then submitted to the select committee. But, Sir, while on the one hand, we are told that they agree to the principle of keeping accounts underlying the Bill, on the other hand we find that no opportunity is lost and no opportunity is left unavailed of by which they can throw out the Bill. It is their effort to see that not a single sentence of the Bill is enacted. Even, Sir, the provisions which were introduced in deference to the wishes and as a result of the criticism of these very members are now being objected to. When the Bill was first published for eliciting public opinion thereon, my honourable friend from Hoshiarpur non-Muhammadan constituency objected to the Bill on the ground that even such landlords who are illiterate and who have to advance money to their tenants have not been exempted from the operations of this Act. Sometimes, he said, there are Hindu landlords who have to advance money to Muhammadan tenants and he complained that even these have not been spared. Now, Sir, this was a valid objection and last November an exception was made in favour of landlords lending money to their tenants. But,

(Maulvi Mazhar Ali Azhar.)

Sir, my friend has not hesitated in taking up cudgels against this provision even. . . .

Pandit Nanak Chand : On a point of personal explanation. (Maulvi Mazhar Ali refused to give way).

Mr. President : Order, order. Unless the member in possession of the House gives way and resumes his seat no personal explanation can be offered. The proper time for a personal explanation is at the conclusion of the speech which calls for it.

Pandit Nanak Chand (addressing Maulvi Mazhar Ali, Azhar) : May I make a personal explanation ?

Maulvi Mazhar Ali, Azhar : By all means if you are so very keen about it.

Pandit Nanak Chand : When I made these remarks the Bill that was before this House was not this particular Bill. The Bill before this House was the Money-lenders Registration Bill. I am glad that the objections that I raised have been accepted and the idea that the Bill was impracticable has been accepted by the Government and that the Bill has been withdrawn. . . .

Khan Bahadur Shaikh Abdul Qadir : Is not the member delivering a second speech ?

Mr. President : Order, order. The honourable member cannot make a second speech.

Maulvi Mazhar Ali, Azhar (continued in Urdu) : Sir, the honourable Pandit's objection was that the landlords will find themselves in a difficulty if they are not exempted from the operations of this Bill. The tenants also will suffer. They should have to go to money-lenders. This objection was considered as well taken and the Bill was accordingly amended. Now, Sir, I referred only to the speech he made in the Council. It is in the proceedings, I therefore fail to understand his changing his coat, and objecting to this provision as well. If this is the way and the spirit in which you want to decide this question in friendly consultation, I am afraid, I, for one, cannot agree to it. Such lip appeals will not do the least good. I do want to settle all these questions in a friendly way and even in November last I said that we should be honest in our attempts. If, therefore, Pandit Nanak Chand wants to improve the system of accounts and does not want to oppose the principle of the Bill he should come out with some constructive suggestion. . . .

Mr. President : The honourable members should not, if possible, refer to each other by name. Reference should be made, if possible, by constituencies.

Maulvi Mazhar Ali, Azhar : Now, Sir, it does not require a very long time to settle the improvements that can be made in the Bill. Our friends have exhibited such application, ability and research in the opposition of this Bill but if they were to devote even half of that ability to suggest improvements in the Bill, I feel sure it will be made absolutely innocuous. But they mean only obstruction. It has been advanced that the honourable mover of the Bill has moved this Bill as an election propaganda. Now, Sir, if he is open to this charge then I submit that the honourable member from Hoshiarpur's opposition is also open to that interpretation. Those who charge others with such tactics are themselves open to that charge.

(Hear, hear). One sees the other as he himself is (Hear, hear). Now, Sir, having dealt with the appeal made to the House I shall now meet the arguments advanced against the Bill. It has been said that this is a Muhammadan measure. There is no doubt that from the very outset my honourable friend the member for Hoshiarpur termed it as a Muhammadan measure.

Pandit Nanak Chand : Non-Muslim member from Hoshiarpur.

Maulvi Mazhar Ali, Azhar : Yes Sir, the honourable non-Muslim Pandit from Hoshiarpur (laughter) called it a Muhammadan measure and he takes credit for having done that. I also give him the credit of having used that expression for the first time and I submit, Sir, that if the honourable member had not so thoughtlessly, even without considering the merits and demerits of the Bill, dubbed it as a Muhammadan measure, we would not have known to-day the bitterness which you now find in the Punjab (Hear, hear). He was the first to use the expression. Yes, he was, and he is responsible for the bitterness that the unwise expression has caused. The expression is now a byword and is repeated from every stage. He is, therefore, responsible for all this bitterness.

Pandit Nanak Chand : But what about "Muslim Outlook"?

Maulvi Mazhar Ali, Azhar (continued in Urdu) : Quite so, if there are gentlemen like you among Hindus we have your counterparts among Muhammadans as well (Hear, hear and laughter). I have never denied the existence of such worthies in my community as well. I never applauded the conduct of the Editor of the 'Muslim Outlook.' If you go to one extreme, he goes to the other and both of you have ignored the middle course which is the only right course to adopt (Hear, hear). Sir, the Honourable Knight from Amritsar, has also called it a Muhammadan measure, though he has cared to assign no reason for that. But this deficiency has been made up by the honourable member from Hoshiarpur. The first thing that he says is that this Bill affords us a peep into the Muslim mentality. We find the Muslim religious teachings working under the Bill and we get a good contrast between the Muslim, the Hindu and European mentalities. Islam says that you should not lend money on interest and it is alleged that this is the reason why this Bill has been moved. But, Sir, there is not the least provision in this Bill that lends to regulate interest. Islam no doubt discourages lending money on interest but where is it prohibited that you should keep regular accounts? And is there any difference of opinion in Hindu teachings about this keeping of accounts? If Hinduism were opposed to keeping of regular accounts I would like to know where is it written in the Vedas or Mann's books? Hindus have always been very regular in the matter of accounts. They understand this work better and if to-day a measure has been proposed to regulate these accounts so that dishonest practices may be removed I fail to see why such a hue and cry should be raised. Hindus also do not consider money-lending very honourable. It is the Hindus who have sought to lower the rate of interest. Outside the Punjab it is the Hindus who have been the cause of lowering the rate of interest where courts do not allow interest exceeding the amount of the principal advanced. I, therefore, fail to see any force in this argument. They have taken up cudgels against Muhammadans only because they know they cannot beat the Government. Otherwise, before introducing the Bill, the permission of the Government was necessary and, if at all, this agitation should have been levelled against the

[Maulvi Mazhar Ali Azhar.]

Government, who allowed this Bill to be presented. But my friends know that it is always safer to give vent to your wrath on a weaker person والہذا برعیف سے رہے. If they had directed all their attention to the Government this tension would not have come into existence at all. Speaking about the mentality of the Muhammadans my friend has referred to the laws in Europe and also to the laws of Moses. There is no difference in the mentalities of people in Europe and in India. The question is whether a money-lender who advances money to a borrower should keep regular accounts or not, so that there may not be any dishonesty. Now, Sir, who will object to such a thing. There can be no difference in the mentality of Europeans, Asiatics or Americans as far as the principle of keeping accounts is concerned. There can of course be differences about details. If it were not for the mentality of the honourable member himself he would have directed his attack towards the Government instead of levelling it against the mover. But, Sir, from the very beginning this has been made a Hindu-Muslim question.

It has been said that this measure will not help the Muhammadans at all. Now, Sir, if this is not likely to help the Muhammadans, how on earth is this a Muhammadan measure? I hope the honourable mover has not lost his head, that he has moved a measure which is not likely to prove useful to any body. I fail to understand how it is a Muhammadan measure if it is not beneficial to Muhammadans. . . .

Pandit Nanak Chand: You have not understood my point.

Maulvi Mazhar Ali Azhar: Unintelligible points cannot be understood (then continued in Urdu): It has also been said that this Bill is not likely to root out the Shylocks. If Shylocks are not to be affected by this Bill how on earth are Hindus to suffer. If dishonesty is sure to go on, how will the honest money-lenders be affected?

One more argument that has been given to prove that it is a Muhammadan measure is that no Muhammadan member has opposed this Bill. Now, Sir, this is not true. You will remember that when it was last discussed I objected to certain provisions which I note have now been altered accordingly. It is, therefore, not correct to say that Muhammadans do not object to any of its provisions. . . .

(At this stage an honourable member crossed between the speaker and the Chair).

Mr. President: It has been pointed out more than once that members are not to cross between the Chair and the member who is speaking.

Maulvi Mazhar Ali Azhar: As I said I did object to certain harmful provisions in the Bill and the charge of the honourable gentleman from Hoshiarpur is not well founded.

The Council then adjourned till 10-30 A. M. on Friday, the 2nd July 1926.

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 2nd July 1926.

The Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

OATH OF OFFICE.

The following member was sworn in :—

Mr. C. F. Strickland—Official, nominated.

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now resume discussion on the motion that the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muham-madan), Urban] Urdu : Sir, before we adjourned yesterday, I was trying to meet the objection that the Bill is the result of Muslim mentality. As I submitted this is not correct. You remember I myself objected to certain of the provisions of this Bill. I felt, when it was first introduced, that there was room for improvement in the Bill, and there was scope for improvements when it was reintroduced and I believe there is room for improvement even now, and that is why I suggested some improvements. But, Sir, we have to see whether this Bill is the result of Muslim mentality. Now, Sir, there is no doubt that Muham-madans generally speaking do not do the business of money-lending. But to conclude from this fact that the Bill owes its origin to the Muslim mentality is going too far. If we were to jump to conclusions and were to analyse the mentalities of each other, I am afraid we shall find ourselves in a very inconvenient corner. Now, Sir, we know that from centuries, Hindus had objected to widow remarriage. The Muslims came into the country and brought with them the customs and traditions of Islamic peoples, with widow remarriage as one of the recognised institutions. Swami Dayanand came, saw the condition of his co-religionists and of the Muslims around him and recognising the defects of the system prevalent amongst his co-religionists advised them to adopt the system of widow remarriage. Should we understand that this was the result of the Muslim mentality working in the mind of Swami Dayanand? Does it mean that he followed the verse in Quran:

وَالْكُفْرَ لَا يَأْتِي إِلَّا مَنَ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ

And marry the widows and the widowers among you and also those of your male and female slaves who follow the path of righteousness.

Lala Mohan Lal : No, Shastras also advise widow remarriage.

Maulvi Mazhar Ali, Azhar : Quite so. But was it at all practised. Was it not after Swami Dayanand came and preached this that you began to interpret your Shastras in this way? Again, Sir, Hindus have been worshipping idols, while Muslims have been bowing their heads only to one God who hath no equal and their cries of Allah-o-Akbar and Lailaha Illallah (there is none deserving worship excepting God) were ringing throughout the length and breadth of India. Hindus as a whole had taken to idol worship and it was Swami Dayanand who came and told them not to worship idols but to take to the worship of God of us all. Does it mean that he was under the influence of the teachings of Quran? But, Sir, my honourable friends would never agree that Swami Dayanand had Muslim mentality when he preached these things. We should not, therefore, talk so loosely. It is easy to object to this principle of keeping regular accounts. It has been said that very great protection has been afforded to the borrowers by the existing law. But, Sir, let us refer to 4 Punjab Records 1913, which was quoted by the Honourable Knight from Amritsar. At that time I am sure you will admit there was no Muslim mentality influencing the judgments of the Chief Court. It was decided that the lands of an agriculturist debtor shall not be liable to satisfy his debts when they are in the hands of his heir after his demise. But, Sir, the same decision came under consideration soon after in the year 1915 and it was held that in the hands of a widow the estate of the deceased debtor was liable. The matter did not rest there. Again, if we refer to Punjab Records No. 12 of 1918, we find that it was held that a daughter was not an agnate and therefore in her hands the estate of her father was liable for his debts. The matter did not end there and in 1919 we find further extensive modification of 4 Punjab Records 1913.

(At this stage an honourable member crossed between the speaker and the Chair.)

Mr. President : Order, order. I have repeatedly ruled that members should not cross between the speaker and the Chair. It is a grave irregularity *(The honourable member :—I am very sorry.)*

Maulvi Mazhar Ali, Azhar : Now, Sir, in 17 Punjab Records 1919, it was ruled that the principle established in 4 Punjab Records 1913 is right but the creditor has a right to seek remedy even after the death of the debtor if he is able to prove that there is a custom under which the estate of the deceased is liable even in the hands of the agnates. Now, Sir, all these decisions have been given by the same Chief Court. Do you mean to say that the mentality of the Honourable Judges decided 4 Punjab Records 1913 was different from that of the Judges who decided the subsequent cases, especially 17 Punjab Records 1919? Then, Sir, there are other instances that can be given. In 1888 it was ruled that if a creditor sues on the basis of an unregistered document in support of his claims and the debtor denies the receipt of any consideration, the burden of proof lies on the creditor to show that the document was executed for consideration. Now, Sir, this rule of law was followed throughout the province till 1924. But then a case came up from Delhi for decision before the High Court on an application for revision. The Honourable Chief Justice referred it to a full Bench who overruled the decision that had been followed for the last 36 years and held that the burden lay on the defendant to show that the document was without consideration. Now, Sir, should we understand that this was the result of a different mentality (Hear, hear)? Sir, I am not prepared to draw that conclusion, it is for the honour-

able Pandit and men of his mentality to level that accusation and make that insinuation. Again, Sir, only a short time back the High Court stopped giving advertisements to the *Muslim Outlook* and even warned certain judicial officers for having disobeyed the instructions issued on the point. Now, Sir, should we take it that this is the result of a certain mentality working under these orders? No, Sir, it is not for us to say so. One has to work according to the requirements of the time. My friends have objected to certain sub-clauses of clause 2 of the Bill. This is about the landlords lending money to their tenants being exempted from the operations of the Act. But I have already answered that criticism in the preliminary portions of my speech which I delivered yesterday and I do not want to take the time of this honourable House to cover the same ground over again. I shall, therefore, pass on to the objection against the definition of a money-lender. They have objected to the joint family firm also being included. Now, Sir, how can you exempt the members of a joint Hindu family firm even if some of the members of the firm are not carrying on the business of the firm? If this is done you defeat the object of the Bill. One of the family will say he is the *karta* who carries on business while all the rest will go on doing the business of money-lending without being answerable. Why should any partner in the joint family firm be exempted even if he is a doctor or professor if he does the business of money-lending?

Very serious objection is also taken to clause 4. It has been said that this is simply to crush the soul of Hinduism and a challenge has been thrown that Hinduism has withstood the test of time and it will never be crushed. But, Sir, I ask why should you raise this storm in a tea cup. Who has sought to crush your spirit? Who says he is delivering an attack on Hinduism? Who does not know that you can withstand such things? But, Sir, the honourable gentleman wants to be a martyr and poses as a greater champion of Hindu interests than even Mahatma Gandhi and Pandit Motilal Nehru. Now, Sir, as you know and as he himself knows and as every honourable member in this House knows there are amendments by the mover himself, by the Government, in fact from all sections of the House to delete that clause altogether and he knows that this clause will be omitted. Why then raise such a hue and cry and be so vociferous about the crushing of the soul of Hinduism? Is it not simply to create ill-will amongst the communities and pose as a veritable champion of Hindu cause (Hear, hear)? I, Sir, do not want to dwell any longer on this question of mentality and Hindu-Muslim differences.

I shall now proceed to answer the different questions raised by the Honourable Knight from Amritsar. Sir, we expected that the honourable member would, out of his long experience, ripe age and great ability show us light. But, Sir, I am sorry to note that he couched his speech from start to finish in objectionable language. He has all through his speech levelled personal attacks against the honourable mover. Sometimes he has said that he has no experience, he has no knowledge of law and at other times he said he is a briefless lawyer and is a mere child. Now, Sir, if we were to pay him in his own coin, we can do so with credit. For the child also can sometimes retort and with credit. But I consider it unavailing. He has said that no proof has been produced to establish the dishonesty of the money-lenders. Now, Sir, if after the receipt of the report of the Select Committee you had been pleased to frame issues and call upon the various parties and members of this House to produce documentary and other evidence, we could have put in copies of judgments

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and summoned *bikhs* and put in lists of witnesses. But as far as I know the constitution does not warrant such a procedure and it has never been done in this House before. He says that during his whole career he has not met with a single dishonest money-lender. Now, Sir, if he has not met any dishonest money-lender it is either because he has no experience, or because his eyes were too much coloured with class bigotry (Hear, hear). Sir, only those who are pinched feel the pain as the sweet poet of Lucknow says:—

بسم کے لوٹنے کی کسی دل کو کیا خبر
کس پر چھری پہ چل گئی قاتل کو کیا خبر
موت میں گون لٹ گیا مارل کو کیا خبر
کشتی کے ڈوب جانے کی ساحل کو کیا خبر
خاروں سے پرچہ نہ کسی گل سے پرچہ
دمہ چمن کے لٹنے کا بلبل سے پرچہ

What heart realises the pains of the wounded bird weltering in his blood?

What does the murderer care on whom his knife has fallen?

What does the caravan-stage mind who has been robbed while on travel?

What does the coast know that the boat has been drowned?

Ask not the thorn and ask not the flower, but ask the bulbul the pain of the garden being looted.

If the Honourable Knight from Amritsar has not come across a single dishonest money-lender throughout his long life, is it the fault of Mir Maqbool Mahmood? Even the great champion of the Hindu community who is so anxious himself to destroy these Shylocks has so vehemently proclaimed that the Shylocks will not be destroyed by the Bill.

As Pandit Nanak Chand himself has admitted the presence of these Shylocks, let the Honourable Knight from Amritsar go and become a pupil of Pandit Nanak Chand and he will tell him how many of these sharks there are in the province as a whole and how many of them in each district, town and village thereof. (Hear, hear).

'Gar no binand baron' Shabparashishim.

Chashmai Aftab ra chih gunah.

گو نہ بیند بر ز شپرد چشم
چشم آفتاب را چہ گناہ

If the eye of the bat does not see during the day does the responsibility lie on the light fountain of the sun.

If the gallant Knight from Amritsar has failed to observe a thing which has been admitted on all hands, the blame can lie on none but himself. Then, Sir, he has referred to certain sections of the Civil Procedure Code to show that the Collectors have been given powers to deal with the land to be attached and sold. He says the honourable member, Mir Maqbool Mahmood, does not know of these laws on the point. It looks the gallant Knight holds monopoly of all legal knowledge. Lawyers know that the Civil Procedure Code has nothing to do with this Bill. It is no

argument that as elsewhere no lawyer or legislator has felt the necessity of the law on this point being amended, therefore, we should not proceed with this Bill. The provisions of the Civil Procedure Code are useful in their own place. But if they would serve the purpose we have in view we would never have pressed for this Bill. The honourable member from Hoshiarpur says the Bill will not check dishonest dealings and therefore, it should not be passed. If the Bill is not strong enough to check dishonesty I submit, Sir, that we should do something more than merely pass this Bill. If we cannot stop dishonest practice that is no reason why we should do away with legislation. This is a greater reason why we should take even stronger steps to stop such practices (Hear, hear). They have cited the example of the Land Alienation Act and said that though it has been passed against the opposition of these people, it has done no good. Now, Sir, there is a difference of opinion about the results achieved by the Land Alienation Act. The people for whose benefit it was primarily passed, believe that it has done them a lot of a good. It was said at the time of passing of the Land Alienation Act that agriculturists will not get loans, and agriculture will suffer, for the *sahukars* will not be able to get hold of their lands. The credit of the agriculturists will suffer. But, Sir, you know the agriculturists have not perished even in spite of the passing of that Act. They have flourished and are none the worse for that. They have got money and the *sahukars* have not ceased advancing money to them (Hear, hear). Similarly, it has been said that after the passing of this Bill money-lenders will stop lending money and they will migrate to other provinces. This is a tremendous exaggeration. Like the agitation about the Land Alienation Act, this agitation is also baseless and useless. The gallant Knight referred to the speech of His Excellency the Viceroy and said that for Indian agriculture good seed, capital and improved methods of husbandry are needed. I agree, Sir, that capital is most needed for the development of agriculture in this country. But if for the imposition of a regular system of accounts, people refuse to give loans, let them do so. I fail to see how capital will increase by not stopping dishonest dealings and how the agriculturists will profit thereby. In fact, at present, the money that is lent is not for the benefit of the agriculturists. The capital which the agriculturist borrows, instead of helping him, eats his own capital away like the Persian saying:—

'Shud Ghulami ki ab-i-ju ard,

Ab i-ju amad-o-ghulam bibu-d,

The servant went to fetch water of the stream. The water of the stream came and carried the servant away.

When this capital is advanced, as if for the benefit of the agriculturist, it carries away the poor fellow's lands, houses, crops and everything and leaves him a penniless pauper to pass his days in the civil jail. We must see that capital is no more a source of danger to the agriculturist. We must take out its fangs so that it may serve the agriculturist but may not bite him. It has been said that the Bill will reduce the capital. Sir, it is not so. It will neither tend to augment nor reduce the supply of the capital. The only object is to introduce a universal system of accounts, the introduction of which, if anything, will tend to create more confidence and ensure fair dealings, thereby giving an impetus to honest capital. The Honourable Knight from Amritsar says that as soon as the Bill is passed the money-lenders will at once go to courts for the realisation of their debts and the agriculturists will be ruined. Who will pay the decrees which will be obtained immediately? Now, Sir, you know

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when the Limitation of Loans Act was passed a short time ago the money-lenders rushed to court and the number of cases that came before the courts was unprecedented in the history of British administration in the Punjab. But, Sir, if in spite of such action by the money-lenders, the agriculturists and agriculture are going on as before, I fail to see how the passing of this Act will injure agriculture. If they go all at once into courts, what does it matter? Decrees can only materialise in due course. These fears and warnings are baseless. Another objection that has been raised is that no distinction has been made between the urban and rural areas. Now, Sir, this objection was raised in November as well, and my reply to this objection is that you cannot distinguish between the urban and rural money-lenders and money-borrowers. A man is to-day in a village, he migrates the next morning into a neighbouring town. How can you determine whether his place of business lies in a village or in a town? How are you going to fix the domicile of each and every person in the province and decide whether he has an urban or a rural domicile? The courts will have to meet with a great difficulty and innumerable cases will arise which will defeat all attempts at decision. Then, Sir, there are big communities of zamindars in towns as well who are in no wise different from their brethren in the villages. In Lahore, Amritsar and all other towns we have zamindars. Why deprive them of the protection afforded by the Bill? In Lahore, the premier town of the province, we have a very large population of Arains forming the most numerous brotherhood. The same is true about Amritsar and Jullundur.

Not only that, there are many other people belonging to lower castes who need protection even more than the agriculturists. Nobody has ever cared for them. They are in a worse plight than the agriculturists, being their kamins in fact why should we not save them from the trickeries of money-lenders. The washermen, the barbers, and others of their kind should not be refused protection. I, therefore, submit that you cannot distinguish between urban and rural areas.

The Bill has also been said to be against principles of justice, equity and good conscience. Pray how is that so? How does it go against principles of justice? We, Sir, sought to introduce this Bill by strictly constitutional procedure and we seek to pass it in no objectionable or illegal manner. When it is passed and duly published and enforced how is it different from other Acts? The courts have to enforce it, and in doing so they will be dispensing justice. How does it violate the principles of justice, equity and good conscience? It has also been urged against the Bill that the provision that in case of an oral transaction even if the debtor does not raise the plea and admits the loan having been advanced the court shall of its own accord dismiss the suit on the ground that the accounts are not properly kept, and is against the elementary principles of law and justice. Now, Sir, I fail to see any exceptional harshness in this provision. There is nothing in it which goes against any elementary principles of law and justice. There are already such laws in force in view of which courts can and do dismiss suits of their own accord without even calling upon the defendant if the provisions of that law have not been complied with. Take the case of the Law of Limitations. If a man files a suit a day after the prescribed period of limitations, the case is dismissed even if it was worth crores of rupees. Has anybody throughout the whole of India objected to such a law and characterised it to be against the elementary principles of law and justice? Then again, there

is the law about stamps on promissory notes. If the promote is not properly stamped the case must be dismissed even if the transaction related to crores of rupees. If there are such laws in existence under which the courts have the power to dismiss the case without even calling upon the other party and even in spite of their admission of the claims, I do not see the force of the objections raised against the provisions of this Bill (Hear, hear). Those people who will have the fear of their cases being dismissed will never forget to keep regular accounts, and the honourable gentlemen

need have no fear about them. Then, Sir, it has been said that no provision has been made for eventualities in which the books are lost or destroyed. I submit that it has nowhere been laid down in this Bill that secondary evidence shall not be admissible. In cases where books are lost or stolen or burnt, secondary evidence has to take the place of primary evidence. If the *bahis* and other documents that exist now-a-days are lost or destroyed, the plaintiff has to rely on secondary evidence in proof of his claim. The registers that will be supplied by the Government will stand on the same footing and if they are lost or destroyed the provisions of the Evidence Act authorising the admission of secondary evidence will not be suspended. The future registers will fare no worse fate than the present *bahis*. Again, Sir, talking of Section 11 of the Civil Procedure Code, it has been said that if a person has been found to be a money-lender in one case he is to be presumed to be a money-lender in every other case unless the contrary is proved. Objection has been taken to this. Now, Sir, a man comes before a court. The court after hearing evidence on the point decides that he is a money-lender. He has the right of appeal up to the High Court against this order, and if he does not exercise this right or having exercised it does not get a decision in his favour what harm is there to presume in other cases that he is a money-lender. And mind, it is a presumption only which he can rebut by producing evidence to the contrary. But, on the other hand, see what amount of time and inconvenience it will cause the courts if this question were to be decided every time. A money-lender has got twenty cases pending in the same court. In one of them the court finds that the plaintiff is a money-lender will it then be advisable to require the court to strike an issue in all the nineteen remaining cases and record the same evidence in every one of them? Will it not be more proper to presume that the plaintiff is a money-lender and leave him to prove the contrary if he can, and show that his position in any other case is not that of a money-lender, or that once being a money-lender he has subsequently ceased to be so? Even this objection is not therefore worth consideration.

Then, Sir, sub-clause 1 of clause 3 which runs—"regularly record and maintain accounts in such form and in such account books, etc.," has been interpreted by the Honourable Knight to mean that the money-lender must write the accounts in his own hand. But, Sir, this is not the intention of the mover of the Bill. Anybody can write that account. That is what everybody in this House thinks. But if there is any likelihood of its misinterpretation I say to the Gallant Knight, move an amendment and we assure you of our support (Hear, hear).

Sir, an appeal was made by the Honourable Knight, that we have been living in peace since ages, let us not do or say anything which

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may introduce bitterness in our relations. I welcome such appeals. But if they want peace between a Brahman and an untouchable, I am afraid we cannot let this sort of thing continue. We will welcome peace and friendship between a brother and brother, a friendship of equals, but we cannot allow a friendship in which one thinks himself the heaven-born Brahman and the other a hated untouchable. There can be no friendship and love between unequals. If you want to have peace, you must help to level up all the communities. You do not want that others should come up to your level and you talk of friendship. This is simply to perpetuate your superiority over others. We have crores of *Aschuts*. From ages you have kept them down under your heels, and now they themselves have come to feel that they are not men like their masters. They have lost even the desire to be treated like human beings. Do you want to treat us similarly and then talk of friendship. We, Sir, here in this Council sit arrogantly as representative of the people. May I know if there is any representative of the depressed classes here? May I know how the Brahmans and Sayyids would like to sit by one if he were here? How many of us will refuse to sit on the same cushion with him and how many will go out to take bath after having shared the same breathing air with him. This sort of love and friendship, Sir, is not palatable to us. The peace and amity that exists between a Brahman and a Sayyid on one side and a Sudra and a Chandal on the other cannot be desired and must not be tolerated. It is always the case that people who have monopoly of power or capital refuse to part with it peacefully. See what happens with the Government. These very people who ask us not to bring this Bill go and ask the Government to part with its power. Pray with what face do you do. So when you are yourself unwilling to share your powers and privileges with others, how can you expect the Government to part with their powers? Government is the greatest sinner in this respect and you the next. You ask the Government to give you more powers, to appoint you Governors and Finance Members and Ministers, you ask them to take your men in the Indian Civil Service, the Indian Medical Service and all other branches of service, but when you do get these posts from the Government you are not prepared to share them with other communities. When the demand is made from the Government, it says: "There is peace reigning in this country, do not disturb it. We are taking care of you in the best possible way, do not agitate against the Empire and its pillars." Similarly when we ask these friends to loosen their grips of monopoly, the Sayyids and Brahmans refuse to do so.

(At this stage Sayad Muhammad Husain wanted to say something, but was not allowed by the President to do so.)

Now, Sir, people who hold monopoly find it hard to part with it. If the Government is unwilling to part with their monopoly you are unwilling to part with yours. Why should you blame the Government then (Hear, hear)? Do as you would be done by. We are not going to tolerate such a situation. If you expect to have a fair treatment at the hands of the Government you must first learn to be fair towards your own kith and kin (Hear, hear). Now, Sir, I have taken rather long to deal with the Honourable Knight from Amritsar. I could have done with him in a word, but he led the opposition to the Bill and made certain statements which needed attention in detail. I will not say a word more about him, and I know I should

not have said, for we have seen him before speaking on one side and voting on the other (Hear, hear). A poet has very well described his condition —

معشوق ما به شیره هر کس مرافق است

با ما شراب خورد و نماز کرد

Mahhub-i-ma ba shevae herkas brabar ast. Ba man sherab khurd-o-ba zahid namaz kard.

(My beloved is equal to every one in his habits, she drinks with us and says prayers with the holy). (Hear, hear and loud cheers).

Bai Bahadur Sir Gopal Das, Bhandari: I do not do either of these.

Dr. Gokul Chaud, Narang: He neither drinks nor says prayers (namaz).

Maulvi Mazhar Ali, Azhar: (Urdu) I must now address myself to the objections raised by the honourable member from Hoshiarpur. He has drawn our attention to the opinion of an English Judge of the High Court on the English Money-lenders Act. Now, Sir, I must submit that the opinions of these High Court Judges are not unalterable. We know that as I stated in the earlier parts of my speech, in 1888 our old Chief Court gave a ruling on the point of consideration, throwing the burden on the plaintiff, but after the lapse of 36 years, the very same decision was set aside and quite a contrary decision was given. During all those long, long years every member of the subordinate judiciary and in fact every Honourable Judge of the Chief Court and the High Court followed the rule of law laid down in 1888. But subsequently it was found that their view of the law was not correct. Do we not know how one Honourable Judge of a High Court differs from another, how one High Court differs from another and how one Full Bench ruling is overruled by another Full Bench? If all this is true, what signal weight can be attached to the opinion of the High Court Judge so proudly quoted by the honourable member from Hoshiarpur? If that Judge was of one opinion we have on the other side the considered opinion of the House of Commons and the House of Lords who have thought fit not only to keep that law on the statute book, but have also thought it advisable to further strengthen it. My honourable friend has drawn our attention to certain provisions of the Usurious Loans Act, in which the courts have powers not only to stop further repayments of debt but also to order the paying back to the debtor by the creditor of money, if in the opinion of the Court more than enough has been paid. But, Sir, I ask how many cases are there in which such a thing has been done. Do you know of even a single one? Now, Sir, you cannot act upon the Usurious Loans Act unless you have a regular system of accounts. A man brings a suit based on an entry of 1822. The defendant says the transaction was made some 20 years back, and all this time he has been paying him off and on. But when the Court asks the plaintiff to produce his *bahis*, he avoids doing so by saying that they have been misplaced and he thus very easily evades the provisions of the Usurious Loans Act, though the very next day in another suit he produces those very *bahis* and the court can do nothing. Now, Sir, how are we to utilise the provisions of the Usurious Loans Act, unless we have the power to enforce the production of regular account books?

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Then, Sir, the honourable gentleman from Hoshiarpur has treated us with the opinions of the various Provincial Governments taken in 1918 about a Money-lenders Bill that was proposed to be introduced in the Assembly. Sir, as I said in the last November session of the Council, those were the opinions of Bania-ridden Governments. But look at the opinion and the decision of the Punjab Government. They have felt the need for such a measure. That is why they allowed it to be introduced and that is why they obtained the sanction of the Government of India. The very fact of the Punjab Government agreeing to the introduction of this Bill in the Punjab Council is proof enough of this Government feeling the need for such a law. We must try to avail of his opportunity.

It has been said that this work should be entrusted to the Legislative Assembly and the Government of India. There are some constitutional dangers as well in such a course. We know that the introduction of this Bill in this Council has made the Swarajists break their pledge and seek the permission of the Congress to allow them to come back to the Council.

Why should we try to send this Bill to the Assembly and force the Swarajists there to break their pledge as well, and come back running to the Assembly?

Dr. Gokul Chand, Narang: What does that show? It shows that the Bill is rotten.

Maulvi Mazhar Ali, Azhar (Urdu): Speaking of England my honourable friend said that there are only a few misguided impecunious youths belonging to good family who fall into the clutches of the unscrupulous money-lenders and to protect them the Act was passed in England. What a logic? On the one hand there was only a small class of people to be protected from the hands of a small class of money-lenders, and it was felt necessary that an Act should be passed while, on the other hand, these people object to such a thing being done though the class whom it is intended to protect is absolutely out of all proportions to that in England, and the number of money-lenders also far exceeds the number there. If thousands of youths in England deserve protection from hundreds of money-lenders there, do not the millions of poor and ignorant agriculturists and non-agriculturists in this country deserve protection from the hands of thousands of money-lenders here?

The argument has been advanced that the Bill will remove competition between the money-lenders. How is it going to be by the mere introduction and enforcement of a universal system of keeping accounts. If, at all, it will facilitate the working and popularise the profession? Sir, it has been said that we will revolutionise the system of accounts. Now, Sir, where is the harm if we strive for improvements? We try to reform the Government so firmly established in our country and nobody objects, rather everybody welcomes all efforts to do so. We learn other languages and deliver speeches in English for hours and hours and people do not object, and we change our dress and exchange our pyjamas and dhoties with the pantaloons, but nobody cares, why then should you be alarmed at our changing our *batis* for registers? (Hear, hear)? Now, Sir, it was said that if a member belonging to the Indian Civil Service takes a loan from an ordinary *bania* who does not know how to keep, or does not in fact keep, regular accounts, we shall throw temptation in the way of the Indian Civil Service man to dishonestly get out of this debt and seek protection under the provision that the *bania* did not keep his accounts.

regularly. But, Sir, I ask if such a dishonest impecunious Indian Civil Service officer will ever be allowed to continue in his service a minute longer. Will he not be dismissed by the Government? The ignorant *banda* who is cleverer than many other people will not be deceived by the Indian Civil Service man. He would be able to look after himself.

The honourable gentlemen laid much stress in exhibiting a great concern about the *Muhan* madans and the agriculturists. Now, Sir, I ask the gentlemen not to worry his poor head about the welfare of the *Muhammadans* and the agriculturists.

*'Rind-i-kharab hal ko zahid na ehker tu,
tujh ko parai kiga pari apni naber tu.'*

دل خراب حال کر زاهد نہ چہر تو
تجہ کو پرالی کیا پری اپنی نابر تو

Why do you worry about us, you mind your own business. Zamindars think it is beneficial for them and that is why they stick to it. If they find out by experience that this Bill is harmful, they will not hesitate to have it amended or repealed in due course. This is no word of God that is irrevocable. But, Sir, when I listen to their lamentations about the soul of Hinduism being crushed by this Bill and when I listen to their anxiety about the welfare of the agriculturists, I am reminded of the saying of that love-mad man of the desert of Arabia, Imraul Qaisi Majnoon, who addresses Leila saying

د کنت کذاب العسا فیرد لیا د فیلان حزن ملین تو دل

Thou art O! Leila, like the butcher of the birds who very cleverly does his business, meanwhile his eyes are shedding tears on account of the grief that he feels for the birds.

and Majnoon then continues.

نہ نظری لیلی الی العین و نظری الی الف ما ذر بالعسا فیر یقل

Therefore do not look, O! Leila, towards the eye but look towards the hand what it is doing with the birds.

Now, Sir, these gentlemen do not miss any opportunity to stand in the way of the good of these zamindars. We know that these very members opposed the resolution of Sayad Muhammad Husain about the lease of Teht khahi lands. These gentlemen who call themselves Swarajists they went into the lobby with the Government and imposed a burden of crores of rupees on the shoulders of poor zamindars. And they call themselves their sympathisers, their well-wishers, their friends . . .

Dr. Gokul Chand, Narang : Justice, consistency.

Maulvi Mazhar Ali, Azhar (*continued in Urdu*) : Now, Sir, another very ingenious argument that has been advanced against the Bill is the exposing of debtors' state of affairs. They say that even respectable people have to borrow and why should you expose their secrets. This is not so serious. For when a card is sent it is not read by anybody. Moreover, there will be for every respectable gentleman, any number of those who are unscrupulous borrowers. If we do not expose such unscrupulous borrowers they will

[M. Maanhar Ali Anhar.]

pursue their avocation of cheating. Often do we see that a man owning property worth a few hundreds manages to borrow thousands and in the end becomes insolvent and cheats the lender. Why not check these people? If we want to protect the borrowers we must also protect the lenders, they are also human beings.

Then, Sir, it has been said that the penalty for non-compliance with the provisions of the Act is very great. If the penalty is very great let us change it and if you propose a suitable amendment we will support you.

I shall now discuss the objection of the honourable member who represents the Chamber of Commerce. He says that the Bill and the system of accounts should be simple. His view is that we should have no prescribed system of accounts, but we should give a right to the borrower to demand a receipt. But, Sir, if there is no regular system of accounts how can you hope to get receipts, and balance the accounts. We know that the influence of the creditor is so great on the debtor that he can never press for a receipt. We must come to his aid. We cannot hope for any improvement unless we have accounts. If we are not having that then all our attempts at legislation will end in the fate which overtook the fleet whose achievements are described by the poet in the following words:—

“There was a fleet that went to Spain.

When it got there it came back again”

Now, Sir, what is the good of our wasting so much labour if we are to accomplish nothing.

I have, now, Sir, to address a few words to the Government. They say that they do want intelligible understandable accounts, and they will enforce the Bill only if satisfactory amendments are carried out. Sir, as I have just said this is not a Muhammadan measure. If you see carefully this is not moved by a Muhammadan of his own accord. It is the Government who do so. Without the Government help, it would have never come before the Council. It could not secure a place in the ballot in any Session. Government gave time out of official days for the discussion of this Bill. It is in fact a Government Bill. They have only allowed some body else to share the burden with them and no section of it can be passed without their support (Hear, hear). The balance of power is with the Government. It is, therefore, up to the Government to see that it is passed in the best possible form. Let them make clear what amendments they desire and what amendments they do not desire, so that the Bill may be passed in the form which the Government considers workable. They should show no favour to any body. Government should put an end to this bitterness and not try to make further political capital out of this Bill. With these words, I beg to support the motion before the House.

Mr. Owen Roberts [Non-official Nominated]: Sir, the second paragraph of the report of the Select Committee reads:—

“To meet objections on grounds of sentiment the Committee proposes that the Act should be named the ‘Punjab Borrowers’ Protection Act’.”

Sir, that is the only sentence, that is the only result of the proceedings of the Select Committee with which I can associate myself and even here I must limit myself to meaning that I am only in agreement with it when it

states that concession is required to sentiment in connection with this Bill. We have heard many references to sentiment during the course of this debate, but the point of view I wish to make clear to the House, if I can, is that of the ordinary trader. Sir, I am a trader and I am certain that every trader shares with me the feeling that, if not himself, then one class of trader, is being absolutely hunted down by this Bill. There is no other expression for it. The sentiment which I represent, Sir, is based on a tradition of honourable dealing and public service which is older than Governments and it has a right to be heard.

The definite reasons which I would give for what I have stated are that this sentiment is offended, firstly, by the progressively venomous character of the provisions of this legislation, secondly, by its deliberate attempts to achieve its ends by isolating one class, and lastly, by the entire absence of any attempt on the part of the promoters of this Bill to justify the necessity for it.

Now, Sir, taking the first of these reasons, I would ask the Council to glance at these Bills in succession. The first Bill produced before the Council was the Punjab Money-lenders' Registration Bill. This Bill came out into the open. It offered itself for public opinion and was knocked out in the first round. It was knocked out in my opinion, not by any communal opinion expressed on it at all, but by the opinions expressed on it by the Honourable Judges of the High Court. Now I want to glance at one of its provisions. I would ask the Council to refer to clause 3 (c). It reads:—

"A money-lender, as defined by this Act, shall on reasonable request and on tender of a reasonable sum as fixed by the Local Government for expenses, furnish the borrower with a copy of any document relating to the loan or to any security therefor."

Then, Sir, clause 4 is the penalty clause of this Bill and that clause applies to one offence only, and that is, it is applied if the money-lender fails to register.

I would ask the Council to pass from this clause of the original Bill to clause 3 of the second Bill and compare what I have read with the provisions laid down in that clause for the money-lender to comply with on the same subject. We pass from that to clause 3 of the new Bill which is shorter than clause 3 of the old Bill because the promoters found that they were up against an impossibility. The highly valued daily statement of transaction was found to be an absurd impossibility, but they were far from leaving the subject alone. They introduced a fresh class of demand, a class of demand under which a man can require a special copy of his account at any time in the intervals between the statutory period, and in order to leave us in no doubt as to their intentions on the subject they call in the assistance of the Criminal Procedure Code. I think that nothing that anybody can say will leave any doubt to any fair minded person that these clauses are progressively venomous and that they give every indication of an intention to hunt down a particular class.

As regards the attempts at isolation I have already both written and spoken on this subject. One need only look at the list of exceptions and I have no doubt that in order to gain their ends the promoters would be quite prepared to add to that list of exceptions indefinitely until opposition of every possible description is bought off. The third point that I wish

[Mr. Owen Roberts.]

to bring out is the failure on the part of the promoters to produce anything that can seriously be regarded as a justification for the measure. I am not going into statistics. I am now speaking as a trader, one whose time is more usefully employed and who has not the time to look at these things except from a broad point of view. There is no profession on earth that is perhaps more highly regarded than the legal profession taken as a whole, and yet, Sir, in the town of Lahore there is a particular road which is inhabited entirely by lawyers and which the man in the street calls "Sharks' Lane". Sir, I submit to the Council that this would give us just as good a justification for entering on legislation affecting either the whole body of lawyers as a class, or for special legislation against the persons who live in that street as anything that the promoters of this Bill have produced as justification in favour of this Bill. Talking of this subject of lawyers there comes to my mind the classic illustration of the meeting of the lawyer and the money-lender. I refer to the scene between Portia and Shylock. And what are the inferences that we draw from it? Any fair-minded man reading that scene might conclude that Shylock was a blundering fool, but he had the saving grace of recognising his limitations and withdrew when he saw that that time had come. What name are we going to give Portia? I won't waste my time over it, my Honourable friend is fully reinforced to-day and I leave it to him, but I will assist him to this extent by reminding him that Portia to secure a personal, perhaps dramatic victory, risked the life of her client. And I would ask the honourable mover of this Bill and his friends to reflect whether if they carry on with this Bill they will not do very much more harm to those whom they intend to protect than they will do good, and I will say this without hesitation that if they fail to do harm they will only fail because of the commonsense and broad-mindedness of the trader whom they are out to destroy. I have only touched on these matters and leave it to those who follow me to develop the actual extent of what my references to these Bills means, but I wish to record my emphatic protest against this Bill being proceeded with until an opportunity is given not only to this Council but to the province as a whole to express opinions on it.

Sayad Muhammad Husain : [Montgomery Muhammadan Rural] Sir, the legal aspects of this Bill have been developed by those honourable members who have spoken in its favour and by those who have spoken against it, and they may possibly be developed still further by the eminent lawyers who have yet to speak. I will leave that part of the subject to them and will only touch on the economic side of the whole problem.

Sir, stress has been laid by the honourable member who has just spoken and who represents the Lahore Chamber of Commerce or the Anglo-Indian community on the fact that it adversely affects and ear-marks a special class. Sir, I wish to make it clear that it does not affect or ear-mark a special class.

If the other member who has just spoken and who so vehemently opposed the Bill were to go into the economic side of the whole question or if he had read those books written by the three Registrars of the Co-operative Societies, Mr. Calvert, Mr. Strickland and Mr. Darling, he would not have talked so light-heartedly upon this subject. If it ever affects adversely it affects only one per cent. of the whole population. I may quote here from the book of Mr. Calvert

12 Noon.

called "The Wealth and Welfare of the Punjab." On page 130 he says "In the whole of India, excluding this province, the proportion of money-lenders to total population is 1:367; here it is 1:100. Although the population of the Punjab is only one-eleventh of the whole, one-fourth of all money-lenders found in British India reside and work here."

Now this Bill, as I shall develop my arguments later on, affects adversely only one per cent. of the population and it tries to safeguard the interests of 90 per cent. of the population who constitute the peasants and those who live on agriculture. Now, I would like to draw the attention of the House to what is the condition of that 90 per cent. of the population whose main living is agriculture, how much they are in debt and why it has been found necessary to protect them from the clutches of the money-lenders by the introduction of this Bill. In the valuable book written by Mr. Darling he has given statistics showing how only 17 per cent. of the proprietors of the province are not in debt. He says that mortgage debt is probably not more than 45 per cent. of the whole, and the average debt per indebted proprietor is Rs. 463. Now, the honourable member in charge of Agriculture is aware that the average holding of a proprietor in the province is about 7 acres. What does that mean? We find that the debt of the people far exceeds the assets of the proprietors, for the land is not getting value of more than 200 or 300 per acre. Then further down Mr. Darling notes "Proprietors' debt amounts to 75 crores or 15½ times the land revenue and total agricultural debt to 90 crores or 19 times the land revenue. Now, I would draw the attention of the honourable member in charge of Agriculture that in valuing the price of land, every economic student estimates it at 20 times the land revenue. This means that the total debt of the proprietors is something equal to the value of the land which they possess. Is it economically sound, is it proper for the Government to come to the aid of those people (money-lenders) who exploit and not find out the inherent causes as to why there is so much debt? Under these circumstances there is only one way open to the 90 per cent. of the population. Either they should sell away their land and become landless or some emergency measures, much stronger than those that have been adopted so far, ought to be taken before, long to do away with this evil. Then further down Mr. Darling says: The total agricultural debt of the province averages Rs. 81 per cultivated acre and Rs. 76 per head of those who are supported by agriculture. He further says that the annual interest charges amount to over 13 crores or nearly three times the land revenue of the province. Sir, this is the condition of one side of the agricultural population which constitutes 90 per cent. of the population whom this Bill seeks to protect. Now let me quote what is the condition of the other side or the one per cent. of the population who predominates this province. Mr. Calvert says,...

Dr. Gokul Chand, Narang: On a point of order. How is this relevant?

Sayad Muhammad Husain: I am going to show what is their economic condition as compared with the 90 per cent. of the population. I am going to develop that.

Mr. President: I hope the honourable member will confine his speech to the principles of the Bill.

Sayad Muhammad Husain: I am trying to show the effects of this Bill not only on those who borrow but also on the money-lenders. Mr. Calvert says: "The total net income of all money-lenders earning over Rs. 500 is

[Sayad Muhammad Husain.]

thus about 500 lakhs of rupees and if allowance is made for income from money-lending not subject to tax, the total must be well over this sum. The net earnings of the North-Western Railway in 1917-18 amounted to 764 lakhs; the net revenue of the major irrigation works in the Punjab for the same year was 267 lakhs. These figures will afford some idea of the relative importance of money-lending in the province compared with the great constructive works of development. There are more tax payers amongst the money-lenders than are found amongst all others engaged in commerce and trade. All manufactures other than companies (which are almost negligible) yielded only 575 assesses paying Rs. 48,000. Barristers, Pleaders, etc., to the number of 1073 paid Rs. 88,251 tax on an income of 28 lakhs. All other professions yielded only 195 assesses who paid Rs. 22,400. The above figures show to what extent the province is dominated by the money-lender. He represents the richest single class. His profits probably exceed those of all the cultivators put together. Beside him the professional class is inconsiderable. The industrial class is insignificant, even trade and commerce take second place. The Punjab is dominated by the money-lender to an extent unknown in any other province." Now, if all this money had been spent in the right direction, I think all the troubles of the Minister in charge of Agriculture would have been solved. This money would have been spent in developing industries. It would have solved the problems of the country. It would have strengthened the hands of the Honourable Minister in charge of Industries. He can start as many industries as he likes. If we check the activities of the money-lender who spends his money upon unproductive works, the money will go in the proper direction and fructify industries. In this way, this Bill is a great boon to the borrowers as well as to the money-lender. It was with a similar object that the Punjab Alienation of Land Act was passed. There was a hue and cry raised at the time. It was said that it would kill the zamindars, that it would destroy them. Now every zamindar understands that the Land Alienation Act is his *magna charta*. The zamindar, be he Hindu or Sikh, has come to realise the benefits of the Land Alienation Act. Now, what are the inherent causes of the indebtedness? One is the unrestrained way in which money can be borrowed. Among the many causes of indebtedness, I shall state two, which have been pointed out by Mr. Calvert. Mr. Calvert attributes this to the abuse of the credit by the clever usurers who encourage borrowing in order to secure control of the produce and secondly he attributes this to the system of civil law which is unsuitable because it favours the clever money-lender against the cultivator. These are the opinions of experts. Now the Usurious Loans Act, though passed in the interests of the peasant or the borrower, was abused and they gave no relief to the agriculturists. Had this measure been in any way prejudicial to the interests of any one community, the Government would not have lent their support to it. Government have given notice of certain amendments to the Bill and therefore it should be regarded as a Government measure. With these few words it heartily support the Bill.

Professor Ruchi Ram, Sahni (Punjab University): Sir, in approaching an examination of this vexed and complicated question of agrarian indebtedness, I find myself in the happy position of one who is neither a money-lender nor an agriculturist. I may, therefore, claim to have examined this question from a detached point of view. Again, by life-long training and habit of mind I am accustomed to examine conflicting masses of evidence, not in the spirit of an advocate or a lawyer, taking up particular sides, but

in the spirit of a critic and impartial judge. I have devoted some few hours to the examination of this question and I wish to place before this House the results of that examination.

It is a sound principle of political philosophy that if a problem arises and if we find that the natural forces which are working in that part of the country where the problem has arisen, if the natural forces are tending to solve that problem, then it is wiser to trust to the operation of those forces than to seek the protection of legislation or have resort to legislation. Sir, the greatest force in the world is the time spirit. I find that the time-spirit is working in the direction of the solution of this great and grave problem of agrarian indebtedness. I find, Sir, by examining the figures for the last two decades that during these two decades, all over northern India at any rate, the number of money-lenders is rapidly going down. Here on page 361 of the last census report, I find that the number of money-lenders and their dependents has gone down during the last decade from 193,890 to 166,960. This works out to 14 per cent. But there are certain allowances which might be made, and making those allowances, so as to be absolutely on the safe side, the decrease works out to 10·4 per cent. This is a safe figure inasmuch as it takes into account a large class of people who are partly doing money-lending business and partly doing something else. We find as regards the distribution of this class of people that in the western and south-western districts of the Punjab, the number has decreased rapidly. There is an increase, a very marked increase in the districts which are represented by my friend from Karnal who is an advocate of rural interests. There is a marked increase of 50 per cent in the districts of Karnal, Rohtak and Gurgaon. There is a decrease of 10·4 per cent. on an average of the whole province and, therefore, for the western and south-western districts of the province, such as Dera Ghazi Khan, Muzaffargarh and Multan, there has been a most rapid decrease. Here is what the report says :—

"If we study the local distribution of this decrease in different parts of the Punjab we find that most of the province has shared in it, the only districts in which there is an increase of over 10 per cent. being Rawalpindi, Lahore, Ferozepore, Hissar, Karnal and Rohtak and the States of Kalsia, Nabha and Nabha. The greatest increases of all (over 50 per cent.) are shown by the districts of Hissar and Rohtak. Mr. Calvert believes that the growth of the Co-operative Credit Societies in the Central Punjab has driven the money-lenders away towards the canal colonies. That the money-lender is disappearing from Hoshiarpur and Jullundur where the number of Co-operative Credit Societies is largest is undoubted, but the census evidence, so far as it goes, shows that the money-lender prefers to migrate to the South East Punjab rather than to the colonies. The districts of Lahore and Ferozepore show a marked increase in the number of money-lenders in spite of the fact that there are over 300 Credit Societies in both these districts. On the other hand the number of money-lenders has decreased very much..."

Mr. President : May I know which principle of the Bill the honourable member is discussing?

Professor Ruchi Ram Sahni : I want to show, Sir, that the need for the Bill itself is not so great as it is supposed to be, that the natural forces that are at work in the province are working in the direction of the elimination of the money-lender.

Mr. President : Order, order. That is not a principle of the Bill. I think neither the mover nor any other speaker has said that the object of the Bill is to decrease the number of money-lenders in the Punjab. The main, if not the only object, of the Bill is to compel the money-lenders, whatever their number, to keep accounts and supply their copies to the borrowers subject to certain penalties for non-compliance with the provisions of the Bill. There is no point in the number of money-lenders.

Professor Ruchi Ram Sahni : My object is to show because the number is sufficiently going down.

Mr. President : The Chair has given its ruling. The number of money-lenders is not in dispute. It is not even relevant to the question now before the House. It is the keeping and rendition of accounts by money-lenders, whatever their number, that is under consideration.

Professor Ruchi Ram Sahni : I want to show, Sir, that the prosperity of rural areas of the province is increasing and for that purpose again I wish to quote the census. The number of petty landlords is rapidly increasing and has increased by 61 per cent., while the number of farm labourers and field workers has decreased by 13 per cent.

Mr. President : This again is irrelevant to the question before the House.

Professor Ruchi Ram Sahni : It has been said, Sir, that the rural population in the province is becoming poorer and poorer and especially that the agricultural population is becoming poorer and that therefore it is necessary to have a Bill of this kind, in order to protect the agricultural population. I want to show, Sir, with your permission, that this is not so.

Mr. President : Order, order. The question before the House is not that the agriculturist is becoming poorer or that there is a large number of money-lenders in the Province. The question is whether money-lenders use unfair means and, therefore, with a view to protect agriculturists from them they should be compelled to keep and render accounts subject to certain penalties.

Professor Ruchi Ram Sahni : I must bow to your ruling, Sir. I beg to point out that if severe penalties are imposed capital will be driven out of the province, at any rate out of the rural areas. The capital that is available at the present time is already very inadequate for the needs of the rural population. This is borne out by the report of the Industrial Commission. With your permission I will read one or two small passages. At page 8 of the Report of the Indian Industrial Commission, 1916-18, the following passage occurs :—

“ The capital in the hands of country traders has proved insufficient to finance the ordinary movements of the crops, and the seasonal calls for accommodation from the main financial centres are constantly increasing. This lack of available capital is one cause of the high rates that the ryot has to pay for the ready money which he needs to buy seed and to meet the expenses of cultivation. On the other hand, money is largely invested in the purchase of landed property, the price of which has risen to very high figures in many parts of the country.”

It is for the purchase of agricultural land, Sir, that large sums of money have been borrowed during the last twenty years. If the indebtedness has

increased, the value of the land also has increased, not in the same proportions but in a very much larger proportion.

"Proprietors freely spend their savings from current income on the improvement of land in their own cultivation, but loans from private persons for this purpose are obtainable as a rule only on terms quite disproportionate to the value of the improvements. These are also almost invariably made on land in the investor's own possession, not in that of his tenants...."

Again at page 9 of the report the following passage appears :—

"The demand for capital for land improvement has hitherto perhaps been modest but the stimulus afforded by the various Provincial Agricultural and Industrial Departments, especially in Madras, has led to the introduction on a small, but rapidly increasing, scale of modern appliances to replace labor, improve cultivation or supply irrigation water. Towards the provision of working capital for cultivation, something has been done by the co-operative movement, initiated and fostered throughout by Government action, and far more may be hoped from it in the future. But the no less urgent necessity of relieving the ryot from the enormous load of debt, with which he has been burdened by the dearness of agricultural capital, the necessity of meeting periodic demands for rent, and his social habits has hitherto been met only to a very small extent by co-operative organisation."

It is clear, therefore, that the Financial requirements of the agricultural population are very large, partly for the improvements of their lands and partly because, the larger landlords are buying up the smaller zamindars. It is for this reason that the number of landlords, greatly has increased, I mean landlords, who are not working on their own land but are living on rents received from tenants. That being so, the need for capital is very great indeed, and if a very exacting measure is enacted like the one which is before the House to-day, it will drive money-lending out of the villages, and will thus accentuate the very evil which it is proposed to remedy. Sir, the real reason for the indebtedness of the peasant lies in the rigidity...

Mr. President : Order, order. I have stated twice that the indebtedness of any class or community in the province is not directly dealt with by the measure under discussion.

Professor Ruchi Ram Sahni : I was trying to show, Sir, that because there is imperative need for capital in the rural areas, the money-lender is a necessity in the village. If we frame and pass a legislation which works a great hardship on the money-lending class, as well as on the agriculturists, it will upset the whole system of rural credit in the province. The amount of interest which a money-lender charges is in proportion to the credit which the borrower enjoys and the facilities which the money-lender possesses for realising his loan, so that it is best to leave the matter to the time spirit which is already working in the right direction—in the direction of a solution of the problem of indebtedness. If a solution is to be found at the present time, it could best be found in making the system of assessment more elastic than it is at present. Mr. H. A. Rose, one of the ablest retired officers of the Indian Civil Service, has following Mr. Thorburn, shown in a paper which he contri-

[Prof. Ruchi Ram Sahni.]

buted to the January number of the *Asiatic Review* in 1920, that the real cause of rural indebtedness, the existence of the money-lender and the high rate of interest which the zamindar pays to him lies in the fact that, after the annexation of the Punjab, very high assessments were levied. That is how agrarian indebtedness started, and as soon as the credit of the land owning classes increased, borrowing began and the money-lender came into existence. I would therefore request the Government to seek a solution of rural indebtedness after a very careful scrutiny of all the factors that go to make up this great problem. The remedy lies in their own hands. It is unsafe to rush through a measure of this kind, because the Hindus and Muhammadans balance each other and the Government, as has been pointed out already by one of my honourable friends, can put its weight either on one scale or the other. The Government has, therefore, a great responsibility in this matter. If the Bill is not a communal measure, it has in the course of the discussion developed into a communal measure. The voting on the various parts of this Bill on the previous occasions has shown us and it will on the present occasion also show that it has developed into a communal measure, and, therefore, I wish to tell the members of the Government that it is not wise, it is not prudent, it is not expedient to rush through a measure of this nature, specially as the other provinces are hesitating to find a solution of it by legislation in the way in which it is sought to be found in this council. I would therefore tell the Government that they have a special responsibility in this matter. If they make a mistake in passing this legislation, the responsibility for the mistake will be entirely theirs, because it is in their hands to put their own weight on one side or the other, I would close with an appeal to them in the words of a poet, which I have slightly modified to suit the occasion. He says :—

"Hear, ye rulers, listen to the truth sublime

He who allows oppression shares the crime "

Let not the Government apply a measure which will work oppression upon one class by another class.

Khan Bahadur Shaikh Abdul Qadir [West Punjab Towns (Muhammadan) Urban] : Sir, a great deal of unnecessary heat has been imported into the discussion of this question since yesterday. One of the honourable members who addressed the House yesterday, namely the honourable member for Hoshiarpur Non-Muslim constituency, acknowledged, in so many words, that he was responsible at the very outset for characterising this measure as a communal measure, and as a Muhammadan measure. I remember that when this Bill was first introduced, it was probably in November 1924, as I was getting into the House at about 4 o'clock I heard the voice of the same honourable member. When entering the Chamber I met one of the representatives of the Press, from the Press gallery, who was going out with a part of the report of the day. He was a Hindu gentleman, and made an impartial and disinterested comment on that occasion when the honourable member referred to had started the cry of communalism. He said : "I am very much surprised to find that everything here is looked at from a communal or a Hindu-Muslim point of view, and I very much regret that the honourable member is introducing that element into a question which does not allow of the admission of such feeling". Ever since in all the discussions that have followed, it has been pointed out by the honourable mover of the Bill and by some of those who supported him in this connection that the Bill was not meant to be a communal measure and that the Bill intended to help a

large class of people, who are described as borrowers and to help them in a legitimate way. It did not want to save them from any thing which the money-lender can legitimately claim to be his right but to save them only from some of the vagaries of the money-lenders. In spite of this assurance I am surprised to find that the honourable member to whom I have referred persisted even yesterday that the Bill which was before the public and the House for over a year and a half was a Muhammadan measure. That reminded me of one of the lines of the famous poet Ghalib.

یا رب رہ نہ سمجھ میں نہ آئے میری بات

دے ار دل آ کر جو نہ دے مہر زبان اور

"Oh! God, he will not understand what I am saying, give him another heart if I am not to be favoured with another tongue."

This reminds me of the question of mentalities that was introduced by the honourable member yesterday. I must deprecate the tendency to talk about mentalities in that way. It is a well-known rule of etiquette among gentlemen in ordinary private intercourse between them that if one gentleman says: I did not mean this or that, the other gentleman accepts that assurance. It is very strange that this rule should be forgotten in this House when one part of the House assures the other part what its mentality is or what its intention is, and in spite of this, incriminations and retorts should go on. That is regrettable. This attitude stands in the way of honourable members giving that calm and dispassionate consideration to this Bill which a measure of this kind demands. The real question before the House is in the first place whether a measure like this is at all called for and the second question is whether the remedy proposed is calculated to remedy the existing evil. A challenge was thrown just now by the honourable member representing the European community in this House to the effect that the supporters of this measure had not shown any necessity for this Bill. As a rule I attach great importance to what that honourable member says in this House, because as a man of business and as a man of experience his opinion is entitled to weight, especially in a measure of this kind, where, the communal element has come in, the opinion of a disinterested gentleman like Mr. Owen Roberts would be entitled to great weight. But in this particular matter I am afraid he has from the start taken a wrong view and the reason for that is that he, as a trader, generally comes in contact with either the business methods of European firms, with whom he mostly deals, or with the business methods of such Indian firms who do their business more or less on European lines and according to modern up-to-date methods. He is probably unaware of the state of things which exists in the rural areas among some members of the class of rural money-lenders with whom this Bill mainly purports to deal. That is, I believe the reason of the view which my honourable friend has taken of this Bill. So far as the question of the necessity for the Bill is concerned, I think, for his purposes, it should be enough to remind him of what the honourable member representing the Chamber of Commerce told us yesterday, that his Chamber as a body had recognised the principle of this Bill to be sound. In spite of this the member representing the European community thinks that this Bill is not called for. But if the Chamber of Commerce with its better means of knowledge and the better weight to which its opinion is regarded as a body, recognises that the principle of the Bill is sound, that should be enough to assure Mr. Owen Roberts,

[K. B. Sh. Abdul Qadir.]

There is another opinion expressed by the Northern India Chamber of Commerce. I do not know exactly whether it is the same body which elected Mr. Gray or another body. That opinion is given at page 50 of the printed opinions against the Bill. Even that body recognises the principle of the bill.

Mr. V. F. Gray : On a point of explanation. Sir, it is a different body.

Khan Bahadur Shaikh Abdul Qadir : That is what I thought, but I was not sure. Thus there is another body of business men who recognise the principle of the Bill as sound. Then in that very volume of opinions which was published by Government some time back on the original Bill as it stood when it included the provision for registration, there were a number of leading Hindu gentlemen who recognised the soundness of the principle of the Bill but they objected to registration. There were, it is interesting to note, in that very volume of opinions, a number of opinions expressed by the heads of districts in the Punjab. For the moment I would leave out the opinions expressed by those officials who are Hindus or Muslims; but there are about half a dozen European heads of districts who recognised the need of this Bill from personal knowledge and from the intimate touch that they have with rural conditions and with the conditions of the borrowers and with the conditions of the money-lenders in this province. What some of them opposed was the registration clause and some opposed certain other details of the Bill.

There is another volume of opinions published in favour of the Bill and among those I find five or six European District Magistrates of experience who say that they recognise the principle to be sound and some of them went to the length of supporting even the registration clause, which has since been dropped. That being the state of things, alluding only briefly to the existing evidence on the point of the necessity of the Bill, I do not think it is necessary for me to labour that point any further. Suffice it to say that there is ample indication in the opinions received of the need for this Bill.

Now, so far as the question of its being capable of remedying the evil which it seeks to remedy is concerned, the position has been assailed from two points of view. One, the point of view of the money-lenders, that is how the money-lenders would be affected by it, and, secondly, the point of view of the borrower as to how the borrower would be affected by it. Those who oppose the Bill say that this would result in driving the money lender out of the field. In fact, some of them have gone to the length of saying that it is really intended to kill the money-lenders. With regard to this aspect of the question I have no hesitation in saying that so far as I can see and so far as I think there is not the least prospect of the money-lender dying out in consequence of this Bill or otherwise. I go further and say that there is not the least prospect of his being driven out of the field. It has been said that if he finds that it is no longer worth his while to do his business on these terms he will withdraw the present capital that is in circulation and will not advance any further capital and that would be disastrous to trade and to the interests of the borrower. But I do not share this fear. The gist of the Bill, as it now stands before us, is that it insists that the money-lender should keep regular accounts in a prescribed form,

I fail to understand how that can kill any business man or any money-lender, in fact, if even the money-lender looks at this matter from the right point of view, the regular keeping of accounts, the confidence that such regular keeping of accounts would naturally inspire among the borrowers, would really, in the long run, go more to his benefit than the present system, in which people have suspicions of his good faith and are shy about coming to him unless forced by sheer necessity. It does not require any lengthy argument to refute the proposition that this Bill would make the money-lender give up his business. It does not reduce or touch the rate of interest, it does not reduce his chances of lending, it does not even reduce his chances of recovery. On the other hand, it may enhance and improve the chances of his recovering his loans through courts. Therefore instead of stopping business it would really give an impetus to his business. It may be said that from the opinions of the Associations of money-lenders and some of the Hindu Sabhas as expressed sometime back when the original Bill was before the public, it appears that they have got really a great apprehension, a real fear, as to the consequences of this Bill. This may be true. This is presumably true, but who is responsible for creating those fears in the minds of those business men who, as a rule, are not led by sentiment, who know one thing from another and who know whether a thing is to their advantage or not? It is gentlemen like the honourable member for Hoshiarpur non-Muslim constituency who developed that feeling and that feeling then went through the press to money-lenders and those people also became nervous. But when that nervousness is over, when this Bill is passed, if it is passed when it begins to work and when people see the advantages of keeping regular accounts and rendering accounts six-monthly, or any other prescribed period and when they see the advantages of this system, then instead of being nervous and being against the Bill, they will see that it was a useful measure and in no way a harmful measure.

There is another thing. It may be said that the money-lenders or some of them may not like to yield to any such restrictions to which they are not accustomed and such money-lenders may withdraw their money. I can quite conceive the possibility of a certain percentage of them going out of the field. We have to look at the Bill from the broader point of view of the interests of the province as a whole and I am trying to look at it from that point of view. I think the going out of some will not mean any disaster to that section of money-lenders or the country. If a small section, and I make bold to say that it can never be more than 5 per cent. goes out on this account, what will happen? All that will happen is that they will remain where they are. Their capital will be diverted into other directions and in some cases into more useful directions. After all in the present day advancement of the province it is not to the advantage of any capitalist to keep his capital shut in those close and tight compartments in which it was shut a century or half a century back, when these opportunities were not available. Now there are opportunities for investing capital usefully in joint stock companies, in mills, in the improvement of industries, in giving an impetus to the great industrial development of the province, for which we are all so anxious. If any part of the capital which is at present confined to those old grooves does come out of those grooves and comes into better and more profitable fields, no one will be the loser for this, while the capitalists concerned will be the gainers for it. This much as to the chances of money-lenders suffering from any measure of this kind.

[K. B. Sh. Abdul Qadir.]

Then, Sir, great anxiety has been shown as to the effect that this Bill would have on the various classes of borrowers, especially borrowers of the zamindar class. It has been said that if the zamindars credit suffers or if his chances of borrowing through this class of money-lender decrease, he will suffer and his sufferings will be greater than at present and he will not be able to carry on his business properly, or to improve his cultivation and so forth. It has been mentioned in the course of this debate, and in the opinions expressed before on one side or the other, that there is one useful element at work at present in the form of the co-operative movement, which is the great hope of the zamindar borrower. But it has been pointed out by those opposing this Bill that with their limited resources, co-operative societies cannot take the whole of the place that would be vacated by the money-lenders who choose to walk out on account of these new changes. It is quite true that if a large number of the money-lenders choose to give up their present business and cease to lend to the zamindars, the co-operative credit societies, with all the advantages they possess, but with the limited resources at their command, will not be able to take the place of that large proportion, but I have already indicated that, to my mind, it is impossible, next to impossible to conceive that any large number of money-lenders will give up their vocation. It will be seen, if this Bill is passed and those who live even for another five years will be able to see, that this prediction of mine is not untrue that not more than five per cent. of money-lenders would go out if any go out at all. That being the case, there need be no fear so far as this small proportion is concerned. They would be properly replaced by the co-operative credit societies. The co-operative credit societies are doing very good work and it has been found that the class of money-lender who is likely to be affected by this Bill has been one of the opponents of those societies wherever they have been founded and has tried to put a spoke in the wheel of those societies. Instead of continuing to do so, this small proportion of money-lenders will be able to devote the capital so liberated to the development of industries. Look at it from the point of view of the lender or look at it from the point of view of the borrower, I do not think that this Bill as it stands now before us is calculated to do harm to either and I hold that it is calculated to help both.

Just one word as to one of the provisions of this Bill as reported by the Select Committee.

1 P. M.

Mr. President : Order, order. The House stands adjourned for one hour for lunch.

The Council re-assembled after lunch at two of the clock. Mr. President in the Chair.

Mr. President : As there is no quorum I cannot occupy the chair.

(After a few minutes the House again assembled and the proceedings began with Mr. President in the Chair.)

(Khan Bahadur Shaikh Abdul Qadir was called upon by Mr. President but he was absent from his seat.)

Captain Dhan Raj Bhasin : [East and West Central Towns (Non-Muhammadan), Urban] : Sir, the hollowness of the Bill and the mischievous implications of its various provisions have been thoroughly

exposed by Sir Gopal Das, Bhandari and other speakers who have preceded me yesterday and to-day. Maulvi Mazhar Ali, Azhar who tried to meet arguments by counter-arguments could not bring forward such arguments as could meet the requirements of the case but those that he gave were probably meant for the recreation of the House. I shall not therefore go into the details of this Bill but shall content myself with dealing with one aspect of the Bill only.

The Borrowers' Protection Bill is a highly important piece of legislation that this House has had to deal with throughout its career owing to the fact that it affects a big community, that is, the Hindu community of the province alone, injuriously. After the Land Alienation Act it is supposed to be a second dose for weakening and reducing the Hindus to poverty. Such an important piece of legislation is being presented to us for final adoption without having been properly considered. That the Bill has not been properly considered is apparent from the fact that Government itself has come forward with a large number of substantial amendments to the Bill as it has emerged from the Select Committee. While I was going about in my constituency a few days ago some ultra-loyal co-operating Hindus and Hindus with the mentality of begging favours and concessions told me that Government wants to favour the Hindus and that in this particular case His Excellency the Governor will even veto the Bill if it is passed by the Council and will not give his assent provided the Hindus assured him of full co-operation. I had no doubt in my mind whatsoever that the idea had been given out simply with the object of demoralising the national movement for liberty just when the Hindus are exhausted by their innumerable sacrifices and resultant suffering.

Chandhri Duli Chand : On a point of order, Sir. Is the honourable member entitled to read from a written speech?

Captain Dhan Raj Bhasin : I am not reading. I had no doubt in my mind that Government does not and will not do anything out of a magnanimous heart or out of larger interests of humanity. I had no doubt in my mind that Government favours one community or the other just when it chooses to do so and just when it suits them. I had no doubt in my mind that Government cannot follow the policy of divide and rule if it were to favour both the communities at the same time. Yet I assured my constituents that the Swarajist members of the Council would take the same reasonable attitude in this matter just as they do in other cases and will go to the whole length of grasping the hand of friendship extended by Government in good faith provided that abject surrender is not demanded of them, provided their legitimate rights are not conferred as favours and provided that the friendship that is sought is one of equal partners in the government of the country from the point of view of wider national interests and not that of a master and slave.

I told my well meaning but simple friends that Government itself was at the bottom of the Bill and all other communal troubles in the province and my diagnosis was confirmed when a statement was made by the Chief Secretary yesterday in this House.

He more or less said that they were committed to the passing of the Bill. I was not at all surprised by the statement made by the Chief Secretary. Government in this province by the peculiar constitution of the Council holds the scale and means of justice in its hands, but it has come into the habit of weighing unequally and taking away a portion of the

[Capt. Dhanraj Bhasin.]

bigger slice for itself from the ever recurring heavier side like the proverbial monkey justice between two irreconcilable cats. Government possibly expects a big slice in the form of larger return of income-tax from the passing of this Act, but why ignore all other injurious aspects of the Bill and rush it through in such a great hurry? To my Muhammadan friends I will request not to leave the matter of justice in the hands of a third party. Come to some compromise with your Hindu brethren and for that purpose postpone the consideration of this Bill to the next session of the Council or commit it to another select committee for reconsideration. To the Government I shall say, "Before you raise the bogus cry of fullest and most sincere co-operation establish your reputation for justice and fair play on such difficult occasions as the present one." We the Swarajists are neither wedded to co-operation nor to non-co-operation. These are only means to attain the liberty of our motherland and they change with changing conditions and circumstances (Hear, hear), but we are certainly wedded to freedom of the country and to its release from its present bondage and slavery and you can have our fullest co-operation by being a party to this legitimate ambition of ours.

With these words, Sir, I oppose the motion for the consideration of the Bill.

Shaikh Muhammad Sadiq [Amritsar City, (Muhammadan), Urban] : Sir, many of my learned friends in this Council and many of my friends outside the Council seem to show, or have tried to show us that the money-lenders as a class are very poor *misikin* (innocent) sort of class. I can here only quote the words of Shaikh Sadi who lived one thousand years before the birth of the honourable member representing the unfortunate constituency of Hoshiarpur non-Muslim area.

میرے مسکین، اگر بد داشتے
تو ہم بدچلتے از جہان برداشتے

(Daughter) Now, Sir this is the real state of things. Are these money-lenders really so innocent or so nice as they are represented to be? Are these people doing their business of money-lending for the development of the industry of this country and for the good of the province? Certainly not. Money-lenders whether they belong to the white race or the black race, whether they belong to the brown race or the yellow race, these money-lenders' first and foremost object is not the benefit of any other class but themselves. Their first and foremost creed is to help themselves. Sir, it is not a question of attacking the *banias* as a class, because there are good and bad *banias*. We are not speaking of Aroras as a class because there are good and bad Aroras. But what we are attacking is the system of money-lending. We are not attacking any class. It has been told us in the Council that this is a communal measure and that it is a Muslim measure. I have read all the sections of this Bill and yet I have not found a single section which is in favour of the Muslims, Christians, Jews or the Sikhs. It is absolutely free from all communal considerations. My friends who always call themselves the benefactors and patriots of this country in order to win the golden opinion of the Hindu community bring in all sorts of arguments. My learned friend representing the Hoshiarpur constituency has spoken against the measure. What does he say? He swells with pride that he was the first to start the game that this was a communal measure and that others have followed in his wake.

Dr. Gokul Chand, Narang : On a point of explanation on behalf of my friend who is absent (A voice : He is here) (Laughter).

Pandit Nanak Chand : My friend has perfect latitude to make any misstatements he likes.

Shaikh Muhammad Sadiq : It is not an explanation, Sir. It is always done by people who do not relish crushing arguments. Take the speech of the honourable member. There you will find that he boasts of having started the game by suggesting that this is a Muslim measure and then no abuse was left which was not showered on the Muslim members of this Council. After all this is one of the simplest measures in the world, namely the protection of the borrowers (Hear, hear). In England, a much advanced country, they are forcing the bankers to keep regular accounts. Why should we not in this country, where there is not much of education, where people are backward, why should we not ask the money-lender to keep accounts? I shall show two reasons which have led the members of this Council and the Government to pass this measure for the protection of the borrowers. Now, examine the point from the political point of view. On the Money-lenders Bill coming into the Council, my friends have been running about in the Panjab with the Bill as *pari-wad* for shouting Muslim Raj, Muslim Raj, and such cries as "This is the beginning of the Muslim raj and the crushing of the Hindus." This is utterly wrong. We are only attacking the system of money-lending. A challenge is thrown to us for acceptance of battle and if we accept the challenge we will be called traitors to the country.

Sardar Jodh Singh : I rise to a point of order. Enough has been said on both sides about the communalism and all that. I think it will be now proper that speakers who want to speak on the measure should speak on the principles only and let alone these ideas of communalism, because we have heard enough of them.

Shaikh Muhammad Sadiq : It is not a college that I am to obey the advice of the professor. In the college the professor can ask us to accept his advice, not here.

Mr. President : The honourable Sardar Jodh Singh has simply invited the attention of the chair to the Standing Order bearing on the practice of discussing motions like the one now before the House, namely, the motion whether the Bill should be taken into consideration or not. The honourable member will please discuss only the principle of the Bill and not wander beyond what may be legitimately relevant to that discussion. I have no desire to curtail the privilege of speech but the honourable member will please confine himself to the question before the House.

Shaikh Muhammad Sadiq : My learned friend does not say it is irrelevant. He simply says that enough has been said. He is satisfied, but so long as other members.

Mr. President : Order, order. As there can be no discussion on a ruling of the chair, no further discussion is allowed on that point.

Shaikh Muhammad Sadiq : Now, I shall turn to the main question before the House. The main argument of my friend was that this Bill is a sectional measure. That is the main argument on which he desires that the Bill should be rejected. We have not been allowed to go into the merits of the

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various sections of this Bill, but I may point out that the chief object of this Bill is to protect the borrowers and with that object this Bill insists upon the regular keeping of accounts by the money-lenders. If my learned friend had confined his arguments only to this point he could have had his say in five minutes, as was done by Mr. Owen Roberts and Mr. Gray. On the other hand they wanted to indulge in communal questions and in order to destroy the Bill they brought in communal questions. In fact the member wanted to use this communal argument as a stick for thrashing the Muslims.

Now, Sir, my friends, spoke of liberty. But with this kind of temper this country will never reach that point. What I find in this country is that such a simple measure as this is a subject of quarrel, each community abusing the other. I wonder whether we are really fit for Home Rule, whether those friends who are friends of Home Rule, whose sole object in coming to this Council is to further the cause of Home Rule are ever going to achieve it, or whether they are going to thwart liberty.

From the way in which it has been dealt with in this country, I am led to believe that there is no self-discipline. People who want to gain Home Rule do not see this from the proper angle of vision. They always think communally. If they do so they are not really friends of Home Rule. In fact they are the worst enemies of the country. There is a Persian couplet which runs thus :

ترسم کہ بد کعبہ نہ رسی اے امرابی
کین راہ تو میرے روی بد ترکستان است

"I fear me, Oh ! Arab that thou shalt never reach the Kaba for the road thou followest leadest to Turkistan." They speak communally, they think communally and they act communally and these things show that in their heart of hearts they do not want Home Rule, or self-Government. All this tall talk of Home Rule or self-Government is all a lip talk. The people do not work for it from the bottom of their heart. These leaders exploit the people for their own benefit. This measure has been criticised in an able speech by the honourable member for Hoshiarpur and as has already been stated by my honourable friend Maulvi Mazhar Ali, Azhar he has contradicted himself in his own speech. The plea that he raised in one portion of his speech was contradicted by himself in another part of his own speech. His first objection is that if you pass this Bill, the capital will fly away from this country. The present state of the province belies his statement. You find plenty of sahukars and you have plenty of capital. According to my honourable friend the moment this Bill is passed, the sahukars will refuse to lend money. It is a well known fact that the sahukar will never rest while he has money in his hand. He will never keep his money in his house for a single moment. He is always afraid of dacoits, thieves, the police and there is also the danger of pleaders appropriating some of the money of the sahukar. The primary concern of a sahukar is to invest his money. If he cannot give it to a zamindar, he will give it at least to another sahukar at a low rate of interest. If not he will lend it to a co-operative society at a cheap rate of interest I think my honourable friend Mr. Strickland will only be too glad to get the money from the sahukar for his co-operate society. In fact this Bill will help in making the capital of the province flow into the co-operative banks.

Dr. Gokul Chand, Nārang : You will welcome such a thing.

Shaikh Muhammad Sadiq : If you want to get more money for the benefit of the zamindars at a low rate of interest, you must get all the money first into the co-operative banks. The sahukar at present does not want to lend his money at a low rate of interest. His avarice is so great that he wants to quadruple his capital in a short time by lending it at an abnormal rate of interest. If you indirectly compel him to invest in co-operative societies, you will facilitate the trade of the country and you will also help the zamindars. If you make the sahukar advance money to the Government, you will pave the way for the industrial and agricultural development of the province. It is a false notion to think that the sahukar will withhold his money and bury the whole capital in his house if this Bill is passed. Such a catastrophe will never happen. The sahukar will surely invest his money in some industrial concern or in some bank. If the zamindars are not allowed to fall into the clutches of the money-lender, so much the better for them. The zamindar will be induced to spend just enough money in *shadi*, death ceremonies, etc. He will be saved much of expenditure on these foolish things. The zamindar at present is groaning under the heavy load of debt. It was said by some honourable member that since the passing of the Land Alienation Act, a lot of zamindar money-lenders have sprung up. At the time when there was no Land Alienation Act, you could not find any zamindar sahukar. Since that Act was passed, the zamindars were able to save money and now they are becoming money-lenders. This means that the zamindars can save money. Capital is economic saving of profits out of cost of production and sale of goods. Capital does not come out of the ground nor does it come from heaven. Capital is not produced like chemicals. Capital always comes out of the profits. It is really the profit. I am sure that if zamindars are allowed protection, capital will not be lacking in this country. It is really this crushing system that makes the scarcity of capital.

It was said that this Bill was the outcome of communal passion. The honourable mover was chastised why he drafted a clause like clause 4 which is very drastic in character. The honourable mover himself and also some other members have given notice of motions to omit the clause. Why chastise the honourable mover for this? This clause was retained by the Select Committee and the honourable mover is no more responsible for it than my honourable friend to my right. Instead of coming forward to give a helping hand in shaping the Bill properly, the honourable member for Hoshiarpur has up to this time been causing obstruction, obstruction and nothing else. The real object in opposing the Bill is to create unnecessary trouble in the province. By agitating over this innocent Bill, they want to get cheap popularity. This opposition is engineered having the election in their view. On this opposition offered to the Money-lenders Bill hangs their chance of being returned to the Council. My honourable friends do not want this Bill to be passed in this month. They want this Bill to be conveniently postponed till the October meeting of the Council so that they can raise obstruction then and immediately go out into the country and tell their voters about the great things they achieved in the Council. If the Bill is passed now, they are afraid that too long a time would elapse between now and the time of election and that the voters are likely to forget the great achievements of the members of the Council and so they may not return these very members to the Council. It is only with this object that the Bill is opposed.

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Objection was raised that this Bill was used as a weapon to put own urban money-lenders alone. My honourable friends conveniently forget the fact that there are also money-lenders among the agriculturists. This Bill is applicable to all those who do money-lending business, be they Jats, be they Hindus, be they Muhammadans, be they agriculturists or non-agriculturists. The Bill aims only at regularising the accounts kept by the money-lenders and minimising the chances of fraudulent keeping of accounts. The zamindars are suffering a lot at the hands of these money-lenders. We, the Muhammadans have not come forward to support this Bill because it has been brought forward by a Muhammadan member. Even if the Bill had been brought forward by any other member I would have supported it. The poor, uneducated zamindar has got to be protected. Supposing a debtor goes to the money-lender and wants to pay some money towards interest. The money-lender takes the money from him, but he does not give him a receipt. He excuses himself by saying that the bond is somewhere and that he will enter his payment duly in his *bat*. Really the money-lender fails to enter the payment, or enters in some book. Some time later the money-lender sues the debtor in court and what does the poor debtor see? He sees that no credit has been given for the payment he made. He (the debtor) wants to see the book, but is told there is no book. The court cannot help the debtor in any way. It is with a view to empower the court to help the debtor that this Bill is introduced. If the money-lender does not conform to the provisions of the Bill, the court can refuse to give a decree to the money-lender. I admit, Sir, that when a money-lender lends money to a zamindar, it is not always the intention of the money-lender in the first instance to deceive the debtor. Later on the trouble comes when any quarrel arises for some reason or other. Then the money-lender begins to do mischief. It is not that the money-lender has always a bad mind. It is not that every money-lender is always dishonest. There are some dishonest money-lenders against whom the borrowers must be protected. Look at other countries, like England. There too you have a similar Bill.

It was said by my honourable friend representing Hoshiarpur that by passing this Bill you would destroy the soul of the people in one way or another. It passes my comprehension how this Bill if passed will destroy the soul of the people. I am sure that kind of argument is trotted out simply for the sake of argument. He laid so much emphasis on a clause which is going to be omitted by the honourable mover himself. What is the use of pursuing a clause which is going to be omitted? These criticisms are offered not with a view to make constructive suggestions but simply for their own satisfaction and for pleasing the people outside.

What is after all the objection raised by these honourable members? I will prove the hollowness of their arguments by citing an illustration. Supposing there is a rickshawalla or a tonga driver. Why do you compel him to take only a particular amount of charges for lending you the use of his rickshaw or tonga? Supposing you ask a rickshawalla to take you in his rickshaw at dead of night. He may demand an exorbitant rate from you. Even though you might pay the fare demanded by him grudgingly, yet you would be the first person as soon as reaching home to write a complaint against him and see that his licence is cancelled. You want the services of the tonga driver, even at noon when the sun is blazing hot and even at midnight and yet you want him to take only whatever amount you pay him. If these money-lenders who do not keep proper and regular

accounts are forced by law to keep proper and regular accounts in the interest of the borrower, why should you come forward in your full strength and oppose this legitimate measure?

It was said that this measure was a purely Muhammadan measure. It passes my comprehension how this can be treated as a Muhammadan measure. There are lots of Muhammadan opium smugglers and if the Government passes a law prohibiting opium smuggling, should I come forward and say that no law should be passed prohibiting the smuggling of opium simply because my co-religionists are the chief operators in this smuggling? Similarly if a law is passed making thieving and dacoity punishable under the law, is there any reason for our Sikh friends to come forward and say that such a law should not be passed because it will affect the Jats adversely who are pursuing thieving and dacoity? If this is the sort of argument and if this is the sort of eloquence to which we are to be subjected, then woe unto us. It is nothing but obstruction, pure and simple.

They say that when Acts are passed against certain communities, they do mischief. Then they talk of there being more of Hindu and Sikh money-lenders than Muhammadan money-lenders. Sir, I am sorry for their mentality. These are our leaders who will adorn Government benches. What would have happened to us if all the English benches had gone along with Sir John Maynard? What would have been our condition? I think we would have had to shut this House for months.

Now, Sir, at this moment comes a very nice suggestion put very coolly by my friends, who want it to be sent to the Select Committee again 18 months after its introduction. Others want that the Bill be circulated for eliciting public opinion thereon. What is this talk of circulating the Bill.

Mr. President: Order, order. Which principle of the Bill is the honourable member now discussing?

Shaikh Muhammad Sadiq: Sir, the principle which arises out of communal discussion. It is the principle which has been used by my honourable friends as a lever for the rejection of this Bill. The keeping of accounts regularly was a very simple affair, but the lever was to make it communal and nothing else.

Now, Sir, I want to ask the honourable members what do they mean by sending this Bill.

Sardar Jodh Singh: Sir, I rise to a point of order. Sir, the motion is not before the House that the Bill be circulated for public opinion.

Mr. President: The amendment that the Bill be circulated for eliciting opinion thereon has not been moved yet. The only motion now before the House is whether the Bill, as reported by the Select Committee, should be taken into consideration or not. No other motion is now before the House.

Shaikh Muhammad Sadiq: Sir, if I remember aright Sir Gopal Das, Bhandhari, Mr. Owen Roberts and Pandit Nana k Chand suggested in their speeches that the Bill be circulated for public opinion.

Pandit Nanak Chand: I never said anything of that kind.

Shaikh Muhammad Sadiq : I meant Dr. Bhasin. He and Pandit Nanak Chand are sitting so close to each other that I mistook one for the other. Now, Sir, they say that it is a sickly child. My friend from Amritsar who is my colleague on the Municipal Committee and who is a dear friend of mine said that it is a sickly child, therefore it must be killed. I wonder whether he has applied this principle in his own home. (Laughter). A sickly child is cured by medicine and by love and the proper administration of medicine, and by good food. But here my errant knight says that because it is a sickly child it should be killed. What a mentality! With this mentality they come forward and ask us to oppose the Bill. They do not want to improve the system, they want to kill the sickly child. I do not think we should be guilty of murder this time. It would not be one single murder, it would be the cause of murder of the rights of thousands and thousands of innocent people. As it is, the Bill has done all the mischief it could possibly do and my friend who started it and his colleagues are very proud of it. Now they come and ask us to postpone the discussion of the Bill to some later day, and enjoy the *lutf* of the whole affair again. They have told us that it is an injurious measure and they want us to oppose it. They hold protest meetings, and I know how these protest meetings are held and how speakers are made to speak. We have heard it said that only Muhammadans are supporting this Bill, but they are wrong. There are Hindu members, like the member for Hissar and for Gurgaon. . . .

Pandit Nanak Chand : Perhaps you mean Rohtak and not Gurgaon.

Shaikh Muhammad Sadiq : Yes, I meant Rohtak.

Pandit Nanak Chand : I thought Chaudhri Sahib Dad Khan had become a Hindu.

Shaikh Muhammad Sadiq : After all it is not an abuse to become a Hindu. They say they are zamindars and that they want protection. They give an example, they say the member for Kangra is a zamindar, and he is against the Bill.

I can assure the House that though this gentleman is a zamindar, he is really a money-lender. He is a tiger in sheep's clothing (laughter). I would not call him a wolf because that would be an abuse. It is immaterial whether a money-lender is an Arora or a Jat or whether he is a Khatri. The one is as bad as anybody else. It is not that we are attacking a particular community. We are attacking the system. The big fish swallows up the small fish. The big money-lender will eat the small money-lender. He has no scruples about it. His only aim is to save money and to get as many victims in his clutches as he can. He does not live for the sake of pleasure. He lives for the sake of money. So long as he gets money, he is happy. He does not help the circulation of money, he does not help industries, he does not help commerce. He helps no body. He will help his own *maskab* and that is to make money. To attain this end he will work up to midnight. He is an institution in himself. He does not care a two pence for anyone. But for our honourable members to come and say that we are attacking the Hindus is absolutely wrong. We are up against the money-lender, be he Hindu or Jat or anybody else.

Then in his speech my friend the member for Hoshiarpur referred to Moses and you know that his followers asked for manna. To Moses, manna came, to him came this Money-lenders' Bill.

Pandit Nanak Chand : Did you understand what I said ?

Shaikh Muhammad Sadiq : No, I did not. My honourable friend from Montgomery always waxes eloquent when he is speaking about the poverty of the poor zamindars of Muzaffargarh. They are so poor that they have not even got a *thutha* in their possession.

Pandit Nanak Chand : What is a *thutha* ?

Shaikh Muhammad Sadiq : You better go home and ask. At this stage I am reminded of a story. Lord Nelson was receiving an order at a certain battle. He had one blind eye and he put a telescope to that eye. My friends shut both their eyes and put binoculars to them, and so they do not see any thing, and they say they see nothing in it favourable to the zamindars. They cannot understand that. . . .

Mr. President : Order, order. May I ask the honourable member to discuss the principles of the Bill ?

Shaikh Muhammad Sadiq : What is the principle ? As I have said before enough mischief has been done by money-lenders in this country, and that still more mischief will be done by the money-lenders. So we must ask Government to pass an Act which will stop money-lenders from doing mischief any more. What sort of mischief ? Any amount of mischief. How do you want to stop that mischief ? It is a very simple thing. All that you want is that money-lenders must keep regular accounts. My friends say that money-lenders keep regular accounts. Then they say that money-lenders are not educated, they cannot keep regular accounts. If you keep regular accounts, you need not worry because then there is no hardship to you. If you do not keep regular accounts, we must insist that you keep them.

Then some members have said that if you make it compulsory for money-lenders to keep regular accounts, you will be driving them out of their business, and that thereby you yourselves will be the losers. I do not agree. I am sure there is not a single money-lender who knowing that he will lose his business if he does not keep regular accounts, will give up his business. Do you think a man who walks on foot seven miles in hot weather just for two annas, will allow his money to be lost ? Do you think he is such a simpleton ? His forefathers have been money-lenders ever since the time of the great Ram Chandra Ji. They have been money-lenders in the time of Muhammadan Kings and do you think that just because they are required to keep regular accounts, they will lose their business ? It is impossible that just for this trifling thing they will give up their livelihood.

The *bania* must be living in a village and at least once in six months he

has to go to some post office. It is not necessary that he should go himself. He can send his correspondence through his relatives or his servant. After all he must have other correspondence to send to the post office. This argument about post office is in my opinion not a strong argument. It has been said by Lord Irwin that there are three things wanted for the agriculturist—good seeds, capital and good implements. If Lord Irwin had been here for some more time he would have reversed his opinion. He would have said that the first thing wanted was the protection of the borrowers from the clutches of the money-lenders. Without money the peasant cannot have

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either good seeds, or capital or good implements. If you allow all the income of the agriculturists to go into the pockets of the money-lender, where is he to get good seeds and other things? Therefore there is no means with which to buy good seeds or good implements. One thing I am glad about. If this Bill is passed, then there will be plenty of money in the country. There will be cheap capital at a cheap rate of interest. I am sure in the interests of the country the money-lenders will invest their money in the co-operative societies and they will be satisfied with 7 per cent. interest which is sufficient for anybody but a shark. With these few words I support the Bill.

Sardar Narain Singh [Rawalpindi Division and Gujranwala (Sikh) Rural] (Urdu) : Sir, the changes that have taken place in the relations of the Hindu and the Muslim communities during the last three years cannot be ignored. They are very important and have produced far reaching effects. The communal tension that is now prevailing in the province is heart-rending and should be condemned by all of us. The present state of things shows that the Punjabis have perhaps gone mad. It was only the other day that Hindus and Muhammadans were sacrificing their interest for each other. We all were united and were trying our level best for our country's freedom which is our birth-right. All possible efforts were being made to realise our Home Rule dream but, Sir, I am really sorry to see what a great change has taken place to-day. All the various communities are flying at each other's throat. They are ready to measure swords with each other even on trifling matters at any moment. Whenever a movement is set on foot by the Hindus, the Muhammadans look at it with great suspicion. In like manner the Hindus also do suspect the activities of the Muhammadans. Sir the slave mentality, self-interest and false flattery have no bounds to-day. Our mutual relations have undoubtedly undergone a great change. We were standing on a bright and exalted position but have now tumbled down. Let us consider the causes that led to this fall and degradation. In my opinion, the causes of this degradation should be considered at length at the party which is going to be given by the Honourable the Minister for Agriculture this evening. At present I would like to place before the House the views of the public on the subject. . . .

Mr. President : The question before the House is that the Bill be taken into consideration and in this connection the honourable member will be in order if he discussed the principles of the Bill and incidentally referred to its certain provisions. I think the question of Hindu-Muslim unity is not directly before the House.

Sardar Narain Singh (continued in Urdu) : Sir, I want to place before the House the views of the public in order to show that this Bill is quite unnecessary and impracticable.

Mr. President : May I again ask "public opinion on what points"? The Bill under discussion has nothing to do directly with the Hindu and Muslim feelings and unless this subject is ingeniously introduced by the honourable and learned member and made relevant, it shall be ruled out of order.

Sardar Narain Singh : Sir, I will make it relevant with your permission. (Then continued in Urdu) For the Bill that is introduced in the Council the people throw the whole blame on the shoulders of the Government. The people are of opinion that Government is wholly and solely responsible for the strained relations subsisting between both communities. The Government has created this deplorable situation.

Mr. President : May I again ask what principle the honourable member is now discussing ?

Sardar Narain Singh : The introduction of this measure.

Mir Maqbool Mahmood : The Bill has already been introduced.

Sardar Narain Singh : May I proceed, Sir ?

Mr. President : Yes. But the honourable member will bear in mind what has been said from the chair.

Sardar Narain Singh (continued in Urdu) : Sir, some people think that the Government has always been acting on the policy of divide and rule, so far it has been setting the Hindus and Muslims against each other but now it has adopted the policy of setting the zamindars against the non-zamindars, and to-day the former being in majority it wants to keep them on its aside. Of course, the majority of rioters in towns and villages consist of *goondas* of both the communities but the real promptors remain behind the curtain. The Government as it is believed by some people wishes to create a broad gulf of dissension and hatred between the zamindars and non-zamindars.

Mr. President : Order, order. I am afraid, if the honourable member continues in the same strain I shall have to ask him to resume his seat. He must confine himself to the general principles of the Bill and refer to its clauses only to explain those principles.

Sardar Narain Singh (continued in Urdu) : Sir, I thought it better to place the views of the public on this point before this House so that it may be in a position to give a sound judgment on the point but I had to bow before your ruling and refrain from expressing any further those views. Now the communal feelings are very strong. The Muhammadans believe that this Bill, if passed into an Act, would relieve them of all their miseries and troubles, while the Hindus on the other hand consider its passing as a death knell for their business. As my honourable friend Mr. Roberts has remarked if the object of the Bill had been to keep regular accounts or to supply copies of accounts to the debtors on demand or to give receipt for payment of loan, I would have supported the Bill. But, Sir, as it is I cannot see my way to support it as I think it to be an impracticable and unreasonable measure. I can congratulate neither the honourable mover nor the members of the select committee who I think while revising the Bill appear to have made a very frugal use of their common sense and brain. The moving of so many amendments on all sides is a conclusive proof of the fact that they have not at all considered the merits and demerits of the Bill. They have not even tried to consider the *pros* and *cons* of the situation that might come into existence after the passage of this Bill. Now, Sir, I cut short my speech and simply point out the inherent defects of the Bill which are in themselves sufficient condemnation of the Bill.

In clause 2 you would see that a court includes a Collector proceeding under the provisions of the Redemption of Mortgages (Punjab) Act, 1913. Sir, I cannot understand on what principle the Court includes a Collector's Court. The definition of loan as is given in this section is also defective. Similarly in part (5) (i) of Section 2, Company has not been defined at all. It has not been stated what is meant by a Company. A Company may be limited or unlimited, registered or unregistered.

Mr. President: Order, order. Matters of detail cannot be discussed; only matters of principle can be discussed at this stage. Matters of detail will be discussed later.

Sardar Narain Singh (continued in Urdu): Sir, I would have liked to point out some conspicuous and inherent defects of the Bill but for your ruling on the point. Sir, in my opinion the Bill under consideration is an incomplete one and as such it should not be considered. In clause 3 the duties of money-lenders are stated but the expression "money-lender" has not been defined anywhere. As desired by you, Sir, leaving aside the inherent defects of the Bill let us consider whether it is practicable at all? Sir, should it be applied even to a money-lender who is illiterate or to a minor whose father is dead or to a money-lender who is in Jail? The provisions of the Bill are not definite as to what kind of accounts should be supplied to the debtors. Are they about food and drink? Moreover, Sir, is the Bill to apply to all loans? Supposing there is a registered mortgage deed. The consideration has been paid in the presence of the Sub-Registrar and that the mortgage is for a period of one year. Should the provisions of the Bill apply to this case also? Sir, this Bill is quite inequitable and absurd. It often happens that relatives such as, a brother to a brother or a father to a son, advance loans to each other. In such cases the debtor acknowledges the debt but all the same the creditor is bound to supply the debtor with an itemized copy of the accounts after the expiry of every six months.

My honourable friend the member representing the Chamber of Commerce has remarked that if the object of the Bill was merely to compel the money-lenders to keep regular accounts a simpler measure could have been introduced. It might have been enacted that a creditor must state accounts on demand. But, Sir, I doubt the wisdom of this provision when it makes it compulsory for a creditor to send accounts to the debtor under all circumstances. Sir, I think that it is not becoming of this learned Council to pass such a measure. When a debtor writes everything in his own hand-writing I cannot see any reason for keeping separate account books.

Section 34 of the Indian Evidence Act

Mr. President: Order, order. Section 34 of the Indian Evidence Act, has been discussed in detail by some previous speakers. The honourable member will please not repeat what has already been said by others.

Sardar Narain Singh (continued in Urdu): I give one instance. Supposing a man who is not a professional money-lender advances a loan on 29th or 30th June and immediately after this leaves India for England. Is it wise and proper to compel him to send a copy of accounts in the month of July or January? It is totally absurd to expect that such a man should send a copy of accounts. There is a Hundi (a Negotiable Instrument) for four years and for that I do not see any reason why a separate account should be kept and a copy supplied after every six months. Sir when we consider minutely the provisions laid down in clause 3 of the Bill, we cannot help saying that the whole clause is absurd and ridiculous.

Malik Firoz Khan Noon: On a point of order, Sir. You will pardon me if I draw your attention to Article 77, printed at page 22 of the Punjab Constitutional Manual. It reads to the effect:—

"On the day on which any of the motions referred to in Article 76 above is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle."

We have been carrying on this discussion for the last three days and I feel that if we go on discussing each section and sub-section in great detail as is being done we shall never come to the end of this discussion. I hope that the Chair will kindly keep that article in view so that we may get through this business in a fairly reasonable amount of time.

Sardar Narain Singh (continued in Urdu) : Supposing there are 500 persons who owe different amounts of money to a money-lender. Should the latter establish an office in order to send six-monthly statements of accounts to each of his debtors. According to this Bill the honourable mover has of course very generously granted to a creditor the postal charges but what about the expenses and the trouble he has undergone in going over to a post office which may be situated at a distance of ten or twelve miles from his residence. He also gets nothing for the preparation of the copy of the accounts.

Sir, I am constrained to remark that even the elementary principles of the Law of Evidence have been totally ignored so far as this Bill is concerned. The problems of admission, acquiescence and estoppel are there but no heed is paid towards them. On the other hand it is made compulsory to send a six-monthly statement of accounts.

As regards section 4 I would submit that it is not considered in an impassionate manner.

Mr. President : Order, order. I disallow a detailed discussion of clause 4. Strictly speaking no discussion ought to have been allowed on that clause inasmuch as several amendments have been tabled to omit it. Such a discussion is out of order on the ground of anticipation.

Mr. Labh Singh : Is it not in order, Sir, to try to discover whether there is any principle underlying a particular clause? I think it is perfectly in order.

Mr. President : I have already told the honourable member that several other members have tabled amendments to omit clause 4 of the Bill. Those amendments are to be discussed later. One of the rules of debate is that no member should anticipate a matter which is likely to be discussed later. Some of the honourable members have already anticipated the discussion. I gave them full latitude in view of the exceptional importance of the Bill under discussion. But discussion on clause 4 has been repeated so often that I am obliged to disallow its repetition.

Pandit Nanak Chand : On a point of order, Sir. It is the report of the select committee that is being discussed. It is possible all these amendments. . . .

Mr. President : I disallow any discussion on clause 4.

Pandit Nanak Chand : I am only submitting a point of order. Supposing all these amendments of which notice has been given are withdrawn. What guarantee have we that these amendments will not be withdrawn?

Mr. President : Those amendments are likely to come. But if they are withdrawn the clause itself shall be taken up. So I disallow any discussion on the clause.

Pandit Nanak Chand : On the other hand there is a likelihood of a compromise and the withdrawal of this amendment or the settlement of the case in some other way.

Mr. President : The Chair is not aware of any compromise.

Sardar Narain Singh (continued in Urdu) : Very well, Sir, now I take clause 5. In this it has not been stated definitely to which suits the provisions laid down in this clause shall apply.

Mr. President : Again, that is a matter of detail. It is not a matter of principle.

Sardar Narain Singh (continued in Urdu) : Sir, I do like to say something on the principle of the Bill. As to the issues which are to be framed by the courts in accordance with the provisions contained in clause 5, I would submit that when a debtor has himself acknowledged the debt wherein lies the necessity of framing issues? Sir, according to the elementary principles of law, the parties

Mr. President : Order, order. On this point a ruling was given by the Chair the other day : that it is a matter of detail and will be discussed later.

Sardar Narain Singh (continued in Urdu) : Sir, the penalty for the non-compliance with the provision of sub-clause 1 of clause 3 as provided in clause 8 is absolutely unreasonable on principle. Sir, if a man has not kept regular accounts it would be too severe a punishment to dismiss his claim altogether. I cannot find any similar enactment in any civilised part of the world. In this connection I reserve some remarks for the occasion when amendments are to be moved. But now I want to urge one point. My honourable friend the mover has remarked that the Bill is meant for the protection of the borrowers and that it is the sole remedy for their diverse sufferings.

Mir Maqbool Mahmood : On a point of order, Sir. I did not say that this Bill is likely to protect the borrowers against all evils of the money-lender. I said that this Bill is intended to protect the borrowers against the vicious system of keeping accounts.

Sardar Narain Singh (continued in Urdu) : A person is suffering from four maladies, but if the doctor begins to treat a disease which is not so serious as the remaining three, it would do no good to the patient. In my opinion, Sir, it would have been far better if instead of this Bill a poor Litigants' Protection Bill were introduced. Sir, the poverty of the zamindars is due to litigation for which the honourable the mover and I are both equally responsible. Litigation does not only involve pecuniary loss but involves a greater harm than that. First the litigant has to spend a lot of money. In some cases he has even to mortgage or sell his lands and house for the purpose of carrying on litigation. Secondly a lot of time is wasted in the courts. He has to attend the court from morning till evening. Thirdly when a man indulges in litigation his honour is always at risk no matter of how very high a social position he may be. Fourthly there is always a danger of moral turpitude. Fifthly peace of his mind disappears. There is one thing more which is equally affecting the welfare of the zamindars and that is the fluctuating assessment. . . .

Chaudhri Saadullah Khan : Is the honourable member relevant in discussing this?

Mr. President : I have said more than once that poverty or indebtedness of agriculturists in the Punjab is not under discussion. The matter under consideration is the keeping of regular accounts and the supply of their copies periodically to the borrowers with certain

penalties for non-compliance. Strictly speaking no other matter is relevant to the question now before the House and the honourable and learned member being a lawyer of long standing ought to know the principles of relevancy better than the non-lawyer members of this Council.

Sardar Narain Singh (continued in Urdu) : Sir, the Bill as it is, is sure to produce the following results: Litigation would increase. Dishonesty and dissensions would be the natural results of the enforcement of this Act. The widows and minors and illiterate persons would be deprived of their rights of money-lending. This Bill has not yet been passed into law, still many non-agriculturists have left the profession of money-lending as by the passing of the Land Alienation Act they do not find any security for their money. In certain areas zamindars have now taken to money-lending because their debts are safer under the present law. For both the Hindu and the Sikh zamindars, it is very difficult to keep regular accounts as required by this Bill. If the Bill is passed the result would be that a majority of the zamindar money-lenders would be compelled to give up money-lending.

Sir, if a simpler Bill providing punishment for forgery and for other improper tactics that are alleged to have been frequently resorted to by the money-lenders had been introduced, I would not have opposed it. But the Bill in its present form is not practicable. Sir, I do admit that there are many black sheep among the money-lenders, but the same can equally be said of the other side as well. I know of a case in which a zamindar, Sohna by name, advanced a loan to another zamindar. The latter bought lands with that loan but when the creditor instituted a suit for the recovery of his money the debtor applied to the court for being declared an insolvent. There are black sheep on both sides. Sir, if the application of this Bill be limited to the zamindars, cultivators or illiterate persons, I would be glad to support it but in the form in which it is introduced I cannot see my way to support it.

Lala Mohan Lal [North-East Towns non-Muhammadan] Urban] : Sir, I beg to move :—

“That the Punjab Borrowers' Protection Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon.”

Sir, my ground for moving this amendment is that the Select Committee that sat for the consideration of this Bill recommended that the Bill be republished. It can be very well said that republication means simple publication in the gazette. My submission is that it means something more. It does not mean merely the republication in the gazette. The Bill when it was originally introduced in the Council was circulated for eliciting public opinion. After that it was brought before the Council, but in another form. The Government took upon themselves the task of supporting the Bill and they were instrumental in sending the Bill to the Select Committee. After the Select Committee sat and deliberated upon the Bill, it recommended certain drastic amendments; in fact the amendments were of such a far reaching character that the Punjab Government had to seek the sanction of the Government of India for the introduction of certain clauses. Under these circumstances, my submission is that it was the duty of the Government, in the case of such an important measure to call for public opinion when the Bill was first introduced in another form. It is the duty of the members of Government who sat with me on the Select Committee to support me in this

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demand for the republication of the Bill for eliciting public opinion, because they are committed to this. This is so far as our action in the Select Committee is concerned.

I have also further ground to urge for my demand. I ask, Sir, whether it is advisable under the present conditions of communal tension prevailing in India that a Bill of this utmost controversial character should be forced on the Province in such a hot haste. This would be a wrong step. This would be an extremely unwise step.

Sir, the question whether it is a communal measure or not has been debated upon in this House for the last two days and after listening to all the speeches delivered so far, I can say that those who characterize it as a communal measure are not far from wrong. I don't say that it is so.

I have been a member of this House for the last 24 years and have been carefully watching the debates and have found that we always smell of communalism when a resolution is brought or other motion moved. Both communities are suspicious of each other.

I found on one occasion that my honourable friend for Montgomery brought a resolution for the appointment of a Committee of Enquiry of the members of this House to go into the question of agriculturist debts in Western Punjab and though this was a most impracticable resolution it was carried through with the help of Government members and the Hindus suspected that this was a communal gain to Muhammadans because the majority of debtors were Muhammadans and the creditors were Hindus.

The other day my honourable friend Rai Sahib Lala Ganga Ram brought in a motion for the restriction of cattle slaughter.

Malik Feroz Khan Noon : How is all this relevant ?

Lala Mohan Lal : I am saying what our mentality and feelings are. At the time when this resolution was moved my honourable friend representing the Muslim constituency of Hoshiarpur, Chaudhri Afzal Haq, took objection to the discussion of the resolution, that though this resolution was said to be moved from an economic point, it was really to interfere with their religious practice of cow sacrifice.

Chaudhri Afzal Haq : I question the statement. I never said that.

Lala Mohan Lal : I distinctly remember that my honourable friend said that the question of restriction of slaughter of cattle touched the religion of Muhammadans. As the resolution was interpreted in this way, we persuaded the honourable member Rai Sahib Lala Ganga Ram to withdraw the resolution in deference to the wishes of our Muhammadan friends as we, Hindus did not wish dissensions created on the floor of this House.

The present Bill for the alleged protection of borrowers has many peculiar features. The honourable mover of the Bill belongs to a community different from that to which I and others on these benches belong. The Government went out of its way and allowed it to be introduced on a day reserved for Government work. After its introduction when the Government found that it required their support, it was their duty to have taken the measure in their hands and seen it through the Council. But what did the Government do ? The Government, instead of taking the Bill in their hands, was so benevolent as to allow the introduction on a Government day, which the honourable mover would not have been able to do, had he

been left to the ordinary ballot rules for non-official business. Then, Sir, the Government allowed this Bill to hang on for eighteen months before they announced their policy with regard to this Bill. It was only yesterday that the Chief Secretary on behalf of the Government made the following statement :—

"The Government has long been impressed by the desirability of securing a general adoption of an intelligible and standardised form of accounts by persons who lend money to those unaccustomed to business methods."

May I ask the Government whether when they had been long impressed by the desirability of securing a standardised form of account, why did they not come forward with such a measure on their behalf? Were the Government sleeping all this time? Why was it left to be brought by a private member? Was it that the Government wanted to see us fight in this House? Sir, my experience of the Government granting concessions and doing things is that they never do in time. They delay with the result that the good effect that the grant would have produced is gone. They never do it with good grace. If the Government had felt the necessity for such a measure to protect the interests of the borrowers it was their duty to bring forward such a measure.

Now, Sir, in the discussion of this measure there are three parties. Firstly, the Government, secondly the non-Muslims and thirdly the Muslims. All of us are equally interested in the welfare of the Province and all communities be they agriculturists or non-agriculturists, be they residents of rural areas or urban. It is an admitted fact that no measure by a private member of one community can be piloted through the House without the help of the Government. Sir, this measure is of a very controversial nature and if the Government helps in its passage in the teeth of our opposition it will be taking a very serious responsibility. Sir some of my honourable friends including the honourable mover have said that they are moving it on economic grounds and they say they are students of economy and have studied economics. I admit that I am not a student of economics, but as a practical man I say that my friends who are its supporters do not understand what will be the economic effect on credit if this measure is passed. My honourable friend, Mr. Gray, said that the passing of this measure would divert the capital from money-lending. I say it will be so. I am not convinced by the arguments of those who say it will not. Restriction on credit by indirect means always leads to difficulties and in the present case if you place too many restrictions on money-lending and the money-lender ceases to exist and you do not provide means to replace the business he is doing, you are doing a great wrong. I warn the Government of the dangers ahead if they persist in supporting the passage of the Bill in the present form. It will restrict credit. Money-lenders who are necessary to meet the daily requirements of the people will be driven out of the field and there will be no one to replace them. The result of such an action would be serious. Sir, in every village there are very few money-lenders, the majority is of those who want credit.

Think of the consequences that will follow in case there is no one to provide the facilities that at present exist to meet the needs of borrowers' daily requirements. The needs must be met whether by honest or dishonest

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means. The Co-operative Societies and village Banks cannot at present meet the requirements of borrowers in villages and they do not give the same facilities as the money-lender. If the money-lender ceases to exist and the people's requirements are not met, I am afraid, Sir, there will be dacoities and murders and if such a state comes into existence the responsibility will be of Government.

I am one of those who are prepared to support a measure on the lines suggested by my honourable friend, Mr. Gray.

My ground for making the suggestion is this, that neither Government nor the honourable mover has given us any figures by which we can judge how far the disease has got for which remedy is required. We are at present proceeding only on assumptions. I submitted in the Select Committee that we should be supplied with facts and figures to justify the measure but no body has placed them before us. The Honourable Member Shaikh Abdul Qadir has come forward with a plea that there were the opinions of various people accepting the principle of the Bill. But I ask, Sir, is that sufficient evidence, is that sufficient justification for such a drastic measure? I submit, Sir, no. There is no necessity for such a drastic measure. If a finger is diseased, the doctor should not take a knife and cut the whole body. I know there are black sheep, amongst money-lenders, but do not my friends know that some of the borrowers also are equally devils? Do you not hear of the murders of sahuakars? What is the special protective measure that Government has conceived or the honourable members of the House have brought forward to give protection to the sahuakars? Are not banias looted? But has Government ever thought of making any special provision for their protection?

Sir, I have already said enough and I do not want to take more time of the House on this subject, but what I submit in the end is this, that with the recent Rawalpindi riots, with the Calcutta riots and with the tension of feelings among Hindus and Muhammadans, it would be wise, it would be politic if Government and if my honourable friend the mover of the Bill also accept my suggestion and my suggestion is this: let the Bill be circulated for eliciting public opinion thereon. It will carry us to the next session of October. Meanwhile if Government considers the advisability and the need of such a measure let us have a measure on the lines suggested by Mr. Gray. Let that measure come before the House, and I can assure the House that my colleagues will agree to support such a measure. But do not let such a contentious measure be passed by the mere majority and with the help of Government in the teeth of our opposition. With these words I commend my amendment for the consideration of the House.

Mr. President : The original motion was :—

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration."

To that an amendment has been moved :—

"That the Bill be circulated for the purpose of eliciting public opinion thereon."

Lala Bodh Raj [West Punjab Towns (Non-Muhammadans) Urban] : Sir, the manner in which the debate on the Bill has been going on for the last three days is an indication of the fact that the Bill has been introduced by its mover with communal motives. The Muhammadan members of the House deny that this is a communal measure, while most of the Hindu

and Sikh members of the House contend that this is a Muhammadan measure. Whatever the fact may be, the contention is there. We cannot shut our eyes to the fact that the representatives of the Hindus and the Sikhs in this House are of the view that this is a Bill which has been conceived against a large section of the Hindu or Sikh community because a very large proportion of the money-lending class belongs to the Hindus or to the Sikhs and it is a very small proportion of that class that belongs to the Muhammadans. There is not a single Hindu who is supporting this Bill. My friend Chaudhri Duli Chand may claim that he is a Hindu and he is supporting the Bill, but I may say, Sir, that although we do not disown him as a Hindu, he does not recognise himself as a Hindu . . .

Chaudhri Duli Chand: All the Hindu zamindars of the Ambala Division support the Bill.

Lala Bodh Raj: My friend argued that it is not a communal measure but that it is a zamindar measure. There are Hindu as well as Sikh representatives here who represent the rural constituencies and they are opposing the Bill tooth and nail. There are only three or four so-called Hindu friends of Chaudhri Duli Chand who are supporting the Bill. I am not wrong in saying that their party is bound by the alliance that was made two years back with the Muhammadan block there.

Malik Firoz Khan Noon: On a point of order, Sir. Is a repetition of argument on the question of communal matters allowed in this matter? If not checked, every one will speak on communal matters. It has been discussed so many times.

Mr. President: Arguments given by the previous speakers are not to be repeated whether they relate to communal matters or matters other than communal. I hope this ruling will have the desired effect and the honourable members will not repeat arguments given by themselves or by other speakers on communal matters.

Lala Bodh Raj: Sir, I would not be wrong in bringing new points in order to develop the point that the measure that has been introduced is a communal measure and that it is a Muhammadan measure. The question is whether the points that are being urged are points that have already been urged or whether they are new points. I will take care in not making repetitions. My friend Maulvi Mazhar Ali Azhar had the audacity to say: "For God's sake do not postpone this Bill to another date, let the communal tension be cleared with the passing of this Bill", and he argued that this Bill should not be taken into the Assembly and we need not compel our swarajist friends in the Assembly to go back to the Council and discuss the measure there. The mere fact that we, who deserted this Council, have been compelled by our constituents to come back to the Council in order to discuss this measure, is also an indication of the fact that the community outside feels that it is a measure which has been conceived against their interests. It cannot be denied that this measure has been conceived in the interests of only one community, I mean the Muhammadan community. The Bill as it now stands, having emerged from the Select Committee, stands open to the same objections to which the Bill originally framed stood. I will relate those objections briefly and I will urge in the end that these are the reasons why the Bill should be circulated again for eliciting public opinion. We have been fighting over this Bill for the last three days.

Lala Bodh Raj.]

- We have not been discussing the question in a calm mood and in a dispassionate manner and I think it would be proper that we should postpone this Bill to a further date when in the meantime communal feelings have settled. We are meeting together this evening after 4-30. Our Minister for Agriculture has been kind enough to call a conference of both Hindu and Muhammadan members in order to find a solution of this communal problem. If we are in a position to solve this question, then after some months or even after some years, it will be time enough to discuss such a question which is so controversial. My friends will say that they cannot wait any longer. They have waited so long and I think in the interest of the country, in the interest of the Province and in the interest of both the communities here, it would be better if we wait for some months more if not for some years.

The Bill besides being unnecessary, is unjust. It is mischievous in its nature and it has been conceived in the interests of one community and is impracticable. I would urge that there is no necessity for such a measure at all. In the Statement of Objects and Reasons the ground that has been urged is to avoid fraud or deception that is practised by the money-lenders upon the borrowers. Elaborating the point, the mover of the Bill says: "There have been reported many instances of unscrupulous money-lenders debiting their ignorant borrowers with more than was actually advanced or crediting them with less than was actually repaid without the latter being able to know anything about it till they are actually sued."

My friend by passing this Bill into law will not be able to stop these things. Even in the regularly kept account books the lender may debit the borrower with more than what is advanced to him or may credit less than what he has received from him. These things cannot be stopped in any case. If he was really anxious to stop these things, he should have framed such a measure or he should have brought forward such proposals as could really benefit the borrower. The word 'borrower' has become synonymous with the word 'peasant' or the 'poor agriculturist.' From the arguments of those who are supporting the Bill one can conclude that they want to save the poor peasants or the poor agriculturists. But they have never thought of the poor labourer, be he a Hindu, a Muhammadan or a Sikh. They would urge that no limitation has been placed on the application of this Bill and that such labourers are also protected by the Bill. They have been keeping in their minds the idea that they want to alleviate the miseries of the poor peasant or the agriculturists. I would tell my friend the honourable the mover through you, Sir, that this is not the way in which he can protect the poor peasant or agriculturist. If an agriculturist takes an advance from the money-lender and he wants to know where he stands, it is very easy for him to do so. He should have a separate *bahi* with himself called the *kath bahi*. He can take that with him whenever he goes to a money-lender for an advance and when the money-lender makes an entry of the amount of advance in his own book and takes his signature or thumb-impression as the case may be, the borrower can ask the money-lender to make a corresponding entry in his *kath bahi* and the money-lender would make an entry in that book. If you are really anxious or sincere to protect the borrower, you can take precautions to that end and the money-lender will not be able to debit him with more than what he had advanced, for the borrower can then and there know what amount has been entered in the *bahi*, he has got in his possession and can at once detect the fraud if any practised on him. We want that the borrower should know

at the moment when he is dealing with the money-lender, where he stands and that is the safest and the most proper method in order to save the borrower from the clutches of the money-lender. Let us look at the actual working in the courts. I have had to practise in the subordinate courts and my friends have also been practising. I do not know of any case in which the court has decreed even a single pie if it is not substantiated by the entry in the money-lender's book which does not bear the thumb impression or signature of the man, however, regularly kept the accounts may be. When the borrower gives his thumb-impression or gives his signature to an entry it cannot be said that the money-lender has at leisure debited the borrower any amount which has not been advanced to him. When such is the case I see no necessity for such a measure. I need not discuss at length the question of the rate of interest, generally charged by the money-lenders. In my part of the province I can say without fear, of contradiction that the rate of interest...

Malik Firoz Khan Noon: I submit, Sir, that the question of the rate of interest is not relevant. Why is that being discussed?

Lala Bodh Raj: The maximum rate of interest that is charged has been referred to. . . .

Mr. President: Order, order. The question of the rate of interest has no doubt, been referred to incidentally by some speakers. But it has nothing to do with the principle of the Bill. The honourable member will, therefore, avoid any reference to interest.

Lala Bodh Raj: I brought in that question incidentally. However, I need not elaborate that point any further. I was saying that till now no necessity has been shown why such a Bill should be introduced. The only three points that have been kept in view in bringing this measure are (i) the regularity of accounts, (ii) the information to the borrower and (iii) the incurring of certain penalties if the money-lender fails to comply with the provisions of this Bill. These are the three main points that have been kept in view. In the towns, the money-lenders do keep account books. They keep a 'day book,' a 'ledger,' a 'cash book' and so many books. In the villages the money-lender keeps the 'day book' and the 'ledger' but there are people who do money-lending by mental arithmetic without keeping any accounts. There are widows who also do money-lending. . . .

Maulvi Mazhar Ali, Azhar: The question under discussion at the present moment is whether the Bill as reported by the Select Committee, should be taken into consideration or whether it should be circulated for eliciting public opinion. I submit that in the arguments now being advanced there is nothing to show why we should postpone the consideration of the Bill and this question of mental arithmetic and so on does not come in at all. The only point now before the Council is why the Bill should be further circulated for eliciting opinions.

Mr. President: The honourable member, who has now raised the point of order, when addressing the House yesterday and this morning, did not observe the principle which he now wants other speakers to observe. I think the present speaker is not out of order in referring to certain arguments addressed to the House to accept the amendment for circulating the Bill or for so modifying it as to make it acceptable to all parties in the House.

Lala Bodh Raj : I was discussing the point in order to show that the present measure is one which ought not to be considered at all and should be postponed for eliciting public opinion, so that the honourable mover of the Bill might have time to consider this measure again. The defects of the measure have been pointed out. When the Money-lender's Registration Bill was circulated and opinions were elicited thereon, the honourable mover of the Bill was pleased to withdraw the measure and to bring in another measure. I think if this measure is postponed to a further date and circulated for eliciting public opinion, better sense would prevail and the honourable mover will be able to bring in another measure meeting the objections that have been raised to the present Bill. I say therefore that there is no necessity for bringing in such a measure as this at all. The people outside are still under the impression that the Council is discussing the Money-lender's Registration Bill. The people do not know at all whether we are discussing the Money-lender's Bill or some other similar measure. The Bill was published in the *Government Gazette* only but it was not circulated for eliciting public opinion. When the communal tension is so high, when we are seeing everything with a biased eye, when our angle of vision has only one focus, that is the communal focus, it is right and just that we should postpone the consideration of this Bill and discuss the matter again privately so that we come to a certain understanding and we may bring out a measure such as has been suggested by my friend Mr. Gray and other friends in this House. By such a measure as the present one you only restrict the money-lending class. In the villages I know of cases where there is only one Hindu shopkeeper who does money-lending business. He is surrounded on all sides by Muhammadan peasants or agriculturists. When it does not pay him to keep such prescribed account books he will stop the money-lending business. . . .

Mr. President : This argument has been often repeated. Lala Bodh Raj should be above repetition.

Lala Bodh Raj : In order to impress upon you that the present Bill if passed into law would go a great way to disturb the public peace, I was discussing the point that the poor peasant requires money for agriculture, for seeds and for implements of husbandry? When there is no money-lender to advance him money, he will resort to commit dacoities and theft. That was the point which I wanted to mention to the House when I was saying that the peasant or agriculturist cannot do without borrowing money. We have to provide facilities to the peasant to borrow money. If the co-operative societies had given the same facilities to the borrower as the money-lender does give, the money-lender would have been replaced long ago, but under present circumstances as it has been said it is not possible to spread the co-operative movement to this extent. I would submit, therefore that it is not fair that a certain section of the community should be punished in our useless attempt to save the borrower. With these words, Sir I support the motion that the Bill be circulated for the purpose of eliciting further opinion.

Chaudhri Afzal Haq [Hoshiarpur-cum-Ludhiana (Muhammadan), Rural] (Urdu) : Sir, I expected that Lala Mohan Lal as he is residing in Simla, where the climate is very cold would refrain from participating in the heated discussion that is going on now. But I am sorry to see that my expectations have failed and that he has followed the example of members coming from Lahore which is very hot now-a-days. It has been remarked that this Bill is a communal measure.

Lala Mohan Lal : I never said that it was a communal measure ; all I said was that from our conduct in the Council the result can be rightly drawn.

Chandhri Afzal Haq (continued in Urdu) : Of course the honourable member did not use these words but he meant what I have said. Sir, the thing which pinches most my Hindu friends is the idea that the Bill is a communal measure.

Mr. President : Order, order. The Council stands adjourned till 10-30 A.M. to-morrow. We may possibly have to sit till a late hour to-morrow, if the motion under discussion is not disposed of by 4-30 P.M.

The Council then adjourned till 10-30 A.M. on Saturday, the 3rd July 1926.

His Excellency the Governor of Punjab, Sir Gurmukh Singh, has the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the appropriate authorities for their consideration.

Yours faithfully,
 The Governor

Enclosed for the Secretary to Government, Punjab, are two copies of the report of the Commission of Enquiry into the Punjab Land Revenue Administration, 1947-48, for the information of the Government.

Very truly yours,
 The Secretary to Government, Punjab

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3531

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Saturday, the 3rd July 1926.

The Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

SENIOR GRADES IN THE TEACHERS' POSTS.

3358. Sardar Harchand Singh : Is it a fact that in spite of the presence of many senior Hindu B.A., S.A.Vs. and F.A., S.A.Vs., new Muslim teachers with the same qualifications have been appointed in the senior grades while old Hindu teachers have not been given the senior grades?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The honourable member is referred to the general answer given to Council Questions Nos. 1961-1975.*

AGRICULTURISTS IN THE VARIOUS SERVICES OF THE LYALLPUR DISTRICT BOARD.

3359. Sardar Harchand Singh : Is it a fact that the District Board, Lyallpur, decided some time ago that as a rule only agriculturists will be appointed in future in its various services? If so, will it please state if any action has been taken upon this decision?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PREFERENTIAL TREATMENT OF MUSLIM TEACHERS IN LYALLPUR DISTRICT.

3360. Sardar Harchand Singh : (a) Is it a fact—

(a) that Lala Sobha Ram, B.A., B.T., has been serving in the Lyallpur district since 1916;

(b) that he passed the B.T. examination in 1921;

(c) that he has not yet been given the grade of Rs. 150 while four new Muslim teachers have been appointed as Headmasters on Rs. 150 per mensem from the very outset and that in spite of the fact that they joined the service of this district long after Lala Sobha Ram?

*Volume VIII-B, pages 1167-81 and page cxli, Appendix VIII.

[Sardar Harchand Singh.]

(ii) If the answer to (i) (c) be in the affirmative, will Government please give reasons for this preferential treatment of the Muslims ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

TEACHERS OF AGRICULTURE.

3361. Sardar Harchand Singh : (a) Is it a fact that the Director of Public Instruction, Punjab, issued a circular in 1924 to the effect that teachers of Agriculture should be granted vacation on full pay in some month other than the months during which the summer vacation generally falls due and at a time when the sowing of crops is over ?

(b) If the answer to the above be in the affirmative, will it please state the reasons why a teacher of Agriculture in Lyallpur was granted leave on half-pay in February and March 1925 ?

(c) Is it a fact that in spite of a number of representations he has not been granted his full pay for those months and that he has written to the District Inspector of Schools, intimating his intention of giving up the teaching of Agriculture.

(d) If the answer to (a) be in the negative, will it please lay on the table the rules governing the leave permissible to teachers of Agriculture ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No. The circular to which the honourable member evidently refers suggested that such leave might be given, but the decision in the matter rests with the local body concerned.

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

SCALE OF PAY OF TAHSILDARS.

3362. Sayad Muhammad Husain : (a) Is it a fact that a Tahsildar has usually to put in a service of about 23 or 29 years before his confirmation as Tahsildar, spending half of this time as probationary Naib-Tahsildar and the rest as a probationary Tahsildar ?

(b) Is it also a fact that a Tahsildar starts with a salary of Rs. 180 per mensem with an annual increment of Rs. 7-8-0 and generally retires at Rs. 217 ?

(c) Is it a fact that the scales of pay of Munsifs and Assistant Surgeons have been raised recently and Munsifs have now been included in the P. C. S. ?

(d) Is it a fact that prospects of Inspectors of Co-operative Societies, Sub-Inspectors of Schools and District Inspectors of Schools are brighter than those of the Naib-Tahsildars and the chances of their promotion easier ?

(e) If the answers to parts (a) to (d) are in the affirmative, does the Government propose to revise the scale of pay of Tahsildars and include them in the Provincial Civil Service ?

The Honourable Mian Sir Fazl-i-Husain : (a) As regards the average periods taken by Naib-Tahsildar candidates to become permanent Naib-Tahsildars, the attention of the honourable member is drawn to the replies given to Question No. 1021* put by Diwan Bahadur Raja Narendra Nath in 1921, and to Question No. 633 (a)† put by Malik Karimullah Khan in 1921.

(b) The reply to the first part is in the affirmative but it is not correct that Tahsildars generally retire at Rs. 217.

(c) Yes.

(d) It is impossible to make a comparison between the various classes of officials named in the question and Naib-Tahsildars. It may be pointed out that District Inspectors of the Schools are as a rule members of the Provincial Service and they cannot be compared with Naib-Tahsildars in any respect.

(e) Does not arise.

DEGH IN THE SIALKOT DISTRICT.

3363. Sayad Muhammad Husain : (a) Is the Government aware of the fact that Degh in the Sialkot district has ruined many villages and destroyed hundreds of acres of land in the adjoining villages?

(b) If the answer to part (a) is in the affirmative, what measures does the Government propose to take to alleviate the condition of these people?

The Honourable Mian Sir Fazl-i-Husain : (a) It is a fact that serious damage is caused by the Degh every year and that considerable areas have been ruined.

(b) Attention is invited to the answer given to Council Question No. 2813, part (b)‡.

ESTABLISHMENT OF A SPECIAL POLLING STATION AT RAISINA, DELHI.

3364. Rana Firoz-ud-Din Khan : (a) Is it a fact that a large number of voters for the Punjab Legislative Council and the Legislative Assembly registered at Simla are employed in the Government of India offices?

(b) Is the Government aware that these offices close at Simla in the month of October long before the elections which take place in the month of November and in consequence, a large number of these voters are unable to exercise their right of vote?

(c) Does the Government propose to consider the desirability of providing facilities to enable this class of voters to record their votes by allowing them to send their ballot papers by post or by establishing a special polling station at Raisina, Delhi?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) Yes.

(c) The matter is under consideration.

* Volume II, page 454.

† Volume II, page 119.

‡ Volume IX-A, page 807.

NUMBER OF CASES CHALLANED BY THE POLICE IN THE ROHTAK DISTRICT.

3365. Chaudhri Tek Ram : Will Government please state—

- (i) the number of cases challaned by the police in the Rohtak district during the last five or six months in which punishment was awarded by the lower courts; and
- (ii) the number among them in which appeals were accepted in the appellate court?

Mr. J. M. Dunnnett :

- (i) 128.
- (ii) 12.

MURDERS IN THE ROHTAK DISTRICT.

3366. Chaudhri Tek Ram : (a) Is the Government aware of the fact that great unrest has been prevailing in the Rohtak district for the last few months? If so, will it please state the causes of unrest?

(b) Will Government please state for the Rohtak district for the period commencing from November 1925 to 6th June 1926—

- (i) the number of actual murder cases;
- (ii) the number of murders reported to the police; and
- (iii) the number of cases challaned by the police?

(c) Will Government please also state the number of cases that have been challaned under section 307, I. P. C., in the Rohtak district during the same period?

Mr. J. M. Dunnnett : (a) There has been no unrest.

- (b) (i) 9.
- (ii) 9.
- (iii) 8.
- (c) 8.

CASE OF DOUBLE MURDER AGAINST CHAUDHRI TEK RAM, M.L.C.

3367. Chaudhri Tek Ram : (a) Is the Government aware of the fact that a case of double murder was started against Chaudhri Tek Ram, M.L.C., on the 1st January 1926?

(b) Is the Government also aware that the police have put the names of those people down in Police Register No. 10 who refused to give evidence against Chaudhri Tek Ram in the double murder case?

(c) If the answer to (b) above be in the negative, will it please state the number of persons belonging to villages Jasia and Khadwari whose names have been put down in the Police Register No. 10 after the challaning of Chaudhri Tek Ram and the reason for so doing?

(d) Will it please also state the number of lambardars dismissed in this connection?

(e) Is it aware that Chaudhri Tek Ram was acquitted of the charge in the murder case?

(f) Will it please state what action it proposes to take against persons whose evidence was dubbed as false by the Sessions Judge?

Mr. J. M. Dunnett : (a) Yes.

(b) No.

(c) No. Register 10 is a confidential Police record.

(d) None.

(e) Yes.

(f) Government does not propose to take any initiative action in this matter.

BHAKRA DAM.

3368. Chaudhri Sahib Dad Khan : (a) Will the Government be pleased to state whether the Geological Department has examined the rock at the site of the Bhakra Dam? If so, will the Government please lay their report on the table?

(b) If no such examination has yet been made, does the Government propose to have it done? If so, when?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes. The Report of the Geological Department has been received and is now forming the subject of further detailed enquiry.

(b) Does not arise.

FAMINE RELIEF IN THE HISSAR AND ROHTAK DISTRICTS.

3369. Chaudhri Sahib Dad Khan : (a) Will the Government please lay on the table a statement showing—

(i) the total expenditure on famine relief in the Hissar and Rohtak districts during the last thirty years; and

(ii) the number of cattle that died on account of scarcity of fodder and water in the above named districts during the last thirty years?

(b) Is it a fact that in the famine of 1899-1900 the value of cattle lost on account of famine in the Hissar district amounted to Rs. 4,48,000?

(c) Is the Government aware that there is constant famine (scarcity) in the Hissar district and the condition of the poor peasantry in barani village has been reduced to dire poverty. If so, does the Government propose to take early steps to provide facilities of irrigation in that tract?

The Honourable Mian Sir Fazl-i-Husain : The Council Question has necessitated enquiries which are not yet complete. The reply will be communicated to the honourable member as soon as ready.

M. MAHMUD-UL-HASAN KHAN, DEPUTY COLLECTOR, UPPER CHENAB CANAL.

3370. Chaudhri Sahib Dad Khan : (a) Is it a fact that M. Mahmud-ul-Hasan Khan was Deputy Collector on Upper Chenab Canal, Raya Division, in 1924 (January) ?

(b) Is it a fact that the said officer was made to retire before he had actually attained the age of 55 years ?

(c) Is it a fact that he had submitted a memorial to the Punjab Government for getting his age corrected and for having him retained in the service till he is actually of 55 years of age ? If so, what action was taken thereon ?

(d) Is it a fact that the said officer submitted a memorial to the Punjab Government for its being submitted to the Government of India containing the same request and prayer as he had made to the Punjab Government as detailed in (c) ? If so, was this memorial of the said officer submitted to the Government of India ? If so, what was the result ? Was that result communicated to the said officer ?

(e) If the memorial referred to in (d) has not yet been submitted to the Government of India, will it please give the reasons for the same ?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) No.

(c) He submitted a memorial which after full consideration was rejected because of insufficiency of proof of incorrectness of age as already recorded in his Service Book which age was attested and reattested as correct many times throughout the course of his service.

(d) and (e) The memorial was withheld under Section III, Rule 11 (9) of the Rules for the submission of memorials to the Governor-General and the memorialist was informed accordingly.

HINDU PROCESSION WITHOUT A LICENCE AT SONPAT.

3371. Rana Feroz-ud-Din Khan : (a) Is the Government aware that on the occasion of Janam Ashtami last, Hindus of Sonpat took out a procession without a licence and in utter disregard of Government orders freely played music before the mosques ?

(b) Is it not a fact that timely information of the proposed procession was given to the Superintendent of Police, but the local officers took no steps to stop or properly regulate the procession ?

(c) Is the Government aware that Muslim leaders controlled the situation with great difficulty and informed the Deputy Commissioner of Rohtak of the whole affair ?

(d) Is the Government aware that there is already a great tension between the two communities over the vexed question of music before mosques?

(e) If the answers to questions (a), (b), (c) and (d) above be in the affirmative, will the Government please state if any action was taken to prevent the recurrence of a similar event? If so, what? If not, why not?

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

GRANT OF JAGIR TO KHAN SAHIB HAKIM MAZHAR HUSAIN.

3372. Rana Firoz-ud-Din, Khan: (a) Is the Government aware that in recognition of valuable services to the Crown rendered by Khan Sahib Hakim Mazhar Husain of Sonapat in strenuous times he was strongly recommended by the Deputy Commissioner of Rohtak in 1923 for grant of a Jagir?

(b) Is the Government further aware that in the same year communal dispute broke out at Sonapat on the question of music before mosques and the recommendation of the Deputy Commissioner *re* the grant of Jagir to Khan Sahib Hakim Mazhar Husain was detained by the Commissioner, Ambala division, and not forwarded to the Government?

(c) Does the Government propose to call for the papers and consider the claims of Khan Sahib Hakim Mazhar Husain for the grant of a Jagir?

The Honourable Mian Sir Fazl-i-Husain: The reasons for the grant of muafis or jagirs in recognition of services rendered to the State or always published in the Gazette notification announcing these rewards. It is undesirable in the public interest to make any other statement in connection with them.

Rana Firoz-ud-Din, Khan: My question has not been answered. I do not want a statement.

The Honourable Mian Sir Fazl-i-Husain: The honourable member may understand that this is the best answer that can be given to him.

COMMUNAL REPRESENTATION AMONG OFFICERS AT SONEPAT.

3373. Rana Firoz-ud-Din, Khan: (a) Is the Government aware that relations between two major communities at Sonapat are much strained over communal questions especially that of music before mosques?

(b) Is it a fact that all the three executive officers at Sonapat, namely, the Sub-Divisional Officer, the Tahsildar and the Sub-Inspector of Police are Hindus?

(c) If so, does the Government propose to appoint persons of other communities for some of these posts?

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

THE MAYO SCHOOL OF ARTS, LAHORE.

3374. Pandit Nanak Chand: (a) Has the Government's attention been drawn to an article entitled "The Arts School" in the *Sunday Times*, dated 25th April 1926?

(b) Is it a fact that Mr. L. Heath, the Principal of the Mayo School of Arts, has been given an extension of service for one year?

(c) Will the Government please state whether it is a fact that the number of students who attended the school has fallen from nearly 400 to 150 during the period that Mr. L. Heath was in charge of the school?

(d) Is it a fact that the cotton printing class has been entirely closed and other classes, such as, photo, litho, and the painting classes do not exist at present?

(e) Will the Government please state whether it proposes to give Mr. L. Heath extension of service for some more years?

(f) Is it a fact that Mr. L. Heath has to look after the museum, arts and craft depot and has to inspect Industrial School in addition to his work as Principal of the Mayo School? If so, will the Government please state what allowance he is given for doing this extra work?

(g) Is it a fact that Mr. Abdul Rahman Chughtai, Munshi Ferozudin, and Chandu have been forced to resign on account of their differences with the Principal?

(h) Has the Government decided as to who should be the Principal of the Mayo School of Arts after the retirement of Mr. L. Heath? If so, will the Government please say who has been chosen for the post?

(i) Does the Government propose to consider the claims of the Indians serving in this school for the Principalship of the school?

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

GRANTS TO DISTRICT BOARD, HOSHIAHPUR.

3375. Pandit Nanak Chand: (a) Will the Government please state what grant it has given to the District Board of Hoshiarpur for educational purposes in the years 1921, 1922, 1923, 1924, 1925 and 1926?

(b) Will the Government please state what amount it has given to the District Board in question for the promotion of sanitation in the district of Hoshiarpur during the years above mentioned?

(c) Will the Government please state the total amount of grants for all purposes made to the Hoshiarpur District Board in the years 1921, 1922, 1923, 1924, 1925 and 1926?

The Honourable Rai Sahib Chaudhri Chhotu Ram: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

PATWARIS AND THEIR GRIEVANCES.

3376. Pandit Nanak Chand : (a) Will the Government please state the various grades of pay fixed for the patwaris ?

(b) Will the Government please state whether it received any communication from the conference of patwaris putting forward certain proposals for bettering the prospects of the patwaris ? If so, will the Government please lay a copy of their resolutions or petitions on the table ?

(c) Is it a fact that the patwaris are not allowed any pension after retirement ?

(d) Is there any Provident Fund for the patwaris ?

(e) Does the Government propose to go into the question of the grievances of the patwaris with a view to remove them ?

The Honourable Mian Sir Fazl-i-Husain : (a) 1st grade Rs. 26 per mensem, 2nd grade Rs. 23 per mensem and 3rd grade Rs. 20 per mensem.

(b) (i) Government has from time to time received proposals regarding the prospects of patwaris from the conference of patwaris.

(ii) Hardly seems necessary to do so.

(c) Yes, but patwaris on retirement are eligible for rewards.

(d) Patwaris are allowed to contribute to the General Provident Fund. Proposals regarding a contributory provident fund are under consideration.

(e) Government is not aware that patwaris have any grievances the removal of which is necessary.

GRANT OF LAND TO THE PATWARIS.

3377. Pandit Nanak Chand : (a) Has the Government given any reward in the shape of squares or rectangles to any of the patwaris for their services ?

(b) Does the Government propose to consider the advisability of reserving some square of land in the Nili Bar for grant to the patwaris on easy terms ?

The Honourable Mian Sir Fazl-i-Husain : (a) No.

(b) No.

THE VETERINARY COLLEGE.

3378. Pandit Nanak Chand : (a) Has the attention of the Government been drawn to a paragraph headed "The Veterinary College" appearing in the *Tribune* of the 13th June 1926 ?

(b) Is it a fact that a student who fails twice in any class in the Veterinary College is not permitted to remain in the college ?

(c) Is it a fact that this rule applies even in the case of a fourth year student who fails twice in his last year course but has otherwise successfully passed his first three years course without failing in any class ?

[Pandit Nanak Chand.]

(d) Will the Government please state how many students failed this year in the fourth year class for the second time, but who never failed in the first three years classes? Is it a fact that these students are not now permitted to study in the college?

(e) Is it a fact that such students cannot even appear privately for the final examination?

(f) Is it a fact that the rigour of this rule was relaxed in 1924 and students in the final examination who failed twice were allowed to appear in a supplementary examination?

(g) Does the Government propose to relax the rigour of the rule this year also?

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

CASES REGISTERED IN THANAS IN THE PUNJAB.

3379. Chaudhri Afzal Haq : Will the Government be pleased to state :

- (a) the number and names of those thanas in the province where the number of registered cases do not exceed 30 a year, and whether they are under the charge of Head Constables or Sub-Inspectors; and
- (b) whether they intend to post Head Constables in charge of such thanas when the number of registered cases do not exceed 50 a year?

Mr. J. M. Dunnett : (a) The crime of a police station is not a constant factor. The records collected by the Jumsden Committee for the years 1922—1925 shows that, including 4 small hill-cantonments, there were 17 thanas which dealt with an average of 30 cases or less in the years referred to. These include the thana in Kulu; certain thanas in the Thal, and hill tracts where areas are large but population sparse and crime light. The names are appended :—

Sohna, Faridabad and Taoru in Gurgaon.

Singhaer in Karnal.

Sabathu and Dagshai in Simla.

Indaura, Siraj and Barsar in Kangra.

Kasauli in Ambala.

Dalhousie in Gurdaspur.

Tibbi Lund in Dera Ghazi Khan.

Pakhi Mian in Multan.

Rangpur, Chaubara and Khanwah in Muzaffargarh.

Kotli in Rawalpindi.

The sanctioned officer in charge of all Police Stations is a Sub-Inspector.

(b) No.

SUB-INSPECTORS OF POLICE EMPLOYED IN THEIR HOME DISTRICTS.

3380. Chaudhri Afzal Haq : (i) Will the Government be pleased to state—

(a) the names of those Sub-Inspectors of Police who are posted in their home districts; and

(b) the names of those Sub-Inspectors of Police who are posted in thanas which are places of their residence?

(ii) Is it a fact that Government have issued instructions not to post Sub-Inspectors in their home districts?

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

FILLING UP OF POSTS REQUIRING UNIVERSITY QUALIFICATIONS.

3381. Chaudhri Afzal Haq : Will the Government be pleased to state—

(a) if it has issued any orders to the heads of the departments to observe certain conditions in selecting candidates for posts which require men of University qualification?

(b) If the answer to the above is in the affirmative, will the Government be pleased to state what those conditions are?

Mr. J. M. Dunnett . The honourable member will find the reply to this question in the answer which will be given to his Question* No. 3358.

THE PUNJAB UNIVERSITY EMPLOYMENT SECURING BUREAU.

3382. Chaudhri Afzal Haq : (i) Is it a fact that in the Punjab University there exists what is known as the Punjab University Employment Securing Bureau?

(b) If so, will the Government be pleased to state :—

(i) what the functions and scope of that Bureau are and who are the Fellows or University authorities that constitute the executive body of that Bureau;

(ii) when this Bureau was first constituted; and

(iii) how many graduates of different communities it has helped to find service?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

FILLING UP OF POSTS REQUIRING UNIVERSITY QUALIFICATIONS.

3383. Chaudhri Afzal Haq : Will the Government be pleased to state—

- (a) if it is a fact that the Punjab Government have issued instructions to the Heads of Departments that in filling posts requiring University qualifications, graduates recommended by the University Employment Bureau or those possessing Punjab University Degrees and Diplomas need only be selected ;
- (b) whether they are aware that quite a good number of Muslim and Hindu parents in this province send their sons to Aligarh and Benares to receive their University education and that after completing their studies these young men return to the provinces of their birth to find careers for themselves ; and
- (c) if the answer to (a) and (b) are in the affirmative, whether they are considering the advisability of withdrawing the instructions referred to in (a) above ?

Mr. J. M. Dunnett : (a), (b) and (c). The instructions regarding recruitment for posts for which graduates are required and which are not filled on the results of competitive examination are as follows :—“ In no case should such appointments be filled up in future without reference to the Punjab University Appointments Board. The procedure should be that, on the occurrence of a vacancy, the Secretary of the Board should be asked to give particulars of (say) half a dozen suitable candidates. The Head of the Department can then make his own selection with due regard to the recommendations made by the Board. He is not of course precluded from selecting a graduate of some University other than the Punjab, if, on a comparison of claims, he is satisfied that such graduate is a better candidate than any on the list sent up by the Punjab University Appointments Board.”

PATHAN COOLIES WORKING ON THE KANGRA VALLEY RAILWAY.

3384. Rai Sahib Lala Ganga Ram : (a) Has it come to the notice of the Government that the Pathan coolies working on the Kangra Valley Railway line are practising various sorts of atrocities on the residents of the neighbouring villages ?

(b) If not, does the Government propose to make an enquiry into the conduct of these people through police or otherwise and take necessary steps to stop their misdoings ?

Mr. J. M. Dunnett : (a) A case of dacoity has come to notice.

(b) Enquiries are being made by the police regarding the conduct of Pathan labourers on the Railway.

CUTTING OF WOOD AND THORNY BUSHES FROM SAWALAK HILLS:

3385. Rai Sahib Lala Ganga Ram : (a) Is it a fact that the inhabitants of Sawalak Hills are not allowed to cut off wood and thorny bushes from the hills for fencing their fields ?

(b) If so, will the Government be pleased to state the reasons for the same?

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

ROAD FROM KHIZRABAD TO KORALI.

3386. Rai Sahib Lala Ganga Ram : (a) Is it a fact that there is no *kachha* or *pacca* road from Khizrabad, tahsil Kharar, district Ambala, to Korali connecting with the main road from Kharar to Ropar?

(b) If so, has the Government any objection to request the Communication Board of the Punjab to examine the desirability of a regular *kachha* road between the places in question?

The Honourable Sardar Jogendra Singh : (a) As far as Government is aware, yes.

(b) No, but the initiative lies properly with the District Board.

LALA SRI RAM, VICE-PRESIDENT, SMALL TOWN COMMITTEE, KHARAR.

3387. Rai Sahib Lala Ganga Ram : (a) Is it a fact that Lala Sri Ram, Vice-President, Small Town Committee, Kharar, has encroached upon a part of a public land without the permission of the committee?

(b) Is it also a fact that the residents of the town made a representation to the Government or its subordinates and that an enquiry was held?

(c) If so, will the Government please state the result of the enquiry and the action taken on that?

The Honourable Rai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

KAITHAL GOVERNMENT OFFICIALS.

3388. Khan Sahib Chaudhri Muhammad Shafi Ali Khan : (a) Has the attention of the Government been drawn to the article published in the *Muslim Outlook* of the 19th March 1926 in connection with the Kaithal Government officials?

(b) Is it a fact that the present Sub-Divisional Officer at Kaithal has been in charge of the post for the last six years?

(c) Is it a fact that in the Kaithal sub-division the under mentioned officers are non-Muslims :—

- (1) Sub-Divisional Officer, (2) Sub-Judge, (3) Deputy Superintendent of Police, (4) Headmaster, Government High School, (5) Medical Officer, (6) Veterinary Assistant, (7) Tahsildar, (8) Permanent Naib-Tahsildar?

(d) Does the Government, in view of the growing Hindu-Muslim tension, propose to replace a proportionate number of the aforesaid posts by Mussalmans?

[K. S. Ch. Muhammad Shafi Ali Khan.]

(a) Will the Government be pleased to state whether it is a general practice that the Sub-Divisional Officers, Tahsildars, etc., are not kept at one place for a period exceeding three years?

If so, does the Government propose to transfer those civil officers who have been at Kaithal for a period exceeding three years?

Mr. J. M. Dunnett: (a) Yes.

(b) No. Between four and five years.

(c) Yes.

(d) As occasion arises Government will bear the honourable member's suggestion in mind.

(e) Administrative necessities, leave and promotion frequently have that effect. There is no uniform rule.

PROTEST MEETING OF THE MUHAMMADAN PUBLIC OF KAITHAL.

3389. Khan Sabib Chandhri Muhammad Shafi Ali Khan: (a) Is it a fact that the Muhammadan public of Kaithal passed resolutions at a general meeting, (1) protesting against the action of a Magistrate in releasing a Mussalman woman on bail offered by a non-Muslim, and (2) protesting against the action of certain officers for arresting a few Muhammadans who were taking two cows along the street for no offence of theirs; and communicated the resolutions to H. E. the Governor and the Commissioner, Ambala Division?

(b) If so, will the Government please state what action has been taken thereon?

Mr. J. M. Dunnett: (a) (1) As far as Government is aware no meeting of the Muhammadan public of Kaithal was held in which any resolutions protesting against the action of the Magistrate were passed. But on enquiry the following facts of the case have been ascertained:—

A petition signed by certain Muhammadans was sent to Commissioner on which enquiries were made by the Deputy Commissioner. It was found that a Muhammadan Paqir woman was discovered by the Police in a *Banga's* house and was suspected to have been abducted. After investigation the Police challaned this woman along with two men under Section 420 of the Indian Penal Code. The Magistrate ordered all the accused to furnish bail of Rs. 500 each but as no one offered to stand bail for the woman, she was sent to the Judicial lock-up. Two days after a Rajput offered to stand security for her, which was accepted and she was released. About a month later a Muhammadan made an application to the effect that the woman, being a Muhammadan, should be made over to a Muhammadan and prayed that her previous bail should be cancelled and he should be accepted as surety for her. The woman declined to go with this Muhammadan. She preferred to remain in the lock-up. The Magistrate therefore had no option, but to let her remain with the first surety. She was ultimately discharged.

As regards (2) the attention of the honourable member is invited to the reply given to Council Question No. 3260.*

(b) The case does not call for any action by Government.

DRAINAGE SCHEME FOR KARNAL

3390. Khan Sahib Chaudhri Muhammad Shafi Ali Khan : (a) Is it a fact that the Karnal town is a most malarial place and that the chief cause of it is the existence of two tanks, one at Karnal and the other along the Grand Trunk Road which abound in decaying matter and have no outlet to drain off the filthy water?

(b) Is it a fact that Mr. C. H. Buck, late Deputy Commissioner, Karnal, prepared a drainage scheme for Karnal, but it was never taken in hand?

(c) Does Government propose to take any action for the drainage of the filthy water?

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

PUBLIC PROSECUTOR, LUDHIANA DISTRICT.

3391. Khan Sahib Chaudhri Muhammad Shafi Ali Khan : (a) Is it a fact that an Advocate of the Lahore district has been appointed to officiate as Public Prosecutor, Ludhiana district?

(b) Is it a fact that there are a number of Hindu and Muslim Advocates of the Ludhiana district on the approved list of candidates for the post of Public Prosecutor?

(c) If so, will the Government be pleased to state the reasons why the claims of the candidates of the Ludhiana district were overlooked?

(d) Has the Government any objection to consider the claims of a candidate of the Ludhiana district to the said post cancelling the appointment referred to in (a) above?

Mr. J. M. Dunnett : (a) Yes.

(b) There were only three candidates on the approved list when the officiating appointment was made in May 1923.

(c) There is no reason to suppose that the claims of candidates from the Ludhiana district were overlooked.

(d) Government see no justification for the action suggested.

GRANT OF LANDS TO CHRISTIAN ABADKARS.

3392. Rai Bahadur Lala Sewak Ram : Is the Government aware that the population of Christian *abadkars* (peasant proprietors) in Chaks No. 462-G. B. (Batemanabad), No. 424-J. B. (Montgomerywala), and No. 51-G. B. (Khushpur) in the Lyallpur district and Chak No. 500-J. B. (Francisabad) in the Jhang district has largely increased? If so, does Government propose to make further allotment of land in the Nili Bar Colony or of any other Crown waste lands to them?

The Honourable Mian Sir Fazl-i-Husain : (a) Government has no information on the subject.

(b) No.

Rai Bahadur Lala Sewak Ram : Will Government be pleased to get the information from the Deputy Commissioners concerned?

The Honourable Mian Sir Fazl-i-Husain : Yes, if it considers it necessary to do so.

STUDY LEAVE FOR AGRICULTURAL ASSISTANTS.

3393. Rai Bahadur Lala Sewak Ram : (a) Has Government received a memorial from the Agricultural Assistants Association, Punjab, requesting that study leave according to the rules be given to them for going to foreign countries for study?

(b) If so, what action has Government taken thereon?

The Honourable Sardar Jogendra Singh : (a) Government has received an advance copy of the memorial.

(b) No action has yet been taken as no copy has been received through the proper channel.

PAYMENT OF LAND REVENUE AT THE SUB-TAHSIL AT RANGPUR.

3394. Rai Bahadur Lala Sewak Ram : (a) Is it a fact that Rangpur in the Muzaffargarh district is situated at a very great distance from the tahsil headquarters?

(b) Is Government aware that the inhabitants of Rangpur find great inconvenience in paying their land revenue at the tahsil owing to this great distance?

(c) Is it a fact that there is a sub-tahsil at Rangpur? If so, has the Government any objection to allow the inhabitants of Rangpur to pay the land revenue at the sub-tahsil?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes 39 miles.

(b) Yes.

(c) Yes. The question whether arrangements should be made to permit the inhabitants of Rangpur to pay the land revenue at the sub-tahsil will be referred to the Commissioner for opinion.

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now resume discussion of the amendment* which was moved yesterday afternoon by Lala Mohan Lal. I wish to ask indulgence of the honourable members of the House to speak to the point and to be as brief as possible.

Chaudhri Afzal Haq [Hoshiarpur-cum-Ludhiana, Rural] (Urdu) : Sir, in the very beginning I should submit respectfully that the subject on which the discussion continued yesterday is a very vast one and at every moment it is probable that a point of order may be raised that I am not confining myself to discussing the principles of the Bill. It has been expressed by members sitting on the benches on my right hand that the Bill is a Muhammadan

* That the Bill be circulated for the purpose of eliciting public opinion thereon.

measure, and that communalism has been imported in the Council by the community which is very earnest in supporting the Bill. Sir, I would frankly submit that the present state of affairs is undoubtedly not satisfactory. It is better that the Sikhs and Muhammadans instead of attacking each other should try to find out their respective drawbacks. Our opponents have carried their propaganda on a large scale both by means of press and platform to the effect that it is the Muslims who are enamoured of communalism. Now I would try to show how far this blame lies on our shoulders and how far the other community is to blame. To say that the blame wholly lies on the shoulders of one community carries no weight in the eyes of a reasonable man. No reasonable argument has so far been advanced against the Bill. This Bill has only been characterised as a communal measure and there ends the whole argument. Whenever any measure is introduced in the Council, it is opposed by one or the other community. I cannot say with certainty whether there were any communal feelings in the first Council. As to that, the Honourable Raja Narendra Nath can say with authority. However as to this Council, I would say a few words on the strength of my personal experience. I do not say for a moment that we are altogether innocent, but I would ask those honourable members who are called awarajist members what led them to oppose the resolution asking the Government to adopt a policy of total prohibition. Was there any one of them who supported the resolution?

Professor Ruchi Ram, Sahni : Sir, I was the person who spoke against prohibition and voted against it. I gave my reasons fully at that time. I explained at the time that one of the Khilafat gentlemen who had proposed it had himself on a previous occasion whispered a mantram (these were my words) into the ears of another friend who wanted to propose a similar resolution on a previous occasion.

An Honourable Member : Did you hear the whisper?

Professor Ruchi Ram, Sahni : It was a political proposition and not...

Mr. President : Order, order. The honourable member is not making a personal explanation; he is introducing new and irrelevant matter which is not at all desirable.

Professor Ruchi Ram : I have, Sir, repeated exactly what I said on that occasion. I have not said one word extra. I have merely repeated the substance very briefly of what I said at that time.

Lala Sham Lal : I also wish to say a word of personal explanation. I voted against the resolution but it was thought that the resolution was impractical and the amendment was a step towards the establishment of total prohibition, which was not acceded to.

Diwan Bahadar Raja Narendra Nath : Sir, the motion before the House is that the Bill be circulated for the purpose of eliciting public opinion thereon. I cannot see how this discussion is relevant to that motion.

Chaudhri Afzal Haq (continued in Urdu) : This is another argument, which supports my assertion.

Mr. President : Order, order. I would ask the honourable member to restrict his remarks to discussing the principles of the Bill and not wander beyond them.

Chaudhri Afzal Haq (continued in Urdu) : Sir, I would like to read those words which I wish to contradict and they are as follows :—

“On every question that comes before the House, communalism is imported. Even when we bring resolution with the best of motives, our intentions are suspected.”

So long as these words are there in the printed copies of the Debates how can I possibly sit quiet? Sir I had already requested you to allow me to contradict what has been repeated over and over again in this Council. I would ask which of the parties is to be blamed.

Mr. President : I would again remind the honourable member that his speech must be relevant to the principles of the Bill. It depends on the ingenuity of the honourable member himself to make his speech so ably that he may be able to bring in even such a matter as may be irrelevant to all appearances.

Chaudhri Afzal Haq (continued in Urdu) : The opponents of the Bill have appealed against it saying that it is a communal measure introduced in a revengeful spirit. In reply to this I would ask a question from the Swarajist-members, why they opposed the resolution asking the Government to adopt a policy of total prohibition when this was included in their creed?

Professor Buchi Ram, Sahni : May I offer a word of personal explanation Sir? As to this other point which the honourable member has raised; I suggested a method of carrying out total prohibition in my speech. I appealed to them to adopt that method. Their object, however was not to adopt the method for carrying out total prohibition, it was purely a communal object and as a Swarajist, I am bound to destroy communalism if I can. I have never imported communalism into any question or any speech that I have delivered here.

Chaudhri Afzal Haq (continued in Urdu) : Sir, at this time I have nothing to say but to contradict the irrelevant assertion made by my honourable friends the Hindus in connection with this Bill. I hope that you would allow me to do so even if I am at any moment out of order (laughter).

Sardar Jodh Singh : Sir, there are other members in the House who are not Swarajists and who do not want that their time should be wasted by talking irrelevant matter. They wish that their time should be spent on something more useful. If the Swarajists have any grievances, they are at liberty to ventilate them in the press. I draw your attention to the fact that it should strictly enforce the rule of relevancy in this matter.

Chaudhri Afzal Haq : That attack was made by a Swarajist member.

Mr. President. Order, order. I think that attack, if it can be called an attack, was invited by the honourable speaker himself by making a very sweeping statement, that all Swarajists had adopted a certain attitude. I do not wish to allow any further discussion between two sections or two parties of the House. The honourable member will please address his remarks to the Chair and see that his speech is relevant to the principles of the Bill.

Chaudhri Afzal Haq (Urdu) : Sir, I had submitted that there were certain Hindu members who supported the resolution referred to above. Supposing that this Bill is a Muhammadan measure, even then is it proper that a Bill should be opposed merely because it is introduced by a Muhammadan or a Hindu? I should submit that the Quran does not contain any provisions that are contained in this Bill. It simply contains this much that account should be clear and regular regarding all transactions. That is all what the Quran says in this connection. I believe nobody in the world whether he be an Indian or European, a Hindu or a Muhammadan, can disapprove of this principle that clear accounts should be kept. Sir, when the Pandit or Lala Sahib does not question the soundness of the principle, I am at a loss to understand why the Bill under consideration is characterised as a Muhammadan measure when it simply lays down this much that regular accounts should be kept. I do not see any earthly reason why this universal truth is rejected. If a Bill is introduced by a member other than a co-religionist, it does not mean that it should be rejected without discussing its merits and demerits. The Quran ordains against gambling but this should not be a ground for permitting this bad practice. Sir, when the Quran denounces drinking, it does not mean that we should take to drinking merely because the Quran contains that injunction.

Mr. President : Order, order, I am afraid, the honourable speaker is again wandering far beyond the question now before the House.

Chaudhri Afzal Haq (continued in Urdu) : Sir, if the arguments advanced by Maulvi Mazhar Ali Azhar were considered sufficient, I would have not said anything on the subject. Another argument that is given in favour of postponing this Bill for another occasion is that the atmosphere that is prevailing now-a-days in the province is not favourable for the discussion or consideration of this Bill. Sir, our Hindu friends are busy carrying on a propaganda on a large scale against this Bill. They have deputed three graduates to explain the meaning of the principle of this Bill to the people. But, Sir, there is no use crying over spilt milk. The harm that is done to the country cannot be now undone. I cannot see any force in the argument that the Bill should be postponed till better relations are restored between the two rival communities. Sir, I would submit that you are putting the cart before the horse. Try to cure the cancer and when it is cured the pain would of itself disappear. I might tell those honourable members who insist on the postponement of this Bill for another occasion that this Bill has nothing to do with the present communal tension prevailing in the province. We may take the Bill as a cause of communal dissensions in the Punjab, but what can be said of Lungle, Allahabad and such other places where there is no such Bill in existence. Sir, this Bill is not connected directly or indirectly with riots committed in various places. There are certain other matters which account for the communal tension prevailing now in the province. Would the postponement of this Bill improve matters in Rawalpindi and such other places? Certainly not. Again it has been remarked that the Government is to be blamed for the introduction of the Bill. I wonder how that can be. Sir, I have never hesitated to oppose Government Bills, and if necessary, would never hesitate to do so in future. It is not a difficult matter to offer opposition to the Government. Government to-day is like a *ladu ghora* (wonder horse). Everybody can safely whip it without fear of receiving a kick. Really it is better to arrive at some understanding, but when 18 months have passed and no understanding has been arrived at how can we say with certainty that we would arrive at

[Chaudhri Afzal Haq.]

some understanding within the next six months. If we quarrel *inter se* the Government can as a right scoff at us. Leaving aside our communal ideas, let us consider this Bill impassionately. We should amend the Bill where it is necessary to amend it and pass it. Let the representatives of both the communities put their heads together and consider this Bill calmly and impartially. We cannot afford to waste another six months. You can bring any amendment before the House which you think essential in the interests of your community provided they are moved with good intentions. Sir, in the end I specially appeal to this section of the House and the honourable mover of the amendments to rise to the occasion and consider the Bill forthwith.

Lala Sham Lal [Hissar (Non-Muhammadan), Rural] (Urdu) : Sir, there have already been delivered so many speeches on the subject that I feel I need not make any lengthy speech. Before I should proceed with what I have to say on the subject I would submit that the Bill under discussion would serve no purpose at all. I am sure the zamindars as well as the *Malajans* and money-lenders would derive no benefit from this Bill. It would prove harmful to all the parties. It would affect trade and commerce. Agriculture would also be affected badly. The people outside India will laugh at us and say that such absurd laws are enacted in the Punjab. It is a well-known principle of jurisprudence that the laws of the place determine the civilization of the people of that place. The money-lenders and the zamindars would, in consequence of this Bill, pick up quarrels with each other. I support the honourable member for Simla when he says that the Bill will prove a source of rioting. I associate myself with what has already been said against the Bill and hold the Bill to be a most absurd piece of legislation. The Bill is really a communal measure. I did not like to touch this point for I thought that it would be taken amiss by the other party. But, Sir, I would fail in my duty, if I do not place before the House the important matters which deserve consideration at the hands of the House. My honourable friend Pundit Nanak Chand has by various cogent arguments based upon a comparison of the various provisions of the Bill proved that the Bill is a vindictive measure. The honourable member Mr. Owen Roberts has clearly submitted that the bill is meant for crushing the interests of a certain class of people. In the same manner, the honourable member representing the British Chamber of Commerce, Mr. V. F. Gray has stated that the bill is based on communalism and has advised Government to keep clear of this Bill and to put forward their own much simpler Bill in order to serve the real purpose. I am not going to repeat the arguments advanced by these honourable members, but I wish to add one more argument and that is this that when the Bill was introduced in the Council, I ask what was the attitude of the Muhammadans of the Province excited as it was by certain Muslim papers commenting on the happenings in other legislatures in the country on similar Bills. When I ask this question I rely on the good sense of the House and am confident that they would reply to it in an impassionate manner.

Sardar Jodh Singh : I rise to draw your attention to the fact whether this question that this is a communal measure has not been sufficiently discussed and whether there can be any proof of this except the assertions or denials of the various members. I request you, Sir, to rule that this is irrelevant to the provisions of the Bill and that if any body wants to oppose the Bill he ought to do so on its merits.

Mr. President : The honourable member will pass on to another point.

Lala Sham Lal (continued in Urdu) : The question whether or not the Bill under consideration is a Muhammadan measure has obtained undue importance. Mr. Thorburn, the Financial Commissioner in his book written in 1898, clearly states the attitude of Muhammadans as to the charging of interest or money lent. Let us see what developments have taken place later on.

Mr. President : The mentality of the two communities has been sufficiently discussed already. Therefore, the honourable member is not in order to repeat arguments relating on that point.

Lala Sham Lal (continued in Urdu) : All right, Sir, the next point which I want to urge is that the newspapers especially the Hindu papers have commented upon the Bill and proved that

Mr. President : I think the motive why this measure was introduced is not directly relevant to the principles underlying the Bill.

Lala Sham Lal (continued in Urdu) : Sir, I was trying to make my point relevant to the subject under consideration by proving that the motive with which the measure was introduced has strong bearing on the subject.

Mr. President : My ruling is final and I hope the honourable member will take it as such.

Lala Sham Lal (continued in Urdu) : Very well Sir, I bow before your ruling. I take another point. This Bill is specially designed to crush one community and as such it cannot be called a just law. A law rightly speaking should equally affect all communities. Evil cannot be crushed by evil. The scale will not take the centre so long as equality is not established. No equality of treatment can be attained from this Bill if made into law. Sir, this Bill, in clause 4 prescribes penalty for a particular class of people and as such has no claim to be termed as law. Since the advent of the British Government one-sided enactments have been made. About 1900 the Land Alienation Act was passed. Secondly, the Co-operative Societies Act was passed and now this Bill is going to be passed. Such laws have only helped to make divisions, keener and no further. The Land Alienation Act has not proved useful to the real tillers of land. The Co-operative Societies Act has proved as useless as the Land Alienation Act for the poor borrowers. The Co-operative Societies Act has given many privileges to the Co-operative Societies, but none of those privileges is allowed to the money-lenders. If the securities made available to Co-operative Societies were available to money-lender, a borrower could have a far more lenient term with a money-lender than with the Co-operative Societies. Sir, if the privileges granted to the Co-operative Societies were allowed to the moneylender the result would have been satisfactory. Now again the Bill is introduced to penalize a particular class of people. When the Land Alienation Act and the Co-operative Societies Act have failed on account of the defects of inequality of treatment which are also to be found in the present Bill, how can we say that the present Bill will be successful and bring about better results? Care thus to remove an evil by such treatments, another is bound to come and take its place. Sir, equality cannot be attained by such a piece of legislation. I would say one thing more and I would have done. The honourable member

[Lala Sham Lal.]

for Karnal has stated that the Bill would be beneficial to the zamindars. I cannot object to his views, but he cannot compel me to agree with his views. I am also representing a district where there is a good number of Hindu zamindars.

Chaudhri Duli Chand: No.

Lala Sham Lal: He is wrong.

Mr. President: I cannot allow a dialogue between the honourable members.

Lala Sham Lal (continued in Urdu): Sir, I was comparing my views with those of the honourable members. I attended public meetings attended by zamindars and expressed there the meaning of this Bill, and that it was not useful to zamindars. I called upon the zamindars of my district to inform me if they were of any contrary opinion. I state in this House, Sir, that out of 13,000 voters of my district none came forward to disagree with me. Besides this I have had more opportunities to visit villages and to see and consult the landholders and the tillers than a school master. Petty zamindars are of opinion that the Bill would certainly prove harmful to their interests. These are then the views of my people on the subject. This is the real state of affairs. The people are already complaining of the Co-operative Societies Act . . .

Mr. President: The honourable member has repeated the same argument more than once.

Lala Sham Lal (Urdu): Very well Sir, I leave that point. No party is going to gain by this Bill. The Government might gain something from this Bill by having an opportunity to create a broad gulf of hatred between the two chief rival communities of the province and to make the differences between the agriculturist and non-agriculturist more keen than the Land Alienation Act and the Co-operative Societies Act have done. In the end I would submit that Professor Ruchi Ram published a proposal in the newspapers to the effect that the Bill should be postponed, for the atmosphere prevailing now in the province is not favourable for the consideration of the Bill. To-day when the relations between the Hindus and Muhammadans have reached the breaking point I would propose that this repressive and barbarous measure should be dropped for the time being.

Subedar-Major Farman Ali Khan [Rawalpindi (Muhammadan), Rural] (Urdu): Sir, I am sorry to notice the attitude of some of the honourable members of this House towards this Bill. I have been passing my days of life very quietly and have all along been thinking that education is some thing good, but to-day my opinion is changed and I have determined not to send my children to school. The Bill which is being so bitterly opposed aims at improving our morals and dealing with dishonesty. The educated zamindar members are here to serve their own ends. Even among the zamindars whether they are Muhammadans or Sikhs there are many who indulge in money lending. The original Bill has altogether lost its original form through minute scrutiny and examination, but still the opponents of the Bill do not give way. Sir, have you ever considered the point that in majority of cases the money-lenders begin with a small sum of money and by and by they accumulate great wealth. This is all due to their preying upon the vital of the zamindar community. I really feel ashamed when I think what the people in England would think of us. They must have realised that we

are so dishonest as to mix dust with grain. Sir, now I turn to the question of education. In these days education is all in all. This is the only qualification for Government service. Majority of B.A.'s and B.A., LL.B.'s belong to the community which is bitterly opposed to this Bill. This shows that money-lenders and judges are in most cases the chips of the same block. Under such circumstances how can we expect fair justice at the hands of these judges and magistrates. Therefore there must be some rules restricting the discretion of the judges on the point. The object of the Bill under consideration is to lay down such rules as may restrict the judicial discretion in this matter and remove dishonesty and compel the creditors to keep clear and regular accounts. We insist that vices of the present system of keeping accounts should be removed, but we are surprised to see that the opponents of the Bill do not support our views.

11 A. M.

I remember once the Honourable Member for Finance, while discussing the demand to defray the charges that were to be borne on account of legal fees for Mr. Petman said that to wrestle with Ghulam, Kikar Singh should be engaged. Likewise to combat with vagaries of the money-lenders we must devise some suitable means, for, the judge, the magistrate and lawyers in most cases belong to the same community to which majority of the money-lenders belong, while the other party is poor and ignorant. Under these circumstances we must take steps to ensure justice which otherwise we cannot have. The people of other provinces will scoff at us when they will come to know that the most educated and intelligent section of the Punjabis insist on the point that dishonesty should not be dealt with.

On the other hand, our Hindu friends threaten us with the commission of riots. Sir, these riots are committed in towns. Have you ever heard of any riots committed in villages? The zamindars are law-abiding people. Most of them serve in the army and there they foster the habit of obeying law. Otherwise the zamindars are fearless people, they cannot be cowed down by empty threats. I cannot understand the reasoning that if we try to deal with dishonesty, riots would be committed. If riots be committed on account of dishonesty, that is natural, but where dishonesty is to be dealt with, rioting cannot be held reasonable and justifiable. Just as a spider preys upon small insects the money-lenders swallow the petty zamindars. About fifty per cent. interest is charged on principal. The money-lenders can easily obtain decrees from the courts. While in execution of their decrees the money-lenders have the property attached which belongs to a relation of the judgment debtor. Moreover, they accuse the daughter or the wife of the judgment-debtor of using abusive language.

Mr. President: Order, order, the honourable member's argument is irrelevant to the question now before the House.

Subedar-Major Farman Ali Khan (continued in Urdu): Very well Sir, some of the honourable members have said that it is very difficult to realize the loan advanced to zamindars. I would tell them how the loan is recovered. The much talked of prosperity of the money-lenders is wholly due to his dishonesty.

Lala Mohan Lal: On a point of order, Sir. Is the condemnation of money-lender in this way a discussion of the principle of the Bill?

Subedar-Major Farman Ali Khan (continued in Urdu): Sir, there are laws to deal with a thief, a thief and a gambler. An attempt to commit murder is also punishable. A man who has had all the property of

[Subedar-Major Farman Ali Khan.]

another attached and is instrumental in having his debtor sent to civil jail where the latter dies, is let off scot free. He is not punished for even an attempt to commit murder.

Mr. President : Order, order, the honourable member is irrelevant and beyond the point.

Subedar-Major Farman Ali Khan (continued in Urdu) : Very well Sir, I leave that point. I would now give certain instances of tricks that are employed by the money-lender to the prejudice of the zaminders. I would give an account of a case sent to me by the Tehsildar of our tehsil for disposal. A money-lender of my tehsil lent 22 *pais* of wheat to a zamindar friend who agreed to return 33 *pais* of wheat to the former. 22 *pais* were entered in one account book and 33 *pais* were written in another book on the condition that the entry of 22 *pais* in the first book would be cancelled. When the borrower went to his house his brothers quarrelled with him, whereupon he came back to his money-lender friend and said that his brothers had abused him for promising 33 *pais* for 22 *pais*. The money-lender asked him to execute a negotiable instrument for the price of the wheat he borrowed from him. Thereupon the zamindar friend executed an instrument admitting a loan between Rs. 160 and Rs. 170 with interest. After a month or so the zamindar deposited those 22 *pais* with a Sheikh of the village, where the wheat rotted and rendered useless. The money-lender asked his friend to return those 22 *pais* of rotten wheat and promised to give him 22 *pais* of good wheat. By chance the friends fell out with each other and filed cross suits. The money-lender produced witnesses and proved his case. I framed charge against the zamindar inspite of the knowledge that he was innocent.

Sayad Muhammad Husain : You framed even when you knew that the zamindar was not guilty.

Subedar-Major Farman Ali Khan : Yes I did frame charge and was going to inflict punishment on him because there was nothing on the file to prove his innocence (laughter). I advised the money-lender to compromise with his zamindar friend. He said that he was prepared to withdraw his case if the zamindar withdrew his. There is another interesting case. In this the money-lender wrote the amount in *Lundar*. . . .

Mr. President : Order, order. Will the honourable member consider one illustration sufficient and refrain from giving more instances ?

Subedar-Major Farman Ali Khan (Urdu) : Now Sir, I would tell you how the money-lender entraps the debtor. The money-lender usually gives sweetmeats worth one or two pice to the children of a zamindar and enters its price in his account. He provides cloth to the wife of the zamindar and enters in his account double the price. Once a money-lender entered five rupees in the account of a zamindar for *naswar* worth 2 annas. On being asked why he charged five rupees for *naswar* worth two annas he replied that at the time when *naswar* was asked for the keys of the shop were with Ludha Ram who was away to another village. He sent his son on a hired pony to fetch the keys and in this way he had to spend three rupees. Ludha Ram came and said that the keys were not with him but with Ralla Ram, who was sent for and a pony for Rs. 2 was hired and was sent to him (laughter). There is another case of a zamindar who owed Rs. 170 to a money-lender, and that amount became eleven hundred in due course of time. This man sold his lands to me for eleven hundred rupees.

Dr. Gokul Chand, Narang : Please say something about the other side as well.

Rai Bahadur Sir Gopal Das, Bhandari : Sir, on a point of order, I beg to ask how long we are to go on hearing these parables?

Mr. President : Order, order, what is the point of order?

Rai Bahadur Sir Gopal Das, Bhandari : I have only to say a few words. How long shall we go on hearing.

Mr. President : What point of order does the honourable member wish to raise? Will he please state it briefly without supporting it by argument?

Pandit Nanak Chand : He has no point of order.

Rai Bahadur Sir Gopal Das, Bhandari (Urdu) : Sir, I would make one request and that is this, that the way in which the honourable member is proceeding with his speech might create a sense of retaliation in the other party and it is just probable that the other party may also say something of the sort and the relations of the parties may further be embittered.

Mr. President : So long as the honourable member is speaking to the question before the House, I have no power to ask him to curtail his speech. There is no time limit. I can only appeal to his good sense to be brief.

Subedar-Major Farman Ali Khan (continued in Urdu) : Sir, I was simply discussing matters of fact. I had never any intention to make any insinuation. I submit that the provisions of the Bill are simple and reasonable. I admit that there are certain bad characters among debtors, but, Sir, when they are deprived of their clothings even, what should they do? A dying man does everything. Again Sir, according

Mr. President : Order, order, the honourable member will please speak to the point and will not give a large number of illustrations.

Subedar-Major Farman Ali Khan (continued in Urdu) : I would request that according to the Persian proverb

آبرو کہ حساب پاک است

از محاسبہ چہ پاک است

if a money-lender keeps clear and regular accounts he has nothing to fear. In the end I respectfully submit to the House that the Bill has sufficiently been discussed and as such it should be considered and passed now.

Diwan Bahadur Raja Narendra Nath [Punjab (Landholders), General] : Sir, the amendment which I wish to move is governed by Article 83 (b) of the Constitutional Manual.

12 noon.

Mr. President : I think the amendment that the Punjab Borrowers' Protection Bill as reported by the Select Committee be re-committed is in order.

Diwan Bahadur Raja Narendra Nath : I adopted the phraseology of the amendment as given in the Standing Orders, but I am quite satisfied with your ruling and I will curtail my amendment to the extent desired.

Mr. President: If the honourable member would read sub-clause (1) of Article 83 (b), he will find that that sub-clause relates only to motions by the mover of a Bill and not to amendments by other members of the House.

Mir Maqbool Mahmood: Is it open to any member in moving his amendment to extend the scope of the amendment?

Mr. President: That question is not now before the House.

Mir Maqbool Mahmood: I raise it now, Sir.

Mr. President: Order, order. It is the duty of the office of the President to correct amendments with a view to bring them in conformity with the rules and Standing Orders in force. There is nothing illegal in this. So I call upon Raja Narendra Nath to move his amendment.

Diwan Bahadur Raja Narendra Nath: I am quite satisfied with the ruling given by the Chair and I move:

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be re-committed."

I had not the remotest intention of dwelling on the communal aspects of the Bill. (Hear, hear). Enough has been said on this point and I will not be guilty of repetition. But there is one argument to which I wish to draw the attention of the House and it is this that the proof of the pudding is in the eating. You have seen how this Bill has been supported and opposed. That is a sufficient commentary on the character of the Bill. I would not apportion blame in the way in which the honourable member from Hoshiarpur (Chaudhri Afzal Haq) has done. I would not put the whole blame on the one side. In his speech which we recently heard he said that I was the person who in the last Council started the communal controversy. He made no mention of the gentleman whose policy elicited my protest. I would not therefore attempt to apportion the blame with respect to the Bill in the way he has done. But, apart from the communal aspect of the question, there is a class aspect of the question also which has been put forward before the House by my honourable friend from Karnal. He says that it is a question between zamindars and non-zamindars and not a question between Hindus and Muhammadans. There are very few men outside the province who understand what is meant by zamindars and non-zamindars in the Punjab. The classification has peculiar features which are applicable at the present moment only to the Punjab. The distinction is based on caste and not on occupation or on any economic interest. It does not even involve the dignity of manual labour as my friend hinted, though he did not expressly mention it in his speech. There are very few members in this House representing rural constituencies who are self-cultivating peasants. (An honourable member: Are there any?) Perhaps none. I wish to be guarded in my remarks and therefore I say that there are very few members here who are self-cultivating peasants or self-cultivating proprietors. Of those who oppose the Bill there are many who are owners of land. Therefore the distinction which is referred to is of an invidious character and the class animosity which it engenders is no less virulent than the class animosity engendered by the communal aspects of the Bill. I should have thought that the Punjab was the last province in which an Act of this kind should be introduced. It is very strange that the criticism coming from the opponents of the Bill is the criticism Government itself in other provinces offered

when a Bill of this kind was introduced there. Why a measure of this kind has been allowed to be introduced and discussed in this province I fail to understand. However, we must take the facts as they stand. I want that the Bill be referred back to the Select Committee. I should be glad if the amendment proposed by my honourable friend Mr. Labh Singh* is admitted by you and is passed by the Council. If the Bill is recommitted to a larger and more representative Select Committee, they will be in a better position to consider the objections that have been raised. But if this is not possible, even then I do not despair that we may be able to effect some improvement in the Bill as it stands in the old Select Committee. This Bill had been before the Council in the form of Money-lenders Registration Bill, but that was dropped by the honourable mover. There were objections against it by Government officials and it was considered impracticable. Then came Money-lenders' Bill, which has slowly and gradually assumed the form of Borrowers' Protection Bill.

I have been given a list of amendments which Government wishes to propose and this is the first day on which I have received notice of those amendments. So, I think that, as gradually wiser counsels prevail, we may hope to expect further improvement if the Bill were referred back to the Select Committee.

The honourable member gave us an assurance that he had an open mind, and that he was willing to accept any reasonable amendments or reasonable improvements that we might propose. Well, so far the moderating influence has been exercised by the official benches. Now let the member himself come forward and give proof of that impartial attitude which he claims. Let him accept the amendment which I am putting forward before the House. Let the Bill go back to the Select Committee. Let us have some more time to consider the amendments of which Government has given notice. Then and then only I will agree that the honourable mover has an open mind. At present I am not convinced and I believe that I can give expression to the feelings of the members on this side of the House, that we are not convinced that the honourable mover maintains an impartial attitude.

There has been for some days some talk of a private settlement. Up till 12 o'clock to day, even within fifteen minutes of the moment at which I began to speak I did not at all despair that a compromise was possible. There are so many matters to be considered and so many amendments to be examined. I therefore think that it is a reasonable request on my part that in order to effect improvements in the Bill, in order to consider the effect of the amendments which Government have proposed, in order to give an opportunity for private settlements about which we have been talking for the last two days, the Bill should be sent back. I have not the remotest intention of evading the measure. To a certain extent we have agreed in the Select Committee that a reasonable course may be adopted. There is no getting out of it though we are still of the opinion that a large number of *sahukars* keep regular account books and the percentage of men who fudge their accounts or forge their accounts is very small. In order to guard against that small number a whole class should not be put under a ban nor impediments should be put in their way nor restrictions imposed on them. Still as we do not wish to adopt an extremely controversial attitude we agreed, as a matter of compromise, that some form of accounts may be prescribed by Government.

* "That the Punjab Borrowers' Protection Bill as reported by the Select Committee be recommitted to a new and enlarged Select Committee."

[D. B. Raja Narenda Nath.]

We do not at all agree in many other matters on which many members of the Select Committee have written notes of dissent. I am one of those who wrote a minute of dissent and the points on which I differed have been fully dealt with in that note. It is not necessary to deal with them, but as I have said there is prospect of improvement and the Government itself thinks that there is some need for improvement. As there is some prospect of a friendly settlement nothing would be lost if the Bill is referred to the Select Committee and the session of the Council is not needlessly prolonged.

Mr. President : The original motion was :

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration,"

since which an amendment has been moved :

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be recommitted."

Sardar Buta Singh [Multan Division and Sheikhupura (Sikh), Rural] (Urdu): Sir, much time has unnecessarily been wasted on this discussion. Some have called this Bill a communal measure, while others do not agree with it. Two or three days of the House have been wasted on this useless discussion (Hear, hear). The Bill, as you see consists of 10 clauses only and if honest discussion of its principle were the only object, this can be finished in less than a quarter of an hour. But, Sir, lot of breath has been wasted on decrying the motives of the one and the other. I shall state a few facts. There are money-lenders among Muhammadans as well for example Khojas who will come within the reach of this Bill (Hear, hear). This, therefore, will be applicable to no single community. But, Sir, certain gentlemen have taken the credit of having set the ball of communal discussion rolling. I cannot approve of their conduct, nor do I approve of the conduct of those who retaliated in the same strain. "اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْغُلَامِ الْفَاسِقِ" (Hear, hear). The only thing we have to see is whether the Bill as introduced is useful to those for whose benefit it has been brought forward. Will the amendments sent in by the Government and others improve the Bill in the desired direction? All that is desired is that money-lenders should keep regular accounts and secondly, that six-monthly accounts should be sent to the debtors so that they may know where they stand. Now, Sir, being myself a zamindar and a representative of zamindars, I cannot but admit that the principle is a very wholesome one (Hear, hear). Accounts must be kept, but there are certain provisions with which I cannot agree and I request the honourable mover and the Government to alter those clauses in such a way that they may be very simple and easily understood, otherwise this Bill will be a cause of trouble to the simple zamindars. Nobody will deny what my honourable friend Sardar Narain Singh said that there are some money-lenders who do not keep regular accounts and deceive the poor zamindars. Many such instances have been given and I would like to give one or two more to prove that in many cases zamindars are not treated fairly. I say this to show to Sir Gopal Das who said that he did not come across a single dishonest money-lender, though when Subedar Sahib began giving instances he raised objection. There are money-lenders who have no scruples. In a village in the Sheikhupura District the land was of higher level and the water could not reach without lift. A *sahukar* came and

asked the zamindars, "why do you not irrigate this land by means of lift? If you agree to pay me the produce of first 6 crops, I shall advance you the necessary capital." The zamindars agreed to it and in order to give the money-lender some legal hold, they gave 'I. O. U's' to a Sikh lambardar for having received different sums varying from Rs. 500 to 700. After the contract expired, the Sikh lambardar sued these zamindars in respect of those 'I. O. U's' for which no money had at all passed between them. Now, Sir, the court appointed me the arbitrator and I on going to the spot and making inquiries found out that the case was false. I, consequently, made my report.

Dr. Gokul Chand, Narang : May I know who brought this case.

Sardar Buta Singh : The Sikh zamindar. But in reality it was Lala Bidhi Chand, the money-lender, who was at the back of it. (Hear, hear). There are many other similar instances, but I do not want to waste the time of the House. But I admit that borrowers are also very dishonest. There are many who always deny having received any money and take shelter under any legal flaw they might see. In short, accounts must be kept regularly, but the form that has been printed with this Bill.....

Mr. President : Order, order that is not a part of the Bill.

Sardar Buta Singh : The form in which the accounts are to be kept should be simple. There are Hindu money-lenders, Sikh and Muhammadan money-lenders. And God has now given the zamindars also some money to lend.....

Rai Bahadur Sir Gopal Das, Bhandari : So zamindars are money-lenders too.

Sardar Buta Singh : But they are not so bad.

Dr. Gokul Chand, Narang : May I ask my learned friend if he is aware of the remarks of an honourable Judge of the Chief Court that when a Jat is a money-lender he is 10 times worse than a non-Jat money-lender?

(A voice, who was that Judge?)

Dr. Gokul Chand, Narang : Justice Shah Din who was himself an agriculturist.

Sardar Buta Singh : No, Sir, that is not so. There are 3 or 4 zamindar money-lenders in my village who have not even once been to the court. They can settle their debts privately. And Sir, how can they be dishonest? They are mostly illiterate. Then, Sir, we must also take into consideration the Sikh zamindars who lend money. The Bill which is passed should take into consideration their conditions and traditions and should not be very complex. It would be better if we except illiterate money-lenders. There can be no danger of dishonesty from these.

Mr. President : Order, order, the honourable member is not discussing any principle of the Bill. He is discussing a matter of detail, and that is not permitted by the rules and standing orders in force.

Sardar Buta Singh : Very well, Sir. The provision of six-monthly accounts is also.....

Mr. President: Order, order, when that clause is taken up it will be open to the honourable member to have his say.

Sardar Buta Singh: Well, Sir, it has been said that the Bill should not be passed at this stage. It should either be postponed or referred to a Select Committee. Now, Sir, I admit the Bill is not perfect and can be improved. Government should see that proper amendments are made to the Bill. Then, Sir, it has been said that there is a great tension. I submit that is the reason why we must pass it very soon. The sooner we do the better. We should consider over it cool headedly and look to the advantage of every body. With these words I resume my seat.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadian), Urban]: Sir, I have listened to the lengthy debate in this House for the last two or three days and I confess that everything that I have heard in this House has not been a very pleasant hearing. Remarks have been made somewhat unconsciously and sometimes unfortunately consciously which were calculated to injure the susceptibilities of the community to which the speaker did not belong. I am extremely sorry for it. We are all anxious that the atmosphere in the province which is already too turgid should be improved and not made worse. Efforts, in fact, have been made by all interested in the welfare of the country to bring about a better state of affairs and I hope that those efforts will be continued and will in good time bear ample fruit. So far as the arguments based on the origin of the Bill are concerned, I would not dwell at any length on them. I only want to clear the ground and I am quite prepared to admit that the motive of the honourable mover of this Bill was perfectly honest.

I am quite prepared to give the benefit of doubt even to a criminal and unless I have positive proof of any bad intentions, I would not impute motives to any one, far less to a most loveable young man with charming manners, deep culture and high education. I believe he loves not only his own community, but also loves the whole country as his own country. I would also say a word as to the attitude of my Muhammadan countrymen towards this Bill. All the gentlemen sitting there command my deepest esteem. They are soldiers who have served their country in their time and the whole country is grateful to them and as one of them, Lieut. Malik Muzaffar Khan was pleased to remark, if the matter had been left in the hands of these gentlemen, it would have soon been brought to a settlement. It is *parha hua log*, as he said. It is the so-called educated people who are the source of the mischief. I entirely agree with him that if the matter were left to these gentlemen and similar gentlemen of all communities, probably the matter would have been settled long ago. I therefore do not impute the slightest bad motives to any Muhammadan member sitting in this House. Unfortunately, however, the debate has taken such a turn and the result of the moving of this Bill has been such that it has inevitably received a communal colour. It so happened that every Muhammadan speaker who has been pleased to contribute to the debate has supported the consideration of the Bill and almost every Hindu who has spoken on the subject has spoken against it. It was therefore bound to create an impression not only on the members of this House but on the province at large that it was a communal measure. To the great misfortune of the country, some of the irresponsible members of the Press have made the position worse. They are deaf to

the cries of the other communities; they are perhaps literally deaf to what may be said by the other side and they go on harping upon the same theme over and over again and thus make the position worse. They describe not only dishonest money-lenders as Shylocks, but the whole class of Hindus as a brood of Shylocks, as criminals, as greedy persons, as avaricious crew and by such other choice names which I even hesitate to reproduce in this House. It is time that the members of the Muslim community should wake up and pull up such irresponsible journalists by telling them plainly that they do not support them; that they do not approve of the tone in which they proceed to discuss such subjects of great importance as the, not only embitter the feelings between the two communities in this province but also contribute to the bitterness of the relations of the two communities all over the country. It is extremely unfortunate, as I have already said, that this Money-lenders Bill or the Borrowers' Protection Bill has been the cause of communal bitterness not only in this House but also elsewhere whatever the motives of the mover may have been. With respect to the responsibility for the Bill, in fact my honourable friend the member for Gurdaspur blurted out the truth when he said that in fact the responsibility for the measure lay on the shoulders of the Government and the mere fact that the Government had asked somebody else to move this measure does not exonerate the Government from the responsibility. *Pish karaya* was the word that was used by my honourable friend, though of course, when some people on this side laughed, he took the trouble of modifying the language he had already used. This of course is emphatically repudiated by the learned mover of the Bill who says that one day during the period of his stay at Oxford while he was walking along the banks of the Isis he first conceived of this most important economic measure. I give him credit for the conception of the idea. He certainly developed that idea, but everything that followed afterwards was due to the Government. Many things can be adduced in support of what I am submitting and as my honourable friend Maulvi Mazhar Ali, Azhar was pleased to say the Government is really the author of this Bill, if not technically, but virtually and actually. I am not putting the Government in the pillory. I am only referring this matter in order to impress upon honourable members of the Government and other official members the great responsibility which they are incurring in supporting this Bill in this House. It is with that object and no with any other object. In the first place, you would remember that when the first Bill was moved, the then Leader of the House, Sir John Maynard, was pleased to say that the Government was not committed to support the Bill in any way except to the stage of referring it to the Select Committee. That was the first blessing that the Government gave to this measure. Then, Sir, the second occasion on which the Government betrayed a particular partiality for this Bill was when the constitution of the Select Committee was being settled upon. The honourable members of the House would remember what a great heat was generated in the House when the constitution of the Select Committee was deliberated upon and even such proposals, by the opponents of the Bill were rejected as referred to the appointment of a gentleman like my honourable friend Lala Dhanpat Rai, the President of the biggest Indian Bank in the province, and of a gentleman like Mr. Gray, the representative of the European Chamber of Commerce. Even their names were rejected.

Professor Ruchi Ram, Sahni: Even your name was rejected.

Dr. Gokul Chand, Narang : I did not want to refer to myself. These two names mentioned above are certainly typical and even those names were rejected not to speak of lesser men like myself. Then, Sir, the Bill was referred to a Select Committee. In the Select Committee, there were, if I am not mistaken, 4 members of the Government and although now we have got a crop of amendments by them, none of them was pleased to attach any note of dissent to this Bill at the time. Then again when the session was announced, it was announced that no non-official business would be taken up during this session, but that the Government would be pleased to lend an official day for the consideration of this non-official Bill. That is another indication how anxious the Government is for the enactment of this measure. Then again we find—here I do not mean to cast any reflection on any member who has been replaced by nomination of another member—that probably the Government thought that a protagonist of this measure was necessary to meet the arguments which might be adduced against this Bill by the opponents of the measure in the House and therefore the Government thought it necessary to bring a stalwart into this House to adorn the Government benches. We find Mr. Strickland sitting here. . . .

Mr. J. M. Dunnett : On a point of explanation, Sir, the nomination of Mr. Strickland was entirely due to the illness of Mr. Dobson.

Dr. Gokul Chand, Narang : I accept the explanation certainly. But I am sure that the consideration that Mr. Strickland would prove of very great assistance to this measure must have partly weighed with the Government so far as his nomination is concerned. That, certainly the Chief Secretary would not think it worth his while to deny.

Mr. J. M. Dunnett : I do not propose to trouble to discuss this point. I merely want to guard against any implication from my silence.

Dr. Gokul Chand, Narang : Sometimes silence is more eloquent and expressive than any speech or explanation and the fact that the honourable the Chief Secretary took the trouble of rising to say and did not say anything by way of explanation, of course confirms to a certain extent what I have said. I need not dwell at any greater length on this so that my honourable friend Mr. Dunnett need not feel any anxiety on this point.

Then, Sir, I have learnt and I should like to be contradicted on this point if any honourable member of Government can contradict me—that day before yesterday, when it was found that some ten members of this House who were expected to support this Bill were absent—it can be easily guessed who they were or to which community they belonged—that day before yesterday, telegrams were sent to them under the auspices of a member of Government to call them from their homes so that they may be able to lend their support to the Bill. I wait for any contradiction that any member of Government may think it worth while to make on this point.

(The honourable member paused here.)

I take it, Sir, that what I have submitted on this point is absolutely correct. The circumstances would therefore go to show that it is not poor Maqbool Mahmood, my learned friend, who is principally responsible for this measure, but that it is Government that is really running the whole show. It might have been conceived by him, it might have been—I was going to say some other word, let it be his child, but it has been adopted

by Government while it was in its swaddling clothes and it is now being nurtured by Government itself. I have referred to these matters rather in detail to show that my Hindu friends should not fall foul with the Muhammadan brothers. It is not the Muhammadan brothers who are to blame if any body is to blame. It is not they who deserve the credit. If any one deserves the credit, it is Government that deserves it. If any one deserves the blame, it is Government that deserves it. And I do not want that even Government should be deprived of any credit for bringing forward such a beneficent measure. It was with no other object that I referred to this matter in detail.

Now I come to the general principles and the general character of the Bill itself. When the Bill was referred to the Select Committee, it had seven clauses. Now we find that the Bill has been expanded into eleven clauses. I do not think it very necessary to dwell at any great length upon the Bill as it emerged from the hands ostensibly of my honourable friend the mover of the Bill. The Money-lenders' Registration Bill consisted only of five small clauses, though those five small clauses also were like five big bombs which might have exploded in this province and done a great deal of damage. That Bill was circulated for public opinion and the reception that it received at the hands of those who were competent to judge was such that the honourable mover, under the advice of Government no doubt, was obliged to drop it like a hot potato. Nobody then thought of it, it was dead and gone, but again it was considered expedient to substitute a new bill this year. Then the honourable mover met some officials deputed in that behalf by Government and this Bill which we find printed on one side of the report of the Select Committee was the result of those joint deliberations. That Bill, as I have submitted consisted of seven clauses and it has now been expanded into eleven clauses and what I point out is—and this may be taken as a technical objection which we raise when we think that an appeal cannot proceed—that the Bill which we are now being asked to consider is not the Bill which was referred to the Select Committee. It is an entirely different Bill, not only in language but even in principles and therefore my submission is that the Bill cannot be considered under the law by the honourable members of this House and in order to show that this is an entirely new Bill, Sir, I would refer you to various reasons.

The very first thing is that even the name of the Bill is entirely changed. The first Bill was called the Punjab Money-lenders' Bill. The present Bill is the Borrowers' Protection Bill. So that apparently and *prima facie* it is not the same Bill as was referred to the Select Committee. Then, Sir, let us proceed to the preamble and see whether even the preamble is the same. It is the preamble which defines the scope of the Bill and which adumbrates the object with which any piece of legislation is introduced in a legislative house. The preamble to the first Bill was:

"Whereas it is expedient to provide for the regulation of money-lenders in the Punjab . . ."

(Here the honourable member paused)

I was just waiting to catch your ear, Sir, and I was going to draw your attention to the preamble of this Bill. I have already drawn your attention to the change in the name of the Bill and my objec-

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is to show that from top to bottom it is a different measure which is now being placed before this House for consideration.

It is not the same in body, it is not the same in spirit. And therefore this House is not competent to consider it and my honourable friend was not in order in moving the motion that the Bill be taken into consideration even if we ignore the page of surplusage which has been added to the real clauses of the Bill, I mean the two schedules which have also been printed obviously by oversight in the real Bill and I proceed to show that not only the name has been changed but also the preamble which defines the scope and object of the Bill has been changed, showing thereby that the scope and the object of the Bill have also been changed and therefore strictly speaking even in principle the Bill is not the same as it was when it was committed to the Select Committee. I shall just draw your attention to the language of the preamble in the Bill as submitted to the Select Committee and then the preamble of the Bill as it emerged from the Select Committee. The first preamble was :

“Whereas it is expedient to provide for the regulation of money-lenders in the Punjab, and whereas the previous sanction of the Governor-General to the passing of this Act has been obtained ; it is hereby enacted as follows :—”

The preamble in the present case runs thus :—

“Whereas it is expedient to make provisions regulating the keeping of accounts relating to certain transactions in the Punjab, and whereas the previous sanction of the Governor-General to the passing of this Act has been obtained ; it is hereby enacted as follows :—”

My submission is that the first Bill referred to the regulation of money-lenders, as if they were criminals whose conduct required to be regulated, so that their practices or mal-practices, as some of my honourable friends on this side of the House would like to put it, might be checked and so on ; while in the present Bill we find that it is only the regulation of accounts in certain transactions which is the scope and object of the Bill as the Select Committee has sent to this House. I would therefore submit that so far as the preamble is concerned, there is a very great difference and therefore there is a great difference in the principle itself. I shall proceed and show clause by clause that there is not a single clause which existed in the old Bill with the exception of two sub-clauses which are of no importance, for instance, that it extends to the Punjab and that it shall come into force when Government notifies which have not been changed. Every other clause has been replaced by a new clause.

1 P. M.

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 P.M. Mr. President in the chair.

Dr. Gokul Chand, Narang : When the Council rose for lunch, I was pointing out the difference between the preamble to the Bill as it was when it was referred to the Select Committee and the preamble as it stands after it has emerged from the Select Committee. Then, Sir, I submitted that I would show by examination of the body of the two Bills. I shall now describe them as two Bills for the sake of convenience — I would

try to show that the two Bills bodily differed from each other. Clause 1 of the old Bill says "This Act may be called the"

Mr. President: Order, order. What object has the honourable member in view in showing that the two Bills are different? Does he propose to raise any point of order? If so, he can raise it on the assumption that the two Bills are different from each other; otherwise I think he ought not to dilate upon that point and waste his own time as well as of the House.

Dr. Gokul Chand, Narang: My object, as I submitted in the very beginning of my address, was to show that the Bill which we are now being asked to take into consideration cannot be taken into consideration, because it has been bodily altered by the Select Committee and therefore as the Bill which we are now asked to consider is not the Bill which was originally referred to the Select Committee, this House is not competent to consider it. This is in the way of preliminary objection or as you would like me to put it, Sir, this is the point of order that I want to raise even at this stage. I therefore submit that as this Bill is entirely new, inasmuch as sanction of the Government has also been taken *de novo* for this Bill as it emerged from the Select Committee, this is an entirely new measure and the motion that is now before the House should not have been before the House, but a motion before the House ought to have been made for the introduction of the Bill if the mover wanted to have it, because it is a new Bill and not a Bill which he introduced in the House which can be considered here. The proper thing for the honourable mover was as this was an entirely new Bill to ask leave of the House for the introduction of the Bill and not for the consideration of the Bill. This is the point of order or preliminary objection as you may be pleased to regard it which I want to raise and in order to show that this is a substantial point of order or that there is logic, sense and reason behind this preliminary objection which I have ventured to raise before you, I wanted to show by an examination of the two Bills that what I was submitting was perfectly correct; and I expect, Sir, and hope that you would be pleased to allow me to substantiate the point which I have raised. With your permission

Mr. President: I have already suggested to the honourable speaker to raise his point of order on the assumption that the two Bills are radically different from each other.

Dr. Gokul Chand, Narang: I shall do so on an assurance from you, Sir, that in case you are inclined to hold that there is nothing in this point you would give me an opportunity to show that there is a good deal in this point. With this assurance I shall certainly proceed to raise this point of order on the assumption that the two Bills are entirely different.

Mr. President: I cannot say more than this that if the honourable member wishes me to give a ruling on his point of order, whether the Council can go on with the Bill or not, if the two Bills, as assumed, are radically different from each other, I am prepared to give my ruling. But if the honourable member does not wish me to give a ruling on that point, he may resume his speech.

Dr. Gokul Chand, Narang: I do want a ruling, but as I suggested in the beginning of my speech, there are two arguments which I have to submit and there are really two points on which I would require the ruling from the Chair. One is that these two Bills are entirely different and

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therefore the motion before the House cannot be proceeded with. The second point is that even the Bill as it has emerged from the Select Committee has been objected to by so many members of this House and so many amendments have come in that the Bill as it has emerged from the Select Committee has to all intents and purposes ceased to exist and with these amendments it has become a different Bill. This will be the second point that I would put before you, Sir. All that I want is that I may not be precluded from asking for a second ruling on the second point when I request you to give a ruling on the first point. I hope I shall be allowed to raise both points one after the other and obtain your rulings on both points of course subject to my right of substantiating the legal position that I have taken up with respect to

Mir Maqbool Mahmood : May I invite the attention of the Chair and the honourable member to Article 64 of the Constitutional Manual, part (2) of which says :

"Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point."

He is not entitled to a speech on the point.

Dr. Gokul Chand, Narang : I am only stating, but only stating it a little more clearly and a little more in detail. I shall not proceed with the argument.

Mr. President : What are the two points on which the honourable member wants rulings from the Chair ?

Dr. Gokul Chand, Narang : The first point is that the Bill which we are being asked to consider is entirely different from the Bill which was committed to the Select Committee. It has entirely been altered. You cannot even recognise it by the face of it, because even the name of it has been changed, if that may be described as the face of it and therefore it cannot be taken into consideration. This is the first point on which I want your ruling, Sir.

Mr. President : Assuming, without, of course, expressing any definite opinion on the point, that the two Bills are radically different from each other, I think, I have no power to stop the Bill. The practice of the House of Commons in such cases has been that if a Bill, after it has emerged from the Select Committee, is entirely a new Bill, the mover has invariably withdrawn it and with the leave of the House introduced a new Bill, but there is no power in the Speaker of the House of Commons to stop the Bill.

Dr. Gokul Chand, Narang : Before taking up the other point of order, Sir, I would like to know whether, as the Honourable President of this House, you would be pleased to allow me to lay the convention of the House of Commons before the honourable the mover of this Bill and ask him to act like a lawyer and as a constitutional lawyer and as a member of a Legislative House and follow that convention and withdraw this Bill and again ask for leave to introduce it or to refer it to a Select Committee. In doing.....

Mr. President : This has been done in a way even by me and the point of order raised by the honourable member also implied that suggestion. It is now for the mover to follow it or not. I think it is not open to the honourable member to dilate further on that point.

Dr. Gokul Chand, Narang : I was not going to argue that point. I was only asking for permission to lay before the honourable mover some instances from the proceedings of the House of Commons establishing that convention, so that I may be in a stronger position to request him to follow the convention of the House of Commons.

Mr. President : My ruling was based upon those instances and also on the opinion expressed by the historian of the House of Commons, but I cannot go beyond that. It is left entirely to the mover of the Bill to follow the course suggested by the honourable and the learned member. No such practice has been established in this Council, though it has been in existence for about five years and a half. The honourable member is relying on the practice of the House of Commons. It is open to the mover to follow the convention, take the hint and withdraw the Bill and ask for leave to introduce a new Bill.

Dr. Gokul Chand, Narang : I think, Sir, the honourable mover ought to have got up and indicated his mind whether he was prepared to follow the convention set up by the Mother of Parliaments or not. But I take it as he has not thought it worth his while to make any announcement on the point, he is not prepared to follow the convention, nor is he prepared to set a good example to this House to follow in the future. Taking that to be the position, I would now raise my second point of order, and that is that as so many amendments have come in, the Bill as it has emerged from the Select Committee has entirely changed and this House should not proceed with it, and it should be referred to a Select Committee again or circulated for eliciting public opinion. I only want to show whether what I am submitting is correct or not. I have got this big bundle of amendments which have been circulated to members of this House by the Secretary. I think there are more than 20 pages of amendments. The amendments sent in cover more than 20 pages, and the wonder is that even the mover of the Bill has sent in several amendments, the Government itself has sent in many amendments. In fact ever since the discussion started in this House Government amendments have been pouring in. Even to-day some amendments by the Government have been sent in which, I understand, were handed over to the office at a very late hour yesterday. Keeping this position in view and bearing the language of the amendments as they have been sent in and the language of the Bill as it has emerged from the Select Committee, you would see, Sir, at a glance that, if the Bill were now to be drafted on the lines of the amendments sent in, it would be an entirely new Bill and would have almost nothing in common with the Bill as it emerged from the Select Committee. In these circumstances, you would be pleased to find what has been done in the House of Commons on pages 412 and 413 of Sir Erskin May's Parliamentary Practice, Thirteenth Edition. I hope you would permit me just to read one or two passages. Several instances have been given there and in each case the Bill was withdrawn.

Mir Maqbool Mahmood : Is the honourable member stating his point of order?

Dr. Gokul Chand Narang : Do not be so touchy. Let us come to some settlement.

Mir Maqbool Mahmood : Constitution is constitution.

Dr. Gokul Chand Narang: And the President is the interpreter of it—

"On the 27th January 1913, the Speaker was asked to express his opinion as to certain amendments which it was proposed to move to the Franchise and Registration Bill which was then being considered in committee of the whole House. The Speaker, while declaring that the proper time for raising such a question was after the Bill had been reported to the House said that the admission of any one of the amendments to which his attention had been directed would so alter the Bill as to make it a new Bill, and that he would advise the House under the circumstances that the Bill should be withdrawn and leave be asked for the introduction of a new Bill."

Now, Sir, this explains both the point of delay and also the point as to the material alterations of the Bill. Some amendments had even been considered in this case. This point was raised at a much later stage than I have done before this House and yet the Speaker of the House of Commons exercised his advisory power and advised the House to withdraw the Bill and asked the mover to ask for leave to introduce it again.

Mr. President: Order, order. The honourable member, I think, has not observed the point of distinction, otherwise I am sure, he would not have raised the point again. The Speaker of the House of Commons was asked to express his opinion when the Bill was being considered by a committee of the whole House, which is equivalent, in a sense, to our Select Committee and he expressed that opinion there and not in the House of Commons. If the honourable member will read the book again, I hope he will agree with me. I think it would interest the House if I read the passage itself—

"On the 27th January 1913, the Speaker was asked to express his opinion as to certain amendments which it was proposed to move to the Franchise and Registration Bill which was then being considered in committee of the whole House."

It was at that stage that the Speaker expressed that opinion and not when the Bill was being considered by the Parliament after having emerged from the Select Committee.

Dr. Gokul Chand Narang: I would draw the attention of the Chair to the next paragraph, which is on page 413.

Mr. President: I have already read it.

Dr. Gokul Chand Narang: It runs as follows:—

"When the Lord, or Member, having charge of a Bill desires to introduce numerous amendments in order to improve the measure, and render it more generally acceptable to the House, he may move that the Bill be committed *pro forma* a course which is rarely objected to. In such cases the proposed amendments are not separately considered; nor is any question put upon the several clauses of the Bill. The proceeding is entirely formal; the Chairman reports the Bill with the amendments to the House; and it is reprinted in its amended form and recommitted for a future day."

Now, there is no question here of the Bill before a Select Committee, whether of the whole House or part of the House. This paragraph applies to the present case when a Bill has emerged from the Select Committee and when the mover himself has moved so many amendments as to go to alter the report of the Select Committee or the Bill as amended by the Select Committee in a material manner. In such a case the Bill is not taken into consideration and is withdrawn and is recommitted to the Select Committee. You would see, Sir, that this is a procedure which is rarely objected to and I expect therefore that this House also would not object to it, but would follow the normal procedure which is followed by the honourable member of the House of Commons.

Mr. President : Order, order: The honourable member has either misread the paragraph or not tried to understand it. When a Bill is referred to a Select Committee and drastic amendments are proposed to be made before the Bill comes up before the House, the mover may report the Bill to the House with those amendments and move that it be recommitted *pro forma*. If the honourable member would read that paragraph again, I hope he will agree with me that this is what it means. In the case now before the House, amendments have been pouring in, as he has very rightly remarked, up to this moment. Notices of some amendments were given several days ago. It is not after any amendments have been moved that such a motion can be made as the honourable member is suggesting. Let us read the paragraph in May's Parliamentary Practice again :

"When the Lord, or Member, having charge of a Bill desires to introduce numerous amendments in order to improve the measure and render it more generally acceptable to the House, he may move that the Bill be committed *pro forma*—a course which is rarely objected to."

The honourable member would please note that it is left again to the mover of the Bill and not to other members to move that the Bill be committed *pro forma*.

"In such cases the proposed amendments are not separately considered, nor is any question put upon the several clauses of the Bill. The proceeding is entirely formal; the Chairman reports the Bill with the amendments to the House; and it is reprinted in its amended form and recommitted for a future day."

That is not the case before us. Had the mover of the Bill, with all the amendments he proposed to make, moved that the Bill be re-committed *pro forma* to the Select Committee, he would have been justified to do so. I should not be understood to say that he will be too late even now. He is free to choose the one course or the other. I think there is nothing in this paragraph which supports the argument of the honourable Dr. Gokul Chand Narang.

Dr. Gokul Chand, Narang : I am much obliged to the Chair for the exposition that has come from it but, I extremely regret to say that I find it impossible to agree with it. (Several honourable members : Order, order). I am not objecting to the ruling because the Honourable the President has not given any ruling yet. It is only the import of the paragraph that we are discussing and I want to bring it to the notice of the Honourable President that the interpretation that I have put upon the paragraph is perfectly correct. The Chair is mistaken in thinking that any amendments have been moved. None has yet been moved.

Mr. President : Interpretation or no interpretation, will the honourable member please state definitely the point he is making?

Dr. Gokul Chand Narang : I shall put the point that I am making as definitely as it is possible for me to put. It is this that the character of the amendments of which there are so many—probably the number exceeds 100 if not 200, covering 20 pages—is such that, if they were to be adopted, the character of the Bill as it has emerged from the Select Committee would be entirely changed. And in these circumstances it would serve no useful purpose and would be entirely against the spirit of the law if this House were to consider it. Therefore, the point that I am submitting is that, in view of the numerous and voluminous amendments that have come in, this House should not proceed with the consideration of the Bill and that this is the proper stage at which this objection can be taken because

Mr. President : Order, order. I think the honourable member is again confusing the two points. The main amendment that the Bill be recommitted to the Select Committee is before the House and it is open to the House to accept that amendment and recommit the Bill. This position is entirely different from the position that the Bill should be recommitted *pro forma*, which can be done only on the motion of the mover of the Bill and not on the motion of any other member of the Council. It is open to the House to recommit the Bill to the Select Committee on Dewan Bahadur Raja Narendra Nath's motion which is now under discussion. If the honourable member means that the House should recommit the Bill to the Select Committee, I am at one with him and every member is welcome to support the Raja Sahib's motion.

Dr. Gokul Chand Narang : I am really sorry that I should give you the trouble of rising over and over again to argue a point, although I am at the same time very much obliged to you because it clears the ground. As you would remember, I was saying that this is a sort of preliminary objection to the motion which is before the House. It does not mean that the merits of the proposition are not also before the House. I would therefore submit that from a purely formal, legal and constitutional point of view also this motion of the honourable mover of this Bill cannot be considered. That is one point. The second is the discussion of the merits of the amendment that Raja Narendra Nath has moved before this House. These two things are separate, although they may lead up to the same result. In the first instance, it would be open to the mover, considering the circumstances, to withdraw the Bill without going into the merits of the proposition which has been brought forward by Raja Narendra Nath. If he does not exercise that privilege which, as a constitutional lawyer, I would expect him to, then certainly this House would pronounce its verdict upon the amendment which has been placed before it. It was in order to cut short the discussion on the merits of this amendment, just as we raise preliminary objection in order to cut short the arguments on the merits of a case, that I have raised this point so that the debate on the merits of Raja Narendra Nath's amendment may be cut short. It was also for that reason that I requested the Chair to give a ruling. If the ruling goes against me. . . .

Mr. President : Please do not misunderstand me. My ruling is that it is open to the honourable mover of the Bill, if he feels advised to do so, to withdraw it with the leave of the House.

Dr. Gokul Chand, Narang : At the top of page 413 in May's Book you will find, Sir, that the Speaker in the House of Commons advised the House to withdraw the motion. Similarly, I was expecting that you would be pleased to advise the House or the mover of the motion to withdraw the motion which he has placed before the House. If you are pleased to give that advice, well and good; and I am sure the honourable member would have no objection to accept your advice if you are pleased to give it.

Mr. President : If the honourable member will refer to the two previous instances, he will find that they are quite distinguishable from the 3rd and the last instance. The ruling was given by the Speaker of the House of Commons when he was presiding over the committee of the whole House and the Bill was being reconsidered by that committee, which, as I have already explained is equivalent, in a way, to our Select Committee. What he virtually said was that, if this point were taken before him when he was actually presiding over the House of Commons, he would no doubt advise the mover of the Bill to withdraw it with leave to introduce it afresh. If the honourable member will refer to the previous instances quoted on page 412 he will find what attitude the Speaker adopted on those two occasions.

In the second case the point was this :—

"He stated that, whilst he desired to safeguard the rights and jurisdiction of the chairman of ways and means in giving an opinion on a matter of committee procedure, although he could not, as Speaker, stop the Bill on the point of order that the Bill was a new Bill, he unhesitatingly affirmed that the practice of the House had been, in a case of this kind, to withdraw a Bill which had been so dealt with, and to introduce another Bill in the amended form, on which the decision of the House could be obtained upon a second reading."

I have told the House distinctly what I think of the Bill and what the practice of the House of Commons is; but as to my advising the House or the mover, I am afraid, I cannot do that. The ruling of the Speaker of the House of Commons was not given in the House but in a committee. Besides, it was a ruling given in a hypothetical case and not when the point actually arose in the House. If I were sitting in the Select Committee and a similar point were raised there, I might, agreeing with the view of the honourable member, follow that ruling and express my opinion in accordance with it. But as stated already the first two instances make it perfectly clear that it is entirely in the hands of the mover to withdraw a Bill and that it is not for the chair to advise him to do so.

Dr. Gokul Chand, Narang : Practically you have been pleased to give that advice. I am much obliged to you, Sir, and I am sure a considerable portion of this House is also obliged to you for having practically given that advice. I may just remark in passing that the two instances quoted above, one referring to the instance of 1889 and the other of 1883, probably were instances not relating to the committee stage but to the open House. It was then that the advice was given at exactly the stage at which the present motion is before the House. However, I won't put you to the position of giving your advice in a direct manner if you are not inclined to do so.

Mr. President : Order, order. The full reports of the two cases are not now before me. But as reported in Sir Erskine May's Book, they do not indicate that the Speaker gave any advice at all. It is only in the

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third case, when he was sitting in the committee of the whole House, that he expressed such an opinion. In the first two cases the question does not appear to have been raised in its present form. What appears to have happened was that in both those cases the Minister in charge of the Bill stood up and withdrew the Bill, without being advised by the Speaker to do so.

Dr. Gokul Chand. Narang : I shall now cease to ask you to give a ruling or to give any advice to the honourable mover. I shall ask the honourable mover directly to follow the practice of the House of Commons.

"In 1889 an appeal was made to the Speaker (of the House) regarding extensive alterations made by the committee on the Thithe Rent Charge Recovery Bill. He stated that whilst he desired to safeguard the rights and jurisdiction of the chairman of ways and means in giving an opinion on a matter of committee procedure, and although he could not, as Speaker, stop the Bill on the point of order that the Bill was a new Bill,"

and this is the most important point and I am sure the honourable mover of this Bill would ponder over it and act upon it.

"He unhesitatingly affirmed that the practice of the House had been in a case of this kind, to withdraw a Bill which had been so dealt with, and to introduce another Bill in the amended form, on which the decision of the House could be obtained upon a second reading."

This is the practice of the House of Commons and I think a good deal of time would be saved and a great deal of acrimony would be avoided and probably a great many defects in the Bill itself would be removed and the drafting of the whole Bill would be improved if the honourable mover of this Bill adopts the practice which has been hallowed by centuries of proceedings in the House of Commons and withdraws the Bill at this stage. I assure him personally that in any reasonable Bill that he represents to this House he shall have my entire and whole-hearted support. (Hear, hear. (A voice: also of others). I have spoken personally for myself. I again ask him, Sir, before I proceed to the merits of the proposition that is now before the House and the amendment of Raja Narendra Nath, I ask him through you, Sir, whether he is prepared to follow this practice of the House of Commons. It is as my friend has suggested due to the dignity of this House that every member of it should try to set up conventions and traditions which will bring this House in a line with the House of Commons in England. I am sure the honourable mover of this Bill would not be wanting in his respect for the House and would follow the convention of the House of Commons.

Mir Maqbool Mahmood : I reserve the right of reply to this point when I get up to speak on the subject.

Mr. President : It is not a matter of reply. The question has been directly put through the chair to the mover of the Bill. Therefore, I call upon him to give such reply as he pleases to the question put by Dr. Gokul Chand. Narang.

Mir Maqbool Mahmood : I am afraid, Sir, I do not find it possible for me to withdraw my Bill in its present form. When I speak later on the amendment I shall explain how the ruling cited by my friend does not apply to the particular case before the House. I have reverence for the practice of

the House of Commons, but there may be times when in this House, however young in the life of parliamentary history, we may have to evolve our own conventions.

Mr. President: The honourable member will now proceed to discuss the amendment.

Dr. Gokul Chand Narang: I shall certainly proceed to discuss the merits of the amendments which have been proposed in connection with the motion which is before the House. I only express my regret that I should have been under the painful necessity of doing so.

Now, Sir, there are two amendments really before the House. One is by my honourable friend representing Simla and the other by the worthy representative of the big landholders of the Punjab. Lala Mohan Lal's amendment is to the effect that the Bill may be circulated for public opinion. Raja Narendra Nath's amendment is that it may be re-committed to the same Select Committee. I shall be satisfied if any of these amendments is carried in this House. Therefore in opposing the substantive motion now before the House I may be taken as supporting any of these amendments which have been moved by my honourable friends. Now, Sir, as I was pointing out, this Bill has been before the public rather I should say, this matter of making a provision to check the dishonest practices of dishonest money-lenders has been agitating the public mind for about two years. It was on the 11th October 1924 that Mir Maqbool Mahmood introduced his first Bill into this House; and since then there has been a great agitation, a great deal of criticism in the province both friendly and unfriendly as the honourable mover himself put it. As I pointed out, that criticism showed that the Registration of Money-lenders Bill as proposed by my honourable friend was an unworkable measure. The High Court had reported against it, many district judges had reported against it and I think every sensible man reported against it. What was the fate of that Bill? It became a wash-out and a mere scrap of paper and was dropped. Then, Sir, we found that another Bill was moved, and introduced into the House and was referred to a Select Committee. In the Select Committee Mir Maqbool Mahmood was given the assistance of a Government expert as well. I hope I am not mistaken in saying that an expert Government officer was called in to assist in the deliberations of the Select Committee. The result was that so many changes were made in the Bill which was referred to the Select Committee that it was almost difficult to recognise it when it emerged from the committee. We thought there would be an end to it. The subject is such a complex thing and the mover of this Bill and those at his back found it so very difficult to manage it that even the members of the Select Committee did not consider it as final and satisfactory when it emerged from the committee. The result was that as soon as this session of this Council was announced, amendments began to pour in against the measure; and if you would kindly allow me to refer to the constitution of the Select Committee and what the various members of the Select Committee themselves thought of the Bill you will find that out of the 15 members who constituted the Select Committee, four of whom were Government officials and who were therefore of one opinion though they might have been of different minds and the Select Committee may be considered to have been reduced in number to 12, there were six who sent in notes of dissent. Six members of the Select Committee sent in lengthy and serious and very important notes of dissent, differing in various points. The wonder of wonders is that the mover of the

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Bill himself is one of the dissenters. What shall we think of a Bill which is not liked by any one? One might say, "well the mover of the Bill disliked it and so dissented against it and sent in a note of dissent." But some members, namely the four Government members and five others did not send in any notes of dissent. As I have submitted those four Government members, official members I mean, should be considered as one and the five non-official members who agreed were such as could not be expected to say 'nay' to anything that might have been proposed. I am serious and I say this deliberately. These non-official members who have not sent in any note of dissent, with the exception of probably one, would have said ditto to anything that might have been placed before them. I do not intend to cast any reflection on them, but it is a question of mentality. As it is, it means six against six and I speak on very good authority, Sir, that one of the consenting members wanted to send in his own note of dissent, but that he was prevailed upon not to do so because otherwise it would have made a majority of the dissenters and not the supporters of the Bill, if the Government members were to be considered as one. This is the nature of the Bill, this is the character of the Bill introduced in this House. Nobody is satisfied with it. The father himself is not satisfied with the child that he has produced and even Chaudhri Duli Chand, than whom no stauncher protagonist of the zamindars and antagonist of the money-lenders could be found, even he is one of the dissenters. That is the case with the Select Committee. This clearly shows that these twelve gentlemen or 15 gentlemen sitting to decide the fate of this measure were so sharply divided that but for the Government there would have been really no report of the Select Committee so far as the majority were concerned.

Then, Sir, one might think at least that the Government would be satisfied with this Bill and see it through and thus put an end to all these recriminations and stopped the unpleasantness which has been going on in the province. What do we find? As soon as they read the Bill, as soon as they look at their own handiwork, they think that they made a mess of the whole thing.

Pandit Nanak Chand: They are ashamed of their own handiwork.

Dr. Gokul Chand, Narang: I will not use such a strong word. Certainly they are not satisfied with their own handiwork. Then they sit down again with the help probably of the learned Legal Remembrancer to tinker what they have thus constructed with great difficulty and the result is a whole page of amendments coming from the Government on one day. The Government is still not satisfied with it and probably the members of Government have had to pour midnight oil—if the burning of electricity could be so described—over this measure and the next day another batch of amendments comes in. Then on the following day another batch of amendments comes in. The eleven clauses of the Bill are reduced now to practically seven; clauses 5, 6, 7, 8, 9 being clubbed together, some changes being made here and there and the result is, as I have been submitting that the Bill as would be constructed from the Government's own amendments would be entirely different from the Bill as it emerged from the Select Committee. What shall we say of this? Up-to-date, or perhaps to be more strict and accurate, up to late in the afternoon yesterday the Government were still sending in amendments. If they were not able to make up their minds up to late in the afternoon yesterday can it be said that what they are now practically asking the House to consider is the final achievement of their

own brains. Past experience certainly goes against them. They have been working, working and working at it and so many brains, men of the highest culture that can be turned out by Oxford and Cambridge Universities with vast experience of administration and business and finance and a lot of other things have all been working at this Bill. Yet they have not succeeded in arriving at a final conclusion, at least they have not so far as this House is aware up to late yesterday arrived at a final conclusion. Still what do we find? The honourable mover of the Bill is still not in agreement with the Government members because he has got his own amendments to be incorporated in the Bill. My honourable friend Chaudhri Duli Chand has got his own amendments. My honourable friend the Raja Sahib has got his own amendments and my honourable friend Lala Mohan Lal has got his own amendments. Almost all the members of the Select Committee have got amendments of their own to be brought forward to the Bill. My honourable friend Lala Diwan Chand another member of the Select Committee has got his own amendments. Well who is there who is the father of the Bill and who is approving of it? Who can say with his hand on his heart and say conscientiously that it is really a measure which it would be wise to put before this House and place on the statute book? Is it not an insult to the intelligence of the members of the House that the Government when it is not itself satisfied with the propriety of the measure and with the effectiveness of the clauses embodied in the Act from a legal point of view should ask the House to place this Bill in the form of an Act on the statute book of the province? I think I may say without any fear of contradiction that if the debate on the general character of the Bill were prolonged for another two days, the Government would send in some more amendments, unless they refrain from it to contradict me (Laughter). This piece of legislation is on the face of it so absurd, so unworkable, so uncalled for and so difficult to embody in words that certainly, had not some other reasons prevailed, the Government would have washed their hands clean of this measure and declared that they would have nothing to do with it as all sensible officers ought really to do.

This Bill as it is before the House and as the honourable mover of it wants this House to consider is a measure which in the first instance, I would submit, is entirely uncalled for and I will not go into the details of it, but I would only discuss the general aspects of the Bill. I am not one of those who consider that the money-lenders as a class are dishonest. Is there any class in the world which is free from dishonest members? Have not the members of the Indian Civil Service been dismissed sometimes for dishonesty, for not speaking the truth and for other things. Even the history of this province has instances to show that I am talking of this class because it is the highest class from the point of view of culture, education and position and even that is not entirely free from weaknesses. I am giving them credit and say that angels are angels still though perhaps some of the brightest fell I do not mean to suggest that as a class they can at all be surpassed by other people. When I single them out I pay them a compliment; not only they but even the best class among the officials and non-officials has its weak points. Every department I may submit, Sir, has its Achilles heel which can be attacked. Are the lawyers free from this blemish? Are not some of the lawyers acting as go-betweens between the officers and the clients, bribe the officers and sometimes put the bribe money in their own pockets and sometimes share it with the officers? It may not be proper to quote instances here but every one knows that there are such instances. Are not there lawyers who work with the help

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of touts and give them as much as half of their fees? Where is the class free from such weaknesses? The only question is whether the evil in certain class is of such a nature such an outrageous nature, that it cries for reform. My submission is that it has not been made out that the money-lender class is of that kind. I may submit that instances of fifty years ago or 40 years ago or even 30 years ago which have been quoted and which might be quoted and which will be quoted in some official books and records are not relevant to the point in issue because as time advances, as education increases, the opportunities for detection of crime and dishonesty increase, as borrowers become more intelligent and as moral pressure becomes stronger, any dishonesty that might exist in any class would decrease and I feel that with respect to this measure it has really been brought forward to meet a necessity which has disappeared. If this measure had been brought forward some 40 years ago, there might have been less objection. It is just like striking the track, left by the snake as described by one of the poets with whom, Sir, you must be familiar. The dishonest money-lender is the snake and he must be beaten. These people have got hold of a stick and when the dishonest money-lender has passed away and where only his memories have been left behind, where only the traditions have been left behind by authors who write books on the prosperity and poverty of the peasants in the Punjab or in some such other books where a special pleading is made for the borrowers, these people want to beat the money-lender with the stick in their hand. Therefore, I submit, Sir, that this measure is really uncalled for, there is no crying evil which requires such a measure as this.

Then, Sir, taking generally broadly, one of the most important defects of this Bill is that it wants to appoint guardians for the Raja Sahib, for myself for my honourable friend Chaudhri Chhotu Ram, if I may so call him, for my honourable friend Sardar Jogendra Singh and even for my honourable friend Mian Sir Fazl-i Husain, people who do not require the protection of this Bill are also brought under it. I do not belong to a class that is not capable of looking after itself. This has also been thrust upon me. It does not matter if you are a major; no matter if you are a double graduate or a treble graduate or a lawyer of so many years standing. If you ever become a borrower, you want protection. Let us also include you although that protection may hamper you. It is just like appointing a guardian as I have already submitted for persons who have attained majority and who do not want anybody to look after their affairs. I do not want to dwell any further on this point.

Then, Sir, this Bill gives protection to certain transactions which do not require protection or rather it creates difficulties in the way of transactions which do not require any protection. For instance, if I have a house and if I want Rs. 20,000 as loan, I go to a money-lender and say: well, lend me Rs. 20,000 on the security of my house. The money-lender says: "Yes, Sir, I have got money. I have got a mind to give you, but I do not want to undergo this bother of keeping separate accounts for this transaction and to send you a half-yearly statement. I will not lend you." When I am prepared to appear before a Sub-Registrar and acknowledge to have received consideration for the mortgage deed that I have executed, why should that transaction also be brought under the purview of this Bill? If I do not want to pledge my property, even then if I execute a bond which I get registered before a Sub-Registrar, why should my money-lender or my banker be

obliged to comply with the provision of this measure? I would go further and say that when I execute a bond with two witnesses and that bond is endorsed by the stamp vendor who also makes a corresponding entry in his register which is kept under instruction by the Government, is there any reason why that bond should be brought within the clutches of this measure? I am a literate, well educated man. I am carrying on business with other people. I am fit to be appointed a trustee for other's property worth lakhs and crores, or a trustee for a big estate. I am fit enough to be appointed manager of court of wards and when I execute a promote in my own hand to a money-lender who is also an educated man and who keeps accounts in three books, the day book, the cash book, and the ledger, why should you discourage him from pursuing his vocation by putting another obstacle in his way by imposing additional duties upon him? What is the justification for it? What is the necessity for it? On what grounds can the honourable the mover of this Bill justify the application of this measure to such a transaction? I would not go into the petty instance of illiterate money-lenders or of helpless widows who have to live upon the interest of petty capitals left by their husbands; I would not go into the case of orphans who have no other source of livelihood and nobody to support them but the little money left by their father or a little insurance policy maturing on the death of their father.

These are petty instances and I need not dilate upon them. The fact remains that there are transactions and there are numerous transactions, thousands of them which would be affected by this Bill if it is passed into law. What is the justification for this measure? You must be aware that large business is conducted by means of negotiable instruments. I know that in this Bill there is provision which exempts a loan advanced to money-lenders or to traders. But in the first instance the provision as it stands is not adequate because it is hemmed in by something which negatives that exclusion. Then again why should dealings on negotiable instruments be confined to traders or money-lenders only?

These negotiable instruments, being a profound lawyer yourself you know, are almost like currency notes, differing only from currency notes in this that a currency note does not require an endorsement while these instruments do require an endorsement. You know, Sir, that they change hands so often that sometimes the backs of these instruments are full of endorsements until they are cashed. Do you know through how many hands one will pass, whether it will pass through the hands of a zamindar, or a barrister, or a doctor or a telegraph master or a member of the Indian Civil Service? Why create all these troubles by not excluding loans advanced under negotiable instruments? And then they are not confined to one province. These notes travel from one province to the other. We are throwing obstacles in the way of this kind of business which is not necessarily confined to the traders and money-lenders between two provinces. This law is not going to be enacted, at least I hope that it is not going to be enacted, in other provinces. But if it were enacted, then it might remove some trouble which this measure might create in those provinces, but as long as a corresponding law is not introduced in other provinces, certainly the business relations of other provinces and the Native States with the Punjab would become strained, like the relations of Hindus and Musalmans at the present time. They will say, the Punjab has got some novel law. People are not

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lawyers, leave out the traders, they might be more acute—but ordinarily people are not so acute as to sit down to scrutinise the intricate provisions of a piece of legislation. They will say that some sort of law for money-lenders has been enacted in the Punjab and that the safer thing is not to deal with the Punjab, why run a risk, we shall keep our money with us and not in any way let it go to the Punjab; so that Maqbool Mahmood's measure may not denude them of their little savings. This will be another result.

Then, Sir, take even the trade. There is no doubt that loans to traders and money-lenders are protected, but traders do not always borrow and do not always lend. There are various other aspects in which a trader figures and one important effect of this measure on the trade will be that he will make credit still more shy. I think Mr. Strickland would be able to tell us how much money of the Punjab lies buried in the ground and how much of it is in circulation. But we take it that a great deal of the Punjab's money lies buried under ground, a great deal of it lies in the shape of jewels and ornaments which are very often buried under ground and it is only a fraction which is in circulation. The result of this measure, if passed into law, will be that a good deal more will go under ground. I understand from this slip of paper which someone has handed to me that during the last few days some important figures have become available on the subject. I should like those figures to be made public in order to throw further light upon the economic condition of the people whom it is sought to protect and whom it is apprehended that it would injure. That would be a very useful and valuable help that Government could render to this House in this respect.

Then there is another side. In this province, as you know, the simpler the people the more honest they are and very often money is lent without any accounts. That would at once stop. Even temporary accommodation given by a friend to another friend would stop, simply because he would be always in danger of being treated as a money-lender by a court. If I lend money and if my relations with my borrower become strained and I have to go to court, then clause 3 (1) and clause 3 (2) would stand in my way. I will not be able to recover the money. This way the temporary accommodation would be stopped. You are a lawyer again and I would draw your attention to the fact that in the Punjab the Transfer of Property Act is not in force, and property worth millions can be sold orally and the law recognises that. As a matter of fact property worth millions is sold orally. If property worth millions can be sold orally and millions can change hands without any writing whatever, is there any justification for stopping temporary loans by the enactment of a measure such as the one which we are now discussing? The reasons, Sir, which have been adduced for the justification of this measure are: the falsification of accounts, in the first place, the so-called vicious statement of money-lending. One honourable member was pleased to say that some people keep two *bakis* having a genuine thumb mark on the one and forged thumb mark on the other. I am prepared to admit that there might have been some instances but surely referring back to one's knowledge of the past history of this province, either as a lawyer or as a merchant or as a witness or as a petition-writer, or as a judge, everyone in this House can say that instances of this kind cannot have been numerous. I am not sure, but I think it was you who while discussing the defunct Bill, the Money-lenders Registration Bill, read a passage from Mr. Thorburn's book where an

instance had been given of a false document being taken by a money-lender with the help of false witnesses. Well, even you, Sir, if you would permit my saying so and I am talking with every possible respect, even you could not give a further instance, and you will have to go back to ancient history of probably forty years ago or fifty years ago. Still I do not mean to say that there are not such people here and there who may supply such information but what I am submitting is that such cases are very rare.

Then, again, Sir, will the Bill as has been proposed, prevent the evil which it is intended to prevent? After all when we are enacting a measure, we have to see whether it would remove the evil which we want to remove. I think it would not remove the evil. Sardar Buta Singh, the honourable member from Sheikhpura, I believe that is his constituency, gave an instance and I shall take that instance as typical. He spoke in Urdu and I do not know if some of the honourable members on Government benches could follow him fully. He said that a *sakukar* came forward to finance certain zamindars in sinking a well or in setting up a water lift on the undertaking that the produce or the landlord's share of the produce for six crops would go to the money-lender. At the same time, he said, that astute money-lender, that dishonest money-lender got hold of some zamindars who made those poorer zamindars to write in their books an account acknowledging a liability of Rs. 500, Rs. 550 and Rs. 600 and so on. I believe, I am correct in these figures—and after having realised the produce of six crops the zamindars who, according to him, had only played in the hands of the dishonest and astute money-lender brought suits in which the honourable member was appointed as an arbitrator.

I do not question the accuracy of that statement. Sardar Buta Singh may be perfectly right in what he has said. I am quite prepared to concede that. But I would ask you, Sir, can this Bill, any provision of this Bill, prevent such a thing in the future? I shall explain to you in a very few words how the provisions of this Bill would not succeed in stamping this evil out. It would be argued—I am sure that is just now passing in the mind of the honourable member—well, if this Bill had been in force after six months the statement would have gone and those poor zamindars would have come to know that this money was being claimed as due from them. It would have made no difference because they knew that this money was entered as due by them though they were not to be called upon to pay. But let us say they might have been warned. If, Sir, say in the month of April I note down a false claim against a person and even send him a notice when the 30th of June comes, within 31 days that are given for the statement being sent, I note in that statement that Rs. 500 has been lent to the person, it is entered in the book. It goes to him. He is astounded. That is what would be said. I agree he would be astounded, because it is all false. Well, what would happen? Either he would go to court criminally or civilly to get a relief against me; or if he denies naturally the first thing he would do would be to write back to me saying 'I never took any money from you.' I shall receive that letter and I shall go to court and say: "This man borrowed Rs. 500 from me. It is entered in my books and the entry has been communicated to the defendant; I served a notice on the defendant; he has denied the claim. Hence the cause of action has arisen and the court has jurisdiction and I want a decree." The matter will then be taken up. If the money-lender can prove it, he will get the money. Thousands of such instances can happen even in spite of this measure if it becomes a law. My submission therefore is that falsification

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of accounts or making false entries in books certainly would not be prevented by this piece of legislation and that object would be defeated. Then, Sir, another justification which was pleaded for this was that receipts must be given for payments. Now, I ask, Sir, let any honourable member from this House or even a visitor, if it were permissible for him to rise here, let anyone say that in any single instance the borrower wanted a receipt from a money-lender and the money-lender refused to give one.

Malik Firoz Khan, Noon: Yes. (Another honourable member: yes).

Dr. Gokul Chand, Narang: I am glad to know there are two gentlemen who have come across such cases. I just wanted to know the strength of it and that is the strength of it; and if those instances are scrutinised, and if my learned friends allow me to cross-examine them, probably the result would be that it was all heresay evidence.

Malik Firoz Khan, Noon: I stand here to be cross-examined.

Dr. Gokul Chand, Narang: I would cross-examine you outside and utilise the result of that cross-examination in this House on other occasions, which are likely to arise in plenty. The fact, however, remains that if there is any instance in which a receipt is refused, the borrower even now has a remedy, the same remedy which he may have in future. He can at once serve a notice upon him asking "I have given you this money and you have refused to give me a receipt," and go to a criminal court. I am much indebted to the honourable member representing Industry constituency here who has just reminded me that it is an offence under the Stamp Act to refuse to give a receipt when one is demanded for any payment. That law, that substantive law, is there and prevails all over the country; and it is in fact even more stringent, because if a receipt is refused the penalty in the proposed Bill is certainly not so severe as the one which already exists. I would therefore submit that even that cannot be pleaded as a justification for the enactment of such a measure. But then my learned friend says the borrowers are fools; the borrowers are lazy; they are unintelligent; they do not know how to look after themselves and how to safeguard their interests; and therefore admitting that the money-lender does not as a matter of course refuse a receipt and cannot under the law refuse a receipt, the fact is that borrowers do not ask for a receipt. This is the position. It is really like this. You can take a horse to the water, but you cannot make him drink. You can have a receipt. The law allows you to have a receipt but you do not want it. Why don't you ascribe it to this, that the borrower has faith and trust in his *sahukar* in spite of all that may be said against him? I do not want to enter into those acrimonious discussions. I consider them beneath me to notice them even, but I may submit in passing that the *sahukars* are an extremely important factor in the rural economy of the province. They afford relief to the villagers when they cannot find relief either from the Co-operative Society or Government or even from friends. Late at night, at any time of the day or night, a zamindar goes to his *sahukar* calls him Chacha or Baba, and wants money. In spite of the recent tide of communalism, still in the villages those friendly relations continue and he says "Baba, at this time my daughter is going, I have to give her something, my son-in-law has come; I want Rs. 20 or Rs. 30; otherwise my honour is at stake." If he goes to the Co-operative Society they will say 'hours of business from 10 to 4.' I do not know what they are. But there must be some hours of business, say X to Y.

Mr. C. F. Strickland: All hours.

Dr. Gokul Chand, Narang: That may be the law. It may be from sunrise to sunset. I am not questioning the veracity of the statement. I am afraid from the shaking of the head of the Honourable Chief Secretary that he thinks I am not believing what he says. It may be perfectly all right, but in practice probably it is not. That is what I mean. But with regard to the village money-lender, he is at the disposal of the zamindars whom he calls his Chaudhri and the Chaudhri calls him Shah and so on and he also reciprocates the same affection. If it is not changed (my experience during the last 10 or 12 years is different; I have lived in the town and I have not been in the villages) that is what I know of the villages when I used to live permanently in a village. That is what was happening there and I hope and believe that it still continues to be so. Those who live in the villages do say that it is so. Then again, before I finish, it may be that the zamindars are illiterate, are ignorant and do not ask for receipts. But what about Rai Bahadur Dhanpat Rai? What about Raja Narendra Nath, what about Lala Ruchi Ram, and what about other Sardar Sahibs, Nawab Sahibs and Malik Sahibs? Have not they got the intelligence and capacity to ask for a receipt when they are making a payment to a *sahukar*? I refuse to believe that those gentlemen are so unintelligent, so negligent, so ignorant, and so regardless of their own interests that they would not ask for a receipt. If they do not ask for receipts, it is certainly because they know that their *sahukar* is not dishonest or even if he were dishonestly inclined, he dare not be dishonest. Sometimes one is tempted to be dishonest. Many people are tempted and even our great-grand-father Adam could not stand temptation. People are tempted, but the fear of punishment, the fear of losing something keeps them straight. If there is a solitary money lender living in a village inhabited and owned by zamindars, he knows that if he is dishonest even to the extent of Re. 1 if he is detected, he will get a shoe-beating from the first zamindar that comes along. He knows that. He will be turned out, he will be looted, his shop burnt and he would not be allowed to use the land of the zamindars for conservancy purposes. And that has happened in one or two places in the Punjab. My submission therefore is that fear of punishment even in the case of the most dishonest money lender is better safeguarded than Mr. Mir Maqbool Mahmood wants to provide by means of this measure. Then, the third justification is the relations of the money transactions with the Usurious Loans Act. He says the courts find it impossible to trace the history of old loans and therefore they are unable to find out how much is due on account of principal and how much is due on account of interest. This, I may submit, is also an ungrounded fear and has no basis in fact. Anyone who is familiar with the form of accounts at present kept by money-lenders of any position, of any standing, would know that as a rule they have three books, the day book, the cash book, and a ledger. In the ledger there are various accounts. They are called *khatas*. There are personal accounts and there are other accounts also. Some people keep two *khatas*. One is the personal ledger and the other is the general ledger. In the personal ledger are entered the accounts of various persons to whom money is lent; in the general ledger are kept the accounts of other transactions. For instance if some wheat is bought or sold the account will go into the general ledger unless one is a big trader in wheat and keeps a separate *mal khata*; or supposing he has made some money in some other transaction, it would go into the general ledger. In the same way when some interest has accrued on

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a loan which is given to a borrower, the interest will go into the interest *khata*. It is kept separate as was pointed out by one of the honourable members and I therefore need not dilate on it. It goes into the interest account. It is also added to the principal. Now, Mir Maqbool Mahmood thinks that when it is added to the principal, confusion is created and that is what he particularly called the vicious system of money-lending, the addition of interest to the principal. I hope he does not mean that interest should not be added to the principal. It has to be added. All that he can want reasonably is that even if interest is added to the principal, both items should separately appear in the *khata*, and I assure him that everybody who knows anything about accounts would know that both these items are separately entered in the account. The principal of course is totalled up and underneath is put down interest and in the interest *khata* interest realised or accrued is separately recorded against various borrowers. That is the way in which accounts are kept at present. Well then, he may say, a bond is taken for an old debt which was at first in a *bahi* account and in the bond that becomes a fresh cause of action and therefore the court would not know how much was due on account of interest and how much was due on account of principal. As a rule whenever a bond is executed reference is made to the old loan if any, I can almost challenge my learned friend on this point that if he were to examine 100 bonds even executed by zamindars in favour of money-lenders he would find almost in everyone, if it is for old debt, a reference to the old debt either of the *bahi* or if it was due on a bond a reference to the bond. And if there is a reference, which, as I have submitted, is almost always made, it is very easy for the court unless it is presided over by any indifferent judge to trace the history of it and then to make up its mind whether the Usurious Loans Act should be applied to it or not. Then, Sir, how many instances are there which we can cite from our experience of the courts and also from our general knowledge of the business methods and business conditions in which interest is charged at usurious rates? If it is done it is done in cases where the return even of the principal is doubtful. It is a trite maxim that higher the interest the worse the security. Or I will reverse it and say—the worse the security the higher the interest. If a money-lender is risking his principal, then he sometimes or, say, quite often charges an interest which might be considered exorbitant. My submission, therefore, is that even his bogey of the Usurious Loans Act should not frighten and coerce us into passing this most unworkable measure. Then, Sir, I may just quote instances of one or two transactions. The interest is regulated by various conditions—the conditions in the market, by the status of the borrower and by the kind of business that the borrower is doing. Even the rate of the Imperial Bank ranges from 3 to 9 per cent. I know that in Lahore it has sometimes been 10 per cent, because in Lahore, if I am not mistaken, the rate of interest is 1 per cent. higher than the rate of the Imperial Bank at the head office. It may sound astounding that the Imperial Bank should charge as much as 10 per cent. But, then, the rate in the market in the case of other Banks is still higher. It is sometimes even 12 per cent. I know that some of the big Banks here charge as much as 12 per cent. When you know that your borrower is going to make cent. per cent. profit in the business for which he has taken a loan, you are quite justified in taking a pretty high rate of interest from him, and we do take and so does a private money-lender. The Banks also do the same. My submission, therefore, is that there is no justification for an enactment of this kind. My learned friend has drawn my attention to a passage in

"Money-lenders and Borrowers" by Alabaster. I do not know if it is his *nom-de-plume* or the real name. He says: "We live in a commercial age when every body who has any money at all to lend does lend. The borrower in a beneficial trade to complete his experiment in connection with an invention or to develop a property can make with the lender a reasonable bargain mutually satisfactory to both and does not need the protection of paternal legislature." And even in that passage which you were pleased to refer when you were an ordinary member of this House there was a passage in which Thorburn had clearly said that beyond a certain stage it was not necessary to go. He did not advocate any legislation regulating or restricting the money-lenders or affording these artificial protections to the borrowers. I would, therefore, submit that absolutely no law is necessary—law such as has been proposed either for the protection of the borrowers or for the eradication or extermination of the money-lenders as some of the honourable members of this House may really desire to do, if I could take Chaudhri Duli Chand's remarks as any indication of their minds.

Coming now, to the Bill itself, I would submit that there are so many shortcomings in it, so many defects in drafting and so many shortcomings from a legal point of view that even the amendments which have been proposed would not remove them.

In fact, Sir, the defects in the Bill are so many that it is really like the bottom of a sieve. It cannot hold water. There is not a single clause which has not been recast with the exception of the one which says that it will extend to the whole of the Punjab and it will come into force on such date as the Local Government may appoint. The whole of it has been recast. I wanted to show this by comparing every clause of the old Bill with every clause of the new Bill. I am sure I am not making this statement with any inaccuracy because if any honourable member were to compare the two Bills he will find that with the exception of these two clauses which are really not the operative clauses there is absolutely nothing common. I shall just give an instance. My honourable friend, the representative of Industry, who is pre-eminently fitted to speak on such matters, has just drawn my attention to the definition, as an illustration of the word "Bank" as given in the Bill. According to that definition the Imperial Bank will be out of it. I have not examined it but I can take it for certain that my honourable friend is right in saying this. If the Imperial Bank is left out of the definition, the Directors of the Imperial Bank and the Government which is so deeply interested in the Imperial Bank both materially and financially are also out of it.

Then, Sir, take the very definition of the "Money-lender." I am only putting it as illustrations; I will not go into the clauses at all. It is still on a par with the definition of the "loan" as it stands. What is a "Loan"? "Loan is a loan at interest." Well, one of the most elementary principles of logic is that when you want to define a thing, the name of the thing should not re-occur in the definition. It is the most elementary thing. You may say—law is law and not logic. Very well, as it is, loan is a loan on interest. Let us suppose that it will be a sufficiently good working definition of the word "loan". Then, let us go a little farther in the same sub-clause. This is to be determined by a court. I am sure the astute and Honourable Chief Secretary and others interested in this matter have seen the weakness of that definition and have put an amendment on the agenda. But what about the money-lender about whom the whole

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trouble has arisen? Nobody has been able to define the money-lender. The astute brain of the mover with all his studies at Oxford has not been able to define what a money-lender is and nobody from "Copenhagen" or from "Rome" has been able to help him in that. Nor has any honourable member of the House been able to give the definition of money-lender. They say "it includes". I believe that is what they say. Nobody knows who a money-lender is, although it is said that there are so many money-lenders in the province. A money-lender "includes" every person whose business is this or that. (An honourable member: They are so clever that they cannot be defined.) Yes, quite so. Now, Sir, you are making a law for catching the money-lenders and you do not know what a money-lender is. You say it "includes" although I was told that there were some 40,000 money-lenders in the province. The Honourable Mr. Strickland would be able to tell us how many of these "blood-suckers" there are in this province. The number of "Shylocks" must be very large and yet Mr. Strickland in the deliberations of the Select Committee was unable to define the money-lender. Then what is to be done? Is it to be defined by the court? And who is this court? Some Chaudhris in a village panchayat are to define a money-lender who neither the Honourable Mian Sir Fazl-i-Husain, nor the Honourable Mr. Dunnett and none of this galaxy of the luminaries of the Government Benches have been able to define. (An honourable member: They are too cunning to be defined.) Then, Sir, if the amount of the loan is a little higher, you want a small cause court judge to define what a money-lender is, or a sub-judge of the fourth class. Anyone who has been at a college for some years will corroborate me when I say that he must have turned out a lot of them. They are to define what all of us cannot define. I am still such a minor that I require protection at the hands of my young friend Mir Maghul Mahmood. He wants to be my guardian and the guardian of every one. Does it not amount to this, Sir, that you prescribe the punishment but you do not define the offence? The money-lender or a person before he can be punished under this Act, when it becomes one, must be held to be a money-lender before the penal clauses of this Bill will have any effect upon him. He has not been defined. Does it not come to this that you enact the whole of the Indian Penal Code, leave out the definitions of the offences and prescribe punishments and leave it to the courts to find out whether that offence has been committed or not? What would you think, Sir, if "sedition" were not defined and punishment under section 124-A were laid down and were left to a Magistrate to be inflicted? I think, if the Magistrate were a very loyal gentleman expecting promotion, lands and jagirs, none of us would be safe because anyone who has the temerity to get up and oppose the Government can be hauled up under section 124-A because the offence is not defined and the court can inflict any punishment. That is what it comes to. I do not know if you have read recently in the papers that even such a thing (which is outrageous to one's sense of decency) as nudity could not be punished by a Magistrate in America simply because obscenity had not been defined in any criminal code there so as to include nudeness. I am referring to that instance of an actress being made to sit in a bath full of champagne under certain conditions. The accused, the stage manager, so far as I understand it, was acquitted on the ground that the offence, if any, did not fall under any definition. The Magistrate said: "How can I punish this man? I know he has done something abominable and horrible, but what is the law under which I can

punish him." And he was an honest magistrate. He would not invent a definition for an Act howsoever revolting it might appear to his sense of decency. What that honest magistrate in America did not like to do Mir Maqbool Mahmood wants to do in the case of a class who, even according to his own admissions, is essential to the economy of the province. His punishment would be dismissal of the suit if the judge happens to be a sub-judge or small cause court judge or even some members of the panchayat or even a collector who knows nothing of law or who knows nothing beyond measuring fields or attesting *jamabandis* and so on or who has probably been doing some criminal work. It is something preposterous that the offender is left to the mercy of any judge who for the time being occupies the chair in the court. Sir, here I would like to say a few words, and I would particularly draw the attention of the Government benches to this, because after all it is they to whom we can appeal. About the rest we can only think of the last prayer of one of the holiest personages who have descended to this earth, "Forgive them for they know not what they do"—it is only these benches to whom we can appeal, because they are capable of thinking intelligently and are supposed to act dispassionately, I appeal to them, "when you consider the present atmosphere of the province, can you leave the money-lenders, howsoever execrable they may be here and there, to the tender mercies of an inexperienced judge whose mind also is poisoned by communal poison which now permeates the whole atmosphere of this province?" It is he who has to define who is a money-lender. Supposing a Muhammadan money-lender, and there are many among them, comes before a Hindu judge whose mind is also biased by this communal prejudice, will he not be under a strong temptation to hold that the plaintiff in that case or the defendant as the case may be is a money-lender and *vice versa*? I submit to you, Sir, the very sources of justice will be poisoned if you put this Bill on the statute book, because the very courts of justice which are the springs from which justice flows will be poisoned by the atmosphere which now prevails in the province. You would be placing in the hand of the ordinary judges the power which in some cases, in the present state of affairs in many cases, they would be incapable of exercising with due discretion and impartiality. What do you gain by putting such a measure on the statute book, a measure which is possessed of so much evil and which is calculated not only to ascerbate the feelings of the two great communities in this province but also to poison the very springs and sources of justice? I am sure, Sir, that would be the result if this Bill becomes law. I appeal again to the occupants of the Government benches, not because I have no regard for those gentlemen on the other benches, as I have already said I have great esteem for them and for some of them I have genuine affection and respect, but I know that the state of affairs in this province at present unfortunately is so bad that for one reason or another they are incapable of discussing the measure on its own merits. There may be some on the other side also who may be carried away by the heat of the moment and might disregard the merits and might exaggerate the evils, I am not so partial as to deny the possibility of such a thing also. But it is you who are occupying, if I am permitted to address them, Sir, through you, it is the honourable members who are occupying the Government benches who are expected to give a lead in this matter for various reasons. As I said, you are the practical authors of the Bill. If the idea did not originate with you, you have in any case adopted it. I know that the Government has defined its position in the statement which was made day before yesterday by the Honourable the Chief Secretary.

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But even on that statement it is perfectly clear that the Government is sponsoring this Bill and the Government has the responsibility which arises from this sponsoring of this measure. There is no doubt that the Bill was originally moved by my learned friend Mir Maqbool Mahmood, but not only in the Select Committee did the Government practically try to make the measure its own by inviting Mr. Strickland, an able expert in the Government ranks to lend support at the deliberations of the Select Committee, but even after its emergence from the Select Committee it is the Government that has sought to alter it and modify it almost beyond recognition. I am quite prepared to admit and appreciate the Government attempt in modifying this measure even after it has come out of the Select Committee, because I find that the amendments proposed by the Government are as a rule an improvement on the Bill and take away to a certain extent the sting from the Bill as it was originally introduced and even as it emerged from the Select Committee. I have reason to believe that every member of the Government individually is not enamoured of the Bill. It has been described by some of them or some one of them as a vile Bill, by another as an impracticable Bill; and so far as I am aware there are many even on the Government benches who are not enamoured of the Bill, but as was stated on behalf of the Government by the Chief Secretary, Government does want that there ought to be a standardised system of accounts for the help of those unacquainted with business methods. That is a perfectly laudable desire. For every people who are unaccustomed to business, every people who are unacquainted with business methods some sort of help may be given. But pray then, remember, do not include me and my honourable colleagues on this side and also on the other side who are able to look after themselves and I include among these. (At this stage Malik Firoz Khan Noon interrupted). Does the honourable member want me to include him among those who are unable to look after themselves, among the illiterate, among the unintelligent and ignorant and the booby class? I won't do that even if you want me to do that for the purpose of this Bill. I have too much regard for his intelligence to include him among those who are unacquainted with business methods or unaccustomed to business procedure. If you want to give protection, if you have realised the necessity for giving protection, give it to those who require it, just as you give your inams, jagirs, lands and titles to those who require them, though very often undeserving. Don't repeat that mistake here. The honourable members on the Government benches must know that when they give their titles and confer honours on those who do not deserve them they are criticised. Similarly they should not extend their protection to those who do not require it and withhold it from those who do require it. Do not hamper or handicap them in their business.

Before I sit down, Sir, I would like to draw the attention of the honourable members sitting on the Government benches to look at the state of affairs in the province. All that we are asking at this stage is that this Bill may be referred to a Select Committee to the same Select Committee in fact as Raja Sahib's amendment says or it may be circulated for public opinion. Even that would mean some concession to the demands of those who are opposed to this Bill and would go a great way in assuaging the outraged feelings of those who think that injustice is being done to their community. Whether they think it rightly or wrongly the feeling is there that injustice is being

done to their community by the introduction of this measure. I will tell them, through you, Sir, that the feeling is deep and widespread that the Government wants to create a split between the two communities. I say it boldly because this is the place where I can speak out my mind, because in any other place I cannot have so many honourable members to meet together and for various other reasons also, one of which may be the Indian Penal Code. (Laughter). I may say, Sir, that the feeling that the Government wants to rule by dividing the two communities is deep and genuine and widespread. They know that there was a time when the Government was almost to all appearances trembling in its shoes when the Hindus and Muhammalans stood united together

Mr. President : Order, order, I am aware that the honourable member can speak on this Bill for hours, nay for days, but he is not now speaking to the question which is directly before the House.

Dr. Gokul Chand, Narang : I wanted to say, Sir, "Do not encourage that feeling. Try all that you can to remove that feeling." (At this stage Shaikh Muhammad Sadiq said something.) If I have said any word to which objection can be raised on communal grounds, that I had made any attack on any or had even indirectly done or said anything which might be construed to have injured the feelings of any one I am prepared to plead guilty, but I am sure that I have not said a word which can be construed to give any offence to anybody. But I do want to appeal to those gentlemen who are so anxious to interrupt me and to those who are sitting on this side also that this is a state of affairs which should be improved and it is the Government to which both the communities look up for assistance in this respect. It is a matter of shame that both the communities should be reduced to this position that even to set their own houses in order they should have to look to Government, but such is the state of affairs, and if the Government does not help in this, well, there will be no case for either community to be grateful to the Government and the Government would have failed in its great duty (Cheers).

Mir Maqbool Mahmood : Sir, before any other member is called upon to speak I would request you to announce that the House will continue to sit until the question before the House is disposed of. (Voices of 'No, no').

Mr. President : The motion which is now before the House has been discussed for four days and I think we ought to be able to dispose of it before we break up to-day.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I have only to make a very short statement with reference to one or two points that have been made by different speakers from time to time. It has been either alleged or insinuated that the Government has either inspired the honourable member to bring forward this legislation, or to put it colloquially, has put him up to bring it before this House. In other words that Government instead of bringing forward this legislation itself had recourse to using a non-official member of this House to do this work for it. This allegation or insinuation is absolutely unfounded and I will presently be able to show that a moment's reflection will assure the honourable members that it is hardly worthy of any honourable member to make this allegation or insinuation. The honourable member introduced his first Bill in November 1924. It has been alleged and alleged with great force that the present Bill is so radically different from the original one that it cannot be recognised. I

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it alleged, Sir, that in November 1924 or before November 1924 the Government had made up its mind to get certain legislation passed and it tutored a non-official member to bring it forward and the product of that joint deliberation was the Bill which the Government was the first one to get scrapped or to get altered so as to become quite a different one at this stage? As a matter of fact when that Bill was introduced, the position of Government was this. Under the Reforms Scheme, the Government would like to encourage the introduction and the consideration of private Bills. If Government did anything to encourage non-official members of this House in their attempts to introduce legislation, surely it was in keeping with the policy of the Government from 1921 onwards. Is it not a fact that before this Bill, there were two private Bills introduced and passed by this Council. Did not both these Bills get the same support and the same encouragement from the Government as this one has been receiving. Again as soon as the first Bill was introduced by the author of this legislation although the Government agreed to the honourable member introducing it and proceeding with it, it still expressed itself in no unmistakable terms to the effect that it was not a desirable measure. Although the honourable member pressed hard that his Bill be referred to a Select Committee, the Government set itself against that proposal and agreed only to the proposal that the Bill be circulated for eliciting public opinion. When that stage was passed, it is true that the Honourable Sir John Maynard made an announcement in this House that the Government was prepared to see that the Bill was referred to a Select Committee. Am I far wrong in saying that after the Bill had been introduced after circulating it for eliciting public opinion and after the public opinion had been gauged the ordinary and normal thing to happen was that it should be referred to Select Committee? Was the Government doing anything that could be possibly objected to, as unfair to any part of the House?

The third point raised was and a very good point it appeared to me at the time when I heard it, that three honourable members of this House—men of distinction, men of eminence, one a managing director of an eminent Bank, another a representative of the Chamber of Commerce and the third the honourable member who spoke last, names of these three gentlemen were placed before the House and that the House refused to include their names in the list of members of the Select Committee. To one who is not familiar with that incident, this might appear as a very strong impeachment of this House and as a matter of fact of the attitude of the Government. Surely the inclusion of three more members normally would not be a point to which any strong exception could be taken. But the honourable member himself has said that the Select Committee consisted of 15 members and he also mentioned that of these 15 members, three members were official members meaning thereby the honourable member in charge of the department, his Secretary, Mr. Dunnett and the Legal Remembrancer who is an *ex-officio* member of all Select Committees. Sometimes he said in the course of his speech that there were three members and at other times he said there were four members.

Dr. Gokul Chand, Narang: I always said four members.

The Honourable Mian Sir Fazl-i-Husain: Perhaps the honourable member included the Honourable Chaudhri Chhotu Ram as an official.

Dr. Gokul Chand, Narang: He is a member of the Government.

The Honourable Mian Sir Fazl-i-Husain: The honourable member must realise that he is a non-official member of the Council. So, excluding

three officials there were twelve non-official members of this House, on the Select Committee and they were divided as follows. It must be remembered that the non-official members of this Council are something like 77 or 78, and out of them 12 were on the committee, of these only four were Muhammadans. There were as many as 5 who were Hindus. There were two Sikhs, and there was one European out of the total strength of three non-official Europeans. It would thus appear that the desire of the honourable member to add three more who had more or less definitely declared themselves against the Bill could hardly be stated to be justified unless the object were to constitute the committee in a way to give preponderance of seats on that committee to those who were opposed to this bill. To that, naturally the Government did not want to be a party. That is the explanation.

Dr. Gokul Chand, Narang : Were they equally balanced ?

The Honourable Mian Sir Fazl-i-Husain : The honourable member himself said that there were six members on each side.

Dr. Gokul Chand, Narang : Sir, I have already taken so much of the time of the Council and I do not wish to dilate any longer. I said there were nine against six and that they were not equally balanced.

The Honourable Mian Sir Fazl-i-Husain : There were only 12 non-officials. When I am on my legs I do not want to be interrupted. I always take the precaution not to interrupt others when they are speaking even though they might invite interruption.

Now, Sir, the fourth point made was this. Here is a Government straining every nerve to push this Bill through. They find that the Home Secretary, Mr. Dobson who was a member of this House was not strong enough to give his support to this weakling baby and therefore he was removed and a stalwart of the co-operative society was enlisted so that the Bill may get through rapidly. Well, Sir, the honourable member recognises on the statement of Mr. Dunnett that his theory of excluding Mr. Dobson is imaginary. What may happen to me or to him to-day or to-morrow, namely, a touch of fever has happened in the case of Mr. Dobson and it was this that took him away from this House for a short while. My honourable friend, like an experienced lawyer at once shifted his ground and said that that may be God's contribution towards getting Mr. Strickland in, but surely the Government could have selected anybody else but Mr. Strickland to fill Mr. Dobson's place. Well, Sir, I hope I am not divulging any secret of Government when I tell the Council frankly how Mr. Strickland came to occupy the seat behind me. On the day on which Mr. Dobson fell ill, I noticed Mr. Strickland occupying a very comfortable seat in the gallery and it appeared to me that a Government officer who is so keenly interested in the Bill as to come away from his office to watch its deliberations from the gallery might as well be occupying a seat here, (on the floor of the House) as well as there in the gallery instead of taking away an officer from his work in his office which must otherwise get accumulated for him.

Pandit Nanak Chand : Leaving official work.

The Honourable Mian Sir Fazl-i-Husain : Government better have Mr. Strickland as a member of the House instead of letting him sit in the gallery without any files and watching the proceedings in which he

[Hon'ble Mian Sir Fazl-i-Husain.]

was so keenly interested. Government nominated him and this enabled him to sit behind me. That was how Mr. Strickland came to occupy the seat immediately behind me instead of in the gallery.

The last point made was, why was the Government so anxious to push this Bill through as to be put to the necessity of issuing telegrams to absent members calling on them to come and attend the Council? He appeared to think that this was a horrible thing to have happened. There again the honourable member is forgetting for the moment what his party harped upon for 5 years—Dyarchy of the reforms scheme. The honourable member himself owes his presence in this Council to-day and the days that have preceded to-day to a strong demand on the part of his party that he and his friends should appear on the floor of this House in order to improve the Bill, in order to see that this Bill is eventually passed in a way that would do the least harm to anybody and a great deal of good to many. Well, it must be patent to everybody that it is the right and privilege of the Leader of the non-official members of this House, the Leader of the party in power to have his friends and colleagues (hear, hear) in this House to see that the Bill passed is the Bill that will do credit to the Council, and not be a Bill which fails to serve its object. What is sauce for the goose (pointing to Doctor Gokul Chaud) is sauce for the gander (pointing to the Honourable Chaudhri Chhotu Ram) (*Do tor Gokul Chaud, Narang: No, no.*) Does the honourable member desire that he should disarm the Honourable Minister, but he should arm himself with *kirpans* and *ta'bis* and challenge the Honourable Minister to a fight? I am sure it never occurred to him to do so; but if his complaint were really well founded, that would be the effect of it, challenge the Minister to a duel but the honourable member armed to his teeth and the Honourable Minister deprived of his arms.

Dr. Gokul Chaud, Narang: Surely the Honourable the Revenue Member had nothing to do with it.

The Honourable Mian Sir Fazl-i-Husain: As a matter of fact a great deal of heat has been unnecessarily imported into the discussion, but I am here, Sir, ready to acknowledge the great compliment which the honourable member who spoke last paid to the Government in saying that we have been making all sorts of efforts to put this Bill right. We do not claim that we have succeeded thoroughly. The Bill as it has emerged from the Select Committee, I frankly say, did not satisfy the Government and it is for this reason that the Government spared no pains in seeing that the Bill is improved. It is for this reason that we have done our best to think of amendments that will improve the Bill.

Why have we taken such interest in this matter? Why have we not allowed this part of the House and that part of the House to wrangle about it and pass it in any way they liked, ourselves remaining as disinterested spectators of this duel? I will, Sir, very simply state the reason for it. This Bill attempts to provide certain measures for regulating the keeping of accounts; measures that this Bill enacts will have to be enforced by the courts of law and, as the honourable members are aware, all the courts of law that are functioning in India or in the Punjab, are the courts of law with which this Government is primarily concerned and for the good work of which it is responsible. It could not be a disinterested spectator in the discussion of a Bill which will have to be acted upon by its courts of law. I

trust the honourable members will appreciate this and see that if we have asked an officer of Government to help the Select Committee, it is from that motive and that motive alone. If it is that we have unpreservedly placed the skill and knowledge of our Legal Remembrancer at the disposal of the honourable member who introduced the Bill or of other members who desired to consult him in the matter of their amendments, it is also for that very reason. In the Government statement prepared by Sir John Maynard, who presided over the deliberations of the Select Committee, and read out the other day by Mr. Dunnett, it was made clear that Government does recognise the need of improving the keeping of accounts in the province and further believes that this is necessary in the interest of not only one class, but of all classes. Government believes that an improved system of keeping accounts is not to the prejudice of the keeper of accounts, but that in the end it is bound to be beneficial to him and is certainly interested in seeing that the work of the courts of Government is facilitated by an improved system of keeping accounts.

I trust that this assurance of mine will go far to convince the honourable members that this measure was not in its inception a Government measure, that Government encouraged it on the general principle of encouraging the efforts at legislation of non-official members in the matter of private Bills, that the assistance it gave through its officer, technical or otherwise, was with the same object in view that eventually when it found that some of its provisions were obnoxious it said that it would not support them and that every time the supporters of the Bill wanted to rush the Bill, Government said that it would not be a party to that being done, and it is for this reason that since 1924 this Bill has been before the public and before the Council. In view of this it cannot be said that Government has not done all that it was possible in the way of giving its best consideration to the public opinion that has been elicited and to the suggestions that have been made from time to time from the different parts of the House. As to what this Bill will be like after the long list of amendments has been gone through, it is impossible for me to say, but I can assure the House on behalf of Government that it will object to any Bill which is not, and will only support a Bill which is in the best interests of the province as a whole.

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: The original question was—

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be taken into consideration,"

since which an amendment has been moved—

"That the Punjab Borrowers' Protection Bill as reported by the Select Committee be recommitted."

The question is that that amendment be made.

The Council then divided: Ayes 25, Noes 49.

AYES, 25.

Sardar Bahadur Sardar Jowahir Singh.

Mr. Owen Roberts.

Rai Bahadur Lala Dhanpat Rai.

Diwan Bahadur Raja Narendra Nath.

Professor Ruchi Ram, Sahni.

Dr. Gokul Chand, Narang.

Pandit Nanak Chand.

Rai Bahadur Sir Gopal Das, Bhandari.

Sardar Narain Singh.

Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.
Sardar Jodh Singh.
Sardar Gurbakhsh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.

Dr. Nihal Chand, Sikri.
Lala Banke Rai.
Mr. V. F. Gray.
Chandhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Sardar Partap Singh.
Sardar Harchand Singh.

NOES, 49.

Mr. W. P. Sangster.
Lt.-Colonel E. L. Ward.
Mr. C. A. Barron.
Mr. C. M. King.
The Honourable Sardar Jogendra Singh.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sir Geoffrey de Montmorency.
Khan Bahadur Shaikh Abdul Qadir.
Malik Firoz Khan, Noon.
Nawab Malik Sir Khuda Bakhsh Khan.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Mr. A. R. Astbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. C. F. Strickland.
Mr. J. M. Dunnett.
Mir Magbool Mahmood.
Khan Sahib Lient. Malik Muzaffar Khan.
Chaudhri Saadullah Khan.
Mr. D. Milne.
Mr. M. V. Bhida.

Subedar-Major Farman Ali Khan.
Mr. E. Maya Das.
Chandhri Dali Chand.
Sayad Muhammad Husain.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Chandhri Afzal Haq.
Sardar Tara Singh.
Sardar Randhir Singh.
Rao Pohap Singh.
Subedar-Major Asghar Ali Khan.
Maulvi Mazhar Ali, Azbar.
Chandhri Kesar Singh.
Makhdumzada Sayad Muhammad Raza Shah Gilani.
Rana Firoz-ud-Din Khan.
Shaikh Muhammad Sadiq.
Munshi Fazal Khan.
Sardar Dhira Singh.
Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
Chandhri Sahib Dad Khan.
Chandhri Nur Din.
Chandhri Ghulam Muhammad.
Khan Bahadur Chaudhri Fazl Ali.
Khan Haibat Khan, Daba.
Chandhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan, Wagha.
Lient. Sardar Sikandar Hayat Khan.

The motion was lost.

Mr. President : The original question was—

“That the Punjab Borrowers’ Protection Bill as reported by the Select Committee be taken into consideration,”

since which an amendment has been moved—

“That the Bill be circulated for the purpose of eliciting opinion thereon.”

The question is that that amendment be adopted.

The motion was lost.

Mr. President : The question is—

“That the Punjab Borrowers’ Protection Bill as reported by the Select Committee be taken into consideration.”

The Council then divided : Ayes 50 ; Noes 24.

AYES, 50.

Mr. W. P. Sangster.
 Lt.-Colonel E. L. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Honourable Sardar Jogendra Singh.
 The Honourable Rai Sahib Chaudhri Chhotu Ram.
 The Honourable Mian Sir Fazl-i-Husain.
 The Honourable Sir Geoffrey de Montmorency.
 Khan Bahadur Shaikh Abdul Qadir.
 Malik Firoz Khan, Noon.
 Nawab Malik Sir Khuda Baksh Khan.
 Khan Bahadur Nawab Muzaffar Khan.
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. C. F. Strickland.
 Mr. J. M. Dunnett.
 Mir Maqbool Mahmood.
 Khan Sahib Lieut. Malik Muzaffar Khan.
 Chaudhri Saadullah Khan.
 Mr. D. Milne.
 Mr. M. V. Bhide.
 Subedar-Major Farman Ali Khan.

Mr. E. Maya Das.
 Chaudhri Dali Chand.
 Sayad Muhammad Husain.
 Captain Malik Mumtaz Mubammad Khan, Tiwana.
 Chaudhri Afzal Haq.
 Sardar Tara Singh.
 Sardar Randhir Singh.
 Rao Pohap Singh.
 Mr. V. F. Gray.
 Subedar-Major Asghar Ali Khan.
 Maulvi Mazhar Ali, Azhar.
 Chaudhri Kesar Singh.
 Makhdumzada Sayad Muhammad Raza Shah, Gilani.
 Rana Firoz-ud-Din Khan.
 Shaikh Muhammad Sadiq.
 Munshi Fazal Khan.
 Sardar Dhira Singh.
 Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Mubammad.
 Khan Bahadur Chaudhri Fazl Ali.
 Khan Haibat Khan, Daba.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Mubammad Khan, Wagha.
 Lieut. Sardar Sikandar Hayat Khan

NOES, 24.

Sardar Bahadur Sardar Jowahir Singh.
 Mr. Owen Roberts.
 Rai Bahadur Lala Dhanpat Rai.
 Diwan Bahadur Raja Narendra Nath.
 Professor Ruchi Ram, Sahni.
 Dr. Gokul Chand, Narang.
 Pandit Nanak Chand.
 Rai Bahadur Sir Gopal Das, Bhandari.
 Sardar Narain Singh.
 Rai Bahadur Lala Sewak Ram.
 Lala Bodh Raj.
 Captain Dhan Raj, Bhasin.

Lala Sham Lal.
 Sardar Jodh Singh.
 Sardar Gurbakhsh Singh.
 Lala Mohan Lal, Bhatnagar.
 Lala Diwan Chand.
 Dr. Nihal Chand, Sikri.
 Lala Banke Rai.
 Chaudhri Ram Singh.
 Lala Mohan Lal.
 Mr. Labh Singh.
 Sardar Partap Singh.
 Sardar Harchand Singh.

The motion was carried.

The Council then adjourned till 10-30 A.M. on Monday, the 5th July 1926.

PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Monday, the 5th July 1926.

THE Council met at the Assembly Chamber at 10-30 of the clock. Mr. President in the Chair.

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now proceed to consider the Punjab Borrowers' Protection Bill clause by clause.

Clause 2.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I beg to move :

"That after sub-clause (1) of clause 2, the following new sub-clause be inserted :—

'Company' means a company registered under any of the enactments relating to companies for the time being in force in the United Kingdom or any of the colonies or dependencies thereof or in British India or incorporated by an Act of Parliament or by Royal Charter or Letters Patent."

This, Sir, is a formal amendment. As you will find from the report of the Select Committee they have stated there that in certain clauses companies have been limited to registered corporations. But unfortunately in exception (5) of sub-clause (2) the word 'company' has not been defined, and the definition of company which would have come as a substantive definition, comes only as a portion of sub-clause (5). In exception (3) to the definition of loans you will find that a deposit of money or other property in the Government post office, bank or a co-operative society is exempted, and since 'company' is not defined it may just be possible that a company of borrowers may be organised which might carry on the whole business of money-lending. Any way, Sir, this inclusion of the definition of company is a formal amendment and I move it.

Mr. President : Clause under consideration, amendment moved :

"That after sub-clause (1) of clause 2, the following new sub-clause be inserted :—

'Company' means a company registered under any of the enactments relating to companies for the time being in force in the United Kingdom or any of the colonies or dependencies thereof or in British India or incorporated by an Act of Parliament or by Royal Charter or Letters Patent."

The question is that that amendment be made.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : Sir, I have not much to say in opposition to this amendment which has been proposed, but only to show how badly the whole thing has been managed and drafted, and I would point out that even this definition is

[Dr. G. C. Narang.]

incomplete and it would not cover some cases which might well escape the operation of this Act. There is no amendment to the definition of the word 'bank' so far as I can see in the list of amendments, and this is the only amendment with respect to definitions relating to such institutions as banks or companies; and as was pointed out the other day it would not include the Imperial Bank. My submission therefore is that this should be left over for a future occasion and this amendment being incomplete should not be adopted.

Mr. President : Clause under consideration, amendment moved :

" That after sub-clause (1) of clause, 2, the following new sub-clause be inserted :—

'Company' means a company registered under any of the enactments relating to companies for the time being in force in the United Kingdom or any of the colonies or dependencies thereof or in British India or incorporated by an Act of Parliament or by Royal Charter or Letters Patent."

The question is that that amendment be made.

The motion was carried.

Lala Mohan Lal [North-East Towns (Non-Muhammadian), Urban] :
Sir, I beg to move :

" That sub-clause (3) of clause 2 be omitted."

Sir, all of us know what the word " Court " means. As it stands in the Punjab Courts Act the word court means ordinary civil court, but here it is made to include the Collector, and for what purpose?—for the purpose of including redemption suits. The honourable the mover and other friends of mine who are lawyers know that redemption of mortgage suits are tried summarily, and what is done there is only this, that a man who has mortgaged his property and wants to have it redeemed, puts in an application before the Collector saying so much money is due from me and the mortgagee may be asked to receive that money and the property may be redeemed. These proceedings are generally held before the Revenue Assistants and the proceedings are summary ones. Some of these Revenue Assistants do not give much attention to these proceedings because they know the parties have to go to the civil court. If the amount that is deposited by the mortgagor is accepted by the mortgagee, it is all well and good, but if it is not, all that the court does is to direct the parties to the civil court. May I know, Sir, whether the honourable the mover means that by defining the court in this way the revenue court should frame an issue whether a person is a money-lender or not, and whether, having decided that issue in a summary way, that should be a *res judicata* for civil proceedings between third parties and the person who is held to be a money-lender by summary proceedings before a revenue court should in future be branded as a money-lender? I submit, Sir, that my suggestion is a reasonable one and I hope the Government and the honourable the mover will accept it. To me it appears quite unnecessary that this provision should stand on the statute book. This has already been pointed out by my honourable and learned friend Dr. Gokul Chand, Narang. I doubt if it is desired that a person should be declared a money-lender in summary proceedings and he should be branded as such for ever. This I submit, Sir, is hardly fair. With these words I move my amendment.

Mr. President : Clause under consideration, amendment moved :

"That sub-clause (3) of clause 2 be omitted."

The question is that that amendment be made.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural] : Sir, I am sorry to say I cannot support an amendment of this nature because it will take away from the purview of this Act a large number of cases that do occur out in the mofussil. The only objection that my friend has against a Revenue Assistant being called a court is simply because he exercises summary powers in deciding cases with regard to the redemption of land. I submit, Sir, that a member of the Provincial Service only gets a chance of becoming a Revenue Assistant after he is of at least 13, 14 or 15 years standing, whereas on the other hand in the ordinary civil courts a sub-judge, even if he has been there for one or two years, without any experience, will have the power to decide similar cases in a civil court. If an ordinary sub-judge is being given power to decide similar matters in a civil court, I see no reason why an experienced and senior officer of the Provincial Service should not be allowed to exercise similar powers in redemption of mortgage suits. Moreover in these redemption of mortgage suits, if the mortgagee is not satisfied with the decision of the Revenue Assistant, he usually rushes into a civil court and files a suit. That is what generally occurs and my learned friends who are afraid of summary power being exercised against them will have a full opportunity of having their say in a civil court if they are not satisfied with the orders of the Revenue Court. Therefore I hope that the honourable member will not press this amendment and thereby destroy the usefulness of this Act.

Dr. Gokul Chand, Narang [North-East Towns (Non-Muhammadan), Urban] : Sir, I am sorry I cannot agree with the criticism that my learned and honourable friend Mr. Firoz Khan, Noon has levelled against the amendment of my honourable friend Lala Mohan Lal. This procedure, as has been pointed out, is extremely summary and it is for the convenience of the mortgagors particularly. It is they who go to the Collector and say "my land is mortgaged with such and such a person for such and such an amount, and I request that the mortgagee may be summoned by means of a notice and may be asked if he has any objection to the redemption of my land." Well, the mortgagee is summoned and if the parties agree there is an end of the matter and no bones are made with respect to any such question which certainly is not pertinent to the redemption of mortgages. But if any party is dissatisfied, as has been admitted even by Mr. Noon, that party can go to a civil court. Therefore, if that is the case, and it has been admitted that it is so, my submission is that the proceeding before the Revenue Assistant with respect to the framing of these issues as are specified in clause (5) which we shall presently consider, would be absolutely redundant and would be a sheer waste of time of the court, and also of the parties and would mean unnecessary expense. Then again we know that nothing that the Revenue Court or the Collector's Court in this case may decide would have the force of *res judicata*. That is an additional argument to show that the whole procedure is absolutely unnecessary. With respect to a Revenue Assistant being an experienced man, there is no doubt that before a Revenue Collector is appointed a Revenue Assistant, he has got some experience, but what sort of experience has a Revenue Assistant before he is appointed to that responsible position? He has no

[Dr. G. C. Narang.]

judicial experiences as such, meaning thereby that he has not as a rule done any civil work, and therefore he is not familiar with the Civil Procedure Code and with the procedure which is generally followed by the civil courts. He will act as an executive officer, and that is exactly what he is supposed to do for the convenience of the poor mortgagor, who is very often a poor agriculturist, a poor zamindar or a poor peasant or a poor borrower and everything poor as the honourable members on that side may like to describe him. Therefore it would be absolutely unnecessary to ask the Collector, who has no experience of civil courts, to frame the two or three issues which are contemplated under clause (b) and give a finding whether the defendant in that case is a money-lender or not, and whether he has kept regular accounts or not. No harm, whatsoever, will be done to the borrower or the mortgagor in such cases. It is only varying the procedure and wasting the time of the courts and the parties and creating unnecessary difficulties and complications in a simple matter. Therefore I regret that I cannot agree with my honourable friend Malik Firoz Khan, Noon and I strongly support the amendment which has been proposed by Lala Mohan Lal. From the voting on this amendment it will appear in what spirit the party on the opposite side is going to handle this Bill. If they throw out even this amendment, which is absolutely innocent and not only innocent but a very useful and wholesome amendment, it will show that they are not prepared to listen to anything reasonable that might be said from these benches and I will certainly look upon it as an indication of the mind of the honourable members sitting on the other side.

Lala Sham Lal [Hissar (Non-Muhammadan, Rural) (Urdu) : Sir, I have not much to say in regard to the question before the House. The only thing to which I would like to draw the attention of the House is that in case this clause is retained, the summary decisions of the Revenue Courts will operate as *res judicata*. That will certainly work hardship on the money-lenders. Under the present law, the aggrieved party after the decision of the revenue officer can go to the civil court and against the decision of the civil court he has the right of appeal and of second appeal and in some cases of third appeal. Not only that, the right of review and revision is also allowed. But when the present Bill is passed with sub-clause (3) of clause 2, this right of appeal of the aggrieved party will be taken away from him. I would, therefore, request that the revenue officers should not be invested with the power with which they are proposed to be invested by the clause under consideration. The amendment moved is quite innocent as has been pointed out by my friend Dr. Narang and therefore it should be passed.

Mr. Lath Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan) Urban] : Sir there is some confusion regarding the provisions of the Redemption of Mortgages Act, 1913. That enactment was devised solely with the view of providing mortgagors with special facilities for the purpose of redeeming their land or other immovable property that might have been mortgaged by them. It enables the mortgagor to serve the mortgagee with a notice or to approach some third person, some respectable intermediary to get the redemption of the land. It was considered necessary that the mortgagor seeking the mediation of a third party or seeking the mediation of a lawyer to serve the mortgagee with a notice should be supplied with a very simple machinery for utilising the

mediation of a respectable Government officer for the purpose of securing the redemption of his immovable property. The mortgagor under that Act was simply to go to the revenue officer and make a simple application setting out that a certain piece of immovable property was mortgaged with such and such a person for such and such an amount and that accounts be taken and the amount be fixed on the footing of the mortgage so that the mortgagor may deposit the same in court for the mortgagee and thereby effect the redemption of his land or other immovable property concerned. Now this Act therefore simply provided a short method, not of deciding a dispute, not of litigating a contention between the parties, but simply of paying off the mortgagee and inviting the mediation of a respectable person for the purpose of settling the amount that was due on the basis of the mortgage. That is all that the Redemption of Mortgages Act, 1913, provides. So it was never contemplated that there would be any judicial proceedings in any sense of the term. The proceedings were more or less of a ministerial nature and not of a judicial nature. What happens in these cases is this, that a simple application is made. The mortgagee is called upon to present to the court his deeds of mortgage and a simple account is taken and the officer says such and such an amount is due on the basis of this mortgage. If the mortgagee accepts, well and good; otherwise the party concerned is directed to a civil court and no further proceedings take place. There is no appeal from the decision, for as I have already pointed out, there is no decision, no judgment follows, there is no decree or anything of that sort. The proceedings are purely of a ministerial description, and what further happens is that the mortgagee is seldom inclined to prosecute the defence otherwise than casually. In such applications they simply present the mortgage deed to the officer and have nothing more to do with it. If, as is contemplated by this provision, these issues are to be decided by the officer it would simply mean that certain decisions will be given *ex-parte*, not in a technical sense *ex-parte* but more or less *ex-parte*, and those decisions will decide as it were the status of certain persons. I as a practising lawyer may have taken some mortgage in my favour. My mortgagor comes to the court. I do not care to prosecute. My agent goes to the Collector and simply says that so much is due to us. Now the proceedings would be not technically *ex-parte* and yet practically speaking and virtually they would be *ex-parte*. I might not care to adduce evidence but there is the oral evidence of one or two witnesses which the mortgagor may have adduced before the court. The result of that would be that the officer will say that Rs. 10,000 is due to the mortgagee, and further that the mortgagee on the evidence adduced before the court is a money lender—which means that an important question affecting the status of the mortgagee would be decided in that case. No doubt it would be open to me in subsequent proceedings in a civil court to rebut that presumption, to adduce evidence in contradiction of the finding that had been given by the revenue officer, but one cannot forget that presumptions are presumptions and it is very often extremely difficult to adduce enough evidence in the negative to rebut a thing like that. Therefore I submit, Sir, that the adoption of this clause would work most iniquitously, and there seems to be no reason whatsoever why the proceedings under the Redemption of Mortgages Act should be included in this Bill and the revenue officer should be designated a court in the sense in which a court carrying on civil judicial proceedings is a court.

[Mr. Labh Singh.]

There is only one point more I would like to make and that is this. It has been said that a large number of cases under the Redemption of Mortgages Act arise in this province. My own experience of district courts tells me that the cases instituted under the provisions of the Redemption of Mortgages Act are very few and far between. It is very unfortunate that throughout the proceedings on this Bill we have been fed only on unsubstantiated generalities and unproved assumptions. We have been told that this or that thing happens but no statistical data have been collected, nor, so far as we are aware, has any attempt been made to collect any data along these lines so that the House might proceed rationally and not grope in the dark. What we are faced with is an attempt, as it were, to rush through a measure which is more or less Bolshevik in its nature in the sense that it tries to divest people of their ordinary rights in courts of law. It is a sort of disappropriating measure. We have been reminded of the fact that very often we find that mortgagees are zamindars more often than not perhaps now-a-days they are so, and the ostensible purpose of this Bill, as we are told *ad nauseam*, is the protection of the ordinary peasant, the poor agriculturist; but here in this case what do we find? A provision is sought to be introduced which is really no protection even to the zamindar but on the contrary provides an opportunity for a good deal of mischief. I therefore support the amendment moved by my honourable friend on the grounds that I have indicated.

Mir Maqbool Mahmood [Amritsar (Muhammadian), Rural]: Sir, in this amendment we have just to look at two questions that have been raised. The first is whether the inclusion of the proceedings under the Redemption of Mortgages Act works any hardship on those who come to court. I understood my learned friend Lala Sham Lal, whose consistency I do not question for a moment, to say that if in the proceedings under this Act the finding given is that a man is a money-lender, that will go against him in all subsequent proceedings. He will forgive me if I state that that is not so. In the first instance there is no such presumption under this Act. (An honourable Member: For practical purposes there is. Under section 11 of *re judicata* the court is barred from going into that issue again, but the presumption under this Act is rebutted and is only for the purposes of this Act. Therefore no particular hardship is worked against a man who in the proceedings under this Act is held to be a money-lender.

My learned friend from Gujranwala stated that mostly people do not prosecute their cases under this Act seriously. If a man does not choose to avail himself of all the opportunities that the law gives him, it is for him to suffer.

The second point I want to submit is this that in the proposed legislation which the House is now discussing, we accept the principle that under certain circumstances a borrower is entitled to certain protection, and I think it will be the reverse of justice and fairplay to tell the borrower that he will have that protection only in certain courts and not in other courts.

If a certain point is right and fair it should be held to be fair in all courts and by all magistrates sitting under the British administration. If one court is to hold it fair on a certain evidence and another court were to hold a contrary opinion on the same evidence, then we cannot be proud of the British administration of justice.

11 A.M.

Under this measure a right is given to the borrower to expedite his remedies if he finds for one reason or another that he is not getting fair play. Let us take the case of a borrower who gets six-monthly statements and finds that there has been some wrong play in the accounts. The only way by which he can expedite his relief is to come under this piece of legislation. It is unfair that we should preclude him from the protection which this sub-clause gives. With these words I oppose the amendment which has been moved.

Lala Bodh Raj [West Punjab Towns (Non-Muhammadan), Urban]: Sir, Malik Firoz Khan, Noon and the mover of the Bill have raised objection to the amendment on the ground that the provisions of the present Bill do not operate just like the principles of *res judicata* as defined in section 11 of the Civil Procedure Code. But the difficulty in such cases is that if the mortgagor comes to a court and the Collector while holding that the mortgagee is a money lender determines the amount due to the mortgagee and by chance the mortgagee is satisfied with the amount decreed by the Collector, the mortgagee in spite of the stigma of a money-lender attaching to him has not got the opportunity whatsoever in order to get the finding of the court regarding his being a money-lender upset by the court of appeal or revision however erroneous that finding may be. The proceedings of the Collector under the Redemption of Mortgages Act as has been said are summary in nature. Malik Firoz Khan, Noon said that the court of the Revenue Assistant of the first class is no less competent than the court of a junior sub-judge or a sub-judge of the fourth class. In the one case the mortgagee or the so-called money-lender is not allowed so many facilities as he is allowed in the other case. In the civil court he has got the opportunity to produce evidence and the court is compelled to record the statement of the witnesses in full details but the Collector or the Revenue Assistant is not bound to record the full statement of the witnesses. The Collector or the Revenue Assistant makes a summary statement of the evidence of witnesses and then he gives a finding. This is the difficulty in the court of the Collector. This is the distinction between one court and the other.

The other difficulty that we find in such cases is that the Revenue Assistant generally holds his court in camp and the mortgagees or the so-called money-lenders do not care to attend their cases in camp. They consequently allow their cases to go by default. But in the civil court they do not experience difficulties of this sort and they have the opportunity as well as the facility for proving that he is not a money-lender. These are my remarks, Sir, why this amendment should be accepted.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan), Urban] (Urdu): Sir, so far as I think, the amendment under consideration is reasonable and necessary. As has been explained by my honourable friend Mr. Lath Singh, the proceedings under the Redemption of Mortgages (Punjab) Act, 1913, are of a summary nature and, therefore, to invest the revenue officers with so much power, appears, on the face of it, quite unreasonable. According to the clause that is being attacked, the decision of a revenue court that a certain person is a money-lender will work hardship on that person. The reason is quite simple. As already stated the proceedings before the revenue officers being of a summary nature, no evidence is adduced just as is done in the case of judicial proceedings. The

[Rana Firoz-ud-Din Khan.]

procedure prescribed by the Civil Procedure Code is not strictly followed by the revenue courts and if such a court determines that a certain person is a money-lender, you can judge how far that adjudication will adversely affect that person more especially in suits between him and a third party. I know that presumption created by such a decision is rebuttable, but presumptions are presumptions and it is very difficult to rebut them. Therefore I say that the revenue officers should not be invested with the power with which they are proposed to be invested by sub-clause 3) of clause 2.

With these few words I support the amendment.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural] (Urdu) : Sir, I am glad to find that my friend Rana Sahib has supported the amendment. Now I can very well hope that all the zamindar members of the Council will accept the amendment. In this connection I may say that if this amendment is not accepted, our impression that the present Bill is intended to oppress the money-lenders will be confirmed. . . .

Mr. President : That is a repetition.

Rai Bahadur Lala Sewak Ram (continued in Urdu) : I bow to your ruling, Sir, and I leave that point. I have one thing more to say and that is that the revenue officers are not invested with the powers of a court after an experience of fifteen years as was alleged by Malik Firoz Khan Noon. I can quote quite a large number of instances to show that revenue officers are invested with such powers usually after an experience of only five years.

With these words I support the amendment.

Mr. President : Clause under consideration, amendment moved:

"That sub-clause (3) of clause 2 be omitted."

The question is that that amendment be made.

The Council divided : Ayes 24 ; Noes 40.

AYES, 24.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.
Sardar Tara Singh.
Sardar Jodh Singh.
Sardar Randhir Singh.

Sardar Gurbakhsh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Maulvi Mazhar Ali, Azhar.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. La'h Singh.
Rana Firoz-ud-Din Khan.
Shaikh Muhammad Sadiq.
Sardar Dhira Singh.
Sardar Partap Singh.

NOES, 40.

Mr. W. P. Sangster.	Mr. D. Milne.
Lt.-Colonel E. L. Ward.	Mr. H. W. Webb.
Mr. C. M. King.	Mr. M. V. Bhide.
The Honourable Sardar Jogendra Singhi.	Sayad Husain Shah.
The Honourable Rai Sahib Chaudhri Chhotu Ram.	Subedar-Major Farman Ali Khan.
The Honourable Mian Sir Fazl-i-Husain.	Mr. E. Maya Das.
The Honourable Sir Geoffrey deMontmorency.	Chaudhri Duli Chand.
Malik Firoz Khan, Noon.	Sayad Muhammad Husain.
Nawab Malik Sir Khuda Bakhsh Khan.	Captain Malik Mumtaz Muhammad Khan, Tiwana.
Khan Bahadur Nawab Muzaffar Khan.	Chaudhri Afzal Haq.
Sir George Anderson.	Mr. V. F. Gray.
Mr. A. R. Astbury.	Subedar-Major Asghar Ali Khan.
Mr. Ram Chandra.	Chaudhri Kesar Singh.
Mr. H. W. Emerson.	Khan Bahadur Sir Sayad Mehdi Shah.
Mr. C. F. Strickland.	Munshi Fazal Khan.
Mr. J. M. Dunnett.	Chaudhri Sahib Dad Khan.
Mir Maqbool Mahmood.	Chaudhri Nur Din.
Sardar Bahadur Sardar Jowahir Singh.	Khan Bahadur Chaudhri Fazl Ali.
Khan Sahib Lieut. Malik Muzaffar Khan.	Khan Haibat Khan Daba.
	Chaudhri Najib-ud Din Khan.
	Lieut. Sardar Sikandar Hayat Khan.

The motion was lost.

Lala Bodh Raj [West Punjab Towns (Non-Muhammadian), Urban]:
Sir, I beg to move—

"That in sub-clause (5) of clause 2, after the words 'at interest' in the second line the words 'and includes any transaction which is in the opinion of the court, deciding the matter in substance a loan' be omitted."

A similar amendment has been tabled by a member of Government and I think there will be no difficulty for the mover to accept this amendment. I do not think any elaborate arguments are required on this point. By retaining such a provision in the Bill we are strengthening the hands of such of the members of the judiciary as are prejudiced by communal feelings. There are members of the judiciary who become nervous when there is a case between a Hindu and a Muhammadian. Such courts will dismiss the claims of the creditors at their sweet will without going into the merits of the case.

Mr. President : Clause under consideration, amendment moved :

"That in sub-clause (5) of clause 2, after the words 'at interest' in the second line, the words 'and includes any transaction which is in the opinion of the court deciding the matter in substance a loan' be omitted."

The question is that that amendment be made.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural]: Sir, I have sent in a similar amendment and I therefore heartily associate myself with the mover of this amendment. I think it is not safe to give so much power to the courts in a matter like this.

Mir Maqbool Mahmood: I accept this amendment if the House so desires.

Mr. President: Clause under consideration, amendment moved:

"That in sub-clause (5) of clause 2, after the words 'as interest' in the second line, the words 'and includes any transaction which is in the opinion of the court deciding the matter in substance a loan' be omitted."

The question is that that amendment be made.

The motion was carried.

Lala Mohan Lal Bhatnagar [Lahore and Ferozepore-cum-Sheikhpura (Non-Muhammadan)] (Urdu): Sir I beg to move:—

"That exception (iv) under sub-clause (5) of clause 2, be omitted."

If I am allowed I may as well read the exception which is as follows:—

"A loan to or by or a deposit with any person specified for the purpose of this section by the Local Government by notification. A specification for the purpose of this clause may be made in respect of any class of persons or of any particular person."

No doubt the words "Local Government" occur in this exception, but what generally happens is that if any person is to be exempted, he is exempted on the report of a Sub-Inspector of Police or Tahsildar or such other officer. Usually the reports of these officers are agreed to by the Government. Therefore I say that this exception will open a way to corruption of which we are already so much tired. It is a matter of common knowledge that Sub-Inspectors and Tahsildars are easily accessible and that it is not very difficult to bribe them. It is on this ground that I say that this exception be omitted.

That is not all. The exemption made in any case in favour of a borrower will have effect in favour of his lender also. That will go a long way in frustrating the object of the Bill. I am at a loss to understand why no protection is being given to the so-called poor borrowers against the favourites of executive officers when so much hue and cry has been raised as to the poverty and ignorance of the poor peasants. I really wonder why no safeguard is being provided against the poor borrowers being robbed of by the Government favourites. I hope that the mover of the Bill will realise the mischief that might be created by the retention of this clause and agree to its omission as proposed.

Mr. President: Clause under consideration, amendment moved:

"That exception (iv) under sub-clause (5) of clause 2 be omitted."

The question is that that amendment be made.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural]: Sir, I have tabled a similar amendment and I do not propose to make any lengthy speech. There seems to be no reason why this clause should be retained in this Bill. As the Government is

apparently a member of what may be called an *anti-sahukar* league the Government cannot be expected to use its arbitrary and undefined power in a safe way and it is upon this ground that I propose that this item of clause (2) be deleted from the Bill. More likely than not this arbitrary power will be used to drive a nail in the coffin of the traditional system of money-lending which has prevailed in this country from time immemorial. Moreover such discretion has eventually to be used only by individual officers of Government who we are aware are committed to certain theories and are anxious to translate these theories into practice not in the spirit of legislators but in the spirit of people who are in a don't-care frame of mind and who are not at all anxious as to what would be the effect of the experiment which they want to try on our system of society. Unfortunately, we are in the hands of gentlemen who are working in the spirit of propagandists and as mere theorists. Legislation of this type, Sir, should be undertaken in a scientific and dispassionate spirit and not in the spirit of propaganda as is sought to be done in this case. I would therefore submit that this clause is likely to operate dangerously, and should be deleted.

Malik Firoz Khan, Neon [Shahpur East (Muhammadan), Rural] : Sir, I am sorry to say that I cannot agree with the honourable member who wishes to omit a very useful clause, because it is impossible for us now to foresee what cases may arise in the future which may have to be dealt with, and this clause anticipates some of those cases. I will just quote one instance. If honourable members opposite insist on omitting a clause like this, some hardship may be worked upon some people. As most of the honourable members are aware in the mandi towns in the colonies there are certain people called the *ahrtees*. If a zamindar wants to sell his cotton or wheat he takes them to the *ahrtees*. The *ahrtees* pay 70 or 75 per cent. of the price for which they charge also a very small rate of interest. The zamindar asks the *ahrtee* to sell the cotton at a future date, say fifteen days later and the market price prevailing on the 15th day becomes the price of the commodity handed to the *ahrtee* who charges a certain commission for having brought about this transaction. You will see from this instance that a very large number of people who do business with the *ahrtees* in mandi towns will be prejudicially affected if you were to omit this clause from the Bill. It would be impossible for the Government to exclude a class of that nature. I think honourable members are making a great mistake in pressing an amendment of this sort.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I feel inclined to support the amendment. I think there are quite enough exceptions in this Bill without including a clause like this. There seem to me far too many exceptions already. I asked the Government to move a small simple Bill with no exceptions, but they are sticking to this long complicated Bill and I think the Government are depending on this clause to safeguard themselves. I think if we take away this clause the Government will very seriously consider about their final support of this Bill. It is on this account that I will support this amendment.

Dr. Gokul Chand, Narang [North-East Towns (Non-Muhammadan), Urban] : Sir, this clause has its origin in corruption and is very likely to lead to corruption. The mover of the Bill has bribed the Government by the inclusion of this clause into his Bill so that he may have the support of the

[Dr. G. C. Narang.]

Government by keeping an enormous amount of power in their hands. This small sub-clause negatives the entire Bill and it makes it absolutely null and void so far as the powers of the Government to exempt people from the operation of this Bill are concerned. There is no other description of it than what I have given. It is a bribe taken by the Government and having had its origin in corruption it is bound to lead to corruption. The mover of this amendment in a nice little speech has referred to the injurious effect that this little sub-clause might lead to. There are already too many powers in the hands of Government to corrupt people. One is the power of giving titles very often to undeserving people for services which cannot see the light of day. The Government has got lands belonging to the whole province which it has been giving away to people for services which also sometimes cannot bear the light of the day. One good thing that Sir John Maynard said in one of his speeches—it was a budget speech, I believe, was that henceforth the property belonging to the people shall not be given to individuals in order to show them special favours and that one sentence in his long statement had far more value in my eyes than the whole literature that Sir John Maynard poured forth in this House, and I am really surprised that Government should have accepted this bribe from the honourable mover of this Bill and wanted to keep in its hands another power to corrupt the people who might seek favours with Government and might render it services of a dubious character. Now, Sir, let us analyse this a little bit. Here comes a Khan Bahadur. He has received lots of squares from Government which have brought him much more than he can spend. Therefore his reserves are accumulating and he wants an outlet for the investment of those reserves. He knows that the *bairas* and other cursed lot are making much more by investing with the zamindars than he can. But he does not want to keep accounts, he does not want to undergo the whole botheration. He has only to give a tea party to a high official when he happens to visit his *ilaga*, or he has to win the goodwill of some of the high officials or of a Secretary of Government and then after some time he comes with a little smile on his lips and says: "Sir, I just want a little favour." What is that Khan Sahib? "I only want to be exempted from the operations of this Bill." And he gets an exemption. I tell you, Sir, the number of such people will be very large in this province who will offer themselves to be corrupted in this manner. Therefore apart from any other reasons, for this reason alone this clause should be deleted. My honourable friend the representative and President of the European Chamber of Commerce has pointed out that it is absolutely unnecessary to keep this list of exemptions and howsoever the members on this side of the House may be charged with selfishness, I think no such charge can be levelled against my friend Mr. Gray. I would therefore submit that the amendment which has been proposed should be accepted and the whole of this sub-clause deleted. It may not only corrupt individuals, but it says even a whole class may be exempted. What does that mean?

You would permit me, Sir, just to say one word with regard to this, which I was forgetting. We have here various kinds of divisions, Hindus, Muhammadans and Sikhs. Now there are coming forward other divisions, rural and urban. Another division which is practically the same with a difference in the name is that of agriculturists and non-agriculturists. Then, Sir, with this power in the hands of Government it will be possible and very

likely, I should say for Government to drive another wedge into even these classes which have been brought into existence. The rural people consist of various classes. There are Rajputs, there are Jats, there are Ahirs and there are Gujars described very concisely by my friend the Minister for Education as *Ajgar* all included in that word: A standing for Ahirs, J for Jats, G for Gujars and R for Rajputs. The word, I am sure, will now become classical and the invention of my honourable friend would be immortalised. Well, Sir, now whenever Government wants the support in this House for some measure of the agriculturists it waxes eloquent over the needs and interests of the rural classes. If sometimes, as it has happened during the course of the last two or three years, even the support of such miserable people as we who are sitting on these benches is required, then the interests of the urban classes are also put forward, but when another occasion arises and Government thinks that the rural classes are too strongly united and might prove a source of trouble to them, they would say, all right, we must utilise this little sub-clause for driving a wedge into this *Ajgar*. We must exempt the Rajputs of a certain district where probably more recruits are expected from among the Rajputs, we will exempt the Jats of Rohtak because those stalwart, tall and broad-chested men prove very useful on certain occasions. They will say, that the Hissar people did not show sufficient zeal at the time of recruitment and so we would not exempt them. (A voice: wrong. I am sorry but I did not mean any disrespect to Hissar. I might as well have used X, Y or Z instead of the actual names of places. Then, Sir, that district comes down tumbling and falls on its knees before the Honourable the Chief Secretary, and says: you have exempted Rohtak from the operations of this Act, why should you not exempt us as well? He says "behave better next time and on this assurance we also exempt you." Then my learned friend the Pir comes forward with his large reserves and he says I can well afford to invest a few lakhs.

Sayad Muhammad Husain: I would never do that.

Dr. Gokul Chand, Narang: It may be a Pir, it may be a Chaudhri or it may be a Khan Sahib, it makes no difference. He comes forward and says: I also want exemption; if I did not succeed in doing my duty well, I give you my word of honour on my knees that I shall behave better again; please give me exemption. And this way the tale will never end until those who are prepared to sell their souls to Government all get exemptions and the real traditional, professional money-lender is at a discount. I would therefore, submit, Sir, that this little clause is most patent of mischief and therefore this House cannot do its duty unless it votes for the omission of it from the Bill.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: There seems to be, Sir, some misunderstanding about this clause as it stands. I want to assure the House that I inserted the safeguard in the Select Committee exactly with the same idea with which my learned friend who just spoke, brought in another amendment.

If, as my learned friend says, the mentality of Government is such as he describes it, I am sure Government will exempt it from the operations of this Act. Now, Sir, I quite understand that as this clause stands it means two types of exemptions, one of particular persons and the other of particular classes of persons. I quite understand some of my friends' argument when they say that it should not be left to Government to exempt particular persons as such and I am sure that when the amendment standing in the

[Mir Maqbool Mahmood.]

name of Pandit Nanak Chand asking for the omission of the words "or of any particular person" is moved, they will find me and Government voting with them. But as to the exemption of the classes of persons, I should like to explain how it came to be part of the Bill. Most of these exemptions were the result of the deliberations of the Experts Committee which sat to consider what type of traders and persons were to be exempted, and most of these exemptions were incorporated in the Bill by that Committee. The Committee thought that the best way to deal with cases that might arise later on such as might apply to certain districts, was to leave it to Government.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]: Sir, I think in the Select Committee when these exceptions were made, they were made with a view that the Bill should not look absurd

Dr. Gokul Chand, Narang: It means that it does look absurd (laughter).

Sayad Muhammad Husain: The Committee had inserted this clause with the express purpose that if any class of persons deserve exemption, the local Government might give them exemption. Really it was a safeguard in the interest of those who are now opposing it. But if people are suspicious that Government might show favouritism, surely Government would do well to accept the amendment proposed by my friend Mr. Bhatnagar. I may assure the honourable members that zamindar money-lenders will not be exempted by the Local Government under the powers conferred on them by this clause

Sardar Jodh Singh: What is there to prevent Government from doing so?

Sayad Muhammad Husain: If my friends are suspicious that Government will have recourse to favouritism, then in the interest of the public, I would advise the honourable mover not to object to the amendment. With these words, Sir, I support the amendment.

Lala Bodh Raj [West Punjab Towns (Non-Muhammadan), Urban]: Sir, the honourable friend has just said that he does not want that any money-lender should be exempted from the operation of this measure. When he is of this view, I do not understand the necessity of such a sub-clause at all. Sir, in order to avoid any difficulty in the working of the Act, the only amendment is the one that has been tabled by Dr. Gokul Chand, Narang and to which reference has been made by the mover of the Bill. That amendment places a limitation on the powers of the Government. The amendment has been tabled with a view

Mr. President: Order, order, when that amendment is taken up and is before the House, the honourable member might speak on it.

Lala Bodh Raj: I brought in that argument incidentally to show that the amendment places a limitation on the powers of the Government, and does not leave any arbitrary power in the hands of the Government. If there are any cases that ought to come within the exemptions, then my friend, when he finds such cases, can come forward with an amendment and have them included in the Act. So many exceptions have already been made to the definitions of 'loan' that I do not think there is left any necessity to have such a clause. Let us wait and see how the Bill works and then come with an amending bill if any necessity arises.

Mr. President: Clause under consideration, amendment moved:

"That exception (2e) under sub-clause (5) of clause 2, be omitted."

The question is that that amendment be made.

The Council divided: Ayes, 21; Noes, 42.

Ayes, 21.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra
Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.
Sayad Muhammad Husain.

Sardar Jodh Singh.
Sardar Gurbakhsh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh.

Noes, 42.

Mr. W. P. Sangster.
Lt.-Colonel E. L. Ward.
Mr. C. A. Barron.
Mr. O. M. King.
The Honourable Sardar Jogendra
Singh.
The Honourable Rai Sahib Chaudhri
Chhotu Ram.
The Honourable Mian Sir Fazl-i-
Husain.
The Honourable Sir Geoffrey de-
Montmorency.
Malik Firoz Khan, Noon.
Nawab Malik Sir Khuda Bakhsh
Khan.
Khan Bahadur Nawab Muzaffar
Khan.
Sir George Anderson.
Mr. A. R. Stbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. C. F. Strickland.
Mr. J. M. Dunnett.
Mir Maqbool Mahmood.
Khan Sahib Lieutenant Malik
Muzaffar Khan.
Mr. D. Milne.

Mr. H. W. Webb.
Mr. M. V. Bhide.
Sayad Husain Shah.
Subedar-Major Farman Ali Khan.
Mr. E. Maya Das.
Chaudhri Duli Chand.
Captain Malik Mumtaz Muhammad
Khan, Tiwana.
Sardar Tara Singh.
Sardar Randhir Singh.
Subedar-Major Asghar Ali Khan.
Chaudhri Kesar Singh.
Khan Bahadur Sir Sayad Medhi
Shah.
Munshi Fazl Khan.
Sardar Dhira Singh.
Chaudhri Sahib Dad Khan.
Chaudhri Nur Din.
Chaudhri Ghulam Muhammad.
Khan Bahadur Chaudhri Fazl Ali.
Khan Haibat Khan, Daba.
Chaudhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan,
Wagha.
Lieutenant Sardar Sikandar Hayat
Khan.

The motion was lost.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, I beg to move :—

"That in exception (iv) under sub clause (5) of clause 2, the words "or of any particular person" occurring at the end be omitted."

The arguments which have been given against differentiation between classes apply with the greatest force to differentiation between persons. My friend, Dr. Gokul Chand, Narang has, at the conclusion of his speech, given specific instances in which such power is liable to be abused. I need not dwell any more on this point because the honourable mover has promised to accept this amendment and I hope he will carry out his promise.

Mr. President : . Clause under consideration, amendment moved :

"That in exception (iv) under sub-clause (5) of clause 2, the words "or of any particular person" occurring at the end be omitted."

The question is that that amendment be made.

Mir Maqbool Mahmood : I beg to accept this amendment.

Dr. Gokul Chand, Narang : My Honourable friend Raja Sabib has inadvertently omitted to say one thing if I am right in guessing what has been said. The word "person" not only occurs at the end, but it also occurs in the second line of this exception and it will be most anomalous if the word "person" is retained in one place and deleted from another place. Therefore I take it the mover would be prepared to accept the amendment as applying to the word 'person' both where it occurs in the second line and also. . . .

Mr. President : If Diwan Bahadur Raja Narendra Nath's amendment is accepted, a formal or consequential amendment, if necessary, may be made at a later stage. Clause under consideration, amendment moved :

"That in exception (iv) under sub-clause (5) of clause 2, the words "or of any particular person" occurring at the end be omitted."

The question is that that amendment be made.

The motion was carried.

Mir Maqbool Mahmood : Sir, I beg to move—

"That the following exception be substituted for exception (v) in sub-clause (5) of clause 2 :—

"a loan advanced by a bank or a company, or a co-operative society or an insurance company."

This is just a formal amendment, and since we have taken on the definition of company as a separate clause by itself, the definition of company which appears here is not necessary.

Mr. President : Does not the honourable member wish to move the whole amendment as tabled ?

Dr. Gokul Chand, Narang : He has left out the proviso and what he has moved ought to be taken as the amendment moved by him.

Mir Maqbool Mahmood : I do not propose moving this amendment, Sir.

Dr. Gokul Chand Narang : He cannot withdraw it ; the amendment is now before the House.

Mr. President : The amendment is not before the House yet, inasmuch as it has not been put from the Chair.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural] : Sir, I beg to move—

"That in exception (e) under sub-clause (5) of clause 2, the words 'a co-operative society, or' be omitted."

The object of this amendment, Sir, is this, that co-operative societies as a rule have to deal with ignorant people, with

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villagers; and secondly, that experience has shown that co-operative societies are not free from the foibles that are imputed to money-lenders. The same principles apply in their case also, and it is extremely necessary, if the object of this measure is to afford protection to the agriculturist, that it should afford such protection as much against the co-operative society as against the so-called money-lender. So this amendment is intended really to make the Bill consistent with itself, logical and in conformity with the professed intention of its promoters.

Mr. President : Clause under consideration, amendment moved :

"That in exception (e) under sub-clause (5) of clause 2, the words 'a co-operative society, or' be omitted."

The question is that that amendment be made.

Sardar Tara Singh [Ferozepore (Sikh), Rural] : Sir, I rise to oppose this amendment. My friend has moved an amendment to the effect that the exemption should not be made in favour of co-operative societies. I may remind him that the object of this Bill is to ensure proper accounts being kept in the interests of the borrower so as to afford him every protection. Now in the case of co-operative societies, I wonder, Sir, if my friend is aware of how these societies are run. These societies, Sir, no doubt consist of members who are villagers but they are run by highly qualified persons under a special department. The accounts, Sir, are kept not by one man but by men joined together. Their accounts are kept in regular books of accounts which are filled in daily without any delay. Not only that but the borrowers too are supplied with pass-books and all entries are made in their pass-books at every payment or borrowing. Beyond that proper receipts are issued at the time. These societies keep a separate ledger for each and every borrower and their accounts are audited by special officers employed for the purpose. Not only that, Sir, but they are audited annually by persons who are experts in this respect, so in this respect, Sir, I do not think any danger accrues to the borrowers who go to the society for purposes of loans. The accounts are clear, they know how they stand, they have receipts given them, they have got pass-books not only for six-monthly accounts but for every entry made. Under these circumstances I do not think it necessary that this Bill should apply to co-operative societies.

Dr. Gokul Chand, Narang : May I ask my learned friend a question? Is he aware that certain officers of a co-operative society were convicted of falsification of accounts?

Sardar Tara Singh : How many?

Dr. Gokul Chand, Narang : Four or five.

Mr. C. F. Strickland : None whatever ; that is absolutely wrong.

Mr. Labh Singh : Is the honourable member aware that in 1917 I myself conducted the prosecution of certain members of co-operative societies who had falsified accounts ?

Mr. C. F. Strickland : Members—yes ; not officers.

Sardar Jodh Singh [Sikh, Urban] : Sir, we are now considering the cases of two money-lenders who do this business to finance agricultural operations in the villages. One is the money-lender pure and simple, the other is the co-operative society. In the case of the money-lender it has been thought necessary not only to ensure that his accounts should be systematised, a thing to which no reasonable man can have any objection, but that it should be his duty to send six-monthly accounts to the borrower. In the case of the co-operative society, they say because the members belong to the same family, so to say, or to the same class, and because they keep their accounts regularly, no such notice is necessary. Their reasoning summed up amounts to that. Now what I say is that notice ought to be necessary in that case also. The honourable member from Ferozepore has said that there is a pass-book and every entry is made in that pass-book. Supposing the borrower does not make any payment during the six months, will any entry be made in that pass-book ? No. Hence if in the case of a money-lender it is thought necessary in the interests of the borrower that he should send a six-monthly account of the principal plus the interest to the borrower, I do not understand why the same law should not apply to the co-operative society. Here, Sir, I want to correct a misunderstanding that prevails in this House. There are some people who think that co-operative societies are lending money to the borrower at a much lower rate and they should be shown this privilege. Sir, when the members know under what conditions these co-operative societies are working they will know that compared to the money-lender they are not a boon as regards the rate of interest. (Cries of "Question, Question"). I am just going to show you how. In the first place, every co-operative society works on an unlimited liability basis. Every member of a co-operative society is liable for the debt of any one of its members. In the second place, no loan is advanced till two members stand as security. These are the two preliminary conditions. A third condition is that when a man does not pay, there is no need to go to the civil court. They issue what they call a *Salas nama*. An officer of the co-operative society comes, checks the accounts and passes a decree.

Mr. C. F. Strickland : No.

Sardar Jodh Singh : Which is sent to the nearest court to be registered and executed.

Mr. C. F. Strickland : No, no.

Sardar Jodh Singh : I will accept my friend's correction. I may have technically made a mistake, but in effect I have said what is true. The Registrar of Co-operative Societies has merely corrected me on some technical point ; but this is what actually happens in every society.

An Honourable Member : No civil suit is brought.

Sardar Jodh Singh : Now, Sir, in spite of all this, what is the rate of interest charged by co-operative societies? 12 per cent. per annum, and in the case of the *bania* the average calculated is 15 per cent. per annum.

Sayad Muhammad Husain : More than that, 24 per cent.

Sardar Jodh Singh : My friend, the Pir has said it is 75 per cent. But if it is so in some cases there must be many other cases in which it is below 15 per cent. for the average to work out at 15 per cent.

Dr. Gokul Chand, Narang : He said only 24 per cent.

Sardar Jodh Singh : I was taking my figures from a writer on Rural Economics, Mr. Darling. If in any one case it is 24 per cent., the interest charged in other cases must be much less, so that the average may be 15 per cent. I hope the people who interrupt me know enough arithmetic to see that.

An Honourable Member : They are not Senior Wranglers.

Dr. Gokul Chand, Narang : They are only zamindars.

Sardar Jodh Singh : Now to so many privileges, namely, that of unlimited liability of members which no *bania* has got, the security of at least two members of the society, facilities when the debt is to be recovered, yet another privilege is going to be added, that they should not send their six-monthly accounts. In the whole Bill if there is any hardship being imposed on the money lender, it is not the systematisation of the accounts—everybody will welcome that. It is that he must be compelled to send every six months an account, whether the borrower asks for it or not. Some honourable member of this House pointed out in his speech the day before yesterday or some two days back—I forget which—that the origin of this Bill, or rather I should be more correct in saying that the Bill in its present form is due to an expert of the Co-operative Department, and that expert wants the privilege for himself because he knows that it is unworkable and his department will lose money, the co-operative society will lose money even by inadvertently not sending that notice. Sir, this is a most iniquitous exemption and therefore I urge that co-operative societies who are dealing with the same class of borrowers should not be exempted but that they should be made to give notice six-monthly as has been proposed.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] : Sir, my honourable friend representing the money-lending classes of the Punjab has naturally come forward to attack the co-operative societies, the one institution which is saving and which will save the zamindars from the clutches of the money-lenders. Sir, he does not know when he says these co-operative societies should also send six-monthly accounts to their borrowers, but perhaps he is not aware that there is an Inspector who checks these accounts every two months, that there is a Sub-Inspector who goes through them twice every month, that there is an Assistant Registrar and lastly there is a Registrar who is so keen on his work that he is always on tour visiting one place after another. So long as there is not the necessary staff the Department shuns to open societies in districts where they are needed. Unless they have sufficient staff to supervise they do not go opening societies. The honourable member does not know that they have pass-books. . . .

Sardar Jodh Singh : I know all those things and the honourable member need not go to the trouble of repeating them.

Sayad Muhammad Husain : But you have not stated it correctly. You have misstated the facts.

Sardar Jodh Singh : On a point of personal explanation, Sir, I want to put one question. Does the borrower know where he stands ?

Sayad Muhammad Husain : Yes of course he knows. Not only he himself knows it but all his relations, all his brethren know. The people who stand as his sureties know. They well know that if the borrower is not going to pay the money they will have to pay in his place. They examine for themselves the needs of the borrower, whether the money is going to be used for productive work, whether he stands in need of borrowing, they know whether he has got the capacity to pay, whether he is in a position to pay. If he does not pay, those sureties, who are naturally his relations, will have to pay in his place. They know that they are fully responsible for the borrower.

Then the honourable member stated there is no difference between a co-operative society and an ordinary money-lender. He went so far as to say the rate of interest is practically the same. Now for his information, if he has an open mind, let me say through you, Sir, that the maximum rate of interest which a co-operative society charges or has been charging up till now is not more than 12½ per cent. whereas he himself knows that the rate of interest of the money-lenders ordinarily exceeds 18½ per cent. In many cases it is more than 24 per cent.

Dr. Gokul Chand, Narang : May I ask through you one question, Sir ? What is the percentage of realisations of loans advanced by co-operative societies ?

Sayad Muhammad Husain : Mr. Strickland will be in a position to answer that question. (A voice : out per cent.) No, certainly not. This is the money of the very village, of the very zamindar. If a man borrows his money from the society he knows that the interest which he pays will come back to him in the form of profits. This is the difference.

Secondly, as I told you in the case of our own society, they know and realise that they have paid back the money to the Central Bank or other society from which they had borrowed, they get a reduction in the rate of interest. This is the aim and object with which co-operative societies are run. If the money-lenders bring their money to these societies and deposit them there at 6 per cent. we may rest assured that these societies will charge only 8 per cent. to the borrowers. When these societies themselves have to pay 8 per cent. on deposits they have to charge 12 per cent. in order to meet the expenses of running these societies.

This is not the only benefit of these co-operative societies. They inspire in the zamindars a sense of self-respect and teach them to be free from the clutches of money-lenders. The Bill which we are now considering will in my opinion greatly assist the co-operative societies in relieving the poor borrowers from the clutches of the money-lenders. It will strengthen the co-operative societies. Because the money-lenders will not after the Bill is passed like to invest their money on unproductive undertakings and will naturally have to deposit their money in the co-operative societies. The zamindars will then have ample money in these societies.

to borrow and they will have to pay a smaller rate of interest. Thus they will be saved from going to jail for default of repayment. The zamindars will then spend the borrowed money in proper channels and the money advanced by the co-operative societies will be spent on productive investments and not on unproductive ones such as marriages and so on. Surely the co-operative societies would be a great blessing, and will do a great economic good to all.

An Honourable member: Sir, I beg to move :—

"That the question be now put."

The motion was carried.

Mr. President: Does the honourable mover of the amendment wish to exercise his right of reply?

Mr. Labh Singh [Rawalpindi Division and Lahore Division, North (Non-Muhammadan) Rural]: Sir, I do not think anything has been said which calls for a reply from me. But there is one point on which I should like to make some remarks and that is this. It has been said that the officers of co-operative societies have not been prosecuted or convicted. That may be so. But they are officers of Government. The Government, as we all know, looks after its own officers. But the actual management of these banks is left primarily in the hands of the members themselves. (Sayad Muhammad Hunsain: Because it is their money that they are managing). Quite right. My point is this that these members while conducting the management of their respective institutions in their own localities are not free from those foibles which have been attributed to the professional money-lenders. For that purpose they may be taken to be local officers of those banks and the agriculturist borrower needs as much protection against them as he does need against the so-called money-lenders. There is absolutely no harm if the borrower is kept apprised of the state of his accounts in these institutions every six months just as in the case of the ordinary money-lender according to this Bill.

Mr. President: Clause under consideration, amendment moved :—

"That in exception (c) under sub-clause (5) of clause 2, the words 'a co-operative society or' be omitted."

The question is that that amendment be made.

[Before Mr. President announced his opinion as to the result of the voting by voices Lala Bodh Raj claimed division.]

Mr. President: I wish to point out to the honourable members of this House that under the Standing Orders they have a right to claim a division only after the chair has announced the result of votes taken by voices and not before that stage.

The Council then divided: Ayes 17; Noes 48.

AYES—17.

Rai Bahadur Lala Dhanpat Rai.
 Diwan Bahadur Raja Narendra Nath.
 Professor Ruchi Ram Sahu.
 Dr. Gokul Chand Narang.
 Rai Bahadur Lala Sewak Ram.
 Lala Bodh Raj.
 Captain Dhan Raj Bhasin.
 Lala Sham Lal.
 Sardar Jodh Singh.

Sardar Gurbakhsh Singh.
 Lala Mohan Lal Bhatnagar.
 Lala Dewan Chand.
 Lala Banke Rai.
 Lala Mohan Lal.
 Mr. Labh Singh.
 Sardar Partap Singh.
 Sardar Hareband Singh.

NOES—48.

Mr. W. P. Sangster.

Lt.-Colonel E. L. Ward.

Mr. C. A. Barron.

Mr. C. M. King.

The Hon'ble Sardar Jogendra Singh.

The Hon'ble Rai Sahib Chaudhri
Chhotu Ram.

The Hon'ble Mian Sir Fazl-i-Husain.

The Hon'ble Sir Geoffrey deMont-
morency.

Malik Firoz Khan Noon.

Nawab Malik Sir Khuda Bakhsh
Khan.

Khan Bahadur Nawab Muzaffar
Khan.

Sir George Anderson.

Mr. A. R. Astbury.

Mr. Ram Chandra.

Mr. H. W. Emerson.

Mr. C. F. Strickland.

Mr. J. M. Dunnett.

Mir Maqbool Mahmood.

Khan Sahib Lieut. Malik Muzaffar
Khan.

Mr. D. Milne.

Mr. H. W. Webb.

Mr. M. V. Bhide.

Subedar-Major Farman Ali Khan.

The motion was lost.

Mr President : I wish to point out to the honourable members that though a member has a right to ask for a division when he is not satisfied with the result of votes by voices as declared by the Chair, yet that right should not be exercised unnecessarily. If division is claimed unnecessarily it amounts to a wilful obstruction of the business of the Council. Therefore, I wish to acquaint the honourable members of the House that if any such case occurs I might ask those who want a division and also those who are opposed to it to stand in their places to enable me to judge whether a division is claimed for good reasons or unnecessarily.

Diwan Bahadur Raja Narendra Nath : Sir, the one object of claiming a division. . .

Mr. President : Order, order. I cannot allow a discussion on this point.

Mr. E. Maya Das.

Chaudhri Duli Chand.

Sayad Muhammad Husain.

Captain Malik Mumtaz Muhammad
Khan Tiwana.

Chaudhri Afzal Haq.

Sardar Tara Singh.

Sardar Randhir Singh.

Rao Pohap Singh.

Mr. V. F. Gray.

Subedar-Major Asghar Ali Khan.

Maulvi Mazhar Ali Azhar.

Chaudhri Kesar Singh.

Makhdumzada Sayad Muhammad
Raza Shah Gilani.

Rana Firoz-ud-Din Khan.

Shaikh Muhammad Sadiq.

Khan Bahadur Sir Sayad Mehdi Shah.

Munshi Fazal Khan.

Sardar Dhira Singh.

Chaudhri Sahib Dad Khan.

Chaudhri Noor Din.

Chaudhri Ghulam Muhammad.

Khan Bahadur Chaudhri Fazl Ali.

Khan Haibat Khan Dahi.

Chaudhri Najib-ud-Din Khan.

Malik Khan Muhammad Khan
Wagha.

Diwan Bahadur Raja Narendra Nath : Sir, I want to explain the object of asking for a division. If I am permitted to do so, I may say that the object of taking a division is not to obstruct the course of business of the Council but to have it on record as to which members voted for particular propositions and which members against them.

Mr. President : That may be the object of some of the honourable members, but that is not the parliamentary practice. Whatever may be the object, if a division is unnecessarily claimed the Chair may not allow it. In future, therefore, in order to decide whether a division is necessary or not, I might call on those who want a division to stand in their places and then on those who are against it to stand in their places and then decide whether division should be allowed or not.

Dr. Gokul Chand Narang : Sir, I want to have a piece of information if you would condescend to give it. It is this. Will you be pleased to give the criterion by which you would judge as to the necessity of a division? I may just say a word to explain my difficulty. We know almost as a matter of fact that there will perhaps be no amendments whatsoever on which we shall have the support of the majority of this House. Therefore if the necessity of calling for a division is to be judged by the opposition to the amendments then it is a foregone conclusion that we won't have a division at all. I only want to make it clear to you that if this is to be the test there will be absolutely no case on which any division could be demanded with any justification from the point of view suggested by you. I would therefore like to know whether you have taken that aspect of the question into consideration before giving this ruling.

Mr. President : I assure the honourable members that I will never exercise my powers arbitrarily.

Lala Diwan Chand [Amritsar City (Non-Muhammadan)] : Sir, I beg to move—

"That in exception (c) under sub-clause (5) of clause 2 the words 'provided that the loan is advanced in the regular course of its business as such as bank, society or company' occurring at the end be deleted."

Mr. President : Clause under consideration, amendment moved—

"That in exception (c) under sub-clause (5) of clause 2, the words 'provided that the loan is advanced in the regular course of its business as such as bank, society or company' occurring at the end be deleted."

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : Sir, I rise to oppose the amendment. My reason is clear. It is this. It is just possible that not the honest money-lender but the other type of money-lender in order to defeat the provisions of this Bill may set himself up with a few others as a company. If he is allowed to advance loans outside the regular course of the company then he will continue to give loans and defeat the whole object of the Bill. I am sure that is not the object of the mover of the amendment, but now that I have pointed out that there is a reasonable suspicion that this amendment will help the money-lenders to evade the law, I hope he will not press his amendment to a vote.

Rai Bahadur Lala Dhanpat Rai (Punjab Industries) : Sir, I am strongly in favour of this amendment. My reasons are as follows.

[Rai Bahadur Lala Dhanpat Rai.]

The object of the Bill is to force the money-lenders to keep regular accounts. But in the case of Banks, Insurance Companies and other Companies under the Indian Companies Act, they have to keep regular accounts and not only are they to keep regular accounts, but they have to get them audited by Government certified auditors once at least every year. If this is the only object of the present Bill then I should think there is no necessity to attach the proviso under discussion in the case of banks and insurance companies because they have to keep accounts in their regular course of business. Now what is the business of banks? It is simply to advance loans to other people, and if they do advance money to others it is in their regular course of business. Similarly in the case of Insurance Companies. The primary business of the Insurance Companies is to insure the life of persons or properties, but in order to invest their funds they have to advance money to their policy holders at interest and at times against securities also. So I would suggest that there is no necessity to attach these words to this exemption or exception. I do not think it was the object of the mover of the Bill to stand in the way of these companies investing their spare funds by offering loans at interest. But it appears that unnecessary complications are desired to be created. Because if any bank or society comes to court and files a suit against a debtor, we know that it is a notorious fact that the debtor tries to thwart justice by pro longing the case as long as possible. The first plea that will be raised if this amendment is not passed will be that the bank did not advance the money in the regular course of its business. No sooner this plea is raised the Court is bound under this Bill to frame the issue whether the bank is a money-lender or not under this Act. This would cause unnecessary trouble to the company. It is well known that a bank advances money in its regular course. Where is then any necessity for this proviso? So is the case with insurance companies.

As for joint stock companies, there are several such companies whose primary object is not to lend money, but they have got spare money and they have to invest it somewhere. Is it the desire of the mover of this Bill that these companies should keep two sets of accounts, one under the Indian Companies Act and the other in order to satisfy the requirements of the measure now under consideration? Will not the accounts prepared under the Indian Companies Act satisfy the requirements of this Bill which is before us? I would very strongly urge that in the case of banks, insurance companies and other companies the proviso under discussion be deleted, which is mischievous.

Dr. Gokul Chand Narang [North-West Towns (Non-Muham-madan) Urban]: Sir, it was not very necessary perhaps for me to stand up after Rai Bahadur Lala Dhanpat Rai has explained the position. But there are one or two points which he has overlooked which I would like to bring to the notice of the House. In the first place, the objection that was raised by Mir Maqbool Mahmood has not been specifically noticed by Lala Dhanpat Rai. The justification pleaded by the mover of this Bill for the retention of the words is that some fraudulent persons may form some sort of fictitious company and begin to lend money in that way. He said that some dishonest money-lenders afraid of this legislation may resort to that trickery. My submission is that it betrays utter ignorance of my learned friend of the company law and company procedure. Every joint stock company registered under the Indian Companies Act has got its memorandum

and articles of association and the memorandum specifies the object with which the company is formed. Under the law no company can go beyond the scope which it sets to itself in the memorandum which is attached to the articles of association. If it does so, it would be illegal and the directors of the company are liable to be hauled up for exceeding their powers and breaking the law in that respect. I am sure if my learned friend the mover of the Bill had known this he would not have relied on the argument which he advanced. I would perhaps be doing him injustice if I said that he was ignorant of the company law. He is very learned and he could not be supposed to be ignorant of the law. Besides I believe he was not ignorant of the law because if you look at the last amendment* he moved, he read up to the word 'company' and stopped short there reading only this much :—

"A loan advanced by a bank or a company or a co-operative society or an insurance company".

There he stopped until the Chair drew his attention to the supposed omission of the words succeeding the word 'company'. Then my learned friend was in a fix. He wanted to omit the words because he thought that those words were not only unnecessary but, in the words of Rai Bahadur Lala Dhanpat Rai, they were mischievous also. Realising this he stopped short there. But when he was questioned by the Chair whether he would stop at the word 'company' or he would include the succeeding words also of his amendment he did not know what to do and then he looked to his supporters and prompters for instructions. Rather than move his amendment in part, on a cue from Government Benches he dropped it altogether. That is, Sir, what happened only half an hour ago before our very eyes. This is by the way an additional argument that he is only an instrument and the persons who are running the show are those who are sitting on those benches opposite (referring to Government benches). I am using this point as an argument in support of the amendment because even the honourable mover of the Bill when he was left to himself to exercise his own good judgment and to obey his own conscience did not think it proper and necessary to include this proviso in that sub-clause. That shows that the mover of the Bill so far as his own judgment is concerned is inclined to accept the amendment, and it is only the powers that be that are standing in his way. Therefore my submission is that this amendment ought to be accepted.

Sardar Jodh Singh (Sikh Urban) : Sir, the object of this Bill is that the accounts should be regularised, and notices sent every six months to the borrower.

Malik Firoz Khan Noon : Is not that a repetition of the argument already advanced?

Dr. Gokul Chand Narang : That is only an introduction to his speech.

Sardar Jodh Singh : Banks and companies that have been registered under the Indian Companies Act do both these things. Moreover, one point has been omitted. These companies do not do their business in villages and therefore this provision is not going to protect those people whom it seeks to protect. Therefore it is unnecessary harassment to add this proviso, because the people would be raising unnecessary pleas in a court in every instance that this was not done in the regular course of business. By this plea the banks will be put to the necessity of bearing unnecessary expense. It is to avoid this unnecessary harassment of the banks that I support the amendment.

Mr. President : Clause under consideration, amendment moved.—

"That in exception (v) under sub-clause (5) of clause 2, the words 'provided that the loan is advanced in the regular course of its business as such as bank, society or company' occurring at the end be deleted".

The question is that that amendment be made.

The motion was carried.

Lala Diwan Chand [Amritsar City (Non-Muhammadian)] : Sir, I beg to move :—

"That in exception (vi) under sub-clause (5) of clause 2, the words 'or by the law for the time being in force to advance such a loan' occurring at the end be deleted".

The motion was carried.

Lala Bodh Raj [West Punjab Towns (Non-Muhammadian), Urban]
Sir, I beg to move :—

"That in exception (vii) under sub-clause (5) of clause 2, omit the words 'if such loan is advanced in the regular course of such business'".

Sir, an objection was raised that the provisions of the Bill are so wide as to cover the cases of barristers, doctors and other persons who are not engaged in the business of money-lending. There are persons who are carrying on some other profession, but that of money-lending. My object in moving this amendment is to exclude such persons whose business is not solely that of money-lending. Sometimes a lawyer or a doctor has to advance some money to a friend of his or he has to deposit his savings from the earnings with a friend of his. These are the cases in which difficulty will be experienced, if this amendment is not allowed to be carried. With this object I have moved this amendment and I hope that members on the opposite side will support and allow this amendment to be carried.

Mr. President : Clause under consideration, amendment moved.—

"That in exception (viii) under sub-clause (5) of clause 2, omit the words 'if such loan is advanced in the regular course of such business'".

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadian) Rural] : Sir, I would like to place before my learned friend who has moved this amendment the implications of his amendment. Let us assume that a money-lender sets up a shop of *lun, tel* in a village. He is carrying on a genuine business which is not the main object or the primary object of lending money as it goes. . . .

Diwan Bahadur Raja Narendara Nath : The medical profession.

Mir Maqbool Mahmood : I have given one example. I am prepared to accept that suggestion if the implication will be modified. A money-lender carries on a business and side by side with that business he starts lending money to the extent as to make that a business in-itself. Now my learned friend will say that since that man has a business which has not money-lending as its primary object, that man should be exempted. I am sure that that is a proposition which my learned friend would not seriously like to advocate. Then my friend the representatives of the landholders suggested, what about a doctor. A doctor chooses to carry on the business of money-lending, and doctor by being a doctor should not be immune from the responsibility of a particular profession if he chooses to carry on that profession.

Dr. Gokul Chand, Narang [North-West Towns [Non-Muhammadan] Urban]: Sir I only want to explain the absurdity of the draft of this sub-clause with reference to concrete instances. I am a barrister. I advance money to a person. I cannot recover it if I have not complied with the provisions of this thing which is going to become a law, unless I can show that I had lent the money in the ordinary course of my profession. I now put it to my learned friend who is certainly capable of understanding the plain meanings of plain words and is a barrister himself, whether money-lending by a barrister can ever be in the ordinary course of his business.

Mir Maqbool Mahmood: You have not read the English Act.

Dr. Gokul Chand Narang: You must have read it awry. Take the case of a doctor who is a medical practitioner. He has lent some money out of his savings and unless he can prove that money was lent in the ordinary course of his business he will suffer from the disabilities imposed upon a money-lender by this sub-clause. I think you have only to read it to see the absurdity of it. He has certainly given an instance of a man who might set up a trumpery shop of salt and oil in a village. Certainly the court will know how to deal with such a man, because who is a money-lender and who is not has been left to be defined by the court, and if he is ostensibly a shopkeeper and actually a money-lender certainly he will not be able to escape the provisions of the Law. And then again there is a question of *bond fide* business the object primarily of which is not to lend money and certainly if the whole stock-in-trade of his shop is worth Rs. 5 and he has lent Rs. 500 to an agriculturist, the court would know that the business of shop-keeping is not carried on *bond fide*. Therefore that hypothetical case would not justify the retention of these words in this sub-clause, specially as I have pointed out the absurdities to which it would lead because it is inconsistent with the non money-lending profession to lend money. That would be out of the ordinary course of your business if you are not a money-lender. One can wake up those who are sleeping but not those who are awake but would not get up.

Malik Firoz Khan Noon [Shahpur East (Muhammadan) Rural]: Sir, the honourable member who has just sat down has been accusing the mover of the Bill of not having perused its clauses very carefully. He is a senior member of the Bar to which I have the honour to belong, but I very respectfully bring to his notice the section which he has just been criticising. His criticism was absolutely unnecessary. The sub-clause runs thus: "a loan advanced by any person *bond fide* carrying on any business not having for its primary object the lending of money if such loan is advanced in the regular course of such business." The intention of this section is, that supposing there is a doctor, not a legal doctor . . .

Dr. Gokul Chand Narang: An illegal doctor (laughter).

Malik Firoz Khan Noon: Not a legal doctor, but a medical doctor, who carries on his medical practice and yet at the same time he goes on lending money to various people. Now that money which he is lending is not being advanced in the regular course of such business. His business is that of a doctor and he is lending it not because it is necessary for the carrying on of his own profession but as a bye-industry. Similarly if a lawyer carries on this money-lending business in addition to his profession that is a kind

[Malik Firoz Khan Noon.]

of money-lending which should be covered by this Act. If the amendment is accepted, it would certainly take away a great deal of the utility of this Act.

Mr. President : Clause under consideration, amendment moved.

" That in exception (vii) under sub-clause (5) of clause 2, omit the words 'if such loan is advanced in the regular course of such business'."

The question is that that amendment be made.

The Council then divided : Ayes 19 ; Noes 48.

AYES—19.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram Sahni.
Dr. Gokul Chand Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj Bhasin.
Lala Sham Lal.

Sardar Jodh Singh.
Sardar Gurbakhsh Singh.
Lala Mohan Lal Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Sardar Partap Singh.
Sardar Harchand Singh.

NOES—48.

Mr. W. P. Sangster.
Lt. Col. E. L. Ward.
Mr. C. A. Barron.
Mr. C. M. King.
The Hon'ble Sardar Jogendra Singh.
The Hon'ble Rai Sahib Chaudhri Chhotu Ram.
The Hon'ble Mian Sir Fazl-i-Husain.
The Hon'ble Sir Geoffrey de Montmorency.
Malik Firoz Khan Noon.
Nawab Malik Sir Khuda Bakhsh Khan.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Mr. A. R. Astbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. C. F. Strickland.
Mr. J. M. Dunnett.
Mir Maqbool Mahmood.
Khan Sahib Lieut. Malik Muzaffar Khan.
Mr. D. Milne.
Mr. H. W. Webb.
Mr. M. V. Bhide.
Sayad Husain Shah.
Subedar-Major Farman Ali Khan.

Chaudhri Duli Chand.
Sayad Muhammad Husain.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Chaudhri Afzal Haq.
Sardar Tara Singh.
Sardar Randhir Singh.
Rao Pohap Singh.
Subdar-Major Asghar Ali Khan.
Maulvi Mazhar Ali Azhar.
Chaudhri Kesar Singh.
Makhdumzada Sayad Muhammad Raza Shah, Gilani.
Rana Firoz-ud-din Khan.
Shaikh Muhammad Sadiq.
Khan Bahadur Sir Sayad Medhi Shah.
Munshi Fazal Khan.
Sardar Dhira Singh.
Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
Chaudhri Sahib Dad Khan.
Chaudhri Noor Din.
Chaudhri Ghulam Muhammad.
Khan Bahadur Chaudhri Fazl Ali.
Khan Haibat Khan Dahi.
Chaudhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan Wagh.

The motion was lost.

1 P.M.

At this stage the Council adjourned for lunch.

The Council reassembled after lunch at 2 p.m. Mr. President in the chair.

Lala Diwan Chand [Amritsar City (Non-Muhammadan)] : Sir, I beg to move—

"That in exception (viii) under sub-clause (5) of clause 2, delete the words 'for the purpose of trading' occurring after 'to a trader,' and before 'or to a money-lender,' and substitute the words 'artisan, manufacturer, contractor' therefor."

Mr. President : Clause under consideration, amendment moved—

"That in exception (viii) under sub-clause (5) of clause 2, delete the words 'for the purpose of trading' occurring after 'to a trader,' and before 'or to a money-lender,' and substitute the words 'artisan, manufacturer, contractor' therefor."

The question is that that amendment be made.

Sardar Jodh Singh (Sikh Urban) : Sir, if we read the words of this clause we will find that these words 'for the purpose of trading' are quite unnecessary. There are two parts of this clause,—(1) a loan advanced to a trader for the purpose of trading and (2) a loan advanced to a money-lender. Now if the loan which is to be advanced to a money-lender is to be excepted, this trader cannot engage in any other business which we want to penalise except that of money-lending, and the loan to a money-lender is going to be excepted. Hence this restriction on the loan for the purpose of trading only is unnecessary, because if he were a money-lender even a loan to him is going to be excepted, and a trader cannot engage in anything else except either trading and money-lending, and because money-lending is going to be excepted, therefore these words are unnecessary. I hope therefore the honourable mover will accept the deletion of these words.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : Sir, so far as the amendment moved is concerned, it consists of two parts, (1) that the words "for the purpose of trading" be omitted and (2) that certain other words be substituted therefor. So far as the deletion of the words 'for the purpose of trading' is concerned, I am prepared to accept that in another form in amendment 24,* but the second part of this amendment I am not prepared to accept namely, that exceptions should apply to money-lenders.

Mr. President : If this amendment is withdrawn or dropped, amendments* 24 and 25 will be taken up. It is for the honourable mover to decide whether he will insist upon the words being substituted for the words omitted or whether he will be satisfied only with the omission of certain words.

Lala Diwan Chand : I insist on the form as proposed in my amendment.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban] : I just want to say a few words with respect to this amendment

[Dr. G. C. Narang.]

This amendment only covers the counterpart of the exception under sub-head 12, a loan advanced by a manufacturer or by a contractor to a person employed by him for the manufacture of goods or the carrying out of contracts. I think if this exception is allowed, I mean exception No. 12, there is no reason why this amendment should not be allowed so far as manufacturers are concerned, because, if a loan by a manufacturer is exempted, a loan to a manufacturer also ought to be exempted from the application of this legislation. The real object is that protection should be extended to those who are unacquainted with business methods and business usages and are otherwise unable to look after themselves and I think a manufacturer who is able to lend money to others and to employ labour is not a person who will stand in need of the protection which it is sought to be extended to borrowers by this legislation. Therefore my submission is that a loan to a manufacturer also ought to be exempted. Then with respect to an artisan or a contractor. A contractor, unless he is only a person who whitewashes the bungalows of *sahib-lahs* during the autumn season, is supposed to be a man who knows the use of capital and knows how to invest it profitably and is *prima facie* and presumably himself an employer of labour, even if he is classed as a petty contractor. I would therefore submit that a loan to him also should be exempted just as a loan by him is exempted. These two therefore, the manufacturer and the contractor, stand on the same basis and are perfectly safe and do not require any artificial propping up. Then the question is in respect to an artisan. Well, there may be some difference of opinion as to what an artisan means, but using the word in the ordinary sense, I think even an artisan is a man who possesses some skill and therefore presumably more intelligence than the ordinary peasant borrower of a village, the ignorant agriculturist. Therefore he also is able to look after himself. Take, for instance, the case of a goldsmith working in a town. He is an artisan par excellence. He is a man who is notorious for his sharpness and for his intelligence, if not for his cunning, with which he is credited by some people. Because he works with his own hand as a goldsmith and deals in silver and gold and sells as well as makes ornaments of gold and silver with his own hand, there is no reason why a loan he takes should also be brought within the operation of this legislation.

Chaudhri Duli Chand : What about the *chamar*?

Dr. Gokul Chand Narang : This is a very conclusive proof of the level of intelligence of Chaudhri Duli Chand that he wants to place a *chamar* on the same level with a goldsmith living in a town. Well exempt a *chamar* also from this artificial protection if you think he is also sufficiently intelligent. With these remarks, Sir, I submit that these three classes of persons do not stand in need of any artificial protection, especially the first two, a manufacturer and a contractor. Loans by them are exempted, and there is no reason why loans to them should also be protected artificially in this way and should not be exempted from the operation of this legislation.

Malik Firoz Khan Noon [Shahpur East (Muhammadan) Rural] : Sir, the main argument advanced by the learned member opposite is this; that because a loan advanced to a trader is to be exempted, therefore a loan advanced by a trader should also be exempted.

Dr. Gokul Chand, Narang : I never said a word of that kind.

Malik Firoz Khan Noon : What the honourable member said was that if a loan to a manufacturer should be exempted, a loan advanced by a manufacturer should be exempted.

Dr. Gokul Chand, Narang : I never said that. My learned friend is confused, and it would better if he sits down and collects his thoughts.

Malik Firoz Khan Noon : There is a good deal of difference between the two sub-clauses. Sub-clause (viii) reads "a loan advanced to a trader for the purpose of trading or to a money-lender." Now we can understand that as being a loan to an intelligent class of people, and that kind of loan does not require any kind of protection. Then we come to the other clause to which the honourable member has made reference, clause 12, a loan advanced by a manufacturer or by a contractor or a person employed by him for the manufacture of goods or the carrying out of contracts. Now he is exempted simply in order to enable him to carry on his business all the more easily because if we were not to exempt him the work of these manufacturers and contractors would become impossible. But if we were to insert these words "artizans, manufacturers and contractors" in sub-clause (a) some difficulties would arise in this way. Now in the word "artizan" I would include people who are masons, builders, etc. They are ordinarily very poor people who are not rich nor intelligent enough to look after their own interests. These stand on the same footing as the average person who goes to the money-lender and they want protection. Therefore I feel that if you put in "artizans" you will be doing an injustice to a very large number of people who require your protection.

Similarly when you come to the word "manufacturers", although the word "manufacturer" is not defined in this instance, take the instance of the *jalahas* or *pols* in a village, he manufactures cloth and you may easily come to the court and argue that this man is a manufacturer and therefore the loan advanced to him is not to be brought within this Act. Now the *jalahas* are manufacturers in a way, but they are on the same footing as the average villager as far as borrowing is concerned. Therefore I hope the learned Doctor will understand that the argument which he applies in the one case does not apply in the other, and that he will not press for this class of person to be exempted from the operation of this Act.

Rai Bahadur Lala Dhanpat Rai (Punjab Industries) : Sir, my entire sympathies are with the amendment which is now before the House. Now what is the object of making so many exceptions to the definition of the word 'loan.' The object which I can understand is simply this, that this Act should not be so worked as to hamper trade or industry in any way. In fact my honourable friend Shaikh Abdal Qadir during the debate in this Council remarked that if there are some money-lenders who will not invest their money in the ordinary way, the capital will flow towards industry and trade. May I ask on what ground is this distinction to be made, that if a loan is advanced to a trader it comes within the exemptions in this Act, but if it is advanced to a manufacturer, it does not? Surely the manufacturer runs a greater risk because his profits are not certain whereas the profits of a trader in normal times are certain. No ground has been shown whatever why the exception should not apply in the case of the manufacturer as well. It was said by Chaudhri Duli Chand that it is to protect the zamindars

[R. B. Lala Dhanpat Rai.]

from the deception of the money-lenders that this Act is devised ; but where is the harm if a manufacturer is accommodated with money and his case is not governed by the provisions of this section ? I think the very fact that the trader has been included in exceptions is a ground in itself why the manufacturer should also be exempted from the operation of this Act. And, similarly, Sir, in the case of the contractor. It has already been stated that the contractor is a wide-awake person and does not want protection. Contractors and manufacturers do not generally belong to the zamindar class and my zamindar friends may not be, so far, anxious about them. I represent Sir, the Industries constituency, and I can say on their behalf that if you exempt industrialists from the operation of this Act they will feel very much grateful to you and will not be put in a position to curse you. Therefore I strongly support the amendment.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trade Association, Commerce) : Sir, I was rather surprised to hear from the other side of the House the insinuation that the trader was more intelligent than the manufacturer. I do not think the large manufacturers of India will altogether like that statement. But the proposal I have to offer with the consent of the mover of the amendment is—would it be possible to cut out the word “artizan” ?

Dr. Gokul Chand Nhrang : Yes.

Mr. V. F. Gray : And then for the amendment to be put as it stands, I think if the Government could accept that, the Chair might possibly allow us to do so. I would formally move—

“That the word ‘artizan’ be deleted.”

Mr. President : Mr. Gray has moved an amendment to the amendment of Lala Diwan Chand. His amendment is that from the proposed amendment the word “artizan” be deleted.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : Sir, I am in full sympathy with the spirit of my honourable friend who has moved this amendment to the amendment, but I will explain to him my difficulty. The word “manufacturer” has not been defined and the word “contractor” has nowhere been defined. In fact we know that handlooms have been classed as factories, and the poor weaver who works with a handloom may be called a manufacturer and the whole protection may be refused to him. He is an artizan.

Mr. V. F. Gray : Has “trader” been defined ?

Mir Maqbool Mahmood : A trader is a man who carries on the business of trade. Trade has been defined.

Mr. V. F. Gray : A manufacturer is a man who manufactures.

Mir Maqbool Mahmood : That is exactly my difficulty, because a man who manufactures will also be a man who manufactures over a handloom, and that is the sort of people my honourable friend wants to protect as much as we on this side of the House. If it were possible to define manufacturer or contractor there might not be any objection to his proposal, but, in the absence of that, giving vague exemptions may easily lead to difficulties which would defeat the purpose of the Bill. I therefore find it my unpleasant duty to oppose the amendment as amended.

Mr. President : The original amendment was—

"That in exception (viii) under sub-clause (5) of clause 2, for the words 'for the purpose of trading' the words 'artizan, manufacturer, contractor' be substituted";

since which an amendment to the amendment has been moved.

"That the word 'artizan' be deleted."

The question is that that amendment be made.

The motion was carried.

Mr. President : Clause under consideration, amendment moved :

"That in exception (viii) under sub-clause (5) of clause 2, for the words 'for the purpose of trading' the words 'manufacturers, contractors' be substituted.

The Council then divided : Ayes 21 ; Noes 47.

AYES, 21.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.
Sardar Jodh Singh.

Sardar Randhir Singh.
Sardar Gurbakhsh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Sardar Partap Singh.

Sardar Harchand Singh.

NOES, 47.

Mr. W. P. Sangster.
Lieut.-Colonel E. L. Ward.
Mr. C. A. Barron.
Mr. C. M. King.
The Honourable Sardar Jogendra Singh.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sir Geoffrey de Montmorency.
Malik Firoz Khan, Noon.
Nawab Malik Sir Khuda Bakhsh Khan.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Mr. A. R. Astbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. C. F. Strickland.
Mr. J. M. Dunnett.
Mir Maqbool Mahmood.
Sardar Bahadur Sardar Jowahir Singh.
Khan Sahib Lieut. Malik Muzaffar Khan.
Mr. H. W. Webb.
Mr. M. V. Bhida.
Sayad Husain Shah.
The motion was lost,

Subedar-Major Farman Ali Khan.
Mr. E. Maya Das.
Chaudhri Duli Chand.
Sayad Muhammad Husain.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Chaudhri Afzal Haq.
Rao Pohap Singh.
Subedar-Major Asghar Ali Khan.
Maulvi Mazhar Ali, Azhar.
Chaudhri Kesar Singh.
Makhdumzada Sayad Muhammad Raza Shah Gilani.
Rana Firoz-ud-Din Khan.
Shaikh Muhammad Sadiq.
Khan Bahadur Sir Sayad Mehdi Shah.
Munshi Fazl Khan.
Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
Chaudhri Sahib Dad Khan.
Chaudhri Nur Din.
Chaudhri Ghulam Muhammad.
Khan Bahadur Chaudhri Fazl Ali.
Khan Halbat Khan, Daba.
Chaudhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan, Wagha.
Lieut. Sardar Sikandar Hayat Khan.

Lala Diwan Chand [Amritsar city (Non-Muhammadian)] : Sir, I beg to move—

"That in exception (viii), under sub-clause (6) of clause 2, the words 'for the purpose of trading' be deleted".

Dr. Gekul Chand, Narang : No speech is necessary. The honourable mover of the Bill has promised to accept the amendment.

Mir Maqbool Mahmood : Not now.

Mr. President : Clause under consideration, amendment moved :

"That in exception (viii) under sub-clause (6) of clause 2, the words, 'for the purpose of trading' be deleted".

Lala Diwan Chand : Sir,

Mr. President : Order, order. The honourable member had an opportunity to make a speech when he moved his amendment. He did not make it then and he cannot be allowed to make it now.

Dr. Gekul Chand, Narang [North-West Towns (Non-Muhammadian), Urban] : Sir, here comes another test which will decide whether *and* is to be the rule or whether justice, fair play and good sense are to be the rule. This is an amendment which the honourable member in charge of the Bill promised to accept.

Mir Maqbool Mahmood : I did not promise.

Mr. President : The honourable member is in order, I think, in reminding the mover of the Bill of his promise, but I do not think any debate on this amendment is called for, inasmuch as the amendment has already been discussed incidentally.

Dr. Gekul Chand, Narang : With due deference, Sir, I beg to say that it has not been discussed, because it was understood at the time that this part of the amendment was to be accepted. Therefore all the speeches which were made were confined to the discussion of the amendment so far as it related to the inclusion of the words 'contractor, manufacturer and artizan' and I am sure I did not say a word on the merits of this part of the amendment, nor so far as I can recollect any other speaker said anything for the obvious reason that the honourable mover had promised to accept that portion of the amendment.

Now, as to the merits of the case, they are obvious. If the words 'for the purpose of trading' are retained in this clause they would throw a heavy onus upon the money-lender. He will have to show that the money which he lent to a trader was for the purposes of trading. You know, Sir, how difficult, if not practically impossible, it is to prove the purpose for which money once borrowed is employed. The money-lender can only see that the person who comes to him for a loan is a trader. *Prima facie* the loan is required for the purpose of trade. Therefore if these words are retained, when a suit is brought against a trader for recovery of a loan, the lender will be confronted with a task which it would be almost impossible for him to perform. This would be throwing an impediment in the way of the money-lender recovering his money from the debtor which is absolutely unjust and mischievous. Therefore I submit, Sir, that these words should be removed. I heard my honourable friend just beginning to make a speech when he moved the amendment, but because I told him that the mover of the Bill was going to accept the amendment he resumed his seat and thus he lost his chance of arguing his amendment out. But I heard at the same time

the member in charge saying from the other side 'Not now.' If he still sticks to his 'not now', I would ask him the reason for his change of mind. What he suggests is this "Because you have insisted on amendment No. 26* which has put me to so much trouble as going out of the chamber to record votes in the division lobbies and entering the chamber again and so on, therefore I am not prepared to stick to my promise." If that is so, I ask you, Sir, in all seriousness and humility, is this the conduct; is this a proper conduct for a legislator who stands up as the champion of the rights of the poor ignorant people?" This surely means that what he wants to do is simply to satisfy his *aid*, to satisfy his grudge or to pose as a hero before those whose votes he wants at the coming elections. I did not want to say this, but I find there was some truth in what my honourable friend Sir Gopal Das blurted out the other day, or he has perhaps some other masters to please who are egging him on in this unholy business. Otherwise I do not know the reason by which he can justify his change of mind. I still hope that better sense will prevail and he will stick to his promise and would accept the amendment which is entirely harmless and extremely important at the same time.

Mir Maqbool Mahmood [Amritsar (Muhammadian) Rural]: I must say, Sir, that the discussion on the last amendment has made me realise certain points which escaped me at the time when I said that when that amendment is brought before the House I may be prepared to accept it. I was particularly anxious at that time not to commit myself. I said that when amendment No. 24† comes up I may find it possible to accept it. (A voice: it was a definite promise). I will explain why it is impossible for me to accept this amendment. In the course of the discussion and otherwise I have come to know that there are many zamindars, *bona fide* agriculturists who besides their own business of agriculture do some minor business of trading. I think it would lead to serious encroachment of the purpose of this Bill if we were to deny protection to such agriculturists whom it seeks to protect if this amendment is accepted. That explains my difficulty in the present case. It has been said, Sir, that it would be difficult for a man who advances a loan to a trader to make sure whether it is for the purpose of trade. I find that in the customary law a man who advances a loan has to prove that the loan was for a necessity.

Dr. Gokul Chand, Narang: Not as to how the money is employed?

Mir Maqbool Mahmood: If it can be proved that the loan was for a purpose of necessity it can equally easily be proved that the advance was for the purpose of trade.

Chaudhri Duli Chand [Karnal (Non-Muhammadian), Rural] (Urdu): Sir, if it be taken for granted that the honourable the mover of the Bill has not kept his word, that is done simply in the interests of the zamindars and not in order to display any *aid*. The provision now under consideration is meant for the protection of traders. Some of the zamindars along with zamindari work carry on some trade as well. . . .

Mr. President: The honourable member would not please repeat the arguments advanced by previous speakers.

* Vide page 1391 ante.

† Vide page 1396 ante.

Chaudhri Duli Chand (continued in Urdu) : Sir, I would not repeat the arguments advanced by other members but would submit an illustration. Supposing a zamindar carries on trade of cattle and the amendment under consideration is carried, he would be deprived of the protection given by this Bill to other agriculturist borrowers. The same would be the case of a zamindar carrying on the trade of ghee, because the money-lender may plead that the borrower is a trader and hence not entitled to the protection of the Bill. Therefore, Sir, I submit that the words "for the purpose of trading" must not be deleted.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] : Sir, I support the amendment. I should like to know from the honourable member in charge of the Bill and also from other members as to when a loan is advanced to a trader how it will be possible to know for what purpose it is applied. Take for example the case of a trader, about whom, at the time when he takes a loan, the lender is under the impression that it is for his trade. Possibly a marriage may take place of his son or daughter and he may use the borrowed money for that marriage; or he may use the money for building a house. On whom will the onus of proof lie? The lender will have, according to this clause to prove that the money was taken for the purpose of trade, which is a negative proof put on the person who lends the money. It is next to impossible for a man to prove that the amount borrowed was actually spent for the buying of goods for the purpose of carrying on his trade, or some other purpose. This is a very reasonable amendment and I hope and expect that in spite of the honourable member's withdrawing his honest promise which he made a short time ago the Government benches will see to the necessity of this amendment and will support it.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban] : Sir, I think the only fear that lurks in the mind of the member in charge of the Bill is that the zamindars do a bit of business and if this amendment is accepted it will affect adversely the very people whom he wants to protect by this measure. So, for the purpose of satisfying both sections of the House I propose the following amendment with the permission of the honourable mover, namely that the words 'income-tax paying trader' may be inserted. This will protect the small zamindar while it need not protect the big zamindar, because the trader who pays income-tax is big enough to keep regular accounts and does not require six-monthly notices. This small amendment of mine will not affect the small zamindar who does a bit of business to supplement his income from agriculture. I think my amendment should satisfy all sections of the House.

Mir Maqbool Mahmood : It is acceptable to me.

Sayad Muhammad Hussain [Montgomery (Muhammadan), Rural] : Sir, I unfortunately cannot accept even this amendment proposed by Shaikh Muhammad Sadiq, the member from Amritsar, for the reason that it does not elevate the national character. One trouble which I foresee is this. One of the main objects of this Bill is that the income-tax payers of a province should not conceal anything. In order to escape from the clutches of the Income-tax Officer most of these traders do not want to expose their income and expenditure and other things. Now even after introducing the expression 'Income-tax-paying trader' the evil will be there, the evil of concealing the whole receipts and expenditure, concealing the right balance sheet in order to

escape the clutches of the Income-tax Department, and the demoralization of national character is an evil of very great magnitude. I know of several income-tax payers who do not give balance sheets and they would rather allow the Income-tax Department to assess them for any value

Shaikh Muhammad Sadiq : I rise to a word of explanation. My friend is confusing the whole thing. . . .

Sayad Muhammad Husain : I understand that you do not want that the income-tax paying trader should come under the protection of this measure. The result which I foresee is that the money that is advanced to them by the money-lenders or by anybody else will be money that is coming from without. Most of the money that is coming to a trader from without is concealed. Therefore in the interests of elevating the national character I cannot accept the amendment suggested by the member from Amritsar.

Sardar Jodh Singh : Sir, I rise to a point of order. The honourable member from Amritsar has not given previous notice of the amendment. I therefore object to it.

Mr. President : Order, order. The amendment in question has not so far been put from the chair, nor has it been formally moved. The honourable member from Amritsar while making his speech on the amendment before the House only hinted that he intended to move a further amendment, but he has not moved it yet.

Sayad Muhammad Husain : Under these circumstances even if the honourable member moves his amendment formally. . . .

Mr. President : The so-called amendment is not under discussion.

Sayad Muhammad Husain : Even if the honourable member in charge of the Bill is persuaded by his friends opposite to accept the suggestion made by the member from Amritsar, I at least would not accept it and I believe most members will share with me in that opinion.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association Commerce) : Sir, does the House realise that by rejecting this amendment you will make it very very easy for a borrower to get money under false pretences? He will simply go and say that he is a trader and ask for a loan and after taking the money from the lender when the time for repayment comes he may say 'I did not utilise it for the purpose of trade, therefore you cannot recover it.' It seems to me that the putting in of the words 'for the purpose of trading' places the deceitful borrower in a very strong position. This Bill is to protect the borrower from the clutches of Shylock money-lenders. But there are some men among the borrowing class who would not be averse to temptation of this sort. I therefore strongly urge upon the Government to consider this aspect of the amendment and support it. I am extremely sorry that the member in charge of the Bill has changed his mind.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] : After the discussion on the amendment, I feel that it must be accepted.

S. P. M. : You could have a particular definition of the word 'trader' in order to safeguard certain traders. But having exempted the trader, how can you exclude a certain kind of transaction only. As has been said, suppose there is a zamindar, and over and above zamindari he also indulges in cattle-trade,

[M. Mazhar Ali Azhar.]

and he borrows the money for the purpose of this trade. Now, Sir, how can you say that there is no need for sending six-monthly accounts in this case? But if the same person borrows money for the marriage expenses of his daughter, or for the purchase of seed, he should be supplied with six-monthly statement of accounts. This is really unintelligible to me that a man in one particular transaction is so intelligent that he needs no protection. But the same man after a short time becomes unintelligent in an another transaction and needs protection. Now, Sir, I submit that this amendment must be accepted. (Hear, hear).

Lala Diwan Chand (Amritsar City, Urban) : Sir, the honourable mover and the members of the Select Committee will remember that these words were to be omitted. It was so agreed upon in the committee and the legal adviser also promised that while drafting, these words will be deleted. It is, perhaps, through an oversight that these words have been included. These words will mean that trade will come to an end everywhere. Crores of rupees worth of transaction is done through *promotes* and *hundis*. Moreover, foreign business houses supply goods on credit for a year or so and charge 8 annas per cent. Such transactions will also be stopped. The same will be the case with petty traders. I have done commission work in the ghee trade myself. Lakhs of rupees are advanced to these petty traders. Such commission work will cease to exist. Now, Sir, I wonder if they mean to let the trade go on or they mean to stifle it for good. This only means that they want to wrest all trade from one community to give it to the other. By passing such measures you do not encourage honesty but you encourage dishonesty. People will borrow and then refuse. . . .

Mr. President : The honourable mover's right of reply extends only to meeting the arguments advanced by speakers on the amendment ; he has no right to introduce entirely new matters.

Lala Diwan Chand : Sir, customers from abroad can stay with the *arktees*. They make some purchase and also borrow some money. Now this will be stopped and the poor man will have to go to a money-lender whom he does not know. You would not be able by these clauses to save the man whom you want to save.

Mr. President : Clause under consideration : amendment moved :—

"That in exception (viii) under sub-clause (5) of clause 2, the words 'for the purpose of trading' be deleted."

The question is that that amendment be made.

The Council then divided : Ayes 25, Noes 40.

Ayes, 25.

Sardar Bahadur Sardar Jowahir Singh.
Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodhi Raj.
Captain Dhan Raj, Bhasin.
Lala Sham Lal.
Sardar Jodh Singh.
Sardar Randhir Singh.

Sardar Gurbakhsh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Maulvi Mazhar Ali, Azhar.
Chandhri Ram Singh.
Lala Mohan Lal.
Mr. Lakh Singh.
Rana Feroz ud-Din Khan.
Shaikh Muhammad Sadiq.
Sardar Partap Singh.

Lieut. Sardar Sikandar Hayat Khan.

NOES, 40.

Mr. W. P. Sangster.
 Lieut.-Colonel E. L. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Honourable Sardar Jogendra Singh.
 The Honourable Rai Sahib Chaudhri
 Chhotu Ram.
 The Honourable Mian Sir Fazl-i-Husain.
 The Honourable Sir Geoffrey de-
 Montmorency.
 Malik Firoz Khan, Noon.
 Nawab Malik Sir Khuda Bakhsh
 Khan.
 Khan Bahadur Nawab Muzaffar Khan.
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. C. F. Strickland.
 Mr. J. M. Punnett.
 Mir Maqbool Mahmood.
 Khan Sahib Lieut. Malik Muzaffar
 Khan.
 Mr. H. W. Webb.

Mr. M. V. Bhide.
 Sayad Husain Shah.
 Subedar-Major Farman Ali Khan.
 Chaudhri Duli Chand.
 Sayad Muhammad Husain.
 Captain Malik Muntaz Muhammad
 Khan, Tiwana.
 Rao Pohap Singh.
 Subedar-Major Asghar Ali Khan.
 Chaudhri Kesar Singh.
 Makhdumzada Sayad Muhammad
 Raza Shah Gilani.
 Khan Bahadur Sir Sayad Mehdi Shah.
 Munshi Fazl Khan.
 Khan Sahib Chaudhri Muhammad
 Shafi Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Muhammad.
 Khan Bahadur Chaudhri Fazl Ali.
 Khan Haibat Khan, Dahanu.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Muhammad Khan,
 Wagha.

The motion was lost.

Mr. Labh Singh (Rawalpindi Division and Lahore Division North
 (Non-Muhammadan), Rural) : Sir, I beg to move—

"That in exception (ix) under sub-clause (5) of clause 2, the word 'retail' before
 the word 'trader' be omitted."

It is clear that the word is unnecessarily restrictive and serves no
 useful purpose. There seems to be no reason why the wholesale trader should
 not have the same benefit as the retail trader.

Mr. President : Clause under consideration, amendment moved :

"That in exception (ix) under sub-clause (5) of clause 2, the word 'retail' before
 the word 'trader' be omitted."

The question is that that amendment be made.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association,
 Commerce) : I think, Sir, that the learned mover might accept this. It
 really does not spoil the case at all, but it will include a great number of
 people in the Punjab, particularly. The large Bombay mills, for example, sell
 their cloth to Punjab traders. Then there are large imports from England,

[Mr. V. F. Gray.]

Japan, etc., and the traders who deal in such lines deal in very large sums running into crores, and they are by no means retail dealers, they are wholesale dealers and the term "commission agent" does not in all cases cover the wholesale dealer. The commission agent is a man who sells on commission from the Bombay mills but there are a good many traders in North India that buy stuff out and out and sell it for anything they can get, whether with profit or with a loss. The sums of money are very vast and because the man is taking the risk of the rise or fall of the market I do not see why he should be in any worse position than the commission agent. He is otherwise in exactly the same position. But he is neither a commission agent nor is he a retail dealer. He buys the stuff in very big quantities at very great risk. But he usually has a big advance from the more wealthy manufacturer, the same as the commission agent and the retail dealer.

Mir Maqbool Mahmood : I accept this amendment.

Mr. President : Clause under consideration amendment moved :

"That in exception (ix) under sub-clause (5) of clause 2, the word 'retail' before the word 'trader' be omitted."

The question is that that amendment be made.

The motion was carried.

Lala Diwan Chand [Amritsar City (Non-Muhammadan)] : Sir, I beg to move—

"That in exception (ix) under sub-clause (5) to clause 2, omit the words 'dealing in exported or imported merchandise' occurring after the words 'to a merchant,' and before the words 'in the regular course.'"

The motion was lost.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I move :—

"That for exception (a) in sub-clause (5) of clause 2, the following shall be substituted :—

"(a) A loan advanced by a commission agent in the regular course of his business as such commission agent."

The motion was carried.

Sardar Jodh Singh (Sikh Urban) : Sir, I beg to move :—

"That in sub-clause (5) of clause 2, exception No. (a) be omitted."

Sir, if any clause in this Bill proves that the object of the Bill is not what it is said to be, it is this exception. In this House money-lenders have been described as Shylocks and various stories of their *zulooms* have been recited. I am not going to recite hearsay stories of these people who are meant to be excepted under this heading, but I will just read a description of them given by Mr. Darling in his Book "The Peasant in Prosperity and Debt." Speaking of the landlords and their dealings with their tenants in a certain division, he says :—

"As would be expected, the bulk of the land is held by the rich men, who are increasing their possessions. Peasant proprietors exist on the outskirts of the small towns. Elsewhere the small landless man cannot hold his own. If he attempted to do so, (I invite the special attention of the Government benches to this

sentence), "if he attempted to do so, his cattle would be driven, his women folk carried off, himself challaned (prosecuted) before an honorary magistrate on a charge of cattle theft, and in a short time he would be glad to hand over his land and secure protection on any terms. Society there in the main consists of the land-holding squires, whose local authority is only limited by their mutual jealousies and of their retainers and tenants, who hold no share in the land which they till, and knowing that an appearance of wealth will lead to exaction from their feudal or spiritual masters" (with due apologies to Pir Sahib), "are content to lead a hand-to-mouth existence."

Sir, I need not dwell on the situation any further. Even compared with the descriptions, in which members drew mostly upon their imaginations, which they have given of so-called Shylocks, this description I have given by an authority on rural economics beats them hollow. Yet the honourable mover, in order to get the votes of this class of people who are members of this House, has offered them this bribe. He knows that, but for their votes, this Bill would not be passed and therefore, in spite of the conditions in which these people live, he has inserted an exception in their favour. Sir, in the cases of the money-lenders, the zamindar, though he gets some capital from him, does not depend for his subsistence on the money-lender. He earns his living in some other way, but in the case of these money-lenders, not only is the tenant a debtor to them, but for his very subsistence he depends upon the few acres of land that they have given him to till. Therefore he is in a way more enslaved in this case than in the case of having a debt from the money-lender. Sir, are we going to perpetuate this sort of slavery, in which not only does he depend for his living upon the few acres that these landlords give him, but also is in their clutches as a debtor, and that these landlords should be allowed to keep no accounts and submit no six-monthly notices to him? Sir, in this House I heard, when the mover was introducing this Bill, that this Bill was a measure actuated by motives of fair play and justice. May I know where those motives are now when making this exception? But, Sir, I hope the honourable mover will bear me out when I say that, left to himself, he would not have made this exception. He acknowledged this to me in private, but as I have said, it is sheer necessity that has driven him to this. There are so many landlords who are members of this House, who give money to their tenants, that, if they were not excepted, they would not vote in favour of this Bill. Hence this exemption. I leave it now to the members of this House to judge for themselves how far this Bill is based upon equity and fair play.

With these few words, Sir, I move this amendment.

Mr. President: Clause under consideration, amendment moved:

"That in sub-clause (5) of clause 2, exception No. (23) be omitted."

The question is that that amendment be made.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I rise at this stage because I realise that the amendment in my name is so similar that all debate on the point will take place here.

Mr. President: Is the honourable member referring to amendment No. 41 on the Agenda?

Mr. V. F. Gray: Yes, Sir. I outlined the conditions on which the Punjab Chamber of Commerce would eventually agree to this Bill and this is one of the two conditions which we cannot under any circumstances except,

[Mr. V. F. Gray.]

this and one other. If these two were deleted, I undertook to accept the Bill when it was finally through this Council. I have not much to say on this matter. I am afraid it will bring in a good deal of discussion on a communal basis and I should be very glad if the mover would see his way to dispose of the chief communal bias on this Bill by accepting the amendment. The chief argument I think is that we have come to the conclusion that it is right that the borrower should be entitled to have a statement of his account. Now why should the borrower, from his landlord, depart from that? Why should he not be allowed to know how his account stands, in the same way as the borrower from any other source? The man on the land is more in the hands of his landlord because if he won't accept the landlord's word as to the condition of his account, he is sent straight off the land and the land rented to somebody else. I consider he is more under the thumb of that particular landlord and is forced more or less to borrow from him rather than the zamindar who can go to any money-lender, not only in his district, but to any other district. But I repeat, why should not the borrower on the land from his own landlord be entitled to know the position of his account every six months, or whenever he asks for it? On that ground I ask that this clause be deleted.

Chaudhri Afzal Haq (Ludhiana-cum-Hoshiarpur, Rural) (Urdu): Perhaps, Sir, you do not realise the significance of accepting this amendment. Such a course will put an end to all agriculture. It may not have so bad an effect in my district and the district of Jullundur where the holdings are small, but such a thing is sure to be very badly felt in the districts of Montgomery and Multan where there are big landlords. In those districts they advance money to tenants to encourage agriculture. There is a system called *achuta* in which they advance money to a tenant so that he may settle his accounts with his previous landlord. And if this amendment is admitted then instead of affording any relief it will be a curse to the tenants. Now, Sir, if the objection had been raised that zamindars also take to dishonest practices in dealing with their tenants, I could have understood the force of this amendment. But when no such complaint has been made, I submit, Sir, the ground is taken away from beneath this amendment. This amendment will strain the relations of tenants and landlords.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders, General]: When I look at the benches on which zamindar members are seated I find that a class, viz., that which holds lands in new colonies is poorly represented. In colonies it is generally the custom to give land on lease to certain contractors. A regular class of contractors has come into existence. These contractors take the place of landlords and will be treated as such. They will come under the exception if it is allowed to stand. These contractors are not generally scrupulous and they have money transactions with the tenants which is a source of profit to them. If they suffer loss in any way owing to their agreement to pay large sums of money to landlords they make up the loss by charging exorbitant rates of interest to tenants.

It is generally big landlords who have money transactions with their tenants. These landlords generally employ munshis and clerks and it will not be difficult for them to keep accounts or to give six-monthly notices to the borrowers. As to contractors they are generally literate class and well versed in keeping accounts. I am of opinion that the exception should not be retained.

Sardar Tara Singh [Ferozepore (Sikh), Rural] : Sir, it seems to me that the honourable mover of this amendment has not carefully gone through the whole of sub-clause (r). It concerns a loan that has been advanced by a landlord to a person with whom his connection is that of a "tenant, lessee or partner in cultivation." That is, so long as a man is his partner in cultivation, so long as he is a lessee, so long as he is a tenant, the advances made to him will come within the exemption clause but not otherwise. Take, for example, my case. I am a landlord. I advance money to my tenant. With what object do I advance the money? To develop agriculture, with the object that this man may till my land. I maintain him with the object that he will continue cultivating my land, reap my harvest and so on. My object will not be a dishonest one. My object will be to pay him for the period during which he is working as my tenant; I will maintain him for the services he does for me; while the object of the ordinary money-lender is to make profit out of him. It is to the money-lender's interest by advancing him money to persuade him to the habit of taking loans. The object of the landlord, on the other hand, is not to encourage such a habit, not to induce the borrower to indulge in that habit. His only object is an honest object; it is to maintain that man during such period as he serves him in his fields. The object of the money-lender in advancing money is something quite different to that of the landlord who advances money to his tenant only for a short period. As we can well understand, a man advances money to his tenant with a certain definite object, and if he goes beyond that he is in danger. Supposing, Sir, I employed a tenant to-day, I know as a matter of fact that that tenant who is a partner with me in cultivating my land will not be retained for a very long period. He is not a permanent hand. He may be here to-day, next year he may be in Lyallpur and the third year somewhere else. If as a landlord I make heavy advances to such persons, I stand in danger of non-realisation. Supposing I go to Lyallpur after him, he has got no property, he is a man who has got no home. I would therefore advance him money to that extent only which will enable him to maintain himself for a certain period so that I should not incur any risk of non-realisation. Therefore, I submit, Sir, that the object underlying this amendment is to multiply such dangers. Sir, my friend on the other side of the House sheds crocodile tears for the betterment of the agriculturist, but when this amendment comes before the House he appears in his true colours. He has given a very good description of the money-lender. If he agrees with the dictum or decision or finding arrived at by Mr. Darling and certain experts, if he agrees to the principle that borrowers do require protection—and he has already told me, Sir, that Mr. Mahmood had privately said to him that he personally agreed to the omission of this proposal—this very honourable member, Sir, for the whole of the Punjab, has himself agreed with me and told me that he agrees with the whole Bill with the exception of the clause compelling the money-lender to send six-monthly accounts. What does he do now? He is opposing every clause of the Bill, the very gentleman who in private talk agreed to the principle.

Sardar Jodh Singh : A word of explanation, Sir. I told him that I agreed with the principle of the Bill inasmuch as it will systematise the accounts; I think this penalising proposal about six-monthly balances is no hardship; but as far as the details of the Bill are concerned we never discussed them.

An Honourable Member : He said only that much.

Sardar Jodh Singh : No, he said, I had agreed to everything.

Sardar Tara Singh : He told me, Sir, in clear terms that if this condition . . .

Sardar Randhir Singh : Are these direct talks to go on like this, Sir ?

Mr. President : Order, order. The honourable Sardar Tara Singh will continue his speech.

Sardar Tara Singh : My point is that he was advancing the argument that a private money-lender is a very vicious man. Now if he accepts the decision of Mr. Darling, he should accept it *in toto*. He does say that there is a great deal of extortion in the Punjab. Why then is he lending his support to the opposition of every clause of this Bill ? Sir, if that were a true statement of affairs in regard to the private money-lender I am prepared to condemn him. I do not want to save him but as I have already stated according to Mr. Darling, 83 per cent. of the proprietors are already in debt. This shows that the statement he has given concerns only 17 per cent. of the proprietors. As 83 per cent. are already in debt only those who are free from debt can indulge in the practice of advancing loans.

Dr. Gokal Chand, Narang : May I with your permission, Sir, ask one question whether he knows what percentage of the money-lenders are under debt ?

Sardar Tara Singh : Money-lenders in debt ? I don't understand. If the money-lender is in debt, he will only borrow money at 9 per cent. simply to lend it at 12 and to make profit.

Dr. Gokal Chand, Narang : So can the landlord.

Sardar Tara Singh : What I mean to say is that according to Mr. Darling only 17 per cent. of the landlords are free from debt and this description applies only to 17 per cent. and not to the other 83 per cent. Therefore, Sir, for these reasons I submit that this motion has been put forward with the object of hampering agriculture and destroying the conditions in which agriculturists at present live and work.

Malik Feroz Khan, Noon : Sir, I move :

"That the question be now put."

Dr. Gokal Chand, Narang : There has not been sufficient discussion.

Mr. President : The question is :

"That the question be now put."

The motion was carried.

Sardar Jodh Singh : Sir, I have my right of reply and I want to exercise it. Sir, the honourable member from Ferozepore in the very beginning stated that all these loans are advanced to tenants for the purpose of carrying on agriculture. In all other exceptions we find it stated that if

for carrying on trade, for carrying on this and that ; but in this exception, Sir, the object which my honourable friend has now introduced is not stated in so many words. The tenant may contract that loan for the purpose of carrying on agriculture or for any other purpose on the face of the earth ; hence that part of his argument is of no avail. As for that 83 per cent. of the proprietors who are under debt, I wonder if that argument could have been brought forward in any seriousness. There is not a big business man in this province who is not in debt, because business consists in this—you borrow money from one place and invest it more profitably at another ; and if these landed proprietors are borrowing money at a less rate of interest and are lending it to their tenants not only at exorbitant rates of interest but realising it in the way of which a picture has been given to us, namely, by carrying away their womenfolk.

Sayad Muhammad Husain (in Urdu) : No zamindar ever charges interest from his tenants.

Sardar Jodh Singh : I know that they do. The honourable member can speak for himself.

An Honourable Member : It perpetuates slavery.

Mr. President : Order, order.

Sardar Jodh Singh : Therefore, Sir, that argument that 83 per cent. of them are under debt is of no use unless it can be shown that they have not been contracting those debts in order to enslave others.

Dr. Gokul Chand, Narang (in Urdu) : They take twice as much grain.

Sardar Jodh Singh : My friend from Hoshiarpur if I mistake not said that he would be prepared to accept this amendment if it concerned the districts on this side of the Ravi.

Dr. Gokul Chand, Narang : He said Jullundur.

Sardar Jodh Singh : Jullundur and other districts he said.

Chaudhri Afzal Haq (in Urdu) : Sir, what I said was that my district and the adjoining ones are not subject to these conditions. This amendment affects the western districts.

Sardar Jodh Singh : If they are bad, why make this exception? Sir, I was just going to say (At this stage there was an interruption). Now, Sir, another question has been put to me. From the beginning, when this Bill was presented before the House, it was said that these zamindars did not know how to keep accounts. They did not know how to examine their accounts of the money-lenders. Now, I find, Sir, that all these zamindars do keep accounts and understand them. (A voice : 83 per cent. at least of them). I wonder which statement is to be believed. An honourable member says, because there is no difficulty in their accounts, because they are perfect

[Sardar Jodh Singh.]

specimens of honesty therefore they ought to be excepted. Is the certificate of a potter to be accepted for his own pots? Now, Sir, I do not know which statement is to be believed. One member says the zamindars cannot keep accounts, another says that they can keep regular accounts. I leave it for the honourable member in charge of the Bill to answer which statement is correct. I once more say that if we read any literature on economics, I do not claim myself to be an authority on that subject, I am only a lay student of that subject, it will be seen that in Europe every effort is being made to see that big landlords should not remain as landlords but that their place should be taken by peasant proprietors. (Hear, hear). (At this stage there was some interruption). Sir, I am accused of introducing Bolshevism. I am afraid that that accusation should be hurled against the Government, because one of the main arguments for the Land Alienation Act was that they wanted peasant proprietors in the Punjab. I am one with Government in this respect, that there should be peasant proprietors in the Punjab. I go a step further and say that these big landlords should not be allowed to swallow as Chaudhri Duli Chand put it, the small fish. Hence I protest against this exception. These people by their *zulum* will oust the small proprietors from their neighbourhood. Let it be to the credit of these *banias* that Mr. Darling made an exception that these small landed proprietors existed only on the outskirts of towns as they have been ousted from the villages by the *zulum* of these big proprietors. I hope that in the name of fair play and justice, the Government benches in order to be consistent to the principles of the Land Alienation Act should support the amendment. I hope that at least in this case they will support the amendment.

Mr. President : Clause under consideration, amendment moved :

" That in sub-clause (5) of clause 2, exception No. (as) be omitted "

The question is that that amendment be made.

The Council then divided : Ayes, 18, Noes 48.

AYES, 18.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Mr. E. Maya Das.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Lala Sham Lal.

Sardar Jodh Singh.
Sardar Gurbaksh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Lala Mohan Lal.
Mr. Lakh Singh.
Sardar Partap Singh.

THE PUNJAB BORROWERS' PROTECTION BILL, 1900.

Mr. W. P. Sangster.
 Lieut.-Colonel E. G. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Honourable Sardar Jogendra Singh.
 The Honourable Rai Sahib Chaudhri Chhetu Ram.
 The Honourable Mian Sir Fazl-i-Husain.
 The Honourable Sir Geoffrey de Montmorency.
 Malik Firoz Khan, Noon.
 Nawab Malik Sir Khuda Bakhsh Khan
 Khan Bahadur Nawab Muzaffar Khan
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. C. F. Strickland.
 Mr. J. M. Dunnott.
 Mir Maqbool Mahmood.
 Sardar Bahadur Sardar Jowahir Singh
 Khan Sahib Lieut. Malik Muzaffar Khan.
 Mr. D. Milne.
 Mr. H. W. Webb.
 Sayad Husain Shah.

Subedar-Major Farman Ali Khan,
 Chaudhri Duli Chand.
 Sayad Muhammad Husain.
 Captain Malik Mumtaz Muhammad Khan, Tiwana.
 Chaudhri Afzal Haq.
 Sardar Tara Singh.
 Sardar Randhir Singh.
 Rao Pohap Singh.
 Subedar-Major Asghar Ali Khan.
 Maulvi Mazhar Ali, Azhar.
 Makhdamzada Sayad Muhammad Raza Shah, Gilani.
 Rana Firoz-ud-Din Khan.
 Khan Bahadur Sir Sayad Mehdi Shah
 Munshi Fazal Khan.
 Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
 Chaudhri Sahib Bad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Muhammad.
 Khan Bahadur Chaudhri Fazl Ali.
 Khan Haibat Khan, Daba.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Muhammad Khan, Wagha.
 Lieut. Sardar Sikandar Hayat Khan.

The motion was lost.

Mr. President : Does Mr. Gray wish to move his amendment* ?

Mr. V. F. Gray : As I cannot rely on Government support, there is no object in moving my amendment*.

Lala Diwan Chand [Amritsar City (Non-Muhammadan)] : Sir, I beg to move—

"That in exception (a) under sub-clause (5) of clause 2, the words 'for the purpose of carrying on agriculture, be added 'at the end'."

(Urdu) : Now Sir, we will see if zamindars object even to this and whether they want only to save agriculturists or to injure other communities.

*In sub-clause (5) of clause 2, exception (a), the words 'tenant, lessee or' be omitted."

Mr. President: Clause under consideration, amendment moved :

"That in exception (a) under sub-clause (5) of clause 2, the words 'for the purpose of carrying on agriculture' be added at the end."

The question is that that amendment be made.

Malik Firoz Khan, Noon [Shahpur-East (Muhammadan), Rural] : Sir, I am sorry to say that I cannot agree with the honourable member who moved the amendment and that is for this reason, that the word 'agriculture' has not been defined. (A voice: The word 'trader' also has not been defined) (Laughter). Take a case like this. Suppose a tenant does not get his wheat in time. He goes to the landlord and asks him to advance two or three mannds of wheat and promises to return it whenever his crops come in. It will then be very difficult to say whether a loan of that sort is for agricultural purpose or not. It cannot be said strictly speaking that that loan is for agricultural purpose. It is for his own personal use and for the use of his family. Therefore if we are to agree to a definition of that sort, loans of the nature I have described will be excluded. There may be other cases also in which difficulties may arise and the acceptance of an amendment of this nature will be very difficult to some of the poor tenants.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : Sir, I have been trying to weigh, not only the honourable members on this side of the House but also the honourable members on the opposite benches, in the balance and so far I very much regret to say that I have found them almost always wanting. This is another balance and I hope they will not be found wanting this time also. This amendment is exactly on the same lines as the words used in a previous exception where the words 'for the purpose of trading' have been used. Here I would say with more appropriateness than the Honourable Member for Revenue was capable of showing when he used the well-known proverb "what is sauce for the gander must be sauce for the goose." If some words are necessary to restrict loans to the traders, these words are necessary to restrict loans by landlords to their tenants, lessees or partners in cultivation. The argument against the amendment given by that veteran of the opposite benches, Malik Firoz Khan, Noon, was that 'agriculture' had not been defined. That was his argument. It was even then pointed out to him and he must have realised it that the word 'trading' also has not been defined. If that clause can stand without the word 'trader' or 'trade' being defined, I do not see any reason why these words 'for the purpose of carrying on agriculture' cannot be added to this sub-clause without the word 'agriculture' being defined. In fact that is not a matter for definition. Everybody who knows English knows that it is perhaps more difficult to define 'trade' than to define 'agriculture.' Trade is so multifarious and verges on so many other things that it is very difficult to define 'trade,' but agriculture is a thing which every one knows and what it is applied to. Then the honourable member Malik Firoz Khan gave an instance of a poor peasant going to a landlord and asking for a few maunds of wheat for his personal use and pointed out that it would be difficult to say whether this loan was for agricultural purpose. The same difficulty certainly arises in the case of a trader who goes to a money-lender and says "Well, I want one or two hundred rupees for the purchase of a few almirahs which I want to have for keeping my merchandise in." Well, the question arises whether this loan

is for the purpose of trade or not. Lawyers into whose hands these things are after all going to fall are capable of splitting hair and if difficulties are apprehended, certainly those difficulties would arise in the case of traders as also in the case of agriculturists. But if he would compare the two, the difficulties apprehended in the case of agriculture are nowhere as compared with the difficulties in the case of trade. I would therefore submit that this is a most wholesome provision which ought to be adopted; and having so vehemently opposed the omission of the words 'for the purpose of trading' there is absolutely no reason why the mover of this Bill should not accept this amendment or the Government should not vote in its favour.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, *prima facie* it might seem that if we have agreed to the retention of the words 'for the purpose of trading' we should also agree to the bringing in of the words "for the purpose of agriculture". But a careful analysis of the situation brings out two points of importance. They are these: One is that in the case of a landlord we are not forcing the tenant to deal with the landlord. So far as agricultural loans are concerned there is no difference of opinion in the House. We are concerned with loans of necessity which cannot technically come under the term loans for the purpose of agriculture. Now by not bringing in the words 'for the purpose of agriculture' we are leaving the tenants or lessees whom we want to protect more than anybody else, to deal with the money-lenders or deal with the landlords as they please. But if we bring that definite clause that it is for the purpose of agriculture alone that he may deal with the landlords then that may force the tenants to go to the money-lender for the purpose of other things. That, I suppose is not a situation which my friends who support the amendment desire.

There is yet another point. In the case of tenants, lessees and others when they go to deal with their landlords they have a personal security which is of very great value to the landlords. The landlord can retain the personal good will and personal labour of the tenant or lessee as long as he can. If the labourer finds or if the tenant finds that he is not getting fair play from the landlord, it is open to him under certain provisions to part company with that landlord; then it becomes the duty of the landlord to send him six-monthly statements before going to a court of law for the recovery of his money. If the money-lender or co-operative societies lend money on better terms there is no reason why the tenant should not go to these in preference to the landlord. So, if we bring in the words suggested in the amendment we would be tying down the very person whom we want to protect.

Chandhri Dali Chand: Sir, I beg to move—

"That the question be now put".

Mr. President: The question is:

"That the question be now put".

Dr. Gokul Chand, Narang: Sir, I respectfully protest against this practice. We know the fate of our amendments and all our efforts to improve the Bill, but when all is said and done, certainly to apply a closure even at the beginning of the debate makes the position much worse. I am only saying this so that my protest may go on record.

Mr. President : Unless I find that a closure has been moved with the object of depriving any party of having its say, I think I would be justified to put the motion to the House. The motion was moved by Lala Diwan Chand and has been debated upon by Malik Firoz Khan, Noon, Dr. Gokul Chand, Narang, and by Mir Maqbool Mahmood. If all members wished to speak on every motion before the House, I think it would be impossible to carry on and finish any business. I shall carefully watch and see that the majority does not stifle the voice of the minority. But while I shall protect the minority against the oppression of the majority, I shall also protect the majority against the obstruction of the minority. It is my bounden duty not to allow speeches if they are made only for the gallery. I think I was perfectly right in accepting the motion for closure. The protest against my action is in essence an insult to the discretion of the Chair. I may add that in proposing a closure motion to the House the discretion of the Chair is absolute and indisputable.

Dr. Gokul Chand, Narang : On a personal explanation, Sir. You have, Sir, accused the honourable members of this House of two charges, one of speaking to the gallery. You have levelled two charges both of which are quite unfounded.....

Mr. President : I think the honourable member has misunderstood me. I never made any charge of that kind. All I said was that if this was so, then it will be my bounden duty to exercise my discretion. I think I was perfectly right in accepting the closure motion. In the discharge of this duty, the discretion of the Chair, as already stated, is absolute and is not open to dispute.

Dr. Gokul Chand, Narang : I just want to ask for a piece of information, whether it is the motive of the person who moves the closure motion that determines the question that the question be now put to the House, or is it the decision of the President himself whether there has been a sufficient debate or not that determines the fate of such a motion.

Mr. President : I will read the standing order. It speaks for itself :—

" At any time after a motion has been made any member may move 'that the question be now put' and unless it appears to the President that the motion is an abuse of the rules or these standing orders, or an infringement of the right of reasonable debate, the President shall then put the motion 'that the question be now put.' "

What was there to lead me to conclude that this was an abuse of the rules or these standing orders? After four members had spoken on that amendment, I was justified to think that it was not an abuse of the standing order to move a closure.

Dr. Gokul Chand, Narang : You have put a question, Sir. You have been pleased to say what was there to lead you to suppose that the motion for closure had been moved with a sinister motive? My simple answer is this that when this motion was moved, there were about half a dozen members on this side of the House who were anxious to speak. The fact that some amendments were allowed to pass without any discussion does not show that there was nothing to be said for, or the honourable members were not anxious to discuss some other amendments.....

Mr. President : I think the honourable member is going rather too far. I may inform him that when I called on Mir Maqbool Mahmood to reply, only one honourable member, Shaikh Muhammad Sadiq, arose in the whole House. When, however, the closure was moved four or five other members also stood in their places but as only one member had risen when Mir Maqbool Mahmood received the call of the Chair, I was fully justified to put the closure motion to the House.

Mr. President : The question is :

"That the question be now put."

The motion was lost.

Shaikh Muhammad Sadiq : Sir, I beg to move—

"That in sub-clause (5) of clause 2, at the end of exception (a) the words 'provided that the total sum lent to tenant, lessee or partner in cultivation and.....'

Mr. President : Order, order. The honourable member will please speak on the amendment now before the House.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] : Sir, I strongly support the amendment. I know that I will be crying in the wilderness when I speak this time. I know that there is no hope of the amendment being accepted. We have said and I think it is better that we say again that under the alliance which exists at present between Government and the Muhammadans, there is no hope—if I may be excused for saying so—for carrying any amendment that may be in the interest of justice.

Sir, what I want to submit is this, that many have been crying that money-lenders are all devils. Whenever in the interest of the poor lessees or tenants we on these benches want to make any motion, then the Government members say : The landlords are our friends ; this amendment cannot be adopted ; their deeds cannot be questioned by anybody. Whenever the case of money-lenders comes in and we ask Government and the mover of the Bill as to what are the facts and figures, we are told that there are none. I say, Sir, that by not accepting this amendment you are going to perpetuate that institution which in the olden days was called slavery. You are leaving the poor tenants entirely under the thumb of the landlords. When they take money from the landlords, they will find it impossible to move from one landlord to another. I feel for the poor tenants from the bottom of my heart. Government seems to have lost all respect for the feelings of the poor. I do not say that all landlords are devils or that they are just as unscrupulous as some of the money-lenders, among whom also I admit there are black sheep, but I do say that all the landlords are not saints, and to allow them not to keep any account for any money that they advance to their tenants for agricultural purposes is, in my opinion, nothing short of introducing a system in the Punjab which in the olden days was called slavery.

There may be exceptions amongst the landlords. Mr. Darling's book has been quoted by Sardar Jodh Singh. But pray do not think that all money-lenders are unscrupulous. Pray do not think that all landlords are saints. They are all human beings, and whenever a man gets an opportunity over a human soul, I have found very few of them who would be merciful

[L. Mohan Lal.]

to those poor people who are under their control. I am a business man. I take contracts. Sometimes I am tempted to take advantage of this because I am put in that position. I have to employ 3,000 or 4,000 men as my labourers. My employees tell me and I know what they do with labourers and I know how they are treated. I make an appeal to the House strongly on behalf of the dumb and those poor lessees and tenants and ask not to be hard on them. Limit it to this, that if the landlord advances money, it should not be strictly restricted for the purposes of agriculture. If you allow him to have a free hand, I can assure you that you are doing an act of injustice to the poor who will always be under the thumb of their landlords. I feel very strongly for these labourers and I know how we sometimes deal with them. Pray take pity and save these poor people and accept the amendment which has been moved.

Sardar Gurbakhsh Singh [Ambala Division (Sikh), Rural] : Sir, I think that the honourable mover of this Bill and other members of this House who do not seem to agree to the adoption of this amendment, have practically forgotten the meaning of the word tenant, and all that they mean to convey at this time seems that they understand by it only a tenant-at-will as having the meaning of the word tenant. I will remind them that there are other forms of tenants and that an occupancy tenant is one of the most important forms of these labourers. An occupancy tenant is one who for all intents and purposes is the owner of land that he tills and the landlord takes only a very small share out of the produce of that land. If this harmless amendment is not adopted it means that you are giving a privilege to the landlord of these occupancy tenants to advance them any amount of money for any purpose, immoral or of any other type. If that is the wish of Government, I know that my appeal will be lost on the honourable mover and his supporters. If it is the wish of the responsible persons who for all intents and purposes say that they wish to safeguard the interests of all communities and of all classes, poor as well as rich, but they throw the lot of these occupancy tenants in the hands of these landlords to whom they are giving the privilege of advancing any amount they please and of not keeping any account or giving them any accounts after six months, then I have nothing to say. Let Government reap the reward. Let the revenge of those occupancy tenants fall on persons responsible for leaving out these privileges of these very big tenants at the mercy of those landlords. I am an agriculturist and I wish only to say a word here, that the very presumption that all non-agriculturists are dishonest and all agriculturists are honest, is wrong.

Mr. President : Order, order. Will the honourable member speak to the amendment which is before the House? The arguments he is advancing do not appear to be relevant to the amendment. The amendment before the House is—

"That in exception (a) under sub-clause (5) of clause 2, the words 'for the purposes of carrying on agriculture' be added at the end."

It means that the clause be limited in its operation, that is to say, agriculturists only should be recognised and not others. That is the amendment now before the House.

Sardar Gurbakhsh Singh : With due deference to the chair, I must say that I was quite in point, because if the purposes of the advances to be made to these occupancy tenants are limited to agricultural purposes

alone, then there is justification, otherwise if these harmless words are not added, the interests of the occupancy tenants are sacrificed and all the arguments that I used here were quite on that point and I again wish to repeat that I did not go out of the scope of the amendment.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, I think this amendment answers every argument used by the mover in the previous amendment. He says that the landlords are not ordinarily money-lenders. They advance money for agricultural purposes. We want to exempt the man who advances money for agricultural purposes but, if the landlord is advancing money for agricultural purposes, is there any reason why he should not produce books? Is there any reason why he should not show his accounts? Is there any reason why the tenant should not be able to know how much money he owes? We are told that these men run away. We are not legislating for men who run away. The law can follow those who run away. But what about the man who does not run away? Can he ask how much do I owe? Why should he not have that privilege? We have agreed that the landlord may be omitted from this Act when he only advances money for agricultural purposes. He can advance a man Rs. 100 and ask him to return Rs. 1,000 in six months. All right, that we have agreed to. But if he lends ordinary cash, why should not he be on the same condition as the money-lender who lives next door? I strongly support this amendment.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu) : Sir, the honourable member who has opposed the amendment says that the addition of these words will not be useful. I cannot understand how it is so, nor can I see how the tenant, etc., will have to go to a money-lender as a result of this amendment. The tenant can borrow even from a landlord. I am unable to understand why the insertion of this condition should be objected to in the case of a landlord when it has been accepted in that of a trader. There should be one principle in the whole Bill. But here we see two different and divergent principles being set up in one clause of the Bill. While it is felt necessary for the purposes of trade to retain these words they are taken exception of in the case of landlords and tenants. Then, Sir, it is not only one class of tenants, i.e., tenants at-will, but as observed by my honourable friend Sardar Gurbakhsh Singh, occupancy tenants as well are to be protected. Moreover, partners in cultivation also are mentioned in the exception under discussion. Lastly it is argued that money-lending has the effect of demoralising. If it is so, why should we seek to turn landlords into money-lenders?

Rai Bahadur Lala Dhanpat Rai (Punjab Industries) : Sir, after watching the proceedings of this House one is constrained to say that it is only a one-sided measure.

Mr. President : Order, order. It is not the whole measure that is just now before the House. It is only a particular amendment that is before it at this moment.

Rai Bahadur Lala Dhanpat Rai : One need not go far to seek for the external evidence but there is enough of internal evidence in this clause itself which we are considering that this is wholly one-sided. As my friends have said, what is the justification that when you exclude a trader, you want to have a provision that the loan is for the purposes of trade but when you exclude the

[B. B. Lala Dhanpat Rai.]

landlord you do not want to have that provision at all. My honourable friend Chaudhri Duli Chand said that it was for the protection of the zamindars that this law was being enacted and therefore a zamindar who is also a trader wants protection. Similarly a zamindar who is a tenant also wants protection.

And then, Sir, is it the intention of Government and the non-official zamindars of this House that they should replace the money-lending class by the landlord class? I do not see why they should object to the inclusion of the words that the money is required for agricultural purposes. By saying that these words should not be introduced into the amendment you will be only proclaiming to the world that we want to replace the money-lending class by a new class, the zamindar class which happens to be in a majority in this House. Therefore I appeal to the zamindars not to give this impression to the outside world that it is with this object that this Bill is being enacted, that it is not for the benefit of the ignorant classes. With these words I support the amendment.

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

" That the question be now put."

Mr. President : The question is :

" That the question be now put."

The motion was carried.

Mr. President : Clause under consideration, amendment moved :

" That in exception (a) under sub-clause (5) of clause 2, the words ' for the purpose of carrying on agriculture ' be added at the end."

The question is that that amendment be made.

The Council then divided : Ayes 26 ; Noes 19.

Ayes, 26.

Sardar Bahadur Sardar Jowahir Singh.

Rai Bahadur Lala Dhanpat Rai.

Diwan Bahadur Raja Narendra Nath.

Professor Ruchi Ram, Sahni.

Dr. Gokul Chand, Narang.

Sardar Narain Singh.

Mr. E. Maya Das.

Rai Bahadur Lala Sewak Ram.

Lala Bodh Raj.

Lala Sham Lal.

Chaudhri Afzal Haq.

Sardar Jodh Singh.

Sardar Randhir Singh.

Sardar Gurbakhsh Singh.

Lala Mohan Lal, Bhatnagar.

Lala Diwan Chand.

Lala Ranke Rai.

Mr. V. F. Gray.

Maulvi Mazhar Ali, Azhar.

Lala Mohan Lal.

Mr. Labh Singh.

Rana Firoz ud-Din Khan.

Shaikh Muhammad Sadiq.

Sardar Partap Singh.

Malik Khan Muhammad Khan, Wagha.

Lieut. Sardar Sikandar Hayat Khan.

NOES, 19.

Malik Firoz Khan, Noon.	Makhdumzada Sayad Muhammad
Nawab Malik Sir Khuda Bakhsh Khan.	Raza Shah Gilani.
Mir Maqbool Mahmood.	Khan Bahadur Sir Sayad Mehdi
Khan Sahib Lieut. Malik Muzaffar	Shah.
Khan.	Munshi Fazal Khan.
Subedar-Major Farman Ali Khan.	Khan Sahib Chaudhri Muhammad
Chaudhri Duli Chand.	Shafi Ali Khan.
Sayad Muhammad Husain.	Chaudhri Sahib Dad Khan.
Captain Malik Mumtaz Muhammad	Chaudhri Nur Din.
Khan, Tiwana.	Chaudhri Ghulam Muhammad.
Rao Pohap Singh.	Khan Bahadur Chaudhri Fazl Ali.
Subedar-Major Asghar Ali Khan.	Khan Haibat Khan, Daba.

The motion was carried.

The Council then adjourned till 10-30 A.M. on Tuesday, the 6th July 1926.

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PUNJAB LEGISLATIVE COUNCIL.

8TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Tuesday, the 6th July 1926.

THE Council met at the Assembly Chamber, Simla, at 10-30 of the clock. Mr. President in the Chair.

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now resume discussion on the amendments to clause 2.

Chaudhri Ram Singh [Kangra (Non-Muhammadan) Rural] (Urdu):
Sir, I beg to move :—

" That in sub-clause (5) of clause 2, at the end of exception No. (xi) the words ' or to his co-sharer ' be added ".

Sir, the object of this amendment is to add the word "or co-sharer" at the end of exception No. (xi). Partners in cultivation have also a lot of lending to do with each other. Sometimes one partner is a lambardar and the others at the time of payment of land revenue, finding it hard to pay, write a promote in favour of the lambardar and discharge their debts in the course of the year. In my own district there are private canals owned by the people. Now, some of these people cannot pay their share of the cost of digging the canals. They take loans and repay them at their convenience. I, therefore, submit that the word 'co-sharer' be also included in the exception under consideration.

Mr. President : Clause under consideration, amendment moved—

" That in sub-clause (5) of clause 2, at the end of exception No. (xi), the words ' or to his co-sharer ' be added ".

The question is that that amendment be made.

The motion was carried.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban] :
Sir, I beg to move—

" That in sub-clause (5) of clause 2, at the end of exception No. (xi), the words ' provided that the total sum lent to tenant, lessee or partner in cultivation and their children does not exceed two hundred rupees ' be added ".

Sir, my reason for bringing this amendment is that very often you will find a landlord forcing his tenant while lending money to write down that it is for the purpose of agriculture ; and it will be very easy for a landlord who has got the tenant in his grip to make him write as he likes ; because after all the tenants in this country are not merely tenants, but partly landlords also and partly tenants ; that is, they might own land and they might also become tenants of some other landlord to a certain extent. So the picture that was drawn by Sardar Tara Singh yesterday is wrong. The tenant is not

[Sh. Muhammad Sadiq.]

a man who roams from one place to another; he may have a big amount of land and he may have a big family and yet be a tenant of somebody and also be a landlord himself. So this amendment is absolutely necessary to save the tenants from the landlords.

The second point is that this amendment makes for the safety of the landlord also, because a tenant might take money from him first without limit and then when he is sued in court he might say in court "Well, I cannot require so much for my agricultural purposes: the money was meant for something else." So it is much better that we should put the whole thing on a proper basis, so that landlords also will know what it is about. With these few words I move my amendment.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (5) of clause 2, at the end of exception (ri), the words 'provided that the total sum lent to tenant, lessee or partner in cultivation and their children does not exceed two hundred rupees' be added."

The question is that that amendment be made.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] : Sir, I rise to support this amendment. I think it is quite reasonable that when giving money to the tenants it should not be an unlimited amount because in that case the business will amount to a kind of money-lending. But up to Rs. 200 I think it is quite reasonable because generally a tenant requires to buy bullocks and seeds; and his requirements so far as his relations with the landlord are concerned for the moment will not exceed Rs. 200, which amount he can take at the time of one harvest and pay back in the following harvest; and thus there will be no indebtedness between the tenant and the landlord and whatever he takes will be repaid in the next crop. Therefore any loan for the purpose of agriculture to be advanced to the tenants by the landlord should not exceed Rs. 200. This is a reasonable amount that might be required by the tenant, and therefore I support this amendment.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural] : Sir, I could have excused the honourable member from Amritsar for having moved an amendment of this sort, because probably he has not got as much experience of tenants as an ordinary zamindar has. But I really cannot excuse the honourable member who has just sat down because he is the worthy son of a very worthy father who is a capable agriculturist and has to deal with thousands of tenants; and his attitude over this matter may be different. I can assure him that if he will adopt a reasonable attitude...

Rai Bahadur Lala Sewak Ram : I rise to a point of order, Sir. I object to those personal references.

Malik Firoz Khan, Noon : Take it as pleasantly as I am mentioning it. I did not mean anything else.

Dr. Gokul Chand, Narang : But the father may be of the same opinion also.

Professor Ruchi Ram, Sahni : Very likely he is.

Malik Firoz Khan, Noon : Let us just consider the effect of this amendment. My honourable friend from Amritsar really says that it would benefit the landlord that he should not advance a large amount of money,

because sometimes he cannot recover it. There I certainly do agree with him. But if it is his object to help the tenant I am sorry to say that he is doing something which will go really against his own intentions. The result of an amendment of that sort would be that the landlord will not be inclined to advance to his tenant more than Rs. 200, and if anything has been advanced to him over and above Rs. 200 he will try and realise it as soon as he can, and thereby he will sometimes be hard on the poor tenant, which otherwise he will not be if he knows that his money is safe even if it amounted to Rs. 500 or Rs. 600. What usually happens is this: that the average debt of the poor ploughman in most of these estates where there are tenants runs up sometimes to Rs. 500 or Rs. 600. Therefore what is going to happen to these people who really owe more than Rs. 200? You will be forcing these people to try and realise the whole of the money over and above Rs. 200 from their tenants as soon as they can. I am sure the honourable member, after having learnt that it will do harm to the tenants rather than good, will not press his amendment.

Lala Mohan Lal [North-East Towns (Non-Muhammadan) Urban]: Sir, I rise to support the amendment moved by the honourable member from Amritsar. I spoke yesterday and brought to the notice of the House the condition of the labourers. I can certainly say from my personal experience that the lot of these people is rather hard. I know, Sir, that in some cases they do not even get a living wage. I have not got very much personal experience of tenants, but I have seen them and I know that some of them do not get sufficient to maintain themselves. Leaving the question of wages aside, you must have seen the torn clothes worn by those who cultivate land. My friend the honourable Malik Firoz Khan, being a big landlord, will not of course agree to any amendment which is proposed for the benefit of the tenants. What is the effect of this amendment? Up to Rs. 200 a landlord will be able to advance to his tenant without keeping an account. But if the sum exceeds Rs. 200 all that he will be required to do is to keep a regular account. Sir, I can say that you cannot expect these big landlords who sit on those benches ever to think of anything in favour of the poor cultivators whom they employ or of the tenants. It is, as I said yesterday, the duty of the Government, and it is for us to see that these people get justice. I have not been able to understand what objection there can be for the landlords to keep and maintain an account of their dealings with their tenants when they want that if a third person were to advance the money, he should keep an account. May I ask the landlords who occupy those benches, "Is this justice?" If they want a money-lender who advances Rs. 50 to their tenants to keep an account in the books provided by the Government, why should they shun their responsibility and not put themselves in the same position as lenders of money to their tenants? This is the injustice which I fail to understand, and I strongly request the Government to take this matter into serious consideration. I said yesterday feelingly that you are going to create in the Punjab the institution of slavery. Any restriction that you can put upon that institution which is being created by leaving the tenants to the free will of the landlords will be a boon to the tenants and I strongly request, and I hope the Government benches will support the amendment, that has been brought forward limiting the credit that is to be given by the landlords to the tenants to Rs. 200 without keeping an account. This is fair and just because if the landlord wants to advance beyond Rs. 200 he should keep an account. After all, they are tenants, and it is just that they should be given an account after six months

[Lala Mohan Lal.]

that so much is due from them. That of course will enable the tenants to know how they stand in their relations with their landlords. But if the landlords are made absolutely free, and if they have not got to keep any sort of account, I submit, Sir, that the tenants will be entirely under the thumb of the landlords. With these words I support the amendment.

Mir Maqbool Mahmood [Amritsar (Muhammaddan) Rural] : Sir, there seems to be some misunderstanding about this amendment. The amendment proposed is not that the loan advanced by landlord to his tenant, lessee or partner in cultivation be limited to Rs. 200 but that a loan advanced by a landlord to his tenant, lessee or partner in cultivation for the purpose of agriculture be limited to a sum of Rs. 200. In the first instance, Sir, the amendment as it reads does not make it clear whether this Rs. 200 is the maximum to be allowed to all the tenants, lessees or partners in cultivation and their children or whether this amount is to be lent to each one of the tenants and their children, each one of the lessees and their children and each one of the partners in cultivation and their children. Leaving that aside, Sir, my honourable friend from Amritsar suggests that if it is for the purpose of agriculture, the landlord's loan which is exempted from the operation of this Act should be limited to Rs. 200. In fairness I would like to ask him that if the loans by a trader in the course of his business have no limit, if the loans by a commercial agent in the course of his business have no limit, if the loans by a wholesale trader or manufacturer in the course of his business have no limit, why should there be a limit to the loan by a landlord who advances a loan for the purpose of agriculture?

Lala Mohan Lal : You have to keep accounts.

Mir Maqbool Mahmood : The trader who advances money in the course of his business does not keep any account. The commercial agent who advances to any limit in the course of his business does not keep any account.

Lala Mohan Lal : They have to keep accounts.

Mir Maqbool Mahmood : I would have been perfectly willing to realise the fairness of the argument of persons in the position of my learned friend if they had come forward with a similar limitation in the case of traders and manufacturers. But what is fair for one set of workers is fair for the other set of workers, and I am sure my learned friend from Amritsar does not want that even for the purpose of agriculture we should place any limitations which we have not thought fit to place for the purpose of other business.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce) : Sir, listening to the remarks of the benches over there, one would imagine that if a loan of over Rs. 200 was advanced there is no possibility of recovering the remainder. All that this side is asking is that books should be kept when the amount exceeds Rs. 200 and that the borrower should know his position. We, Sir, on this side have never asked that books should be kept by any single person. The whole request for these books and these six-monthly statements have all been produced by the benches opposite. None of us at this side wanted it. But we do say that if some people have to keep accounts and if when people borrow from the ordinary money-lender they are entitled to have a statement of their account, I fail to see why they should hammer from that side, with the argument all the time that the agriculturist cannot maintain an account if

the sum is over Rs. 200. You have insisted on others doing this all through the Bill. Why can't the agriculturists themselves also keep books? Perhaps in the case of small amounts like Rs. 200 it is unnecessary. But surely, if the amounts get big, the man cannot remember them, neither can the borrower. It is only right that books should be kept and accounts given six-monthly. I do not personally want all this. I want to give them an account on request. It is your side that won't agree to that. You insist on six-monthly accounts. I cannot myself see why you should make the slightest objection to the agriculturist doing the same.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban]: I only wanted to explain the confusion that the honourable mover, who is unfortunately absent, has sought to create in connection with this amendment. He said that what is fair for one side should be fair for the other, and he drew the attention of the House to an exception which exempts a loan advanced to a trader for the purpose of trading or to a money-lender. The question here is not to whom the loan is advanced. The question is by whom the loan is advanced. If my learned friend were prepared to exempt the loan advanced by a trader or a money-lender, then he could have asked for certain limits to be placed on their investments. But exception is made only in the case of loans advanced to a trader for certain purposes and to a money-lender. In this case the loan sought to be exempted is that by a landlord to a tenant, lessee or co-sharer or partner in cultivation, so that the analogy does not hold good, and I wish my learned friend the mover were here to see it. After all, the object is not to create a new class of money-lenders. You have already enough of them and perhaps too many of them, and you want to destroy as many of them as you possibly can, and not create more who can take the place of others and might be worse in their methods. My learned friend over there and several other landlords may have 200 tenants, and even if this limit is prescribed—Rs. 200 a tenant—it means that they would be advancing something like Rs. 40,000, which falls to the lot of a very few money-lenders to advance.

Maik Firoz Khan, Noon : There will be no interest.

Dr. Gokul Chand, Narang : I know you will get interest in one form or another. If not in money you will ask them to supply wood, fuel, or supply labourers, or supply earth (An honourable member : Fowls and geese) and fowls and geese and all these conveniences. . . .

Malik Firoz Khan, Noon : No.

Dr. Gokul Chand, Narang : . . . without paying for them. It won't pay you to enter into these details. I know enough of the landlords and the way they suck the blood of the tenants. If you want to turn the Punjab also into Oudh or other parts of the United Provinces, well, you may, but we know that the landlords there are the worst blood-suckers that this earth which has seen many misfortunes could ever expect to see. If you want the landlords of this province also to be like the landlords of the United Provinces, well, you can please yourself, but some day retribution would come, and I may say it would come with a vengeance when some bold spirit would rise and would plead for the nationalisation of all lands and would level you down with the harrow of equality, fraternity and liberty.

Chaudhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu) : Sir, the charges that have been levelled against the landlords of the Western Punjab do not apply to me. In my district you will hardly find one big landlord in five thousand. I am myself a petty landlord, and as such I submit that you have paid no heed to the partners in cultivation. You only consider the dealings between the tenants and landlords. This amendment, if carried, will cause great hardship to the petty landlord. There is in the South-east Punjab a system known as *sanjhis* or *siris*. When the land-owner is a minor, a widow or a disabled soldier, and he cannot plough his land himself he engages a *sanjhi* who is paid one-tenth of the produce as his share for the labour he does. He is also advanced some money which more or less equals one-tenth of the produce. Generally he is given Rs. 200 in the beginning and during the course of the year he is given another Rs. 200. This brings his liabilities to Rs. 400 or so. Now, Sir, the limiting of such a loan to Rs. 200

only will seriously dislocate agriculture. No *sanjhi* will be prepared to work for Rs. 200. The result will be that agriculture will suffer. These widows and minors cannot keep accounts, that they may advance more money without in any way risking it. There are thousands of such widows and orphans as have lost their husbands and fathers in the Great War unlike those belonging to non-martial tribes

Dr. Gokul Chand, Narang : Does my learned friend know that we are not allowed to go to the army.

Chaudhri Duli Chand : Will you join the army on Rs. 11? Learn how to lay down your life. There are hundreds of women who work in the fields, but they cannot run the ploughs. For the work they must keep *sanjhis*. But if we were to place this limit they will not get them, if more money is advanced they will run away. I, therefore, cannot support the amendment.

Sardar Tara Singh [Ferozepore (Sikh) Rural] : Sir, my friend from Amritsar has been pleased to move this amendment. I was not in the House when he moved this amendment, and so I am not aware of the arguments that he advanced in support of the amendment, but I can say this much that this amendment would have some force if the amendment moved yesterday by the member from Amritsar had not been carried. Who on earth can say how much money will be required by the tenant or tenants, lessee or lessors for the purpose of agriculture? If therefore a limit is imposed it will hamper agriculture. If this limit is considered necessary why don't you have a similar limit in exception (xi)? In exception (xii) no such limit has been proposed either by the mover of this amendment or by anybody else. If the honourable member had been straight enough, at least out of fairness he would have come forward and proposed an amendment to exception (xii) also, that is, he would have suggested a limit to the loan to contractors, etc. The very fact that no such amendment has been proposed evidently shows that the idea not of the honourable member but of the supporters of the amendment in moving this amendment is simply to hamper agriculture. In these circumstances I feel compelled to oppose this amendment.

Sayad Muhammad Hussain [Montgomery (Muhammadan) Rural] : Sir, it is a pity that most of these gentlemen who move this amendment do not know anything about agriculture. That is the trouble. Personally as a person who advances loans to tenants free of interest I may claim to have some knowledge of these landlords and tenants and of agriculture in general.

Now, Sir, I ask a simple question. Supposing a tenant cultivates a whole field of as much as 40 acres of wheat. How much wheat does he require to sow the whole field? How many seers of wheat does he require to sow one acre?

Shaikh Muhammad Sadiq : My honourable friend forgets that he lends without interest. Without interest he can lend any amount.

Sayad Muhammad Husain : True I am not one of those who charge interest. But there are others who charge interest. Now, how much will be required to sow 40 acres of land? What will be the price of wheat that will be required to sow 40 acres? That will work out to about Rs. 200. Suppose the tenant requires more money for some domestic necessity. If this amendment is carried, then the landlord will be put to the necessity of becoming a professional money-lender. It is in the economic interest of a zamindar to see that his tenant should not get into the clutches of the money-lender, because not only will the money-lender take away the life out of the poor tenant, but he will be taking away fodder every now and then from the tenant. I know practically several cases where the amicable money-lenders take horse-loads of fodder from the poor tenants. It is in the interest of the landlord to make the economic condition of his tenant as good as possible. He has to see that his tenant does not fall into the clutches of the money-lender. Therefore if you put a check on the landlord by prescribing that he is not to advance more than Rs. 200 to his tenant, the result will be that the tenant will have to go to the money-lender to supplement his requirements. The result will be the same as that we want to check by this measure. In these circumstances it is absolutely against the economic interest of the zamindar to put a check or restraint upon the landlord not to advance more than Rs. 200. This check if imposed will make the tenant poorer and agriculture will suffer. The zamindar will not get his full share of the crops. It is therefore in the interest of the landlord and of the peasant that no restriction should be imposed upon the landlord in the matter of his advance of loan for agricultural purposes.

Lala Mohan Lal, Bhatnagar [Lahore and Ferozepore-cum-Sheikhpura (Non-Muhammadan) (Urdu) : Sir, Sayad Muhammad Husain has said that Rs. 200 are quite insufficient for 40 acres. But, Sir, I enquire if a tenant can manage 40 acres of land. If so, he must be very rich. As far as I know no tenant can manage more than 10 to 12 acres.

Sayad Muhammad Husain : There are many on my own lands.

Lala Mohan Lal, Bhatnagar : Then he must be a contractor and not a *siri*. In Ferozepore a *siri* is a field labourer. He is advanced about Rs. 200, but the agreement is that he must pay it out of his share of the produce. It is not only minors or widows who keep these *sisis*. In Ferozepore District almost every landlord has a *siri*. They do not till their lands. They are zamindars only in name. I know of many cases in which the landlords have refused to pay the *sisis* their share. There was a Magistrate in Ferozepore who dismissed all cases filed by landlords against their tenants for petty thefts. For he knew that these landlords in order to force a tenant to stay in his land bring forward such complaints. I, therefore, submit that the limit of Rs. 200 must be fixed.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu) : Sir, Dr. Gokul Chand, Narang, has raised a very clever objection against the argument of Mir Maqbool that if there is no limit

[Maulvi Mazhar Ali Azhar,]

fixed for a sum advanced to a trader and a money-lender, why should we fix it in this case. Dr. Gokul Chand says that in that case the loan is to be advanced to a trader or a money-lender and not by a trader or a money-lender. If it had been the case of loans being given by a trader or a money-lender, he would not have objected to it. But, Sir, I submit that no limit has been fixed in the case of a commission agent, etc. Why then, should we make a distinction in this case? I could have supported this amendment if we had not already passed an amendment that the landlord must keep accounts if the money advanced is not for the purposes of agriculture. After such an amendment I fail to see the need for the amendment that has been proposed. I, therefore, oppose the amendment.

Malik Firoz Khan, Noon : Sir, I move—

“ That the question be now put.”

The motion was carried.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban] : Sir, various arguments have been brought to defeat the object of the amendment. One of my friends who sits next to me has attacked my sincerity. . . .

Sardar Tara Singh : No, Sir, I did not say that.

Dr. Gokul Chand, Narang : I think he attacked your intelligence and our sincerity.

Shaikh Muhammad Sadiq : I am glad he attacked my intelligence and not my sincerity. There is one thing, Sir, different arguments have been advanced, but one thing has been forgotten and that is, despite my amendment a landlord who is not a money-lender need not keep accounts even if he pays over Rs. 200. It was said that a tenant had to cultivate 40 acres. This is impossible, because I know something of agriculture and I have experience of it. (A Voice : Question). If the honourable member who interrupted possesses land I also possess a small piece of land which I did not get from Government on lease like him.

Dr. Gokul Chand, Narang : Support the Government and you will get it.

Shaikh Muhammad Sadiq : I think I can get it even without supporting Government. I submit, Sir, that a *muraba* is the biggest extent which one tenant can cultivate and even here he has to take the help of a partner. So it is really impossible for one man to sow 50 *bigas*.

(At this stage Sayad Muhammad Husain interrupted.)

Mr. President : I have more than once ruled in this House that the proper time for making a personal explanation is when the speaker, who is in possession of the House, has finished his speech, unless he is prepared to resume his seat and give way to the honourable member who wishes to make a personal explanation.

Shaikh Muhammad Sadiq : Now, Sir, if we do not pass this amendment the result will be that we will have big landlords as money-lenders. Consequently these poor tenants will escape one big shark only to fall into the clutches of another big shark. The landlord has a right of distraint and he can chuck him out in two months for failure to repay the loan. The ordinary money-lender has no such authority over the peasant.

Therefore if a poor peasant takes a loan from his landlord and if he does not pay back the money he will be chucked out of the land in spite of the fact that he has been cultivating it for the past several years and in spite of the fact that he has taken so much trouble to improve the land by putting manure, and so on. That is one reason why this amendment should be accepted.

It is only reasonable, if the landlord is so kind to his tenant as is alleged, that he should give money free of interest. If the grant of loan by a landlord to his tenant is really so profitable both to the tenant and the landlord why should he not advance the loan free of interest? I know that there are several Muhammadans in the province who leave lakhs of rupees in the banks without interest. Their interest goes to other communities. Such landlords will not force the tenants to give interest.

It must be realised that we are enacting this law not so much to cause trouble to the money-lender as to protect the borrower. If you allow this clause to remain as it is without the amendment suggested by me the result will be that while you help the borrower to escape one shark you put him into the clutches of another. It is sure enough as it is daylight that this will be the result. The landlords will become the money-lenders. I, therefore call upon the Government to ponder over this amendment. I want the Government to see my object in this amendment. If it is not prepared to support me I will at least request them to remain neutral and not vote on this amendment.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (5) of clause 2, at the end of exception (xi) the words 'provided that the total sum lent to tenant, lessee or partner in cultivation and their children does not exceed two hundred rupees' be added."

The question is that that amendment be made.

The motion was lost. (A voice : Division.)

Mr. President : If a member claims division he should rise in his place. The simple utterance of the word "division" by a member seated in his chair will not be taken any notice of.

Sardar Narain Singh [Rawalpindi Division anGujrauwala (Sikh) Rural] (Urdu) : Sir, I beg to move—

"That the following exception be added after sub-clause (5) of clause 2 : 'a loan secured by a registered deed'."

Sir, this amendment needs no speech. A deed which is to be registered before a Sub-Registrar who scrutinises it so thoroughly before registering it needs the keeping of no regular accounts. There are many people whose profession is not money-lending, but they have to lend simply to oblige a friend or a relative. Take, for example, the case of a brother lending to a brother who mortgages his land and gives its possession to the mortgagee. The mortgagee realizes the produce of the land in lieu of interest. In such a case where is the need for six-monthly giving notice? Some of my friends here have been opposing each and every amendment whether reasonable or unreasonable simply in order to crush the *bania*. To such friends I must tell that *banias* have been prohibited by the Land Alienation Act from lending money to agriculturists on the security of their lands. In such a case it is unnecessary to apply such a section. This amendment is a simple but necessary one.

Mr. President : Will the honourable member explain one little point. The word "court" as defined in clause 2 which has been already passed by this House, includes a Collector proceeding under the provisions of the Redemption of Mortgages (Punjab) Act, 1913. What I want to know is whether this amendment, if carried, will be consistent with what the House has already passed. I am not quite clear on the point.

Sardar Narain Singh (Tudou) : This includes all the bonds, deeds and mortgages of land, houses, etc. Redemption of Property Act applies only if the mortgage is about land. I, therefore, submit that the amendment be passed.

Mr. President : Therefore, the amendment, as it stands, is not quite consistent with sub-clause (3) of clause 2, which the House has already passed. If so, the amendment is out of order.

Dr. Gokul Chand Narang : May I explain, Sir? One explanation my learned friend has given and that is this that the amendment as it stands is much wider than the range covered by the Redemption of Mortgages Act of 1913, because it includes other things also. What has already been passed is only a definition of the 'court', if I am not mistaken. Let me remind the House, it does not make any difference. It will only come into conflict if at all with another amendment which has been proposed, namely, the definition of the word 'suit' in sub-clause 3. If it comes into conflict with anything, it will be 'suit'.....

Mr. President : We are not concerned with that at present.

Dr. Gokul Chand Narang : Quite so. So far as the sub-clause passed already, namely, the definition of 'court' is concerned there is absolutely no conflict between the present amendment and that sub-clause. There is no inconsistency at all. All that the definition of the word 'court' as given here can mean is that a Collector when he is sitting for a certain purpose will be described as a court. That is all. If any matter comes before him he will dispose of it as a court and not as a mere revenue officer. Then keeping that definition in view that would not in any way make that redundant, nor would it in any way negative or even soften its effect. It is only if the other amendment proposed that these words may be removed from sub-clause (8) is lost that a part of that amendment becomes redundant or negative. But of course we have not yet come to that, and if this amendment is passed, it would not interfere with anything which has already been done. There is another thing. There are some mortgages which are not required by law to be registered, those below one hundred rupees. And then there are oral transactions. The law of Transfer of Property does not apply to the Punjab. They are only oral and this amendment would not affect them and a Collector would be at liberty to deal with them.

Mr. President : The Honourable Mr. Labh Singh will move his amendment.

Mr. Labh Singh : I shall move the second part. The first part would be covered by Dr. Narang's amendment.

Mr. President : Before the House proceeds further I wish to point out that the mover of a Bill or a motion ought to have the patience of hearing to what his opponents say in the debate. If after having moved a Bill or motion, especially after making a speech, he absents himself, as the

mover of this Bill has been systematically doing since yesterday, I think it is a discourtesy not only to his opponents but also to the whole House. Therefore, I would request the honourable mover of the Bill now before the House to have patience and courtesy of remaining in his seat while the Bill or its clauses are being discussed by the House.

Mir Maqbool Mahmood : I am extremely sorry. I want to make it clear that I do not intend any discourtesy. I crave the indulgence of this House. I am suffering from hill diarrhoea.

Mr. President : The first part of Dr. Narang's amendment and the amendment now made by Sardar Narain Singh are quite identical, so I will put Sardar Narain Singh's amendment from the Chair : clause under consideration amendment moved—

"That the following exception be added after sub-clause (5) of clause 2 :—

'(xiii) A loan secured by a registered deed.'

The question is that that amendment be made.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] : Sir, there is no doubt that the income of the Registration Department will increase by the exemption of the registered deeds from the operations of the Bill. But such a thing will totally defeat the object of this Bill. There is no doubt that the Registrar scrutinises the transaction very thoroughly before registering the deed, but what about the payments. That is an important part of the accounts which needs regulation in all cases. I, therefore, submit that I cannot support the amendment.

Mr. President : Clause under consideration, amendment moved—

"That the following exception be added after sub-clause (5) of clause 2 ;

'(xiii) A loan secured by a registered deed.'

The question is that that amendment be made.

The Council then divided : Ayes 18, Noes 43.

Ayes, 18.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra
Nath.

Professor Ruchi Ram, Sahni.

Dr. Gokul Chand, Narang.

Sardar Narain Singh.

Rai Bahadur Lala Sewak Ram.

Lala Bodh Raj.

Lala Sham Lal.

Sardar Jodh Singh.

Sardar Randhir Singh.

Lala Mohan Lal, Bhatnagar.

Lala Diwan Chand.

Lala Banke Rai.

Mr. V. F. Gray.

Chaudhri Ram Singh.

Lala Mohan Lal.

Mr. Labh Singh.

Sardar Partap Singh.

NOES, 43.

Mr. W. P. Sangster.
 Lt.-Colonel E. L. Ward.
 Mr. C. A. Barron.
 Mr. C. M. King.
 The Hon'ble Sardar Jogendra Singh.
 The Hon'ble Rai Sahib Chaudhri Chhotu Ram.
 The Hon'ble Mian Sir Fazl-i-Husain.
 The Hon'ble Sir Geoffrey de Montmorency.
 Malik Firoz Khan, Noon.
 Nawab Malik Sir Khuda Bakhsh Khan.
 Khan Bahadur Nawab Muzaffar Khan.
 Sir George Anderson.
 Mr. A. R. Astbury.
 Mr. Ram Chandra.
 Mr. H. W. Emerson.
 Mr. C. F. Strickland.
 Mr. J. M. Dunnett.
 Mir Magbool Mahmood.
 Khan Sahib Khan Muhammad Saifulla Khan.
 Khan Sahib Lieut. Malik Muzaffar Khan.

Mr. D. Milne.
 Mr. M. V. Bhide.
 Sayad Husain Shah.
 Subedar-Major Farman Ali Khan.
 Mr. E. Maya Das.
 Chaudhri Dali Chand.
 Sayad Muhammad Husain.
 Chaudhri Afzal Haq.
 Rao Pohap Singh.
 Subedar-Major Asghar Ali Khan.
 Maulvi Mazhar Ali, Azhar.
 Rana Firoz-ud-Din Khan.
 Shaikh Muhammad Sadiq.
 Khan Bahadur Sir Sayad Mehdi Shah.
 Munshi Fazal Khan.
 Khan Sahib Chaudhri Muhammad Shafi Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Muhammad.
 Khan Bahadur Chaudhri Fazi Ali.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Muhammad Khan, Wagha.
 Lieut. Sardar Sikandar Hayat Khan.

The motion was lost.

Mr. Labh Singh: Sir, I would suggest that Dr. Gokul Chand should move his amendment first, and if that is lost, then I will move mine.

Mr. President: I am afraid I cannot allow this. If the honourable member does not wish to move his own amendment, he is welcome to depend upon Dr. Gokul Chand moving his.

Mr. Labh Singh: That motion is a different one.

Dr. Gokul Chand, Narang: Sir, my amendment is more comprehensive. If that is passed, it would not be necessary for Mr. Labh Singh to move his, but if mine is lost, then Mr. Labh Singh's amendment, which is more restrictive, may still be considered and may still be passed. If therefore you have no objection, I wish to move my amendment and see its fate, though it is a foregone conclusion. If it is lost, then I would ask you to give an opportunity to Mr. Labh Singh to move his amendment.

Mr. President: I cannot agree that the honourable member can reserve his right to move an amendment at a later stage. Of course, if he stands up at a later stage and seeks permission of the Chair to move an amendment he will be in order, if no member of the House objects to his doing so on the ground of absence of the requisite notice. But he cannot reserve a right.

Dr. Gokul Chand, Narang : I thought, Sir, that my amendment came first in the natural sequence

Mr. President : Well, you may move your amendment.

Dr. Gokul Chand, Narang : [North-West Towns (Non-Muhammadan), Urban] : Sir, I take it that I would be permitted to move my amendments one by one, and therefore I would move my amendment (ii) as the first has been disposed of. The amendment runs as follows :—

"That the following exception be added at the end of sub-clause (5) of clause 2:—

"a loan secured by a Negotiable Instrument as defined in the Negotiable Instruments Act."

In moving this amendment, I am afraid I can only appeal to those people who know something of law and also something of business, and the zamindar howsoever rich . . .

Malik Firoz Khan, Noon : What is the number of the amendment that you are moving ?

Dr. Gokul Chand, Narang : It is my second amendment printed on the second list supplied to the members. It is on a separate sheet which was circulated with the Government amendments. It reads : "(ii) a loan secured by a Negotiable Instrument as defined in the Negotiable Instruments Act". Now, Sir, if the object of the Bill as professed is to afford protection to the poor zamindar and to other people living even in the towns who are not familiar with the methods of business and are not acquainted with the procedure adopted by business people, as was hinted at in the statement read on behalf of Government by the Honourable the Chief Secretary, then my submission is that no objection should be raised to the amendment that I have just now ventured to move. If the object of the Bill is not to destroy trade or traders or to place unnecessary limitations on business and on its expansion, then there should be no objection to this. Now, Sir, those who know what the Negotiable Instruments Act deals with, would know that that is an Act which is practically confined in its operations to the transactions mostly entered into by traders and other business men and banks and companies. From time immemorial when I think some people in Europe had no knowledge of even the ordinary comforts of life, the system of carrying on business by means of negotiable instruments was not only known but was very widely followed in India. We find from history that *hundis* drawn by Indian merchants on merchants in various parts of Asia were current and a great deal of business was carried on by these people more than 2,000 years ago in this way. You would thus see that before there were any Muhammadans, before there were any Christians, before there was any sharp distinction between the rural and the urban, between the zamindar and the *sahakar* and between the have-nots and the have-gots, as one member of Government has described this distinction, even then this system of giving credit and obtaining loans was current. I would therefore submit that when I am asking that this amendment should be carried, I have absolutely no selfish motives on behalf of the class which is directly concerned with the negotiable instruments. If this amendment is not carried, the result would be that credit between a trader and a trader will be strictly confined and restricted, the result being that trade would also become very much restricted. Those who are familiar with this sort of

[Dr. Gokul Chand, Narang.]

business know that goods are consigned from one place to another and *hundi* is sent along with the railway receipt.

The railway receipt and the *hundi* both go to a bank and the consignee knows on the invoice being received from the consignor that the railway receipt for the goods which he has purchased is lying with a particular bank, where also is lying the *hundi* by means of which the seller has to recover the price of his goods. Now, the consignee goes to that bank, asks the manager of the bank if the railway receipt and the *hundi* have arrived, and if he is told that they have come he makes the payment on the *hundi* and takes the railway receipt, or the bank sends through its employees intimation to the consignee or sometimes the *hundi* also for acceptance, and the result is that business worth millions and millions is being carried on in this manner. The failure of this amendment would certainly restrict the scope of this business.

Secondly, even if goods are not received from the mufassal and one business man of the same locality wants to borrow money from another business man, then the business man who has to lend, not being exempt from the operations of this legislation, would feel very shy before he can advance the money unless he is satisfied that the person who wants the advance from him comes within the definition of a trader in the first instance, and in the second instance that the money which he wants to borrow is being borrowed and will be used for the purpose of trade. As that part of the amendment has been lost and the clause now stands in this defective and mischievous form, I cannot go behind it; and we have to consider this amendment therefore with much more attention, because even those words "for the purposes of trade" have not been deleted from the other sub-clause. Therefore people who otherwise would encourage business will not be so ready to advance money because capital is very shy as you know, and nobody would like to undergo the botheration and trouble and expense of ascertaining that his would-be borrower is a trader in the first instance and in the second place that the money that he wants is for purposes of trade. Therefore, these advances against negotiable instruments should not be brought within the operation of this Bill.

One objection may be raised, as I know it was raised in an informal discussion, that if this is exempted from the operation of this law, then *sahukars* in the villages will also begin to advance on *hundis* even to the zamindars. Now, Sir, the methods of drawing a *hundi* is very peculiar. Ordinarily there ought to be three persons before a *hundi* can be drawn. One is the drawer, the other is the drawee, and the third is of course the payee; and unless all three consent and agree for the execution of such a *hundi* no *hundi* can be drawn; and even if one is drawn it will have no effect unless it has been accepted by the drawee. Now, such a contingency is not a very easy thing to arise in the villages. In the first place, *sahukars* would not like to risk their money to be invested against *hundis* because as you know, Sir, on a *hundi* there are no witnesses and it would be very difficult for the money-lender to prove his case in court if he has to bring a suit with respect to it. The defendant would plead and say "Oh, the drawee of the *hundi* was in collusion with the payee and both of them conspired and drew this *hundi*, and I being an innocent, poor ignorant illiterate zamindar, do not know what a

hunds is and I do not know what this sharp money-lender has done with it." Therefore, although there is, literally and technically speaking, a possibility of this thing being abused there is absolutely no probability; there is no likelihood. We are all familiar with the methods of business prevalent in the villages and I am sure that those who are familiar with this would know that not even one per cent. not even one in a thousand transactions in the villages, money-lending and money borrowing transactions in the villages, is carried on against *hunds*. Therefore these apprehensions are entirely unfounded and the passing of this amendment would not affect the interests of those who require protection and the rejection of it would injuriously affect the interests of other people who do not require any protection under this measure.

Mr. President: Clause under consideration, amendment moved—

"That the following exception be added at the end of sub-clause (6, of clause 2:—

'a loan secured by a Negotiable Instrument as defined in the Negotiable Instruments Act.'"

The question is that that amendment be made.

Rai Bahadur Lala Dhanpat Rai (Punjab Industries): Sir, for business people the amendment under discussion is the most important amendment of all. We have made it clear in this Council hall and outside it that business people do not want this Bill at all. In my speech when this Bill was introduced I said "Make this Bill applicable to agriculturists if you like, but for God's sake do not touch the business people." Now, what is sought to be done by this amendment is that the injury which this Bill is likely to do to business people may be avoided to a certain extent. On the one side we have been hearing tall talk from a responsible Minister of the Government that the province needs very badly the development of trade and industries; and on the other hand certain measures which will hamper trade and industry are put before us. What will be the eventual effect on the trade and commerce of the province if this Bill is passed without the safeguard which we now propose will be seen hereafter. But let us examine the amendment as it stands. This amendment aims at exempting negotiable instruments from the operation of this Act. In order to explain the full intent of this amendment it would be necessary to understand what is meant by a negotiable instrument and what functions it performs in the economic life of the business people and what part it plays in the conduct of the commerce and trade of the country.

Sir, with your permission I cannot do better than read an extract from a book on the Negotiable Instruments Act as regards the part which negotiable instruments play with regard to the commerce and trade of the country. It says:—

"With expanding commerce the growing demands for money could not be met by mere supply of coins and these instruments of credit took the function of money which they represent and thus became by degrees articles of traffic Credit is not only the key-stone of modern commerce, but also the sinews of modern industries and enterprises, and so long as credit has these important functions to perform, instruments of credit will also continue to be in use."

[R. B. Lala Dhanpat Rai.]

Further on it says :—

"Not only did the bills of exchange transfer value from place to place and balance accounts of distant places without the actual transmission of money, but they were also found to contribute to other conveniences. They offered an easy and most effectual means of assigning a debt, "furnishing the assignee with an assignment binding on the original creditor, capable of being ratified by the debtor, perhaps guaranteed by a series of responsible sureties, and assignable still further, *ad infinitum*." Beside by fixing in the bill a time and place for payment and by reducing the debt to a certain amount, the value of the debt was greatly enhanced and in case of litigation, the bill afforded an easy proof of the debt."

Now, Sir, after having explained the functions of a negotiable instrument, let me illustrate before this House how these bills help the commerce and trade of the country. When small traders cannot pay for their goods which are supplied to them by big traders, they generally give them bills of exchange or *hundis* for a certain period. Now, these persons who supply the goods, cannot afford to give all goods on credit and they in turn gets the *sahukars* for the negotiation of these instruments. The *sahukars* themselves are not so well off that they can buy all these trade bills with their own money and they have to go to a bank. The bank sees these trade bills and the several endorsers. The bank accepts these *hundis* at a very low rate of interest because of the exceptional security which it affords, since there are so many persons who are liable under the Negotiable Instruments. But if these bills are not exempted from the operation of this Bill, the banker will be faced with a difficulty which it would be almost impossible for him to surmount. Now a transferee under the Negotiable Instruments Act, for example, can get a better title than the transferor himself. That privilege is denied to him under the provisions of this Bill. Therefore the banker has to see whether the money-lender has not come between him and the other transferors and transferees under this Bill. If there is a money-lender, the banker would think twice before he advances money because he has to see that if a money-lender who may be a party to this bill has conformed to the provisions of this Bill or not. Therefore he would not take this risk and consequently these bills will remain uniscounted. The banker would like to deal with approved parties directly. But as the security in such cases will not be as much as under the ordinary endorsed bills naturally the rate of interest would be higher and the commerce of the country would suffer. So one of the chief characteristics of the negotiable instruments which is its negotiability would be lost, and that would be a loss to the country. Now, Sir, if these small traders are deprived of the accommodations which is now given to them, not by the money-lenders or by the big traders, but by the banks and by the banks refusal to advance on such bills, naturally the credit of the country will become less. So I would respectfully submit that if this Bill which was not required by us is to be introduced, why should not this House save us from the provisions of this Bill which directly affect the Negotiable Instruments Act? It will very prejudicially affect law-merchants in this country and therefore my submission is that this amendment is very essential in the interest of commerce and trade. I will read out another extract from the book with your permission, Sir, which will give to the House an idea of the important part which these bills play in the commercial life of the country :—

"The law-merchant attaches to negotiation an important consequence which is necessary for the general convenience of trade. By negotiation, any person taking the instrument *bona fide* and for value acquires a good title to it, whatever might have been the defects in the title of the transferor. It is this

feature, combined with its transferability by the delivery like cash, which determines the negotiability of an instrument. In the case of ordinary transfers, for example, of a bill of lading or a debt, the transferee of course gets a right to sue in his own name, but he acquires no better title than his transferor had. Title in a negotiable instrument is dependent upon the manner of its acquisition rather than upon the title of the transferor. In this respect, negotiable instruments resemble coins of the realm which pass from hand to hand without being tainted by the title of the transferor."

Therefore, Sir, I say we should not do anything which would hamper the circulation of such negotiable instruments, and I would say that if this amendment is not accepted by the House it would certainly hamper the circulation of these negotiable instruments.

12 noon. The objection which may be urged against this amendment has been forestalled by my honourable friend Dr. Gokul Chand, Narang, that the honourable members, who are in favour of this Bill and who may be against the acceptance of this amendment may not say that all the loans that the *shukars* may advance to the tenants or to their traders may be by means of negotiable instruments. Now, Sir, so far as our experience goes, negotiable instruments are seldom executed in village life, but if this mischief which the other side anticipates grows surely we would be competent to amend the provisions of this Bill. There could be a distinct provision in the Bill exempting people who are living in the city and who deal with city people from the provisions of this Bill rather than deprive a large section of the people of the benefit of these negotiable instruments simply for the sake of a few agriculturists who may not be deceived by money-lenders. You have to consider both the sides. You have to protect the agriculturists or the debtor class living in the villages and on the other side you have also to see to the interests of the trading and the commercial people. If you can protect them both, then of course you will have done well, but if you only look to one side, the economics, rural and urban interests are so inter-twined that you will pull down the whole fabric of credit in this province.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu): Sir, I believe that the members consider it their right to oppose the Bill whether reasonably or unreasonably, but I have been greatly surprised and disappointed to listen to the speech of Dr. Narang. He has lectured to us on the subject of *kundis* and said that the failure of this amendment will injure trade. But I am surprised that he has studiously avoided the mention of pronotes, although they are negotiable instruments. He ought to have mentioned them as well. When the House has not made any exception in the case of bonds and registered deeds how would it except the *kundis* and pronotes? Such a thing will defeat the very object of the Bill. All the transactions will be done by means of pronotes. Then there is the objection that no doubt the deeds will be checked at the time of registration. But what will happen afterwards when the time of repayment comes?

Although dealings between trades and commission agents have already been exempted from the operation of this Bill, still I know that the fact that *kundis* are not specifically excepted, will injure trade though not to the extent claimed by the honourable mover of the amendment. But in that case the whole responsibility would lie on the mover of the amendment, who has not limited it to *kundis* alone but has included pronotes in its scope. For these reasons I am compelled to oppose the amendment as it stands.

Mr. V. F. Gray [Punjab Chamber of Commerce and Trades Association, Commerce] : I am rather surprised that the mover has not already risen to accept this amendment. I do feel that I ought to say a few words, considering the constituency I represent, for, after all, this amendment is trying to protect commerce from the dangers of this Bill. A good deal has been said about *hundis*. I am not sure whether the House is absolutely sure of how much *hundis* are wrapped up in commerce. Business is nothing but borrowing from beginning to end. Take as an example goods that are imported into the country. Suppose the goods are made in England. It might be Bombay, but I mention England as more credit is required owing to the longer distance. They are put on to a boat. The moment they are put on to a boat, the banker advances money against a *hundi*. In England we call it a Bill of Exchange. The Bill of Exchange is drawn by a merchant, say in Manchester, to a merchant in Amritsar, payable in four months' time. That Bill of Exchange is immediately discounted in Manchester and 98½ per cent. or so of that money is recovered at once. Fresh goods are bought and thus, the amount of capital, can be turned over 5 or 6 times. If you cut out the advantage of *hundis*, it means we can only send off one-fifth of the amount of goods we do send down. Therefore, the poor cultivator whom you are trying to protect under this Bill will have to pay more than double for his goods. The moment these goods arrive in Amritsar, the small man from the outside village comes in. He writes a *hundi* for three months and he takes the goods back with him. That *hundi* is immediately discounted in the bazar or with the Imperial Bank. It is nothing but a loan. It is a loan with permission to pay in three months under the Negotiable Instruments Act. He immediately gets his money back. The merchant in Amritsar again buys some more goods. So, you find that because of these so-called negotiable instruments goods are financed right through during the period of those 6, 8 or 10 months. From the time of the manufacture till the time the goods get into the retail shops the business is carried on by negotiable instruments. This is what we call commercial credit. Commercial credit in India has suffered very badly since 1920, and *hundis* became useless. They were all repudiated and the whole of the credit system went down. It restricted business down to merely nothing. Now credit is getting back and the *hundi* is in full swing again. It is not more than 50 per cent. even now of what it was in 1920, but if you put in anything that is going in the slightest way to make people afraid of *hundis*, you are doing a very great deal of harm to the Punjab that we hope is just budding into industrialism. It seems to me a very harmless clause. But it covers crores and crores of stuff that is going through the country. Our banker representative did not tell us what sum the *hundis* in the Punjab amounts to. I should put it down at many crores indeed. All these may be considered as loans because they are nothing but 3-monthly, 4-monthly or 5-monthly loans, and I do urge on Government to accept this exception to the Bill.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : There seems, Sir, some misunderstanding as to the amendment that has been moved. Nobody on my side of the House would have liked to oppose this amendment if we were convinced that considering the exceptions that have already been accepted, we were not giving sufficient safeguard to legitimate trade transactions. We hold, Sir, that legitimate safeguards and protection in the case of *bona fide* transactions on negotiable instruments or otherwise—on *hundis* or otherwise—have already been given under the Bill, and the

exception now asked for is beyond the legitimate protection which traders can ask for. That is my thesis, Sir. You will find, Sir, that under exception (vi) a loan advanced by any person *bond fide* carrying on any business, in the course of business, is exempted whether it is by way of negotiable instrument or otherwise. We have one point clear that if a lender who happens to be carrying on any business advances loans in the course of that business whether by way of negotiable instruments or otherwise, he does not come within the purview of this Bill. Secondly, even the money-lender, when he advances loans for the purpose of trade, or when he advances a loan to other money-lenders is exempted from the provisions of this Bill. All that we are left with now is this. The Bill does not apply to anybody who is not a money-lender. What is in effect the meaning of this amendment? It means that persons who are money-lenders should be allowed to advance loans on negotiable instruments to traders outside the purposes of the trade and not in the course of business or to non-traders for any purpose. I am sure, Sir, that is not what my learned friends, if they thoroughly scrutinise the effect, of their amendment, would like to support. The House has already decided that the exception to the traders is only to be given for the purpose of trade and anything beyond that seems unreasonable. In the case of other persons who are not traders, if you allow exemption in the case of a money-lender who advances loans on negotiable instruments, you are defeating the whole object of the Bill. My learned friend Dr. Gokul Chand, Narang, suggested that a money-lender will not advance loans to a farmer because he will not have witnesses and later the farmer may come and say, "Though I put my thumb-impression, I did not mean it; there was a conspiracy against me." I am sorry that he should give that opinion to the House in the face of that important and recent ruling of the High Court that once you are forced to admit that you have put your thumb-impression, you are precluded from pleading that consideration did not pass.

Dr. Gokul Chand, Narang : There has been so much howl against that ruling we do not know when it may be set aside.

Mir Maqbool Mahmood : I am sorry I did not catch my honourable friend.

Mr. President : Order, order, please proceed.

Dr. Gokul Chand, Narang : It is only a ruling. It is not a statute.

Mir Maqbool Mahmood : Then, Sir, so far as *hundis* are concerned or for that matter any other negotiable instrument, the argument of my friend Dr. Narang is correct. But the case pointed out by him is met by the exception (vi), that is "a loan advanced to a trader for the purpose of trading or to a money-lender." If my honourable friend sees my point he will not press his amendment.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, the only thing that has been urged against this amendment of mine is the objection raised by my friend Rana Firoz-ud-Din Khan that if the amendment is passed in the present form it would also include pronotes. I, of course, know that a pronote is also a negotiable instrument in certain cases. But my honourable friend forgets that the class of people for whose protection this Bill primarily is meant will rarely be advanced money on a

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pronote; because as my learned friend who is also a learned lawyer knows for a pronote there are no witnesses. It is only executed by the borrower if he is literate or somebody writes it on his behalf if he is illiterate. If the borrower is illiterate the money-lender if he has a grain of sense in his head will not advance money to him. (A voice: He does so even now.) It does not cost anything to make a wild statement like that. But I am not prepared to accept this. I am not prepared to credit the statement that thousands of illiterate people borrow money on pronotes. This is not a personal explanation which I am bound to accept as a matter of courtesy, because this is a statement of fact which is dependent upon evidence, and therefore I am not prepared to take it merely out of courtesy. I do not believe that even one in a thousand loans is advanced to illiterate people in the villages, either on *hundis* or pronotes. My learned friend also ought to know that in common parlance in the Punjab even a pronote is called a *hundi* though it may not be a very strict and accurate legal nomenclature. Still many people ordinarily call even a pronote as a *hundi*. My learned friend has admitted, and I appreciate his candour to that extent, he has admitted that trade and commerce would be affected if this amendment were rejected. I hope he would be prepared to support me if with your permission I am allowed to omit the word 'pronote' from the amendment. I am personally prepared to do this because I know that so far as traders are concerned their transactions are carried on mostly by bills of exchange and to a much less degree by means of pronotes. If this pleases the House I am certainly prepared to do that. I am prepared to go even further, and that should be sufficient to convince my honourable opponents of my *bond fides*, I am prepared, if I am permitted to do so, to go further and say that these negotiable instruments may be exempted if they are drawn by traders and businessmen. This would certainly not affect any poor peasant or agriculturist living in villages. If I am not permitted to put forward this amendment it will show lack of *bond fides* on the other side and not lack of *bond fides* on my part. That is all that I need say in respect to what the Honourable Rana Sahib was pleased to say.

Then, with respect to the criticism made by the honourable mover of this Bill, I would submit that it does not come under exception (*vide*). These loans advanced to a trader, as I pointed out once before, probably my honourable friend who was unfortunately suffering from hill diarrhoea was absent at that time, in connection with another amendment. Exception (*vide*) simply deals with loans to a trader and not a loan by a trader. What I am talking about is an advance by means of *hundis* or negotiable instruments by a trader. Thousands of them are in circulation even to-day. One very important thing was suggested by my honourable friend, the representative of the Chamber of Commerce, whose words in all earnestness must carry weight in this House and the members of Government would really be failing in their duty if they do not attach due importance to what comes from Mr. Gray, whose experience and whose knowledge of these affairs really deserve very great respect as also of my honourable friend Rai Bahadur Lala Dhanpat Rai who has been pleased to speak in this connection. One thing which Mr. Gray was pleased to say deserves very close attention of this House, and that is this, the negotiable instrument particularly when it is a bill of exchange is practically discharged as soon as it is drawn, almost as soon as it is drawn, because if I execute a bill of exchange in another's favour he can go and cash it at any time or if I draw it on a merchant who is outside my town or even my province it can be cashed in any bank. I

can at once go to a bank to cash it. Suppose I have drawn a bill of exchange on a merchant in Amritsar or even Delhi, it can be cashed in any bank. Even if the bill is not accepted by the drawee, if I am quite safe I get cash from the bank, so that the bill of exchange is converted into cash at once. Then it passes almost as freely as a currency note, because you know that the only thing that it requires is to endorse it thus "pay so and so or order." That is all that you have to write on the back of the bill or the negotiable instrument and affix your signature to it. Immediately it goes like a coin of the realm as was pointed out by my friend Rai Bahadur Lala Dhanpat Rai. So by placing a restriction upon this you practically place a restriction on the currency notes of Government and even on the ringing coin of the realm. This bill may pass a hundred hands and the hundredth man will not know from whom it has come so far as his trade is concerned, and it is not possible for him to see whether the person who originally drew it has complied with the provisions of this Bill or not. If issues are framed under clause 5 of this Bill it would be impossible for him to discharge the burden imposed on him. The only reason why my honourable friend is not prepared to accept the amendment is that he is not familiar with the intricacies and ramifications of the trade methods and bank procedure. Otherwise I am sure he would have accepted it. Mr. Gray was rightly wondering why the honourable mover of the Bill did not get up at once and accept this amendment.

Now, Sir, he said that there are other exceptions which cover this case. I put him one question. If this amendment is not accepted, there will certainly be a conflict of laws. There is the Negotiable Instruments Act which should take precedence of this measure, and there is this measure. There will be a conflict between these two. Under the Negotiable Instruments Act nobody can question a man as to the origin of the bill and he is not expected to know the acceptor or the drawee. He is practically the advancer of money irrespective of whether the provisions of this Bill are complied with or not. Now, if this bill goes to a hundredth person and if he goes to a court he will have to show whether the person who originally advanced money complied with the provisions of this Bill or not. Therefore there ought to be a limit to this sort of thing. I do not want to use harsh language, because I have already used it more than enough. I do not want to sin more in that respect if it is a sin to forcibly point out one's mistakes. Surely Government should see whether they are not helping one class at the expense of another and thus strangling business people who also contribute to the prosperity of the country as much as the direct producers of wealth. Distribution of wealth is as important a function as the production of wealth. The traders are the distributors.

Now in order to point out that the exceptions do not cover the point I have raised in this amendment. I will take an illustration. Suppose there is a manufacturer in Ahmedabad. (A voice: Manufacturer is exempted. Yes, the manufacturer is exempted under exception (xii). Probably he will say that the manufacturer is mentioned there and he is therefore exempt. But I would draw the attention of the honourable members, the intelligentia of this Council sitting on the opposite benches to this sub-clause (xii): "A loan advanced by a manufacturer or by a contractor to a person employed by him for the manufacture of goods or the carrying out of contracts." The manufacturer is not otherwise exempted. He has to sell his produce worth probably millions of rupees and he has to sell it on credit. How is he

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exempted? He has to resort to this negotiable instrument before he can dispose of his goods worth millions which he has produced. There is no exception which meets this case. There are other cases of this sort for which there is no exemption. The ramifications of trade are so wonderful and vast that it is impossible to enumerate one and all of them. I would therefore submit, that if my honourable friend, the mover of this Bill, is really prepared to carry out only the spirit of the Bill, and has no ulterior object in view, he ought to accept this amendment, particularly when I am prepared to restrict it, if I am permitted, to negotiable instruments drawn by traders and to take out the word "pronote".

Rana Firoz-ud-Din Khan : What about exception (vii)?

Dr Gokul Chand, Narang : With regard to exception (vii), I have to say this. When sub-clause (1) was discussed by me at very great length, we had it in view. I think some amendment was moved in connection with it and there was a great deal of discussion over it, and it would be simply waste of time of this Council if I were to repeat the arguments which I addressed to the House at that time. But I may submit that a person of the kind I have mentioned would not be covered by this, and it would not do any good for my learned friends from one side or the other to twitter over the matter. They should look at the point as lawyers. A fundamental principle of construction of statutes is that what is expressly mentioned is not to be included in general clauses. That is the fundamental and elementary proposition of the construction of statutes. After all this is going to be a statute and therefore the principles of construction of statutes must apply to it, and the fundamental, as I have submitted, and the most elementary principles of construction of statutes is that the "particular and specific" excludes the general. When a thing is specifically mentioned, it cannot be taken to be included in the general. Therefore exception (vii), if my honourable friend Rana Firoz-ud-Din Khan would do me the kindness of listening, because it would do him some good as a lawyer, is absolutely general in character and certainly excludes a manufacturer. Manufacturer has been specifically mentioned and even there the loans by him are restricted to certain persons, namely, to those only who are employed by him for the purpose of manufacture. Therefore if they have got the capacity to distinguish or to appreciate the fine distinctions which as lawyers they ought to be able to do they would certainly concede that this exception (vii) does not hold good. There is no exception in fact which would cover the case that I have put. I am sure that the Honourable the Leader of the House for the time being, I mean the Honourable the Revenue Member, who had been a great lawyer in his own time would agree with me in this legal proposition that I have submitted or he would contradict me if he thinks that I am wrong. If my legal position is correct, then my submission is there is absolutely no exception which would cover such cases and the honest and proper thing to do is to accept my amendment if necessary with the amendments which I am prepared to accept.

Mr. President : Does the honourable member wish to give any reply to the question put by the last speaker, namely, whether he is prepared to accept the amendment with certain further modifications?

Mir Maqbool Mahmood : I am not prepared to accept the amendment. If I am allowed, I shall state my reasons in one sentence why I cannot accept the amendment.

Mr. President : The honourable member cannot be allowed to make a second speech.

Clause under consideration, amendment moved—

"That the following exception be added at the end of sub-clause (5) of clause 2:—

'a loan secured by a negotiable instrument as defined in the Negotiable Instruments Act'."

The question is that that amendment be made.

The motion was lost.

Dr. Gukul Chand, Narang (North-West Towns (Non-Muhammadian) Urban] : Sir, I beg to move—

"That the following exception be added at the end of sub-clause (5) of clause 2:—

'a loan not exceeding Rs. 500 secured by pawn or pledge of jewellery'."

Sir, in moving this amendment, I have many concrete cases in view. Supposing I am stranded at some place, supposing I go to Kashmir and overstay a bit of my time there and that I am in need of some money and I have got some jewellery with me and I want to raise money on that. If Kashmir is objectionable because it is not in the Punjab, I would mention some other hill station, say Murree or some such place. I want to raise some money, and it so happens that there is nobody there who knows me fairly well to lend me money. I can raise that money against any trinkets that I may have in my possession up to a small amount, say, Rs. 50, Rs. 60 to the utmost limit of Rs. 500. Even if this is not accepted it means that no money-lender will come forward to advance me even that small amount of money because he will think "This fellow wants money. He is going away from Murree. Heaven knows where. If I advance him money, I have to keep accounts and so on. Why should I undergo all this botheration". He will say—

ik chap to san sukh.

This is only one instance. In the villages, there are some very poor villagers and money-lenders, who can borrow and lend money respectively in very small amounts. Say there is a poor woman who wants Rs. 25 against her jewellery which is all that she possesses. She goes to another woman, a poor widow, her neighbour, and says "I want Rs. 25 for a short time and here is this piece of jewellery. You may keep it and lend me money on its security". This is done every day and thousands of instances of borrowing of this kind go on among neighbours in the villages. If this Bill is passed without this amendment, all these transactions would certainly stop and the little needs of little folks in the villages would not be satisfied, because there are many villages in which there are no regular money-lenders at all or if they ever come to these small villages they pay only occasional visits, while their headquarters are in far away town. If this amendment is passed, the villagers would be able to proceed in their old way of helping one another for a little consideration. I therefore request this House not to reject this very small amendment.

Mr. President : Clause under consideration, amendment moved—

"That the following exception be added at the end of sub-clause (5) of clause 2:—

'a loan not exceeding Rs. 500 secured by pawn or pledge of jewellery.'"

The question is that that amendment be made.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] : Sir, my learned friend the Doctor will kindly excuse me for opposing this amendment. If we were to accept this amendment, it would cut at the very root of the Bill. I have a good deal of experience in the villages, and I have also got personal experience in towns. In my own village, where there is plenty of capital, there are two or three complaints brought to me every month. Several have complained to me that the money-lender takes away not only the principal and interest but that he also retains the silver or the gold ornament pledged to him. Then the money-lender sometimes even goes to the length of suing in court for the principal and interest even though he might have realised the amount to the last pie. The money-lenders are avaricious enough to take several times more than what is really due to them. I am in the unfortunate position of not being able to render any help to those complainants. This sort of trick is going on in many villages for a long time, and if we were to drop this provision out of this Bill, the result will be that we will not be able to safeguard the borrower to the extent it is necessary to safeguard him. I can bear testimony to this from my own personal experience in the city. In the city, no accounts are written in the case of pledges of jewels. You can borrow money at a cheap rate of interest if you can mortgage jewels. The money-lenders are too much afraid to give anything in writing lest they should reveal their transaction to the income-tax officers. The result is that many money-lenders are pursuing undetected this nefarious profession in the garb of mortgage of silver or gold ornaments. These people go scot free. They thus successfully evade the provisions of the Income-Tax Act. With these remarks, I would strongly oppose the amendment and ask my honourable friend to withdraw it.

Dr. Gokul Chand, Narang : Sir, I am not prepared to withdraw this amendment. I do not believe in the difficulties that have been raised by the honourable member for Montgomery. I think this will provide a very interesting pastime and a profitable game for the people living in the village. They can borrow money first on the pledge of their securities, then at night they can rob the money-lender. The poor borrowers in the villages would not be worse off if this amendment is allowed to be passed.

Mr. President : Clause under consideration, amendment moved—

"That the following exception be added at the end of sub-clause (5) of clause 2 :—

"a loan not exceeding Rs. 500 secured by pawn or pledge of jewellery."

The question is that that amendment be made.

The motion was lost.

Dr. Gokul Chand, Narang (North-West Towns (Non-Muhammadan) Urban] : Sir, I beg to move—

"That the following exception be added at the end of sub-clause (5) of clause 2 :—

"(a) a loan advanced by a widow not having a son competent to contract provided that her total investments at the time of such advance do not exceed Rs. 2,000."

Sir, this is a case of a poor widow making her living by investing a little money that might have been left to her by her husband. Sometimes, it so happens that her husband had got his life insured and when he dies his policy matures and she comes into possession of Rs. 2,000 or Rs. 3,000 as the case

may be. I am talking only of the poor widow, and not of others, who has, if nothing is left by her husband only a little jewellery that she possesses on account of *aridkan* or the presents given by her husband or other people at the time of marriage. She, as a widow, does not want to wear ornaments. As she has no other source of income, she converts her jewellery into cash and invests it at some interest and lives on it. I have prescribed a small limit of Rs. 5,000, which should not appear to be too much to my honourable friends on the other side because it is the interest on which she has to live and the interest at six per cent., which she may be able to earn on this sum is only Rs. 15 per mensem or Rs. 22-8-0 if the rate of interest is nine per cent. In these days of high prices and scarcity surely Rs. 15 or Rs. 22-8-0 is not a very high figure for the maintenance of a widow, especially when she has also some children. In order that there may not be any loopholes for the "mischievous and dishonest" money-lender, I have also stated that only such widows may be exempted who are not blessed with sons of age who may be able to carry on business in their own name. It will therefore be confined only to the case of widows who have minor children whom they have to support and who have nobody else to support them except the little monies that might come into their possession, either on the death of their husbands or by the conversion of their trinkets into cash. Even if this is not conceded, well of course, it would be seen more plainly, although it is sufficiently plain already that the object of this Bill is something different from what it professes to be.

Mr. President : Clause under consideration, amendment moved—

"That the following exception be added at the end of sub-clause (5) of clause 2 :—

"(iv) a loan advanced by a widow not having a son competent to contract provided that her total investments at the time of such advance do not exceed Rs. 5,000."

The question is that that amendment be made.

Chandhri Sahib Dad Khan [Gurgaon-cum-Hissar (Muhammadan) Rural] (Urdu) : Sir, it is a matter of common knowledge that where the *Mahajans* and *Sahukars* charge one rupee or two rupees as interest for every hundred rupees advanced as loan, the widows, whom it is sought to exempt from the operation of the Bill, charge one anna as interest for every rupee lent which means more than six rupees for every hundred rupees. We cannot avoid this exorbitant rate of interest except by including widows in the class of money-lenders. If, like honest people, you are only concerned with the maintenance of poor widows, ask the latter to invest their money in co-operative banks. The rate of interest allowed in these banks is 8 per cent, and that is sufficient for the maintenance of widows. I do not see any necessity for exempting widows from the operation of the Bill and, therefore, I oppose the amendment.

Sardar Tara Singh [Ferozepore (Sikh) Rural] : Sir, I heartily associate myself with the honourable member who has just moved his amendment.

Dr. Gokul Chand, Narang : Are you serious ? (Laughter).

Sardar Tara Singh : Really, I am most serious. The reason that I have in support of the amendment is that the number of widow money-lenders whose children are incompetent to contract, is really very small and no hardship is likely to be caused to the borrowers. On this ground I support the amendment.

Chaudhri Duli Chand [Karnal (Non-Muhammedan), Rural] (Urdu) : Sir, I rise to oppose the amendment before the House. Sir, if any proof is wanted of the cunning and cleverness of the money-lenders, it will be supplied by the amendments that have been moved by the honourable members on my left side and particularly by Dr. Gokul Chand, Narang. I have mentioned the name of Dr. Narang in particular because not a single amendment, moved by him, is based on honesty and is of a nature that seeks to upset the provisions of the Bill. . . .

Mr. President : The honourable member has twice challenged the honesty of Dr. Gokul Chand, Narang. . . .

Dr. Gokul Chand, Narang : I never take him seriously, Sir. (Laughter).

Mr. President : This is not the solitary instance of one honourable member's honesty being questioned by another member of the House, I have noticed that some other speakers have also indulged in such unparliamentary language. With a view to enlighten the honourable members of the House as to what the Parliamentary practice on this point is, I cannot do better than read the relevant sentence from May's Parliamentary Practice :

"The use of temperate and decorous language is never more desirable than when a member is canvassing the opinions and conduct of his opponents in debate. The imputation of bad motives, or motives different from those acknowledged; misrepresenting the language of another, or accusing him, in his turn, of misrepresentation; charging him with falsehood or deceit; or contemptuous or insulting language of any kind; all these are unparliamentary."

Chaudhri Duli Chand (continued in Urdu) : Sir, I never meant that, what I mean to say is that if any amendment is moved which is really reasonable and necessary, we are prepared to support it. But we cannot sit quiet when it aims to deceive us. It has been said that because the widows are poor and helpless and because they charge interest at the rate of six per cent. they must be excluded from the operation of the Bill. Very well, widows are poor and helpless, but why should they not invest their money in co-operative banks where the rate of interest given is eight per cent.? I ask why should they suffer loss to the extent of two per cent.? I cannot believe that the mover of the amendment is not aware of the rate of interest that the co-operative banks allow, and if in spite of that such amendments are moved, it is but natural for us to say that there is something wrong somewhere.

I object to this amendment on another ground and that is this that if this amendment is carried, it will be very easy to evade the provisions of this Bill. The explanation is not far to seek. Supposing a person intends doing money-lending business and at the same time wishes to escape from the provisions of this Bill, what he will do then is clear. He will keep unpagged and otherwise unreliable books and irregular accounts and deal with the borrowers in the name of a widow in his family, and I may here say that it is not very difficult to find a widow in every family in this country. The result will be that instead of men Shylocks there will come into being women Shylocks. I may also, in passing, say that women money-lenders in villages are more exacting. They generally lend grains and not money and demand twice and sometimes thrice the amount lent and that too after an interval of two or three months. On these considerations I oppose the amendment.

Chaudhri Noor Din [Lyallpur South (Muhammadan), Rural] (Urdu) : I do not exactly understand why this amendment has been moved at all. Is it not a fact that sooner or later all women become widows? The consideration that some of them are blessed with sons and even grandsons is immaterial because they are widows all the same. Therefore the exemption of these would, in my opinion, defeat the very object of the Bill. I, therefore, oppose this amendment.

Mir Maqbool Mahmood : Sir, I beg to move—

“That the question be now put.”

The motion was carried.

Dr. Gokul Chand Narang : It is hardly necessary, Sir, for me to reply. What shall I reply to Chaudhri Nur Din (laughter).

Mr. President : Clause under consideration, amendment moved :

“That the following exceptions be added at the end of sub-clause (5) of clause 2 :—

“a loan advanced by a widow not having a son competent to contract, provided that her total investments at the time of such advance do not exceed Rs. 3,000.”

The question is that that amendment be made.

The Council then divided : Ayes 18, Noes 42.

AYES, 18.

Rai Bahadur Lala Dhanpat Rai.
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Sardar Narain Singh.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Lala Sham Lal.
Sardar Tara Singh.

Sardar Jodh Singh.
Lala Mohan Lal, Bhatnagar.
Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Chaudhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Sardar Partap Singh.

NOES, 42.

Mr. W. P. Sangster.
Lieut.-Colonel E. L. Ward.
Mr. C. A. Batron.
Mr. C. M. King.
The Honourable Sardar Jogendra Singh.
The Honourable Rai Sahib Chaudhri Chhotu Ram.
The Honourable Mian Sir Fazl-i-Husain.
The Honourable Sir Geoffrey deMontmorency.
Malik Firoz Khan, Noon.
Nawab Malik Sir Khuda Bakhsh Khan.
Khan Bahadur Nawab Muzaffar Khan.

Sir George Anderson.
Mr. A. R. Astbury.
Mr. Ram Chandra.
Mr. H. W. Emerson.
Mr. C. F. Strickland.
Mr. J. M. Dunnett.
Mir Maqbool Mahmood.
Khan Sahib Lieut. Malik Muzaffar Khan.
Mr. D. Milne.
Mr. M. V. Bhide.
Sayad Husain Shah.
Chaudhri Duli Chand.
Sayad Muhammad Husain.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Chaudhri Afzal Haq.

Rao Pohap Singh.
 Subedar-Major Asghar Ali Khan.
 Maulvi Mazhar Ali, Azhar.
 Makhdumzada Sayad Muhammad
 Raza Shab, Gilani.
 Rana Firoz-ud-Din Khan.
 Shaikh Muhammad Sadig.
 Khan Bahadur Sir Sayad Mehdi
 Shah.
 Munshi Fazal Khan.

Khan Sahib Chaudhri Muhammad
 Shaif Ali Khan.
 Chaudhri Sahib Dad Khan.
 Chaudhri Nur Din.
 Chaudhri Ghulam Muhammad.
 Khan Bahadur Chaudhri Fazl Ali.
 Chaudhri Najib-ud-Din Khan.
 Malik Khan Muhammad Khan,
 Wagha.
 Lieut. Sardar Silandar Hayat Khan.

1 P. M. The motion was lost.

At this stage the Council adjourned for lunch.

The Council re-assembled after lunch at 2 P.M. Mr. President in the Chair.

Mr. President : Does the honourable Mr. Labh Singh wish to move his amendment ?

Mr. Labh Singh : I beg to move, Sir.

Mr. President : The honourable member's amendment is substantially covered by the amendment disposed of by the House before breaking up for lunch. The only addition in his amendment is "and written in the own hand of the borrower." I think the House has in principle ruled out a loan on a promote in any form.

Mr. Labh Singh : I shall not speak at any length upon it, Sir. I will only move it and leave it to the House to adopt it or reject it as the House thinks fit.

Mr. President : Unless I am satisfied that the honourable member's amendment is entirely a new amendment and that it can be distinguished from the amendment which has already been turned down by the House, I do not think the honourable member has a right to move it. His amendment deals in substance with promotes and that matter has already been discussed and negatived by the House. The only distinctive feature is that in his amendment the following words are extra "and written in the own hand of the borrower". But I do not think these words make any difference.

Mr. Labh Singh : I will just explain myself, if you will permit me, Sir. It is quite correct that the amendment moved by my honourable friend, Dr. Gokul Chand, Narang, has been ruled out by the House and that it was discussed in principle. But the addition of the words "and written in the own hand of the borrower" introduces into the amendment a different point of principle. We have been told so often that this Bill is intended to provide safeguards for illiterate borrowers and borrowers who are unaccustomed to business methods.

Mr. President : That is not a principle anywhere expressed in so many words in the Bill. Certain speakers have referred to it, no doubt, in their speeches, but this alone does not make it a principle of the Bill.

Mr. Labh Singh: If the Chair is of opinion that this is a distinction without a difference I shall bow to its ruling; but I submit that this is a very important point and it should be put to the House as such.

Mr. President: You may have your way though I am not quite clear on the point.

Mr. Labh Singh: Sir, I beg to move—

"That the following exception be added at the end of sub-clause 5 of clause 2, namely—

'a loan on a promote, *hundi* or a stamped bond and written in the own hand of the borrower'."

I would submit that this is a very modest amendment. The declared purpose of the Bill was to provide safeguards for illiterate borrowers and those unaccustomed to business methods, as was distinctly pointed out to the House the other day. If the borrower is literate he could presumably look after his own affairs and does not in that event need the special protection of this kind of legislation. If, on the other hand, the borrower is illiterate he may be said to need protection. But if it is intended to substitute one class of money-lender by another by a process of what I might designate as a kind of legislative legerdemain, then I shall be content with the rejection of this amendment.

Mr. President: Clause under consideration, amendment moved:

"That the following exception be added at the end of sub-clause (5) of clause 2, namely:

'a loan on a promote, *hundi* or a stamped bond and written in the own hand of the borrower'."

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, if the argument of my learned friend the mover of this amendment were correct it would simply come to this, that a person who knows how to write does not need the protection which he would otherwise require. On that analogy he does not require the Indian Registration Act at all. The question is not whether a man can write or not, but whether if we are to prescribe these forms, they should be applied wherever possible. My second difficulty is this: that it is possible that a *bond fide* money-lender may carry on his business of advancing loans and just have a form written on which he might with the assistance of somebody ask the borrower to simply write down his name on a piece of paper. Will my learned friend designate that as a promote or not when it is in the hand of the person who is asked to come forward as the borrower? It is just possible that if these particular types of transactions were taken away from the definition of loans it may be difficult for us to prove that a money-lender is a money-lender and is carrying on the business of advancing loans, because these transactions will cease to be loans for the purpose of deciding whether he is carrying on the business of money-lending or not. In view of these considerations I find it my duty to oppose the amendment.

Mr. President: Clause under consideration, amendment moved:

"That the following exception be added at the end of sub-clause (5) of clause 2, namely:

'a loan on a promote, *hundi* or a stamped bond and written in the own hand of the borrower'."

Mr. President.]

The question is that that amendment be made.

The motion was lost.

Lient. Sardar Sikandar Hayat Khan [Attock (Muhammadan), Rural] : Sir, I beg to move the amendment standing in my name :—

“That the following proviso be inserted after sub-clause (5) of clause 2 :—

‘Provided that nothing in this section shall prevent a court from holding that a transaction purporting to be other than a loan is in effect a loan.’”

Sir, it might be said that the wording of a former amendment which has been negatived is practically identical with what I want to insert now, and I just want to point out the difference; and that is that while the wording of the clause before being amended was mandatory, this amendment will make it permissive; and secondly the onus will be on the parties, and I want the courts to have discretion as in other cases. My object in moving this amendment is to safeguard against camouflage.

Mr. President : Will the honourable member give the whole amendment in writing? What addition does the honourable member propose to make to the amendment as printed?

Lient. Sardar Sikandar Hayat Khan : Nothing, Sir. It is complete I simply put in the words “provided that” in the beginning.

Mr. President : That is for the draftsman to see.

Dr. Gokul Chand, Narang : On a point of order, if you will permit me, Sir, this amendment is not in order as the words in the sub-clause where loan is defined leaving it to the court to decide whether it is a loan or not have been omitted, and this amendment again gives a discretion to the court to hold a certain transaction a loan or not a loan.

Mir Maqbool Mahmood : These two clauses are quite different if I may say so.

Dr. Gokul Chand, Narang : There is absolutely no difference if you will compare the two. In sub-clause (5) of clause 2 loan means a loan whether of money or in kind at interest and includes any transaction which is in the opinion of the court deciding the matter in substance a loan. These have been omitted. Under the clause as it now stands a loan means a loan whether of money or in kind at interest; and the discretion given to the court to define or hold on the merits of any particular case or transaction whether that transaction is a loan or not has been taken away, and the amendment proposed by my honourable friend now aims at widening the discretion of the court which the amendment to sub-clause (5) has taken away; so that it is really reinstating what has been taken away by the amendment to sub-clause (5). Therefore it is not in order.

Mr. President : Lient. Sardar Sikandar Hayat Khan to reply to the objection.

Lient. Sardar Sikandar Hayat Khan : As I have already pointed out, Sir, the wording formerly was mandatory: it gave no discretion to the court; here it is permissive, and the onus is cast on the parties; that is how I look at it.

Mr. President : What has the honourable mover to say?

Mir Magbool Mahmood : There is a clear distinction between the two positions. In the first case it was the opinion of the court that a particular transaction is a loan : the court had no option, but to include it in the definition of a loan : that was therefore in a way an expansion of the definition of loan. While in this case it only means that if a court finds that a particular transaction is in effect a loan—it is only a disguised loan but has been described by the parties as otherwise—the court may or may not define it as a loan ; if it is a clear case of camouflage or injustice the court is not prevented from exercising its discretion. In the first case if the court's opinion is that a particular transaction should be included in the definition it is included at once that is, it was mandatory ; while in this case it is different. Secondly, in the first case, the court without any evidence, from the face of it, may declare that a particular transaction is in substance a loan, while in this case, the court shall . . . The proviso has been taken exactly from the Punjab Pre-emption Act. It occurs there after section 4 and there it has been held that the onus of proving that a transaction purporting to be something other than what it is on the parties. Evidence will have to be produced by the parties. They will have to come forward and prove it. (An Honourable Member : A distinction without a difference.)

Mr. President : I am afraid I cannot appreciate the nice distinction which the mover of the amendment as well as his supporter has been pleased to make. Sub-clause (5) says—

“ ‘ Loan ’ means a loan, whether of money or in kind, at interest.”

The sub-clause does not stop there. What has been omitted is —

“ and includes any transaction which is, in the opinion of the court deciding the matter, in substance a loan.”

The amendment now moved is :

“ That the following proviso be added, namely, that nothing in this section shall prevent a court from holding that a transaction purporting to be other than a loan is in effect a loan.”

That is to say, any transaction which the court finds to be a loan, whether ostensibly it is a loan or not, will be treated as such and decreed accordingly. That part of sub-clause (5) which gave power to courts to hold any transaction to be a loan has been excluded. So unless there is any further distinction, I am inclined to hold that that part of sub-clause (5) has been omitted by the House and that the proposed amendment is in substance, if not exactly in the same words, an attempt to insert what has been omitted by the House after discussion. Any further argument ?

The Honourable Mian Sir Fazl-i-Husain : Sir, you will remember that the exclusion of the clause from the body of the Bill was unanimous. There was no opposition to it, the reason being, that a large number of members wanted to take it out of the body of the clause and put it in as a proviso later on.

Dr. Gokul Chand, Narang : Not at all.

The Honourable Mian Sir Fazl-i-Husain : I did not say of the House as a whole, I said of a large number of members of the House. The portion omitted is alleged to be an important part of this clause and if some members wanted to take it out for good, there must have been

[Honourable Mian Sir Fazl-i-Husain.]

others who did not want it to be taken out for good. They agreed to the exclusion there in order to see that it is added as a proviso. Whether the House on division will be for retaining it or for excluding it can only be determined if it is put to the House. But so far as I can see, its exclusion at one stage, unless that exclusion is clearly an expression of the House that it does not want it at all, would not debar its coming in later on as it was one of the amendments on the agenda at the very time.

Mr. President : The Honourable Sir Fazl-i-Husain has admitted that this amendment is substantially the same as was dealt with while sub-clause (5) of clause 2 was discussed by the House. The fact that the deletion in sub-clause (5) was made unanimously strengthens my view rather than weakens it. The Parliamentary practice is that an amendment in the case of Bills is out of order if it is inconsistent with a decision upon a former amendment. The decision on a former amendment was that the words, which were substantially the same as the present amendment, be deleted. Therefore, the present amendment is inconsistent with sub-clause (6) as it now stands, and is consequently out of order. Mr. Labh Singh will please move amendment No. 63.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural] : Sir, I beg to move—

“That in sub-clause (6) of clause 2, the word ‘means’ be substituted for the word ‘includes’ and for the words ‘whose business’ the words ‘whose sole or principal business’ be substituted.”

The object of this amendment is perfectly clear. The word “money-lender” has been defined in sub-clause (6) of clause 2 thus—and this sub-clause is, to my mind, defective :—

“Money-lender” includes every person whose business, etc.”

It is obvious that the definition of “money-lender” is the crux of the piece of legislation that is before us and we should leave no loopholes in the definition of this very important term. We should give some definition which should be exhaustive and not a definition which does not pretend even to be sufficiently enumerative and simply says that it would include “a person, etc.” My amendment really enlarges the supposed definition of “money-lender.” It has already been pointed out to the House that in various other provinces, when the question of the definition of “money-lender” came up, the intended legislation was dropped on that score alone, namely, that it was not convenient to define the term “money-lender.” But, to my mind, if legislation of this kind is to be enacted at all, there seems to be no reason why a serious and a logical attempt should not be made to define the word so far as it is possible to define it. The only objection that can be taken to defining the word “money-lender” exhaustively is this, that the definition, no matter how cleverly framed, will not be exhaustive enough. That objection, to my mind, is not very cogent. It is just possible that in our attempt to define the word we may not succeed absolutely and certain loopholes may yet be left and certain persons who ought to have come in under the definition of a “money-lender” may escape the octopus and the tentacles of this definition. But for the mere fear of this mere possibility, namely, that certain persons may escape the tentacles of this definition, it is not

safe for us to say that this word should not be defined at all and that the definition of this word should be left to the tender mercies of the small cause court or a judge perhaps of even an inferior jurisdiction. This, I would submit, Sir, would entail not only serious hardships on persons who might be brought in under this definition, but it would not be fair to our courts at all; as it is, the courts of the province are over-worked and the Legislature has absolutely no right to add unnecessarily to the difficulties of the courts of law. I would, therefore, submit, that the word "money-lender" should be exhaustively defined. It is perfectly immaterial and would not in any way infringe the real purpose of this Bill if the definition is eventually found not to be exhaustive enough and leaves out certain persons who under the definition ought to have been included. The submission that I make is this, that the word "means" ought to be substituted for the word "includes" so that a money-lender may mean every person whose business it is to lend money and so on. One other simple point that I want to make is this. A practising lawyer or any professional man may have a surplus of a few hundred or a few thousand rupees and he may lend it out to his friends or his relations or other people. The mere fact that a Barrister succeeds in laying by a few thousand rupees or a medical man is in the same happy position—could he, in all fairness be precluded from doing so and should he also run the risk of being dubbed a money-lender and being put to the inconvenience of conforming to the irksome provisions of the law that is being enacted by this honourable house? I would submit, Sir, that in the case of such a person, his business is the profession that he is carrying on, and if he advances out of the surplus at his disposal a few thousand rupees this is only in a collateral way. It is not his principal or sole business. The intention of the Bill before us is to regulate the lending of money by people who are either professional money-lenders or who are quasi-professional money-lenders. So long as the provisions of this Bill cover these two classes, no serious exception could be taken to it provided that in other respects the provisions of the Bill are kept within reasonable bounds. But when we transgress those limits and try to include in the definition of a money-lender even a person who happens occasionally to lend a few hundred rupees to a friend of his, I would submit, Sir, that we are clogging the wheels of our social and economic machinery that we are creating unnecessary friction in our society, and that we are destroying the delicate mechanism of credit in a country where we are all aware that money is not really very plentiful and it needs to be supplemented and set out by all these additional methods. I would submit, Sir, that this amendment that I propose is really a very fair and just one and if the original or declared purpose of the Bill is to be adhered to, and no other ulterior purpose is behind this attempted legislation, then this amendment should be accepted.

Mr. President: Clause under consideration, amendment moved:

"That in sub-clause (3) of clause 2, the word 'means' be substituted for the word 'includes' and for the words 'whose business' the words 'whose sole or principal business' be substituted."

The question is that that amendment be made.

Mir Maqbool Mahmood (Amritsar (Muhammadan), Rural): Sir, my honourable friend has moved a double-barrelled amendment. He suggests that the word 'means' should be substituted for the word 'includes' and that the words 'whose sole or principal business' should be substituted

[Mir Maqbool Mahmood.]

for the words 'whose business'. This means that my friend would like to exempt the men who have any other business besides that of money-lending. In other words, the man who has, for instance two or three businesses one of which happens to be *bona fide* money-lending he would like to exempt. I ask him whether this is fair. The amendment means that a man who carries on the sole business of money-lending has to do certain things which a man who carries on money-lending in addition to some other business is excluded from doing. I am sure that is the proposition which the amendment amounts to and I don't think the honourable member would like to subscribe to that proposition.

I want to make it clear as I did at an earlier stage of the debate that it is not one or two loans that makes one's business one of money-lending. There should be a certain amount of continuity in that business before he can be called a money-lender. I hope this argument will make the honourable member withdraw his amendment.

As to the other part, Sir, I have to quote the words of Baghot who has studied the money-lending legislation and credit problem in six or seven countries beginning with England's Money-lending Registration Act going to Germany, Brazil, Austria-Hungary and Italy. In all these places they could not define money-lending in exact terms except in the term of "includes". What our predecessors have not been able to do it is impossible for us to do. As in the case of loan it has been greatly limited by omitting certain words, it seems only reasonable that we should leave it open for a money-lender to be described as such. In fact 'money-lenders' in this country has a special meaning which everybody knows. If we define it by saying 'it means so and so' we are only extending it to certain other persons who are outside the scope of the profession of money-lenders.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : Sir, my learned friend, the mover of this Bill when replying to the arguments of the mover of the amendment really did not do him full justice, because he represented as if the mover of the amendment wanted the money-lender to be defined as a person whose sole business is money-lending. The mover of the Bill has either overlooked the words 'or principal business' or he has thought it better not to mention it in order to strengthen his argument. Certainly if the word 'sole' alone were there the difficulty that my honourable friend, Mir Maqbool Mahmood, apprehends might arise. But when the word 'principal' is there no difficulty can arise. Even now there are many persons who have two strings to their bow and there are many, except perhaps those in Government service carrying high salary, whose salary is not probably sufficient to maintain them and they always do something else to add to their income. If some other such subsidiary business is followed that certainly won't be the principal occupation. If that happens to be money-lending, then he cannot be said to be doing the business of money-lending.

My learned friend says that there ought to be continuity. Probably he means that there should be frequency of instances or that there should be sufficient number of occasions on which money was lent on which the finding of the court would be based. But it is obvious that to one court a certain thing may appear to imply continuity of action and a very small number of instances may appear to be sufficient proof and in this way one court may

hold even an occasional lender of money to be a money-lender for the purposes of this legislation. Therefore as I submitted in my opening address it is extremely dangerous to leave it to ordinary sub-judges and small cause court judges and even to village panchayats to define this word which admittedly has defied the efforts of better qualified persons to define. It is of course very difficult to give a full definition of anything, but the definition suggested by the mover of this amendment will be a working definition and will put a check upon the vagaries of some courts which may not either be very competent or very honest. I think the amendment is exactly on a par with the amendment which was moved in sub-clause (5) of clause 2, namely the definition of "loan." If the loan has been defined in such a way as to exclude the discretion of courts there is no reason why the loan-giver should also not be similarly defined. Therefore the definition of the expression loan-giver which is only another name for money-lender should be excluded from the discretion of the court. It may be, as the honourable leader of the House just a little while ago pointed out, that that was a mistake. But I do not consider that it was a mistake. I believe it was in accordance with the wishes of the mover and quite a large number of persons that that amendment was agreed to. I am quite prepared to admit that the honourable the leader of the House was probably under this impression and so also might have been some of his friends that if the words were excluded they might be included at a subsequent stage, but I find it difficult to reconcile it with the astuteness invariably displayed by the Honourable Sir Fazl-i-Husain. Be that as it may, we are no longer confronted with it. The fact remains that the definition of loan has been given and the definition of loan-giver also should be on the same lines as loans; and the discretion of court which may be exercised with material irregularity and gross incompetency in many cases should be avoided.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, certain views have been attributed to me or to Government which I find it necessary to repudiate. Firstly with reference to loans it is said that certain portions of the clause have been omitted in order to deprive the courts of their discretion to determine whether a particular transaction is a loan or not. This is incorrect. The exclusion of the clause from the definition of a loan was made thinking that as a matter of fact courts have the power to arrive at a decision whether a particular transaction is a loan or not. In any case the wish of the non-official supporters of this Bill to have that very clause as an explanation was more by way of making doubly sure of the power which already vests in courts. That is so far as the definition of loan is concerned. The argument that has been built up with reference to the definition of money-lender on the basis of the agreement of the House or of Government to exclude that particular portion of clause from the definition of loan, therefore, has no application.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, so far as the first part of the amendment, namely that the word 'means' be substituted for the word 'includes' is concerned even Dr. Narang has admitted that it is not possible to define the word 'money-lender', and in fact several other words, absolutely and exhaustively. I need not, therefore, say much about it except that the word 'includes' does not only occur in a clause of this very Bill, but we find it used in almost every other enactment.

[Maulvi Mazhar Ali, Azhar.]

As to the second part of the amendment, the insertion of the word 'sole' looks absurd on the face of it. Supposing a person is engaged in money-lending to the extent of lakhs of rupees. Besides that he keeps in his shop matches worth two rupees to sell them as a retail dealer. Now dealing in matches is a very small business as compared with his business of money-lending. If we were to accept the amendment proposed, I think we will be providing a means for a large number of clever money-lenders, and money-lenders are as a rule clever people, for avoiding the provisions of the Bill because they will not come under the definition of the word 'money-lender'. I am glad to find that my honourable friend Dr. Narang has also realised the absurdity of the proposal. Then the mover of the amendment wanted us to believe that the work of the courts of law would be very much lightened if we were to insert the word 'principal' before the word 'business' occurring in the definition of the money-lender. His main argument in favour of the inclusion of the word 'principal' was that because the courts were already overworked, the legislature had no right to burden them with additional work by leaving the definition of the word 'money-lender' incomplete. I do not see how the inclusion of the word 'principal' will lighten the burden. I am rather of opinion that by accepting the amendment of the mover, the work of the courts will increase. My learned friend Mr. Labh Singh has not perhaps realised that the courts are required to frame so many issues already. They have to determine, for example, whether a person is a money-lender. Now if the courts were also to determine whether a money-lender is principally engaged in money-lending, certainly the work of the courts will increase and I am afraid it will not be possible for them to decide more than two or three cases in a year. After determining that a person is a money-lender, the courts will have to call for evidence to decide whether money-lending is his principal business or whether he is a doctor or a lawyer first and what is the income derived by him from his business of money-lending and what is the amount that he has realised from one or more of the other professions that he is following, and the courts will have to deal with matters embracing all the branches of human professions. Therefore I say that the proposal before us is impracticable and goes against the very object which the mover of the amendment has in view.

Mr. President: I shall split the amendment into two parts and put those parts separately. The first amendment is—

"That in sub-clause (6) of clause 2, the word 'means' be substituted for the word 'includes'."

The question is that that amendment be made.

The motion was lost.

Mr. President: The second amendment is—

"That in sub-clause (6) of clause 2 for the words 'whose business' the word 'whose sole or principal business' be substituted."

The question is that that amendment be made.

The motion was lost.

Mr. President : As in the course of the debate on the last amendment, the point on which I gave a ruling a few minutes ago was adverted to again, I wish to make the position further clear. The whole confusion is due to bad drafting. Had the amendment been in the form "these words be omitted from clause . . . and added or inserted as proviso to" . . . it would have been quite in order. Exactly the same thing happened in the case of the Court-fees Bill. It is quite clear that when an amendment is discussed and disposed of without an expression of opinion or reservation that it will be subsequently added as a proviso it cannot be moved again.

The Honourable Mian Sir Fazl-i-Husain : The numbering of the amendment does not rest with the proposers.

Mr. President : Had the amendments been given in that form both by the Government members as well as by other members they would have been in order. I can assure the honourable members on the authority of the Secretary of the Council that not a single amendment has been split up or altered by him. All amendments are printed in the agenda in the language and form in which they were received.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] : Sir, with your permission, I beg to move my amendment in two parts. The first part of the amendment runs—

"That in sub-clause 6 of clause 2 the words, 'or who is a partner in any firm which carries on such business' be omitted."

The second part of the amendment runs—

"That in sub-clause 6 of clause 2 the words, 'or who advertises or announces himself or holds himself out as carrying on such business' be omitted."

Sir, with regard to the words "or is a partner in any firm which carries on such business" I have to say this. At the time of the general discussion, some of my honourable friends in this House have discussed this question and therefore I will not take much of the time of this House. My reason for bringing in this amendment is that it concerns the joint Hindu family. We, who are Hindus, are governed by a law which was enacted not by the British Government nor by the Muhammadan Government but by our sages and this law has existed for centuries and this has also been recognised by the British Government. The presumption about a Hindu family is that it is joint unless it is otherwise proved. It has been so held by courts. Instances were given to this House where it was said that some of the Hindus whose families have been carrying on ordinary business have to pay the debts of the firm because they were members of a joint Hindu family although they themselves have adopted some other profession. Sir, I submit that the honourable mover of this Bill should take this most reasonable amendment of ours into consideration and the Government also should give their best consideration to it and accept the same. Pray do not interfere with our joint Hindu family system. If you do not accept the amendment you will simply make matters complicated. The result would be that a gentleman who holds the position of a Commissioner or so by having passed his Indian Civil Service Examination who has nothing to do with money-lending, who belongs to a Hindu firm in which he was born and which is carrying on money-lending business if he occasionally lends his spare money, say Rs. 500 or Rs. 5,000 to another Indian Civil Service friend of his and does not keep account and if his firm is

[Lala Mohan Lal.]

held to be doing money-lending business and if he wants to recover money by having recourse to a court of law and if the borrower is permitted under this Bill to set up the plea that he is a money-lender who has not complied with the provisions of this Bill and if the penalty is 'the dismissal of his suit, then it would go very hard with that gentleman.

Take the case of a doctor who belongs to a joint Hindu family which does money-lending business. If the poor man after serving faithfully under the Government and after getting some gratuity or pension saves some little money and lends it to somebody so that it may be of use to him after his retirement and if he has recourse to a court of law to recover his debt and if the plea is taken that he is a money-lender coming under the provisions of this Bill and has not kept account and if his suit is to be dismissed on the ground of his non-compliance with the provisions thereof, then it would be very pitiable indeed. So far as regards the first part of my amendment.

With regard to the second part which runs—

"That in sub-clause 6 of clause 2 the words 'or who advertises or announces himself or holds himself out as carrying on such business' be omitted."

in my opinion these words are redundant. They have apparently been copied by the mover from the English Act. In England a person advertises himself as a money-lender and so these words were included in that Act. I do not know of a single case in India—probably the honourable mover will be able to throw light on the subject—where a money-lending firm either advertises or holds as such. My submission is that these words are absolutely redundant and they should be deleted. With these remarks, I submit my amendment for the acceptance of the House.

Mr. President : Clause under consideration, amendment moved :

"That in sub-clause (6) of clause 2 the words 'or who is a partner in any firm, which carries on such business, or who advertises or announces himself or holds himself out as carrying on such business' shall be omitted."

The question is that that amendment be made.

Dr. Gokul Chand, Narang: [North West Towns (Non-Muhammadan). Urban] : Sir, I am not very particular about the words that follow 'on such business or who advertises or announces himself or holds himself out as carrying on such business'. Whether these words are retained or not would not make much difference, although it would be desirable to leave out a redundant collective word as has already been pointed out by the honourable mover of the amendment. All the clauses of a statute are like the old *sutras* and the *sutra* books of ancient *Rishis*. It was said that whenever a Hindu law-giver or a *Rishi* could eliminate even one syllable from a *sutra* that he had framed, he felt so happy as if he had come across a great blessing. So on that ground this may be omitted, but the sting of the clause as it stands lies in the implication of the word 'firm'. I believe that to the framers of this clause, probably the implication that has been pointed out by Lala Mohan Lal did not occur. They thought it would be a regular firm of businessmen who club together their capital and labour and carry on business of money-lending as a firm instead of singly. If that had been so, I would have had no objection. But unfortunately the implication which is objectionable in this clause in this country could never have been dreamt of by the framers of the English.

Money-lenders Act. This clause as has already been pointed out has been bodily taken from the English Money-lenders Act and the difference has been overlooked. The difference is that in India a large class of people called the Hindus, especially the so-called higher classes of them are governed by the Hindu law and one of the very curious, peculiar and extraordinary incidents of Hindu law is that when you belong to a family, a joint Hindu family, unless you can prove that partition has taken place, the presumption is that you are as a rule responsible for every transaction that the Hindu family to which you belong carries on. Therefore without even your knowing what the other members of your family might be doing in the way of business, you are liable to be made responsible for it. For instance if one member of the family acquires property, one of the privileges of the Hindu law is that every other member of the joint Hindu family would become automatically a co-sharer in it. It does not matter whether the person in whose name the property is acquired had earned every penny of the money that had gone into the purchase of the property and the other members had not contributed a single pie from their income and even if they had no income at all. It is one of the peculiarities of Hindu law. In the same manner, the members of a joint Hindu family suffer from certain disabilities. Therefore in order to guard innocent members of a joint Hindu family firm which carries on business of money-lending, it is necessary that this amendment may be accepted, or if it cannot be bodily accepted, it may be accepted with some modification.

The Honourable Mian Sir Fazl-i-Husain : Safeguard against what ?

Dr. Gokul Chand, Narang : Safeguard them against this : that by the mere fact of their being members of a joint Hindu family, they should not be considered as money-lenders if a member or the whole joint Hindu family is held to be a money-lender. I hope, I have made myself clear. I can give you one very clear instance. It is a published case and I do not think I would be betraying any secrets or going into the private history of any individual if I refer to that case in the open House. Here there is a respectable member of the Indian Civil Service, now posted as Sessions Judge in the United Provinces. He belongs to a family which was engaged in business and in the course of that business that family had incurred certain liabilities. The result was that as those liabilities could not be met at the proper time, a suit was brought against the managing member of the joint Hindu family. Although that gentleman, the member of the Indian Civil Service I have referred to was not even aware that the family had incurred certain liabilities, the suit was decreed and execution was taken out and in the course of that execution his salary was attached. It was objected to by him that he was a member of the Indian Civil Service and that he knew absolutely nothing as to the liabilities incurred by the family and that the proceeds of the debts which the family had incurred had not gone in any way to benefit him. But it was pointed out that as he had been educated in England in a special manner, at the expense of the joint Hindu family of which he was a member he was equally liable with every other member of the joint Hindu family, and if I am not mistaken even his appeal in the Privy Council on this point was dismissed so that the liability attaching to him may be still continuing.

Now, it may be said by those opposed to this amendment that the difficulty would only arise if such a member appears as a

S. R. M. plaintiff in court and if he does not lend money to any body he would be quite safe because he would neither lend nor therefore he

[Dr. Gokul Chand, Narang.]

would have to go to court. So far as this argument goes, it is perfectly all right. But you have made a provision in the Bill which may become a law some day, that a money-lender may suffer even if he appears as a defendant. Even then an issue will be framed whether he was a money-lender or not because it is open to a borrower to go to court and ask for the redemption of a property of which he has given a mortgage to the joint Hindu family. He may be made a defendant on some allegation that he is the managing member of the family and so on, may be on his retirement or when he is on leave or furlough for a long time. The poor fellow will have to appear in court and then issues will be framed and he will have to prove, or in any case he will have to meet the case whether he is or is not a money-lender, and as his family is a money-lender, which he cannot deny, because the mortgage was taken or the loan was advanced by some members of the joint Hindu family who were admittedly money-lenders, the inevitable result would be if this sub-clause stands that he will also be classed as a money-lender, and that stigma, that obloquy will be heaped upon him as a money-lender. The word money-lender has become a term of abuse in this province and the money-lender has come to be hated by the borrowing classes and also by some members of Government. I am aware of an instance where a young man fully qualified went for service. He was asked whose son he was. He said his father was an engineer. He was then asked what his grandfather was. He said he was a *sahukar* or a money-lender. The man was almost kicked out of the office. "Go out" he was told, "we do not want money-lenders' grandsons here." That is what happened in this case. So that you see the word money-lender has become a term of abuse because of the consistent obloquy heaped upon it by the borrowing classes and by some official members who take delight in special pleading for one class and pour forth literature which is nothing but venomous from this point of view. I would therefore submit that in the interests of those who are not money-lenders who are in Government service, or are barristers or doctors of some standing and are not likely to indulge in money-lending, it is necessary that this amendment should be accepted. Or make the amendment so that a money-lender should not appear at any time as a defendant. Then it is possible for a man to avoid going to court. It rests with him to go to court as a plaintiff or not, but any one can drag him as a defendant. Therefore so long as this provision is there, this amendment ought to be accepted and these words ought to be deleted.

Sardar Jodh Singh (Sikh Urban) : Sir, just now we were speaking of a doctor who may lend money and the honourable mover said that anyone having one or two such transactions will not be termed a money-lender. But if he is a member of a joint Hindu family and one of the members of that family is a money-lender, then he will also be dubbed a money-lender even though he had indulged in one or two transactions and the safeguard which the honourable the mover pointed out will be of no avail. The question is whether that man is doing money-lending business or not. Just now it was pointed out to us that a man who was actually carrying on some other profession but who lent money at the usual bank rate of interest, would not be termed a money-lender because his transactions would be confined to one or two. But in this case he would certainly be dubbed a money-lender.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural] : Sir, the only dispute with us now being talked of is on the following words : A money-lender is a man who is a partner in any firm which carries on such business, or who advertises or announces himself or holds himself out as

carrying on such business'. No one has put forward the proposition that any one who advertises or announces himself or holds himself out to be a money-lender, should not be called a money-lender. Then the argument is reduced to this that we should omit a man who is a partner in any firm which carries on such business. If there is a man who allows himself to become a partner in any firm whose business is that of money-lending and who shares its profits, there is no reason why he should not be called a money-lender.....

Dr. Gokul Chand, Narang : But under the Hindu Law he inevitably becomes a partner from the time of his birth.

Malik Firoz Khan, Noon : Cannot he separate himself from the joint Hindu family? If he continues to be a member of a joint Hindu family, it is his own look out...

Dr. Gokul Chand, Narang : He cannot separate himself.

Chudhri Duli Chand : He can.

Dr. Gokul Chand, Narang : May I make a personal explanation?

Mr. President : Personal explanations are allowable for clearing up any misunderstanding but they cannot be allowed for refuting arguments advanced by other speakers.

Dr. Gokul Chand, Narang : Sir, I just wanted to say this much that under the ruling of the High Court a Hindu cannot claim partition during the life time of his father...

Mr. President : Order, order.

Malik Firoz Khan, Noon : This is not a question of a Hindu family. This is a question of a firm which is carrying on the business of money-lending and if a member allows himself to be a partner of that firm, I do not see why he should not be called a money-lender.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] : I simply want to say one word that a member of the joint Hindu family cannot dissociate himself from the joint Hindu family without forfeiting his right of succession. If that family has any stake in the country or any business of a large value, every member of that joint Hindu family will think twice before he will dissociate himself from that family unless there is a partition.

Dr. Gokul Chand, Narang : He cannot claim partition under the law.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu) : Sir, so far as the amendment under consideration is related to a Hindu joint family, it should not be discussed at all. The argument advanced by the honourable member to delete the word 'firm', citing the example of a joint family only, carries no weight in our eyes. Sir, on principle there is no difficulty which is to be met with. It has been remarked that an exception must be created in favour of a doctor or a member of the Indian Civil Service who is a member of a joint family but has nothing to do with the family business. Sir, in reply to this I would

[Maulvi Mazhar Ali Azhar.]

submit that ordinarily the earnings of a doctor or a member of Indian Civil Service, being a member of a Hindu joint family, belong to the joint family and as such he cannot be excepted if the joint family funds are used for money-lending purposes. This shows that in such cases on principle there is no difficulty. But in practice a difficulty indeed may arise in the case of a person who advances a loan privately to another even if he does not follow the money-lending profession simply on account of his being a member of a joint Hindu family, although if the advances made by him alone are taken into consideration he would not come under the definition of a money-lender, as is given in this Bill. For such cases I would suggest that a proviso may be made by which such a partner of a Hindu joint family may be exempted, but the present amendment cannot be supported as it covers larger ground.

Mr. President : Clause under consideration amendment moved :

"That in sub-clause (6) of clause 2, the words 'or who is a partner in any firm which carries on such business' be omitted."

The question is that that amendment be made.

The motion was lost.

Mr. President : Clause under consideration, amendment moved :

"That in sub-clause (6) of clause 2, the words 'or who advertises or announces himself or holds himself out as carrying on such business' be omitted."

The question is that that amendment be made.

The motion was lost.

Lala Diwan Chand [Amritsar City (Non-Muhammadian)]: Sir, I beg to move—

"That the following be substituted for sub-clause (8) of clause 2—

'Suit means a suit instituted after the commencement of this Act in the court constituted under the Punjab Courts Act'."

Mr. President : Clause under consideration, amendment moved :

"That the following be substituted for sub-clause (8) of clause 2 :—

"Suit means a suit instituted after the commencement of this Act in the court constituted under the Punjab Courts Act."

The question is that that amendment be made.

Dr. Gokul Chand, Narang : Sir, I just want to say a few words on this amendment. Probably it is a matter which relates to my profession. We are attaching a very great importance to the findings of a court on certain matters. It is therefore necessary that the court whose finding is to carry such weight and is to create a presumption in subsequent proceedings should be a court of some well-established standing. As it is, as was said by several speakers. . . .

Maulvi Mazhar Ali, Azhar : I rise to a point of order, Sir. It has already been decided under the definition of the word 'court' that court includes a collector proceeding under the Punjab Courts Act of 1913. In this case, Sir, the definition of the word 'suit' is being contested and as it has

already been held that a court is to include the court of a collector, I submit, Sir, that this amendment, which intends again to contest the same point and to redecide that which has already been decided, is out of order.

Dr. Gokul Chand, Narang : There is nothing in this point of order, and if necessary I can satisfy the President that there is no inconsistency.

Mr. President : I see no inconsistency. The honourable member may proceed.

Dr. Gokul Chand, Narang : Thank you, Sir. I was proceeding to show that when the findings in a suit were to be given so much importance, those findings ought to be by courts of some standing and therefore for the purposes of this Act no suit should be considered a suit unless it is instituted and disposed of by a court constituted under the Punjab Courts Act. That is a special enactment which is in force in this province and certainly the framers of that Act were careful enough to see what kind of courts would be necessary for the requirements of this province and what courts would be competent to deal with the questions that might legitimately crop up between litigating parties. Therefore the word suit should be confined to the suits which are filed in any of the courts specified in the Punjab Courts Act. The definition as it is, is not a very appropriate one. It says :—'Suit means a suit instituted in a civil or revenue court after the commencement of this Act and includes a proceeding under the provisions of the Redemption of Mortgages (Punjab) Act, 1918.'

With these remarks I strongly support the amendment which has been proposed.

Mr. President : Clause under consideration, amendment moved :

"That the following be substituted for sub-clause (8) of clause 2 :—

'Suit means a suit instituted after the commencement of this Act in the court constituted under the Punjab Courts Act.'

The question is that that amendment be made.

The motion was lost.

Mr. President : The next two amendments are not quite consistent with what the House has just decided.

Dr. Gokul Chand, Narang : Sir, strictly speaking they are, though they are just on the border line ; and a man is still safe so long as he is on the edge of the precipice and has not actually fallen down.

Mr. President : I am inclined to think that if these amendments are carried they will negative in effect the amendment which has been just disposed of.

Dr. Gokul Chand, Narang : I will not own that ; and though I am prepared to argue it, I leave it to you.

Mr. President : The question is—

"That clause 2 as amended stand part of the Bill."

The motion was carried.

Mr. President : Clause 3.

Mr. V. F. Gray : [Punjab Chamber of Commerce and Trades Association, Commerce] : Sir, I beg to move the amendment standing in my name :—

“That sub-clause (1) of clause 3 shall be preceded with the following words :—

“(a) Regularly record and maintain accounts in accordance with the English accountancy system of Book-keeping, or (b).”

I move this amendment because I understand the accounts that are likely to be prescribed by the local Government will be very, very plain and very simple ; and it seems to me that large firms who keep their books in a recognized, though perhaps moderately complicated manner, should not, if they get caught under this Act, be excluded from recovering their money in courts on that account. I realise that a firm which does not keep accounts for six months stands to lose the interest. It seems very inconsistent that a set of books acknowledged by the world as being correct, insisted on by the income-tax people, should be refused by a court because of the Bill. I ask this to a large extent in order to protect large firms and I see nothing in it that the mover can in any way object to. We are not asking the illiterate money-lender or anybody else to follow these accounts. But if anybody does follow these accounts, which are perfectly understandable—you can produce six-monthly accounts out of them just as easily—I think it will be very wise to allow these books to be accepted by the court as keeping accounts. I do not think I need dilate on the matter further.

Mr. President : Clause under consideration, amendment moved :

“That sub-clause (1) of clause 3 shall be preceded with the following words :—

“(a) Regularly record and maintain accounts in accordance with the English accountancy system of Book-keeping, or (b).”

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, this amendment is one that appears to be a good one, and when the rules for keeping accounts or deciding upon the various modes of keeping accounts are being framed, it is quite possible that as an alternative it will find a place in them ; but in the body of the Bill I do not think it is called for inasmuch as in the body of the Bill the other alternative form of keeping accounts is not being provided. I trust Mr. Gray appreciates that we cannot lay down one mode of keeping accounts in the Bill and then say that rules will be framed as to the other by Government later on.

Mr. V. F. Gray : I cannot agree to the explanation, Sir. One of the big grounds that we have on this side is that we have not laid in front of us now any definite form of accounts and yet we are asked to prescribe penalties for matters that we do not know.

Mr. President : The honourable member is not entitled to make a speech. I thought he had stood up either to withdraw or to reply.

Mr. V. F. Gray : I thought I was replying, Sir.

Mr. President : In that case the honourable member is in order.

Mr. V. F. Gray: I have pretty well finished. I will only restate that if we do not know what is going to be prescribed that is no reason why we should not make a certain safeguard for people who do keep their accounts correctly. I daresay that the good sense of the local Government will prescribe these books, but it is also likely that they might not. They might just as easily prescribe very, very simple books, and I do not think there is any reason why it should not appear in the Bill, because it is the local Government which has to prescribe the forms, and I do think that it will give a little bit of confidence to people outside the province if books kept in the English form would be accepted by a court in the Punjab as they are accepted by every other court in the world.

(At this stage Dr. Gokul Chand, Narang rose to speak.)

Mr. President: I was under the impression that Mr. Gray had stood up with a view to accept the suggestion made by the Government member and to withdraw his amendment; but when he began to make a speech I allowed him to make a reply. The effect of this is that some other members who meant to participate in the debate have been deprived of their right. Thus there is a clear misunderstanding, so I have no objection to other members having their say, if they so wish.

Dr. Gokul Chand, Narang: I am conscious, Sir, that I am troubling you and perhaps the House very often, but I may make it clear that I am also troubling myself very much; it is a painful duty that has to be discharged.

Now, Sir, Mr. Gray was just going to give a very good argument in support of his amendment when he was pulled up and reminded that he had only to give an answer and could not make a speech. Here we are met with a very curious spectacle as we proceed with this measure. It is this. We prescribe the penalties—and very severe penalties—so far as the Bill that is put before us for consideration is concerned. The penalty extends even to the dismissal of the suit so far as the present provisions of the Bill are concerned. And that penalty is to be imposed—when?—When a money-lender has not kept his books in accordance with the form to be prescribed by the Government hereafter. Now, Government may be very paternal; may be very good and just and at the same time very intelligent also. It will not make any mistake; it will not deliberately throw any obstacles in the way of the people. But I put it to them, with your permission, *"is it not clear that you are asking this House to lay down the penalty for an offence which is to be laid down by you afterwards"*. The thing which has to be done is absolutely undefined. We have no idea what the accounts would be. We can only hope for the best just as a man who is in the grip of a person who is stronger than himself can only hope that God would inspire the man who has got the upper hand with merciful considerations. But there it is. He is at the mercy of the man who has got him in his grip. The same is the position of those people of the Punjab who can be described by any means as money-lenders. Mr. Gray's amendment removes that suspense and that difficulty to a certain extent. We are familiar with a certain form of accounts and we will know that even if the Government prescribes some horribly difficult form of accounts we shall be safe so long as we follow these accounts because it is in the statute, and the power of the Government to do mischief, if it were mischievously inclined, would be taken away to a very great extent. I do not mean to say that the Government would do anything which can be

[Dr. Gokul Chand, Narang.]

described by that objectionable word. Not by any means. But when we are discussing provisions of law we have to guard against everything. It may not rain for months but still people require water spouts on their roofs and so on. I would, therefore, submit that in the interests of some sort of certainty, some sort of consolation, some sort of definiteness, this amendment ought to be carried, so that we shall know that so long as we follow this English system of accountancy in keeping our accounts, we shall be safe. I hope it would be possible for the Government to prescribe accounts which are much more simple than the British system of accountancy because the British system of accountancy is not a very simple and a very easy thing. We are familiar with it. Double entry system, daybook, cash book, and ledger—Heaven knows how many other things there are in the English system. But after all, though it is difficult, it is certain. You know with what weapon you are going to be chastised and therefore, to that extent, your anxiety and your suspense are relieved. Without dilating any further upon this point I would ask the House to accept this amendment.

Mr. President : (Clause under consideration, amendment moved :—

"That sub-clause (1) of clause 3 shall be preceded with the following words —

"(a) Regularly record and maintain accounts in accordance with the English accountancy system of Book keeping, or (b) "

The question is that that amendment be made.

The motion was lost.

Dr. Gokul Chand Narang : Sir, I beg to move :—

"That in sub-clause (1) of clause 3, for the words 'regularly record and maintain accounts' the words 'keep accounts' be substituted."

This is a formal amendment and I need not say one word by way of argument in support of it.

Mr. President : Clause under consideration, amendment moved :—

"That in sub-clause () of clause 3, for the words 'regularly record and maintain accounts' the words 'keep accounts' be substituted."

The question is that that amendment be made.

The motion was lost.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural.] : I beg to move, Sir :—

"That in sub-clause (1) of clause 3, after the word 'accounts,' where it occurs for the first time the following be inserted :—

"of all his transactions relating to loans."

This is just a qualifying amendment, Sir, and it suggests that the money-lender need not be forced to record in his books every transaction that he enters into. He has only to record his loan transactions.

Dr. Gokul Chand, Narang : With your permission, Sir, I think that if I make a suggestion, the learned mover would accept it. The amendment ought to be, if he agrees to it, "of all his transactions relating to a loan," because in a suit we will be concerned only with a loan, and in certain cases, supposing a suit is instituted, the defendant can show from

other pages of the account book that a certain other loan has not been regularly recorded and thereon the court may say that the provisions of the law have not been complied with. What is wanted is the recording of the transactions with respect to a loan which is the subject matter of the suit. I think the learned and honourable Legal Remembrancer would advise the Honourable Mover of this amendment to accept my suggestion.

Mr. President : Clause under consideration, amendment moved :—

" That in sub-clause (1) of clause 3, after the word 'accounts' where it occurs for the first time the following words be inserted :—

' of all his transactions relating to loans.. '

The question is that that amendment be made.

Mr. V. F. Gray : I would like to ask one question. What will the Income-tax Officer think of the Government insisting on people keeping a still further set of books ?

Mir Magbool Mahmood : As to the point raised by my learned friend the honourable Dr. Gokul Chand, Narang, I will suggest to him that if he looks up a later clause of the Bill, he will find that it makes it clear that the penalties come in only when he has made an omission with respect to the loans which are the subject matter of the suit. So, his objection is covered by this later clause, and if he is not satisfied there, he can point it out there. Here, unless we have it in a form so as to cover all his transactions we are not safe. Therefore, Sir, I regret I cannot accept his amendment.

Mr. President : Clause under consideration, amendment moved :—

" That in sub-clause (1) of clause 3, after the word 'accounts' where it occurs for the first time the following be inserted :—

' of all his transactions relating to loans.. '

The question is that that amendment be made.

The motion was carried.

Mr. Labh Singh : [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural] : Sir, I beg to move :—

" That in sub-clause (1) of clause 3, the words 'and in such accounts books' be omitted."

My purpose in moving this amendment is very simple. It is this. The form of accounts has been prescribed by the Government. That is all what is called for. Why should we be asked further to use such books as the Government may like for the purpose of keeping our accounts? The Government might prescribe books which might be very expensive for some persons and for certain other persons they may not be good enough to be used. I would submit that it will be creating unnecessary difficulties if the books were to be sold by the Government. The books should be such as can be had from the bazaar and in the ordinary markets. I therefore submit that only the form of the accounts should be prescribed by the Government and not that the Government should undertake the sale of books.

Mr. President : Clause under consideration, amendment moved :—

" That in sub-clause (1) of clause 3, the words 'and in such account books' be omitted."

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural]: Sir, I will just say one word. The amendment seems very unreasonable on the very face of it, if the honourable member would excuse my saying so. He does not object to the form of the accounts to be prescribed but he says that the books should not be prescribed. One of the difficulties which was pointed out in the course of the discussion was that unfortunately it may happen, as it happens sometimes nowadays, that pages may be conveniently inserted or removed. We want a form of books which is more or less standardised, where the paging is on a receipt book basis and in the statement of accounts sent to the borrower the number that the ledger bears appears, so that there could be no insertion or removal of pages. It is because of that that this clause is inserted.

Mr. President: Clause under consideration, amendment moved:—

"That in sub-clause (1) of clause 3, the words 'and in such account books' be omitted."

The question is that that amendment be made.

The motion was lost.

Lieutenant Sardar Sikandar Hayat Khan [Attock (Muhammadan), Rural]: Sir, I want to narrow down my amendment if you will permit me to do so.

Mr. President: It would be better if the honourable member would take the trouble to write down his amendment.

Lieutenant Sardar Sikandar Hayat Khan: My amendment runs as follows:—

"That in sub-clause (1) to clause (3) the words 'provided that the local Government shall not prescribe the language or the script in which the accounts, including numerals, are to be recorded and maintained' be omitted."

I now simply want 'including numerals' to be omitted and not the other parts. The revised amendment will read as follows:—

"That in sub-clause (1) to clause 3, the words 'including numerals' be omitted."

Sardar Jodh Singh: Is it open to the honourable member to modify his amendment into a new form? We have not had notice. I object to this new amendment, Sir.

Mr. President: I see no objection to an amendment being modified without changing its substance or sense.

Diwan Bahadur Raja Narendra Nath: It is not a verbal modification. It is a substantial modification.

Dr. Gokul Chand Narang: You are opening the door for a very re-criminative argument on this point, I warn you respectfully at this stage, which may take two or three hours. It looks very innocent, but it is not so.

Mr. President: Order, order. With a view to avoid all technical difficulties I would suggest to the honourable member to move the amendment as it stands.

Lieutenant Sardar Sikandar Hayat Khan [Attock (Muhammadan), Rural]: Sir I beg to move:—

"That in sub-clause (1) to clause 3, the words 'provided that the local Government shall not prescribe the language or the script in which the accounts, including numerals are to be recorded and maintained' be omitted."

Mr. President: Clause under consideration, amendment moved:—

"That in sub-clause (1) to clause 3, the words 'provided that the local Government shall not prescribe the language or the script in which the accounts, including numerals, are to be recorded and maintained' be omitted."

The question is that that amendment be made.

Sardar Jodh Singh (Sikh, Urban): Sir, this amendment means that Government should prescribe not only the system of accounts that should be maintained but also the language and the script in which it should be maintained. The omission of the safeguard which has been provided in the Bill now means that a certain script may be enforced upon the inhabitants of the Punjab. A struggle to establish the supremacy of one script has been going on for long in this province. I hope this Bill will not be made an instrument to give supremacy to one script and one set of numerals. Therefore I hope that the honourable mover of this amendment will withdraw it.

Lala Mohan Lal: Sir, I should like to know the attitude of Government towards this subject. In the Select Committee this subject was already threshed out and it was agreed that this question should not be touched. The reason why I desire to know the attitude of Government is that this will save the time of the Council as otherwise this question may take one day or two to decide. If there is no objection I should like to know the attitude of Government.

Mr. V. F. Gray [Punjab Chamber of Commerce and Trades Association, Commerce]: Sir, I wonder if the House will allow me to move an amendment to meet the wishes of all concerned. I would like to move the following sub-clause:—

"Provided further that the local Government shall prescribe and print in each account book the forms of Urdu, Nagari, Gurmukhi and English numerals and those numerals alone shall be used in the accounts".

(A voice: What about *lunde* which is the most prevalent character?)
Well, that may be added too and the number of languages made into five.

Mr. President: Is that a new amendment?

Mr. V. F. Gray: It will be an amendment of course.

Mr. President: If the honourable member will give his amendment to me in writing I will be able to decide whether it should be allowed.

(At this stage Mr. V. F. Gray gave a hint to Mr. President.)

Mr. President: The amendment under discussion will be disposed of first. The new amendment will be taken up, if necessary, afterwards.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, unfortunately you have ruled out the amendment moved by my friend. The amendment does not wish the Government to prescribe any script or

[Mir Maqbool Mahmood.]

numerals to be adopted in the accounts. It is nothing of that kind. The amendment only wishes that Government shall be free to prescribe the language or script just as it is free to prescribe the form. Now that the House has decided to leave the form of accounts to be prescribed by Government, I think it will equally credit the Government that they will not be so rash or unwise as to prescribe any script which cannot be adopted by the money-lender. In fact I hope the omission of this proviso only gives a fair discretion to Government to be exercised consistent with the best interests of the province.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, I need not repeat what Lala Mohan Lal said. I should very much like to have a clear statement from the Government as to what their attitude about this amendment is. I was also a member of the Select Committee and there by way of compromise was agreed on the principle that some simple form of account should be prescribed and an assurance was given to us that the numerals and the script would not be prescribed.

Mir Maqbool Mahmood : Sir, I rise to a point of order. The honourable member is not in order in referring to what happened in the Select Committee. Further, I hope I will be excused if I remind him that the statement that he has made is far from correct. Possibly it has slipped his memory, because this question was clearly voted upon and decided in the Select Committee.

Diwan Bahadur Raja Narendra Nath : Sir, I do not think that the proceedings of the Select Committee are so sacrosanct as those of the Finance Committee. This was a Select Committee appointed to consider the Bill and report on it. I think I am perfectly right in referring to those proceedings.

Next, Sir, I have also rightly stated what transpired in the Select Committee. If the Government were to take upon itself the duty of prescribing the script and prescribing the numerals as the honourable mover of the amendment suggests, it would be undertaking a very difficult task which it would be extremely difficult to discharge. Members of the Council themselves are not fully aware as to how many scripts and how many types of numerals and what forms of numerals are used in different parts of the province. I for myself do not know. Therefore for the Government to undertake that work would involve an elaborate enquiry in every district. Even then in one and the same district different scripts and forms of numerals are used and the money-lenders and borrowers will be put to considerable trouble if Government were to prescribe certain forms of numerals and certain scripts. I would therefore request the honourable mover to withdraw his amendment.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, several members have asked me to state what the attitude of Government in this matter is. The position of Government is this. The clause as it stands says that the Local Government shall not prescribe the language, etc. Government will not vote for the amendment in order to obtain this power. But if the non-official members of the Council entrust that work to Government it will do its best with it. (Hear, hear).

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban] : Sir, Mir Maqbool Mahmood challenged the statement of Raja Sahib. Without disclosing the proceedings of the Select Committee I say definitely...

Mr. President : Order, order. That point is not now before the House. Besides, Mir Maqbool Mahmood's remarks have been answered by Raja Sahib himself. It does not devolve upon the Honourable member to speak again on the same point.

Lala Mohan Lal : Sir, I wanted to say that the Government appears to have changed its attitude. In the Select Committee it was definitely decided that the question should not be touched by Government and that it should only prescribe the form of account. The matter was very thoroughly threshed out in the Select Committee and we came to an understanding that neither the language nor script should be interfered with by Government. It was on this understanding that we left the question of prescribing the form of accounts to Government to decide.

Sir, the question of prescribing the script and the numerals is a question about which my Honourable friend Sardar Jodh Singh has already said that it touches the whole of the Punjab very deeply. I remember a discussion on the subject of the language that was raised in another connection some time back (*A voice* : *In connection with the Gurdwara Bill*). Thank you for reminding me. The Sikhs wanted that the language of the proceedings to be recorded under the Gurdwara Act should be in Gurmukhi and there was a hue and cry in this House and some of the honourable friends said that the question of language is being indirectly introduced into the Punjab. Sir, is it fair, is it just, is it consistent on the part of my honourable friends now to come forward indirectly and with the support of the Government to change that policy of Government which has been in existence for the past so many years? The part that is being played by Government in this respect seems to be very objectionable.

In the Select Committee the Registrar of Co-operative Societies was brought in and he suggested certain very drastic amendments which were adopted. The same procedure is being followed to-day. We have been watching very carefully the attitude of the Government. In every matter the same principle is being followed. Can we leave to the Government the question of script and numerals when we know how we are being treated here? We know that the Government with their majority can carry everything they want. We being in a minority, it is the duty of the Government to be fair and just and treat us all equally. We openly say that the alliance that at present exists between the Government and the majority party of the House is an unholy alliance. When this Bill is passed it will be the first fruit of the reforms that we are going to get. We will know how far the interests of the minority are safe in the hands of the majority. The majority wants to force its will and the Government lends its support and measures like this are passed, and even slight amendments that we would like to be adopted are rejected. I request the Government to take this question into consideration and not touch the question of script in the Punjab.

Mir Maqbool Mahmood : I move :—

"That the question be now put."

Mr. President: The question is :—

"That the question be now put."

The motion was carried.

Lieut. Sardar Sikandar Hayat Khan: I just want to say one word. The question of script has not been introduced with a view to give preference to any particular script. In evidence of my *bonafides* I can only say I am prepared to accept Mr. Gray's amendment added on to my own amendment.

Mr. President: Does the honourable member wish to withdraw his amendment?

Lieut. Sardar Sikandar Hayat Khan: No, Sir.

Mr. President: If the honourable member's amendment is lost, in that case an amendment, identical with it in substance will not be allowed to be moved.

Clause under consideration, amendment moved:

"That in sub-clause (1) to clause (3) the words 'provided that the local Government shall not prescribe the language or the script in which the accounts including numerals are to be recorded and maintained' be omitted".

The question is that that amendment be made.

The Council then divided: Ayes 24, Noes 17.

AYES, 24.

Malik Firoz Khan, Noon.
Mir Maqbool Mahmood.
Sardar Bahadur Sardar Jowahir Singh.
Khan Sahib Lieut. Malik Muzaffar Khan.
Sayad Husain Shah.
Subedar-Major Farman Ali Khan.
Sardar Mohindar Singh.
Chandhri Duli Chand.
Sayad Muhammad Husain.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Chandhri Afzal Haq.
Rao Pohap Singh.

Subedar-Major Asghar Ali Khan.
Maulvi Mazhar Ali Azhar.
Makhdumzada Sayad Muhammad Raza Shah Gilani.
Rana Firoz-ud-Din Khan.
Khan Bahadur Sir Sayad Mehdi Shah.
Munshi Fazal Khan.
Chandhri Nur Din.
Chandhri Ghulam Muhammad.
Khan Bahadur Chandhri Fazl Ali.
Chandhri Najib-ud-Din Khan.
Malik Khan Muhammad Khan Wagha.
Lieut. Sardar Sikandar Hayat Khan.

NOES, 17.

Rai Bahadur Lala Dhanpat Rai
Diwan Bahadur Raja Narendra Nath.
Professor Ruchi Ram, Sahni.
Dr. Gokul Chand, Narang.
Rai Bahadur Lala Sewak Ram.
Lala Bodh Raj.
Lala Sham Lal.
Sardar Jodh Singh.
Lala Mohan Lal, Bhatnagar.

Lala Diwan Chand.
Lala Banke Rai.
Mr. V. F. Gray.
Chandhri Ram Singh.
Lala Mohan Lal.
Mr. Labh Singh.
Sardar Partap Singh.
Sardar Harchand Singh.

The motion was carried.

Mr. V. F. Gray (Punjab Chamber of Commerce, Trades Association, Commerce) : Sir I beg to move :—

"After the word 'prescribe' the following be added 'provided that the local Government may prescribe and print in each account book the forms of Urdu, Nagri, Gurmukhi and English numerals and these numerals alone shall be used in the account books.'"

I hope both sides of the House will agree to my amendment. There are four numerals provided for the money-lender and it will also help the borrower if he is not acquainted with the particular script that is being used. He will have the first ten numbers on the top and the account will be understandable.

Mr. President : Clause under consideration, amendment moved :—

"After the word 'prescribe' the following be added 'provided that the local Government may prescribe and print in each account book forms of Urdu, Nagri, Gurmukhi and English numerals and these numerals alone shall be used in the account books.'"

The question is that that amendment be made.

Chaudhri Ram Singh [Kangra (Non-Muhammadan), Rural] (Urdu), Sir, the amendment under consideration mentions four kinds of scripts in which the account is required to be kept.

Sardar Jodh Singh : I rise to a point of order. It is not a question of script, it is a question of numerals.

Professor Buchi Ram Sahni : The numerals are also somewhat different.

Chaudhri Ram Singh (continued in Urdu) : There are different kinds of numerals as well. The money-lenders have so far been using the numerals of their own choice. I am sorry to remark that to-day they are going to be deprived of this right as well. This amendment shows that the Bill under consideration not only aims at keeping regular and clear accounts but is intended to create insurmountable difficulties in the way of the money-lenders. Sir, in my district, Takare (تاکر) numerals are used. In Amritsar and other towns a different set of numerals is used. Sir, if this amendment is carried, would the money-lender be required to engage clerks for the purpose? That is what I ask. If so, imagine what a great inconvenience the money-lender would be put to? The attitude adopted by the honourable members on the opposite benches in connection with this Bill creates great suspicions.

Mir Maqbool Mahmood : Sir, I rise to a point of order. I find that the amendment moved by my learned friend for the Chamber of Commerce is that Government may prescribe this language. Already we have decided to leave Government the discretion absolutely and having decided that, are we in order to move an amendment in the form of *may*? It should have been, "Government shall prescribe". But when we omit all the words of the proviso, we are in fact going back on what we have already decided. Unless he puts in the word *shall* we are going back on what has been decided.

Mr. V. F. Gray : Sir, may I change it to *shall*? If that would meet the wishes of the House I am prepared to change it to *shall*.

Mr. President : It is not with the previous approval of the House. It is for the honourable member to put it if he so desires.

Mr. V. F. Gray : Very well, Sir, I should change it to *shall*.

Chaudhri Ram Singh : Sir, even if we leave it to the Government to prescribe numerals, they might prescribe Urdu or English numerals. Sir, if you press this amendment we will have to draw our own conclusion, which is this that this Bill is undoubtedly a Muslim measure for all the Muhammadans have voted for it. The discussion on the amendment has reminded me of the day when Chaudhri Afzal Haq while discussing on the amendment moved by the Sikh members in order to prescribe Gurmukhi for the purposes of the Gurdwara Act, said :—

— اے ہندوستان کے ہر مذہب کے لوگ ایک ہی ہیں —

(It is the bier of the lover and as such should be carried in state.)

When anything affects them they cry but when any hardship affects others they become indifferent.

Mr. President : Order, order. The honourable member is not in order in referring to matters which are irrelevant to the amendment now before the House.

Chaudhri Ram Singh (continued in Urdu) : Sir, I would request.

Mr. President : Order, order. The honourable member will please proceed with his speech, speak to the motion now before the House and not wander away from it.

Chaudhri Ram Singh (continued in Urdu) : Sir, I know for certain that in Amritsar and other cities of the Punjab accounts of all kinds are kept in *lundes* and, therefore, I request the House that these numerals should not be ignored. With these words I request the House to reject the amendment under consideration.

Lieutenant Sardar Sikandar Hayat Khan [Attock (Muhammadan), Rural] (Urdu) : Sir, I think the honourable member for Kangra is labouring under a misunderstanding. So far as my experience goes I have not been able to find out any numerals other than those named in the amendment, that are used in keeping accounts. I have been doing business and I am still doing it in Kangra as well as Amritsar, but am not aware of any numerals other than those mentioned in the amendment. As regards the convenience of the money-lender I asked for the leave of the House to narrow down my amendment but the leave was not given as the learned Doctor and other honourable members on the opposite benches did not see their way to allow me to modify my amendment. Sir, we have not moved the amendment to inconvenience the money-lender but in order to do away with confusion that is likely to arise if we do not specify the numerals to be used.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I want to express my surprise at this amendment and I can only attribute it to ignorance on the part of the mover of the amendment, although in a merchant, and specially the President of the Chamber of Commerce, such an ignorance is not easily excusable. The numerals, Sir, which are most in use in keeping the native system of accounts, or the mahajani system, are somewhat different from the numerals of the Gurmukhi or the Hindi or any of the

other characters that have been mentioned in this amendment. It is true that there is a certain amount of similarity, but I am sure

Mr. President: Order, order, I am afraid the honourable member is repeating the honourable Chaudhri Ram Singh's argument about the numerals in force in the Punjab. He would please avoid repetition.

Professor Ruchi Ram, Sahni: I should be very sorry if I were repeating the very same arguments. Chaudhri Ram Singh's was a wider statement. I want to point out that although the numerals, the Hindi or the Gurmukhi numerals are very much similar to the mahajani numerals, still they are not exactly the same. The mahajani will find it very hard to keep their accounts in any of the characters that have been mentioned by my honourable friend, the mover of the amendment. It was not long ago that our friend, another representative of Commerce, who is not present in the House to-day, I mean Mr. Owen Roberts, pointed out in connection with another amendment here in this Council that the accounts kept in the mahajani characters are better kept and show the accounts in a clearer manner than even sometimes the accounts kept by his clerks in the English system. The Honourable the Director of Public Instruction, will bear me out when I say that even in the Education Department, the need was felt long ago of starting schools for teaching boys to keep the native system of accounts in the mahajani characters. The mahajani characters are known all over India, as the Gurmukhi characters are not known, and therefore, Sir, I submit that the amendment which my honourable friend the President of the Chamber of Commerce has moved is incomplete and I, for one, cannot see my way to supporting it.

Lala Mohan Lal [North-East Towns (Non-Muhammadian), Urban]: Sir, having regard to the amendment which we have just now passed by which the question of prescribing the scripts and the numerals has been left to Government, it will be inconsistent that when the scripts are to be prescribed by Government, the numerals should be fixed by this House. I am strongly of opinion that Government while prescribing the numerals should take into consideration the scripts that now prevail in different parts of the Province and prescribe the numerals that are consistent with those scripts.

For this reason I oppose the amendment that has been moved by Mr. Gray who is not very much cognisant with the conditions that exist in the Punjab and I submit that the whole question should be left to Government.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, I would ask Mr. Gray to give weight to all that has been said and withdraw the amendment. It does no good to the interests that he represents. It may do harm to the interests that we represent.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I am quite willing to withdraw the amendment that I have moved if the House so wishes me to do. I have been accused of want of knowledge, but in these matters it is a matter of compromise. Mir Maqbool Mahmood has already agreed to those four forms and I think it is very much better to have those four forms than to leave it open to have anything or nothing. I am accused of not introducing *lundes*. There are a very large number of characters in *lundes* and it is on this account the

[Mr. V. F. Gray.]

honourable mover of the Bill won't accept my amendment if I include *leads*. If it is the wish of the House, I will withdraw my amendment.

Mr. President: Is it the wish of the honourable member to withdraw #?

(Cries of 'withdraw, withdraw' and of 'no, no, don't'.)

Mr. V. F. Gray: No, Sir, I do not withdraw.

Mr. President: Clause under consideration, amendment moved—

"That after the word 'prescribe' the following be added:—

'Provided that the local Government shall prescribe and print in each account book the forms of Urdu, Nagri, Gurmukhi and English numerals and those numerals alone shall be used in the accounts.'

The question is that that amendment be made.

The motion was carried.

Mr. President: It is the wish of some members of the House to sit up to 6 o'clock to-day.

(A voice: up to 6 o'clock.)

(Cries of no, no.)

Mr. President: As there is a difference of opinion among the honourable members, I have to adjourn the House.

The Council then adjourned till 10-30 a.m. on Wednesday, the 7th July 1926.

PUNJAB LEGISLATIVE COUNCIL.

8th SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Wednesday, the 7th July 1926.

THE Council met at the Assembly Chamber at 10-30 of the clock. Mr. President in the Chair.

GATH OF OFFICE.

The following member was sworn in :—

Colonel C. R. Bakhle (Official, Nominated).

THE PUNJAB BORROWERS' PROTECTION BILL.

Mr. President : The Council will now resume consideration of clause 3.

Mr. Labh Singh [Rawalpindi Division and Lahore Division, North (Non-Muhammadas) Rural] : Sir, with your indulgence, I beg to move an amendment to sub-clause (1) of clause 3. It will be an amendment to the amendment of Mr. Gray. My amendment is—

"That the word 'and' between the words 'Gurmukhi' and 'English' be omitted and that the following words be inserted after the word 'English' : 'Mahajani and such other characters as may be in vogue in the various districts of the province.'"

I think no speech is necessary in order to reinforce this amendment. The amendment of Mr. Gray prescribes only Gurmukhi, Nagri and English characters and my amendment seems to insert the mahajani numerals which as we are all aware are the numerals which are employed not only in the province but also in other provinces as well. In addition to that we have also the *lunde* characters in the various parts of the province. The insertion of these additional words proposed by me would make the amendment of Mr. Gray better and would reduce to a very considerable extent the absurdity of the clause as it stands.

Malik Firoz Khan, Noon : I would suggest 'or' for 'and' and the substitution of 'numerals' for 'characters.'

Mr. President : The following amendment was moved by Mr. Gray yesterday :—

"Provided that the Local Government shall prescribe and print in each account book the forms of Urdu, Nagri, Gurmukhi and English numerals and those numerals alone shall be used in the account."

Since which a further amendment has been moved as follows :—

"That the word 'and' between the words 'Gurmukhi' and 'English' be omitted and that the following words be inserted after the word 'English' : 'Mahajani or such other numerals as may be in vogue in the various districts of the province.'"

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammedan) Rural] : I would suggest a formal amendment to the amendment moved, if it is acceptable to the honourable member who moved the amendment. The amendment in the first instance does not define what is 'mahajani.'

An Honourable member : Do you define 'English numerals.'

Mir Maqbool Mahmood : They are well known all over the world. Secondly, if you were to ask the Government to incorporate every set of numerals in the various districts of the province you may have in one district as many as 15 or 20 thousand sets of numerals in vogue. What I would suggest is that after the word 'English' the following words be inserted : "and any others of the numerals in vogue in the Punjab." That would leave the Government free not to insert any other set of numerals. If the amendment suggested by my learned friend were to be carried, it would mean that we shall be forcing the Government to prescribe every set of numerals in vogue in the Punjab. Government may find itself in the impossible position of having to prescribe as many as 15 thousand sets of numerals as we learn from the income-tax returns. Every money-lender has a set of numerals which does not agree with others adopted in the same vicinity. I appeal to my learned friend Dr. Narang to see the reasonableness of my amendment.

Shaikh Muhammad Sadiq : Please read the whole amendment.

Mir Maqbool Mahmood : The whole amendment would read as follows : "Provided that the Local Government shall prescribe . . ."

Mr. President : Order, order. If I understand the honourable member aright what he proposes is that the word 'mahajani' be omitted and that the amendment be read thus :—

"That the word 'and' between 'Gurmukhi' and 'English' be omitted and that the following words be inserted after 'English' : 'or such other numerals as may be in vogue in the various districts of the province.'"

Dr. Gokul Chand, Narang : If you add, Sir, "any others out of the numerals in vogue" I am sure that will meet our wishes.

Mir Maqbool Mahmood : If you have those words, it would mean every set of numerals. There may be as many as 20 thousand sets of numerals. That will be an impossible proposition. My amendment would have the words "and any others out of the numerals in vogue in the Punjab." That would mean that out of the various numerals which are being used in the Punjab, Government will be free to pick out the most prominent and the most popular.

Mr. President : Will the honourable member give his amendment in writing.

Dr. Gokul Chand, Narang : I think, Sir, the difficulty would be solved if the words to be used after the word 'English' were "and any other numerals principally in vogue in any district of the Punjab."

Mr. J. M. Dunnett (Chief Secretary): I do not imagine that Government is very much interested in this matter but if it meets the wishes of the House I imagine the proper form to carry out the wishes of the House would be this. The amendment might say that Government shall print the following numerals, mentioning four or five languages and also may print such others as are in vogue.

Dr. Gokul Chand, Narang: Would you mind using the word 'mahajani' and any other characters.

Mr. J. M. Dunnett: I am not indicating what the House should decide. If you want to put 'Mahajani,' it would read 'Government shall print in Mahajani, Urdu, Nagri and so on and may print any other numerals that may be in vogue.'

Dr. Gokul Chand, Narang: We agree to that.

Mr. J. M. Dunnett: I am only suggesting a form which may be acceptable. I do not wish to say anything on the merits of the question. The amendment might read that the Government shall print numerals in Mahajani, Urdu, Nagri and so on and may also print any others that may be in vogue in any portion of the province.

Rana Firoz-ud-Din Khan: Sir, I rise to a point of order. This matter was discussed at great length yesterday and the House expressed a decision on it. The inclusion of 'Mahajani' and other numerals was negatived by the House. So, this amendment, of which we have had no notice up till now, is out of order.

Mr. President: The amendment in question has been moved. No objection was raised to its being moved when I allowed the Honourable Mr. Labh Singh to move it. The objection is too late now. Even assuming that the objection is valid at this stage, in view of the importance of the amendment, I exercise my discretion and suspend the operation of the Standing order which requires two days' notice.

The amendment moved to the amendment is that the word "and" be omitted before the word "English" and the following words be inserted thereafter: "and may prescribe and print any other numerals which it finds to be in vogue in any part of the Province."

Mr. J. M. Dunnett: I do not wish to move the amendment. I suggested that to my friend Mr. Labh Singh. Does he move it in that form, Sir? I am anxious not to move it.

Mr. Labh Singh: This amendment presupposes that Mahajani numerals are not universally in vogue, but as a matter of fact it must be known to everyone that Mahajani characters are the characters in vogue not only in this province but practically throughout the length and breadth of India. To prescribe English, Urdu and other numerals which are not used by money-lenders and not to prescribe Mahajani characters, I think, would be unfair in the extreme.

Mr. President: I have already put from the Chair Mir Maqbool Mahmood's amendment which reads as follows: That the word "and" be omitted before the word "English" and the following words be inserted thereafter: "or such other numerals as may be in vogue in the various districts of the Province." This being an amendment to an amendment will be voted upon first.

Malik Firoz Khan Noon [Shahpur, East (Muhammadan) Rural] : Sir, I think this amendment that has been proposed by the mover of this Bill is really an improvement on the amendment proposed by Mr. Lakh Singh and I think it really meets the objects that he has in view. The word "Mahajani" in my humble opinion is a very indefinite word and the Mahajani figures in different places may be different from each other. If the object of the honourable member is that there may be some districts in which neither Gurmukhi nor English nor Urdu nor Nagari numerals are ordinarily used by money-lenders, then of course, as the section stands now, there will be some difficulty in forcing them to adopt those four figures, whereas they usually do not adopt the four figures. That is the only case he has in mind. That case can easily be met by the provision in the amendment that has now been suggested by Mir Maqbool Mahmood. What he says is this. He leaves it to the discretion of the Government to allow the money-lenders to use any numerals that may be in vogue in any district of the Punjab. That, I think, is a very reasonable amendment and that is as much as can be reasonably expected. I personally think that it was a mistake to have moved yesterday the amendment which Mr. Gray moved to force the Government to print those four numerals, because in certain districts English, Urdu and sometimes Gurmukhi figures may not be used at all. What is the good of printing them when they are not used? I should have liked that full discretion should have been given to Government to exercise discretion under the rules which are to be framed under this Act, by means of which they would allow each district of the province to use the numerals that are usually used in that district. I think that is the object of the honourable members opposite and that is the object of the members on this side, and I think that that object can best be met under the circumstances by accepting the amendment that has been moved by the mover of this Bill.

Chaudhri Duli Chand [Karsal (Non-Muhammadan) Rural] (Urdu) : Sir, I object to all the amendments that have so far been moved by the honourable members of this House, for the Nagari and Mahajani numerals closely resemble each other. I consider the addition of the word 'Mahajani' to be superfluous. But, Sir, if we adopt *lunde* Mahajani numerals we shall see that they vary from district to district. I am sure that this will lead to great confusion. Even my honourable friend Doctor Gokul Chand Narang admits that there are certain variations in different sets of *lunde* Mahajani numerals. I should request the House to prescribe some definite form of numerals. Let the honourable members give in writing the different kinds of numerals which they like to be used for keeping accounts; otherwise the object of the amendment if it is carried would be ind. finite. Sir, if this amendment is carried, it would have the effect of increasing the number of *lunde* scripts without vowels as well and in this way *baki* [account book] is likely to be read as *baḥ* (wife). With these words I oppose the amendment.

Lala Mohan Lal [North-East Towns (Non-Muhammadan) Urban] (Urdu) : Sir, it amuses me to hear honourable members who know nothing about this subject and who smell bad odour from the name Money-Lender speaking about the script language in which names are to be written.

Sir, Amritsar, Lahore and Calcutta are commercial towns in which merchants carrying on trade use the script called Mahajani. I submit, Sir, that the word 'Mahajani' be added and for the word 'may' the word 'shall' be substituted.

Professor Ruchi Ram Sahni (Punjab University) : I just want to add one word, Sir, to indicate that it is not the ten numerals which are in point but the fractions also. The system of fractions is a very convenient system in the Mahajani numerals and quarter anna, one pice, quarter rupee, have their particular forms and these forms are used in accounts. Mahajani characters, as has been pointed out by my honourable friend who has just spoken, are convenient characters and are used over the whole of India with the exception of Madras. There are books in Mahajani characters and we have introduced Mahajani as a subject of examination in a certain class of schools, as the Honourable the Director of Public Instruction will bear me out; so that there is no room for ambiguity with regard to the numerals which we call Mahajani numerals. There are slight variations here and there and it is with respect to these variations that the amendment seeks to leave it to the Government to prescribe them or not to prescribe them. If in any part of the province they are largely used, then the Government will probably prescribe that particular form of the variations of the Mahajani characters. In the Punjab 80 per cent. of the accounts even of Muhammadans are kept in Mahajani characters.

11 A.M. In my town all the Muhammadans keep their accounts in the Mahajani characters. Elsewhere also they keep accounts in Mahajani characters. Very few people keep their accounts in any other character or numerals.

Dr. Gokul Chand, Narang : Sir, I understand that the honourable mover of the Bill would agree to the amendment if it is in such form as I am going to state. I wish him to listen to me carefully so that he may not say afterwards that he was under a misapprehension. He is agreeable to this amendment : 'that under the numerals which are to be covered by this amendment one set of Mahajani may be included and the other words proposed by him may also be added,' viz., 'and may prescribe any other numerals current in any part of the Punjab', so that the words 'one set of 'Mahajani' will come in under 'shall' and the rest under the words 'may prescribe any other characters that may be current in any part of the Punjab'.

Mr. Maqbool Mahmood : I am prepared to accept the amendment.

Dr. Gokul Chand, Narang : The result of this amendment will be that the words 'and shall prescribe no other character' will automatically fall.

Mr. Labh Singh : Sir, I beg leave to withdraw my amendment if the amendment now proposed is accepted.

Mr. President : It is difficult to say that the House will accept the proposed amendment. So, if the honourable member wishes to withdraw his amendment he should do so unconditionally.

Mr. Labh Singh : Sir, I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

Mir Maqbool Mahmood : I also beg leave to withdraw my amendment.

This amendment also was by leave withdrawn.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, with your permission, I shall move the following amendment which has been agreed to by the honourable mover of the Bill. It reads thus :—

"That the word 'and' between 'Gurmukhi' and 'English' be omitted and the following words be inserted after the word 'English' ; namely, 'and one set of Mahajani numerals and may prescribe and print any other numerals which it may find in vogue in any part of the province' ; and for the word 'those' the word 'such' be substituted."

I hope this amendment will satisfy every side of the House.

Mir Maqbool Mahmood : I think that after the word 'English' the word 'numerals' should be omitted.

Dr. Gokul Chand, Narang : That is only a verbal alteration which the Legal Remembrancer will look to and move a formal amendment, if necessary, later on. By this amendment only the numerals that are current in the province can be prescribed and no others. No characters which are not current in this province shall be prescribed. If anybody wants to use Bengali, Mahratti or Russian he cannot do so.

Mr. President : The omission of the word 'and' between 'Gurmukhi' and 'English' may be effected by the special committee which will be appointed to make formal and consequential amendments. So the substantive amendment is this :—

"That the following words be inserted after the word 'English', namely, 'and one set of Mahajani and may prescribe and print any other numerals which it may find in vogue in any part of the province'."

The question is that that amendment be made.

The motion was carried.

Lala Bodh Raj [West Punjab Towns (Non-Muhammadan) (Urban)] : Sir, I beg to move—

"That in sub-clause (2) of clause (3), for the words 'send to such person before' the following words be substituted, namely, 'supply to such person on the requisition made by him before'."

Sir, under the provisions of the Bill a right has been conceded to the borrower to ask for a copy of the accounts of his dealings with his money-lender in order to know where he stands. The object of my amendment is that instead of making it obligatory on the part of the money-lender to send a copy of the accounts to the borrower, the obligation will be on the borrower to ask for a copy of the accounts and if the money-lender after the request is made by the borrower fails to supply the copy of the accounts will incur the penalty that is prescribed under the provisions of this Bill.

Mr. President : That amendment reverses the very principle of the clause and therefore is not in order.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, I beg to move :—

"That in sub-clause (2) of clause 3, the words 'an itemised account of . . . in sending the account' be omitted, and the following be substituted therefor :—

'a statement showing the amounts of principal and interest due in the form and manner to be prescribed by the Government in this behalf. The money-lender may debit such person with the charges incurred in the preparation and the sending of the said statement'."

In moving this amendment, Sir, I think the official benches would give me credit for once that I do not mistrust them. I am prepared to leave the

form in which this statement is to be sent to Government. I rely upon their good sense and judgment and their sense of justice in prescribing the form of statement to be sent under sub-clause (3) of clause 2. I may just explain that the clause as it stands is really unworkable, because it says that an itemised account is to be sent and it is to be sent in a letter card. These two things may prove to be incompatible with each other. Some people go on borrowing for six months and the number of items and the amounts that they borrow may be sometimes very large and if the repayments also are to be inserted in that letter card, the letter card may not be quite sufficient and it is not at all necessary because the amount which is lent will be shown there and also the amount of interest which accrues on that will be shown. The form and the further details are left to Government to be prescribed.

Then the clause as it stands does not make any provision for the cost of the preparation and sending of such statements, but only provides for the postal charges. Now, if a *Sahukar* who has a hundred borrowers and has to send to all of them at the end of six months statements such as the clause as it at present exists requires him to do, he may find it not only very troublesome but also very expensive to prepare these forms and he will have to employ special labour for that purpose. Just as he is entitled under the clause to postal charges he ought to be able to get the cost of the preparation of such statements.

Mr. President : Clause under consideration, amendment moved :—

"That in sub-clause 2 of clause 3, the words 'an itemised account of . . . in sending the account' be omitted, and the following be substituted therefor :—

'a statement showing the amounts of principal and interest due in the form and manner to be prescribed by the Government in this behalf. The money-lender may debit such person with the charges incurred in the preparation and the sending of the said statement'."

The question is that that amendment be made.

Sardar Jodh Singh [Sikh, Urban] : Sir, I have simply to add one or two words to what the honourable member Dr. Narang has said. From the very large number of amendments sent in by the Government one can see that they have not yet fully considered in what form they want the accounts to be sent. If they fix the forms now in the Act and they find it impracticable in working, they will have again to change it by means of an amending Act. If the form be fixed by rules, no such necessity would arise and a mere change in the rules would do the needful. This amendment obviates the first difficulty. If necessary the Government can take more time and come to a decision once for all with regard to the forms and other things. No harm will be done by accepting this amendment.

Mir Magbool Mahmood [Amritsar (Muhammadan) Rural] : Sir, it seems to me that my honourable friend Sardar Jodh Singh has given arguments against the amendment and yet he says he supports the amendment. The sub-clause as it stands says that an itemised account has to be sent in such form containing such details as may be prescribed, so that what details are to be given under the itemised account according to the clause as it stands is left to be prescribed by the rules. If we are to accept this amendment, then the Government is tied down in prescribing the rules and to prescribe only these particular details. I heartily support the argument

[Mir Maqbool Mahmood.]

of my honourable friend Sardar Jodh Singh that we shall leave prescribing of the details of the itemised accounts under the rules so that if any amendment is necessary to be made under the rules, another amending Bill may be brought forward amending the clause. If we prescribe it just now that would be tying down not only the hands of the Government, but also the Bill which course my honourable friend Sardar Jodh Singh considers it as much undesirable as I consider myself.

Then, as to the question of expenses, if I have dealings with any money-lender or any other person I ought to go and ask him for a copy of the account normally. He is not entitled to say: I will give you, if you pay. What we say is that the borrower, in fairness and equity, is entitled to get from the money-lender a statement of his account. By posting such an account in the post office, he gets the postal charges. What else is necessary passes my comprehension.

Malik Firoz Khan, Noon [Shahpur East (Muhammadian) Rural] : Sir, there is only just one point that I wish to bring to the notice of the House, that is the difference between the original clause and the amendment now proposed by the honourable member. The original clause is 'itemised account of the dealings between him and such person during the next preceding six months'. Now the word 'dealings' include loans lent out to a borrower and also receipts taken from him. Under the original clause, it is incumbent upon the money-lender to let his debtor know as to what he has really taken and what he has really paid. Let us just look at the amendment proposed by my honourable friend Dr. Narang, which runs thus:—

"a statement showing the amounts of principal and interest due in the form and manner to be prescribed by the Government in this behalf . . ."

My honourable friend Dr. Narang only wants the money-lender to let the debtor know what he has borrowed, and perhaps he has inadvertently omitted to bring out the other part, namely, to let the debtor know how much he has paid. About the receipts, the doctor does not want the money-lender to let his debtor know as to what he has really paid in. That is the whole thing. The amendment if accepted would be nullifying the very object with which this bill was brought forward.

Dr. Gokul Chand Narang : Sir, so far as I recollect I think I had put in the word 'repayment', and I have absolutely no objection to add that word if it would suit my honourable friend, although the clause as it stands can convey the idea of repayment also. I have just now asked for my original amendment, and I shall explain later on about this.

Mir Maqbool Mahmood : Sir, I move—

"That the question be now put."

The motion was carried.

Dr. Gokul Chand Narang [North-west Towns, (Non-Muhammadian) Urban] : Sir, my honourable friend the mover of this Bill when opposing my amendment and while replying to the argument of my honourable friend Sardar Jodh Singh read out a passage which does not at all occur in the clause which I want to be amended, but which occurs in the previous clause.

namely, sub-clause (1) of clause (3) which I believe we have already done with. All that I want is this. The money-lender should be saved all the trouble of copying out the whole account once in six months. The items may sometimes exceed two hundred in number. All that is necessary for the borrower is that he should know how much he borrowed, how much interest has accrued, and what is the balance due. If my honourable friend Malik Firoz Khan, Noon, thinks that the word 'repayment' is necessary to be added on to it, I have not the slightest objection, and in fact on the margin of these very amendments, I have got down these three words, 'principal, interest and repayment'. I was under the impression that I had put in the word 'repayment'. I am now quite prepared to insert it if that would satisfy the honourable members on the opposite benches so that what would be required would be met by this amendment (continued in Urdu): The debtor is entitled to know only this much, *etc.*, what is the principal amount and what is the interest that has accrued and what is the balance due. It is absolutely unnecessary that the statement should contain items like iron, oil and tobacco and I submit that there is no question at all of a borrower being cheated. The House need have no apprehension on the score of any unfair means being adopted. Regarding the question of expenses, I would submit this. The post offices are in many cases situated at a distance of more than 20 miles from the place where the money-lender resides. The postal letters are delivered only once a week. The creditor has to prepare the statement and to incur some expenditure on its registration. I would suggest to the honourable members on the opposite benches that they should rely on the Government who is the *ma bap* of zamindars. Their interests would never be jeopardised if they leave the matter to the Government. Even my humble self who is always opposing the Government am prepared to rely on the Government in this matter.

Mr. President: Clause under consideration, amendment moved:—

"That in sub-clause 2 of clause (3) the words 'an itemized account of...' in sending the account' be omitted and the following be substituted therefor:—

'a statement showing the amounts of principal and interest due in the form and manner to be prescribed by the Government in this behalf. The money-lender may debit such person with the charges incurred in the preparation and the sending of the said statement'."

The question is that that amendment be made.

The motion was lost.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, I beg to move:

"That in sub-clause (2) of clause 3 for the words 'the account shall be posted... in a registered letter card' the following words be substituted:

"The account shall be posted to such person by registered post and shall be set out either on a post card or a single sheet of paper so folded and closed as to be capable of being transmitted by post as a letter without being enclosed in a separate cover."

Mir Maqbool Mahmood: I accept the amendment.

Mr. President: Clause under consideration, amendment moved:

"That in sub-clause (2) of clause 3 for the words 'The account shall be posted... in a registered letter card' the following words be substituted:

"The account shall be posted to such person by registered post and shall be set out either on a post card or a single sheet of paper so folded and closed as to be capable of being transmitted by post as a letter without being closed in a separate cover."

[Mr. President.]

The question is that that amendment be made.

The motion was carried.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Sir, I beg to move—

“That in sub-clause (2) ”....

Mir Maqbool Mahmood: Sir, I rise to a point of order. There is an amendment No. 12 standing in the name of Chaudhri Duli Chand which has not been moved.

Mr. President: It is not in order.

Pandit Nanak Chand: Sir, I beg to move—

“That in sub-clause (2) of clause 3 line 7, the word ‘itemized’ be omitted”.

Sir, some of the reasons for which I want to support this amendment have already been given. There are dealings between the money-lenders and people who borrow from them which extend over many pages. This Act has not to apply merely to the money-lenders and the agriculturists but also to all people who carry on dealings otherwise also. Those who have any experience of having seen these dealings will bear me out that in a large number of cases, it will be impossible to put down all these items on a single letter card or a single sheet of paper which has just now been proposed. By leaving out the word ‘itemised’ Government would be in a position to lay down what things are to be sent to the borrower, because the sentence would read like this:—

“an account of the dealings between him and such person during the next preceding six months in such form and containing such details as may be prescribed”.

Now, Sir, I do not really understand if this matter were to be left to Government why this word ‘itemized’ should not be omitted. The two things seem to me to be inconsistent. The honourable mover when opposing the amendment of Dr. Gokul Chand Narang was pleased to say that it would be left to Government to decide as to what form this account should take, but when you put down this word ‘itemized’ it means that under the law you are required to give all the items and if you do not do that, you really fail to carry out the object of the law. Therefore I submit that in order to make the whole thing consistent, this word ‘itemized’ should be omitted.

Mr. President: Clause under consideration, amendment moved:—

“That in sub-clause (2) of clause 3, line 7, the word ‘itemized’ be omitted”.

The question is that that amendment be made.

*That in sub-clause (2) of clause 3, in line 11 between the words “stating” and “the” the following be inserted:—

“the total amount of outstanding at the beginning of that period and”

Mr. V. F. Gray [Punjab Chamber of Commerce and Trades Association, Commerce] : Sir, I must oppose this amendment. I think the whole idea of this Bill is to allow the borrower to have a full account from the money-lender. Some members of this Council think that these accounts must be compulsorily sent. I prefer that they should be sent when asked for, but that is beside the point. This is the only time when the borrower is going to get an account from the money-lender and therefore it must be itemised. He must know how the items are worked out. It is not going to be a long list in many cases because it is only covering six months. In cases where it is a very long list, there is all the more reason why the list should be itemised because nobody can remember what has transpired unless it has been put down in an account. With these words I must oppose this amendment.

Mr. President : The honourable member's amendment is out of order. An alteration having been effected in a subsequent part of the sub-clause an amendment in an earlier part of the sub-clause cannot be taken up. It was open to the honourable member to rise when the earlier amendment was before the House and to assert his right to move the amendment which he wishes to move now. At this stage, he is out of order. The only sentences in which amendments can be yet made are the third and the last sentences of sub-clause (2) because up to the end of the second sentence of the sub-clause the Council has already finished.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Is it permissible, Sir, to say a word on this point? It is really not a very important matter but as I find that the pronouncement of the chair on this point according to my humble opinion is not correct, I have ventured to ask the permission of the chair to say what I have to say in connection with it. I had proposed an amendment in which I asked for the deletion of quite a large number of words and for the substitution of some other words. That set of words which I wanted to be deleted contained the word 'itemized' which forms the subject matter of the present amendment. As the larger amendment has failed it is perfectly in order for another member, who has tabled an amendment with respect to a particular word occurring in that amendment, to move his amendment. It is not at all inconsistent with that.

Mr. President : The honourable and learned member is right so far that, had the first amendment failed or had it been withdrawn, it would have been open to a member to move an amendment in the earlier part of the clause. But what has happened is this : after the honourable member's amendment came another amendment tabled by two other members, I mean Lala Bodh Raj and Dr. Dhan Raj Bhasin. They, however, did not care to move their amendment that the second and the third sentences be deleted. At that stage the Government moved for the substitution of a new sentence in the sub-clause and that amendment was carried. The Honourable Pandit Nanak Chand did not rise then and therefore he could not be allowed to move his amendment later.

Dr. Gokul Chand, Narang : That is quite all right, Sir, but it was for you to have called upon him to move his amendment. No member can stand up of his own accord.

Mr. President : It is for members to rise and move their amendments. The amendment of the last sentence of sub-clause (2) may now be taken up.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, the amendment that I am going to move is of a drafting nature and it runs—

"That in sub-clause (2) of clause 3, for the words 'the letter card' the word, 'it' shall be substituted."

Mr. President : The proposed amendment being only of a formal or consequential nature, it might be left to the committee which will examine the amendments of the Bill under S. O. 50.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to move—

"That clause 7 be omitted and the following explanation inserted after sub-clause (2) of clause 3, namely:

Explanation.—A person to whom a statement of account has been sent under clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of the account."

Pandit Nanak Chand : Sir, when will the whole clause be open for discussion?

Mr. President : After the amendment now moved and amendment No. 22 have been disposed of.

I may mention, with a view to avoid any subsequent confusion, that now only the addition of the proposed explanation will be discussed. The question of the omission of clause 7 will be taken up when that clause is reached.

Clause under consideration, amendment moved :—

"That the following explanation be inserted after sub-clause (2) of clause 3 :—

Explanation.—A person to whom a statement of account has been sent under clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of the account."

The question is that that amendment be made.

Pandit Nanak Chand : I rise to a point of order. I have a certain amendment with regard to clause 7 and I want to know whether I can move an amendment to this explanation, because my amendment to clause 7 says that there shall be presumption of correctness with regard to the fact that the money-lender has fulfilled all the provisions.

Mr. President : The amendment moved by the Revenue Member is not an amendment to the honourable member's amendment. It is a direct negation of that amendment.

Mr. Lakh Singh : Sir, can I move my amendment which stands No. 9 on the list of amendments to clause 7?

"That the following explanation be inserted after sub-clause (2) of clause 3 :—

Explanation.—A person to whom a statement of account has been sent under sub-clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of account.

"That in clause 7, after the word 'made' the word 'within a month of the receipt of the statement' be added, and the word 'not' occurring between the word 'shall' and the word 'be' be omitted, and a proviso be added at the end of the clause as follows :—

'provided that no such presumption shall arise against persons who are illiterate.'"

Mr. President : That amendment again is a direct negation of the amendment now moved. It says 'provided that no such presumption shall arise' against persons who are illiterate'. It means that against other persons there shall be a presumption. It will be open to the honourable member to move an amendment to the amendment and I shall have no objection to his exercising that right at the proper stage.

Pandit Nanak Chand [Hoshiarpur (Non-Mahammadan) Rural] : Sir, I rise to oppose this explanation which is sought to be added to this clause. I submit in the very first place that this explanation which is practically re-enacting clause 7 here, is a negation of the whole principle on which this Bill is based. Now, what is the principle of this Bill? The principle of the Bill is that there must be standard accounts which should be kept by a money-lender. The Government says that these money-lenders are in the habit of keeping irregular, and incorrect accounts and therefore it is necessary that the Government should lay down certain form of standard account from which it could be concluded that the accounts are correct. The Government calls upon the money-lender to accept the account book which it prescribes. Then the Government says "You must keep your accounts in a certain form." Well, the money-lender keeps the accounts in the form which the Government recognises as standard. Then the Government says they should be sent to the debtor every six months. He fulfils all these conditions. Now what should be the presumption under the law. A man has fulfilled all these harsh conditions and when he has done that there should be a presumption in law that the accounts are correct. This explanation says that in spite of the fact that the man has fulfilled all the harsh conditions which are required there shall be no such presumption. On the other hand it will merely mean that he has to prove the correctness of his accounts by some other methods which has not been disclosed to him.

Now, I submit that it is an entire negation of the law which has been brought forward and which is sought to be enacted. On the one hand you say "we will see that you keep correct and regular accounts and for that it is necessary to fulfil certain conditions." And when a person fulfils all these conditions, you say that he has not kept correct accounts and that there shall be no such presumption. Then, Sir, we have to take the analogy from the other law which is existing in the province. You know the law of pre-emption. When a notice is sent by the vendor to all the pre-emptors that he is going to sell his land, and calls upon the pre-emptors to exercise the right and no objection is taken and no reply is sent by the pre-emptors, then the pre-emptors lose their right of objecting. That is to say, they cannot exercise their right of pre-emption afterwards. They are estopped from doing so. Now, I submit that if you are to act on the principles on which the existing legislation of this province is enacted, you must accept this fact, that the accounts are correct and the borrower loses his right of objecting afterwards in court just as a pre-emptor who has received a notice from the vendor loses his right of coming and objecting and saying that he has got a right of pre-emption still intact. It might be said that the people are illiterate and they may not be able to make these protests and may not be able to reply to these notices. The people in this province, however, are quite familiar with the procedure of the Pre-emption Act and every one of them knows how this Act works. So I submit that Government should absolutely omit this explanation or if they want to put it in, then there must

[Pandit Nanak Chand.]

be a presumption in favour of the correctness of the accounts. It is quite open to them not to have either the explanation or clause 7 and leave it to the courts to decide whether the accounts are correct or not but I entirely fail to see how after having made a law of this kind Government can bring in this explanation or clause 7.

Mr. Labh Singh [Rawalpindi Division and Lahore Division, North (Non-Muhammadan) Rural] : Sir, I have tabled an amendment to clause 7 and I move it now, after having recast it so as to make it an amendment to the amendment which is now being proposed. It runs :—

"That for the explanation which has been proposed the following be substituted : 'A person to whom a statement of account has been sent under sub-clause (2) shall admit and acknowledge the correctness of the same within a month of its receipt and his failure to protest shall be deemed to be an admission of the correctness of the account, provided that the failure to protest within that time shall not operate as an admission against persons who are illiterate.'"

The meaning of this amendment is perfectly plain. In a law of this kind, the duty is cast on the money-lender to supply his borrower with a six-monthly statement of accounts, and we have already adopted a clause which provides that an itemised account of all the dealings should be sent to him for six months. It is perfectly clear that this imposes a heavy burden on the money-lender. In the interests of justice and fair-play and in order to save the borrower from the difficulties which it is alleged he is suffering from, it is also but natural and reasonable that if a statement has been sent to him, he should, within a limited time, say, a month from the date of the receipt of the statement, indicate whether the statement of account is correct or not. If he says that the statement is correct, that would satisfy the lender. Otherwise the lender can go to court at once and claim relief against the borrower. He can bring a suit against him and recover the amount. But if the borrower, on the other hand, keeps silent after having received the statements and then three years later says in a court of law that he never borrowed this item or that or denies having borrowed any amount at all it will simply open the flood-gates of perjury. It is only just and fair that when a statement of accounts has been received by a borrower he should be called upon to say whether he admits the correctness of that statement or not, so that if the borrower does not agree as to the correctness of the account the lender can go to court at once. Why should we leave it open to him to say three years afterwards that he never received the amount? Now, it is pretended that most of the borrowers are illiterate and ignorant. I am ready to make an exception in their favour, and I have provided in my amendment that failure to make a protest shall not operate as an admission against such borrowers. If the object of this Bill is to protect the illiterate borrower then there is no valid reason why the failure to protest in time should not operate as an admission against the literate borrower. The borrower is sometimes a man who has executed the bond or the registered deed in his own hand. There seems to be absolutely no reason why a man in the position of a literate borrower should also be placed in the same category as the illiterate borrower. There seems to be no reason whatever why a cultured man should take advantage of a Bill which ostensibly is being enacted to safeguard the interests of persons who are believed to be illiterate.

Mr. President: The question is—

"That for the following explanation which is proposed to be added after sub-clause (2) of clause 3, namely,"

"*Explanation* :—A person to whom a statement of account has been sent under sub-clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of the account."

the following explanation be substituted—

"A person to whom a statement of account has been sent under sub-clause (2) shall admit and acknowledge the correctness of the same within a month of its receipt and his failure to protest shall be deemed to be an admission of the correctness of the account, provided that the failure to protest within that time shall not operate as an admission against persons who are illiterate."

The question is that that proposed substitution be made.

Maulvi Mazar Ali Azhar [East and West Central Towns (Muhammadan) Urban] (Urdu): Sir so far as this amendment is concerned I think that the honourable members of this House are labouring under a misunderstanding. The explanation that is proposed to be included means that if the borrower does not protest against the incorrectness of the statement of accounts the presumption would not be that the registers of accounts are regularly kept. Sir, the words 'by itself' in the explanation should be specially noted. The real position is that if the borrower as the amendment now moved suggests, fails to protest within one month after the receipt of the statement of account the presumption would be that the borrower has taken the statement to be correct.

Sir, imagine if it is just that the mistakes or discrepancies that may be found in the statement of account should be given no weight to even if the borrower fails to protest against the incorrectness of the statement. Sir, you say that in some cases money-lenders have accounts with more than two hundred items and when this is so, is it not possible that mistakes may be committed in itemising the accounts and also the borrower may not be able to remember each item. Furthermore, we are giving no power to the borrower to compare the statement supplied to him with the original register. How can he know whether the statement is correct or not? The only clause, I mean clause 4 of the Bill, which empowered the debtor to take action for the production of the account before a magistrate was most vehemently attacked and we are going to repeal it. How then can we burden the borrower with the presumption of correctness of the account simply because he fails to object to the statement? The honourable the mover of the amendment has exempted the illiterate borrowers, but Sir, it is very difficult to distinguish between the literate and illiterate borrowers so far as this Bill is concerned, for if a statement of account is sent to a graduate in gurmukhi he may be quite illiterate so far as gurmukhi is concerned. Under such circumstances, it is not proper to press that the statement of account should be held correct in case the borrower fails to protest against the incorrectness of the statement of account. The court on the suit being instituted would decide taking all these questions into consideration. The fact that there was no objection to the statement, that the borrower was literate and all the other attendant circumstances will be taken into consideration by the court and the presumptions which under the ordinary law arise will be of sufficient importance and weight, and the money-lender's position will be quite safeguarded. But I cannot in any case agree that

12 noon.

[Maulvi Mazhar Ali, Azhar.]

failure on the part of the borrower to object to a statement of account should raise by itself a presumption of correctness and the court should give a decree simply on that account although the registers, may not be regularly kept and the account may on the face of it be incorrect.

Sardar Jodh Singh [Sikh, Urban] : Sir, this Bill is designed simply to ensure that six-monthly accounts be sent to the borrowers. Now, an explanation is added on the presumption that the borrowers may be illiterate persons or they may be careless in looking at the accounts, or, as my friend put it, they may have forgotten the items. May I ask for what business this account is going to be sent to them? If they are illiterate and cannot read the accounts, why should the money-lender be put to this trouble, and not only put to this trouble but penalised for not sending the accounts? If they cannot remember what dealings they had with the money-lender during the six months, I do not know whether they will be able to remember that when the case comes in court. I think the only object of sending this account can be that they should verify it and see where the mistake lies; and if even that object is not to be achieved, then I think, Sir, that this is an unnecessary hardship on the money-lender which will serve no useful purpose. It has been said by the honourable member that these accounts will serve as perhaps certificates when the Usurious Loans Act is to be applied in some cases. I wonder, Sir, whether those people who are so careless as not to examine the accounts when six-monthly account is sent to them will be so careful as to keep all these chits together in order that they may bring it before the court. If this account system is to be systematised and if any useful purpose is to be served by it, there should be some duty placed on the borrower also; he should be taught to examine his account, and if he does not examine his account just as the lender is being penalised if he does not send his account regularly he will be fined so much similarly if the borrower does not examine his account and protest against its incorrectness, it should be presumed that the account is correct. This explanation, therefore, is out of place and I think the amendment of Mr. Lakh Singh, who has proposed exemption of illiterate borrowers, ought to be supported by the whole House.

Chandhri Ram Singh [Kangra (Non-Muhammadian), Rural] (Urdu) : Sir, the Bill under consideration is one-sided. It states the duties of a money-lender but never casts any duties on the borrower. I am at a loss to understand why the money-lender, even if he regularly sends his statement of accounts to the borrower, is not relied upon. Sir, the amendment moved just now is very reasonable and sound. It has rightly exempted the illiterate borrower. Therefore, I request the House to accept it.

Sardar Tara Singh [Ferozepore (Sikh) Rural] : Sir, my honourable friend from Hoshiarpur argued that because the accounts are regular and are kept in prescribed form, therefore there should be presumption in favour of the lender. May I ask him, through you, Sir, where is the proof that the accounts are regular unless the money-lender goes to the court and satisfies the court that the accounts have been kept regularly and the court holds that the accounts are regular? So, the mere supplying of form is not an indication of the validity of the accounts by the money-lender unless it is established in court. The second point, Sir, that I want to submit in favour of the explanation and in opposition to the amendment proposed by the honourable member from Gujranwala is this. Who can say that the

copy submitted to the borrower is according to the accounts kept by the money-lender? He might have sent a wrong account, or a true account. Unless, Sir, he has a chance to go to court and apply to the court for the right to examine the account book, he cannot compare the account sent to him with the account kept by the money-lender. How can he say it is right or wrong unless his memory can help him. As an illiterate man, the borrower is in an inferior position and not in the superior position which the money-lender occupies. He can compare only in so far as his memory helps him. He cannot force the money-lender to show his account. We propose the omission of clause 4. Now, Sir, as the Bill stands the borrower shall have no force behind him to compel the money-lender, unless he goes to court, to show his account book and he will not be in a position to compare the accounts and say about the correctness or otherwise. My friend also stated, Sir, that he had an analogy. May I ask him, through you, supposing A owes money to B and A before the expiry of the term sends him a notice that B owes him so much and if he does not pay, he will go to court and in that case B would have to pay costs. Non-reply by B shall not be deemed to imply presumption against the borrower. The mere fact of sending a notice by the money-lender to the borrower before the expiry of the term under the present law and its non-reply, non-acknowledgment, will not raise any presumption against the borrower. If under the present law no presumption can be raised against the borrower, I really fail to understand why there should be presumption in favour of the money-lender. One is in acknowledged inferior position. With these arguments I support the Explanation and oppose the amendment moved by the Member from Gujranwala.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban]: I wish to say one word only, Sir. This amendment proposed by the Leader of the House is really unnecessary. He is a lawyer. He ought to understand whether in any case failure to protest would or would not amount to an admission; and being fully acquainted with the law as applied to such cases, he ought to have refrained from asking this House to add this explanation. I would support his amendment with one proviso that it should stop at the fifth word, namely, that clause 7 be omitted. If he agrees to this, certainly he will have my hearty support. As it is, it is really a case of out-Heroding Herod. Mir Maqbool Mahmood himself, the honourable mover of this Bill, was quite content to move that clause 7 be omitted without asking for the addition of any explanation.

Mir Maqbool Mahmood: On a point of explanation, Sir. May I say that notice of that omission was given only on the understanding that the other amendment about the explanation would be passed?

Dr. Gokul Chand Narang: I accept the explanation that he has given as a matter of courtesy. Of course it is certainly a case like the one which we discussed yesterday. Amendment No. 1 to clause 7, as you will see, Sir, in the list of amendments to clause 7, stands thus, "By Mir Maqbool Mahmood: That clause 7 be omitted." If he wanted this omission to be conditional, there was nothing to prevent him from saying in this very amendment that something else should be added. It is exactly what the Honourable Mian Sir Fazl-i-Husain pleaded yesterday and pleaded without any effect.

Mr. President: Order, order. If one and the same member moves two amendments which are *prima facie* inconsistent with each other, for example, if he proposes a certain word or clause to be omitted in one place and to be inserted in another place in a Bill, the chair will allow both amendments to be moved. But the case to which the honourable member has referred in his speech is not to the point. If Lieutenant Sardar Sikandar Hayat Khan had moved for the addition of a proviso in one place and also for its omission at another place, my decision would have been different from what it was.

Dr. Gokul Chand Narang: No body was questioning your ruling on that point. I referred to it only by way of analogy and if the analogy does not hold good in all the hundred points, it does hold good in certain points. I now come to the merits of the question. I would submit that it would be legitimate presumption for me to make that the suggestion for the omission of clause 7 and the addition of an explanation to clause 3 in all probability came from the same member of Government whose amendment comes first and probably it was by way of precaution that it was also put down in the name of the honourable mover. As it is the amendment has been moved by a member of Government and not by the mover of the Bill. However, that is only by the way and does not form a very material part of my argument. I submit that the omission of this explanation will not cause any hardship while the addition of it might cause complications. Let the law remain as it is. Let clause 7 be omitted and let not this explanation be added.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan) Rural]: Sir, my amendment should not lead the House to believe that I am in favour of the retention of this explanation even in its amended form. The explanation is either redundant or as has been pointed out by Dr. Gokul Chand, Narang, positively mischievous. It seeks really to abrogate the law of the land as it stands at present and seeks to enact one law for the money-lenders and another for the borrowers. If we allow the explanation to remain there either in its original form or even in its amended form I am sure we shall be setting at naught the elementary principles of civilised jurisprudence. The case of a borrower who has been receiving something like half a dozen statements of accounts one after another at an interval of six months and has not protested against the accuracy of any of them should be considered also. We can take it that a man is illiterate, but we should take it also that he may have received itemised accounts not only once or twice, but full half a dozen times one after another and he may not have protested against the accuracy of any of them or any item in them. Why should it not be left to be inferred as a presumption that his failure to point out the inaccuracy amounts to an admission on his part of the correctness of the accounts? We would simply be abrogating the ordinary law of the land to that extent if we did not permit that presumption to be drawn. The objection becomes doubly forcible when I point out that this explanation goes even against the declared principle of the Bill. The main principle of the Bill as has been pointed out is to regularise the accounts and to devise a machinery by which the borrower may be put in possession of certain information with respect to the state of his accounts periodically. He knows the state of his accounts as they stand every six months and kept in a set of books prescribed by Government. This is the real principle of the Bill and this should not and cannot permit us to run counter to and trespass on the ordinary provisions of ordinary law.

as they stand between subject and subject. On these grounds I would submit that my amendment should be accepted and the amendment suggested by Government should be rejected because this latter surreptitiously modifies the well known principle of the law of evidence and estoppel and to that extent seeks to bring in a differential basis in our law.

Mr. President: The question is—

That for the following explanation which is proposed to be added after sub-clause (2) of clause 3, namely—

Explanation.—A person to whom a statement of account has been sent under sub-clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of the account.

the following explanation be substituted; namely,

Explanation.—A person to whom a statement of account has been sent under sub-clause (2) shall admit and acknowledge the correctness of the same within a month of its receipt and his failure to protest shall be deemed to be an admission of correctness of the account provided that the failure to protest within time shall not operate as an admission against persons who are illiterate."

The question is that the proposed substitution be made.

The motion was lost.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, I should like to say a word by way of explanation. The honourable member sitting opposite has said that it is redundant. That is the opinion of a large number of experts in law consulted on the subject, and it was being included as an explanation so as to set at rest such doubts as laymen may have had as to the law being otherwise than as explained in the explanation. But after hearing the discussion that has taken place on this innocent explanation and the fact that a great deal of confusion appears to prevail in the minds of lawyers and others, I do not think it is right on my part to withdraw it.

Mr. President: Clause under consideration, amendment moved—

"That after sub-clause (2) of clause 3 the following explanation be inserted:—

Explanation.—A person to whom a statement of account has been sent under clause (2) shall not be bound to acknowledge or deny its correctness and his failure to protest shall not, by itself, be deemed to be an admission of correctness of the account."

The question is that that amendment be made.

The motion was carried.

Mr. President: The question is—

"That clause 3 as amended stand part of the Bill."

Sardar Jodh Singh: On a point of order, Sir. This clause consists of two parts. Are both of them going to be put together or will they be put in parts?

Mr. President: I am going to put the whole clause together and not part by part.

Pandit Nanak Chand : Is it open to discuss the whole clause? I want to oppose it.

Mr. President : Yes, it is open to the honourable member to discuss and oppose the clause as a whole.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural] : Sir, I oppose the whole clause and I submit that this should not form part of the Bill. In sub-clause 2 of clause 3 the following occurs :—

if on the thirtieth day of June or on the thirty-first day of December in any year any balance or amount is due to him from a person on account of a loan or loans advanced, send to such person before the thirty-first day of July or the thirty-first day of January next following

Sir, you will find that in most cases the money-lenders do not use the European or English dates. On the other hand, they have got their own Hindu or Hindi dates such as the month of *Baisakh* and so on. It is impossible to have the same corresponding dates for the 30th June or the 31st July because these dates change so often. The 30th June might be the 24th day of the corresponding vernacular year. The Hindu date corresponding to 30th June in any particular year, say 1924 may not be the same in 1926 or 1927. Therefore no amendment could be tabled by honourable members on this side of the House. By the introduction of 30th June or 31st July you are practically forcing these people to adopt English dates and months. That is practically revolutionising the whole system of accounts by these people. Thus, you will see, Sir, how this Act is not only used for the particular purpose of keeping regular accounts but it means that these people who are keeping accounts in a particular form using particular dates, may be Hindu months since time immemorial are now at the point of sword in the form of this law forced to adopt English dates and English months. That is one ground on which I oppose this clause.

The second ground on which I oppose this clause is that this sub-clause is absolutely unnecessary and it is very harsh and unfair. If you were to read the original Bill drafted by the honourable mover of the present Bill and which was called the Money-Lenders Registration Bill and which was introduced into the Council in November 1924 he merely meant to give the creditor the option of going to the money-lender and asking him for a copy of his account. That was all that was given in the Bill which was originally introduced. That is to say it should be open to the debtor to go to the money-lender and ask him that he should supply him with such and such an account. Now, we find that not only has he to keep standard accounts in his *hazis* but every six months he has to send itemised accounts. From this, you will at once see that from the month of November 1924 up to the present day the Bill has become more and more stringent, and more and more harsh and every opportunity has been taken to make it so harsh and rigorous in working that money-lending may become practically impossible in the province and also so that money-lenders might be wiped out of the province. That is the second ground on which I oppose the introduction of this clause in this Bill.

All other arguments have been given by me already and these are the additional arguments why I oppose this clause.

Mr President : The question is :—

"That clause 3 as amended stand part of the Bill."

The motion was carried.

Mr. President : Clause 4. Government Member.

Mir Maqbool Mahmood : Sir, I beg to move. . .

Pandit Nanak Chand : Is the honourable member in order in responding to the order of the Chair calling on the Government Member ?

Mir Maqbool Mahmood : The Government member has not stood up and I have also got a similar amendment and it is therefore why I stood up.

Mr. President : If a member does not rise when a certain motion or an amendment tabled in his name is taken up, it will be taken that he does not wish to move it.

Dr. Gokul Chand, Narang : Even when being called.

Mr. President : Yes. The member in whose name the next motion stands will rise and move his amendment.

Mir Maqbool Mahmood : Sir, I beg to move :—

"That clause 4 be omitted."

Mr. President : Clause under consideration, amendment moved :—

"That clause 4 be omitted."

The question is that that amendment be made.

Dr. Gokul Chand, Narang (North-West Towns, (Non-Muhammadan) Urban] : Sir, some of my honourable friends have advised me that I ought to oppose even this motion so that clause 4 which was the result of the deliberations and lucubrations of expert brains might continue in this Bill so that the Bill might be made to look much more absurd than it might otherwise be. But, I believe, Sir, belonging to a rational and reasonable party, I would not oppose this amendment but would support the honourable mover of this motion.

Mr. President : Clause under consideration, amendment moved :—

"That clause 4 be omitted."

The question is that that amendment be made.

The motion was carried.

Chaudhri Duli Chand : I wish to move my amendment to clause 4.

Pandit Nanak Chand : Is the honourable member in order in moving an amendment to a clause which has been omitted just now ?

Mr. President : I believe the honourable member is not serious in moving his amendment. So the Council will now pass on to the next clause. I may point out to the honourable House that an amendment has been tabled by Government to clauses 5, 6, 8 and 9. A revised notice has been received for amending these clauses separately.

Dr. Gokal Chand Narang : That shows conclusively that the Government have not made up their mind even till now.

Mr. President : Notice was received on the 2nd July.

Sardar Jodh Singh : May I ask one thing, Sir? If this Government amendment is carried and there are already some amendments tabled for clauses 5, 6, 7 and 9 separately, will all these amendments lapse?

Mr. President : There are, I think, two ways of dealing with this question satisfactorily. Either the consideration of the other clauses might be deferred till these clauses have been omitted or otherwise disposed of; or amendments to clauses or sub-clauses as well as to the new sub-clauses might be moved and considered now as proposed by the Government. The method followed just now in connection with the amendments to clause 7 was that the honourable Mr. Labh Singh moved his amendment under sub-clause 3 and I think the same method may be followed now.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to move :—

That for clause 5 of the Bill, the following clause shall be substituted :—

(1) Notwithstanding anything contained in any other enactment in force, if in any suit relating to a loan or the security for repayment thereof, any person who advanced the loan makes a claim or raises a plea in respect of the loan or security the court shall before deciding upon the claim or plea, frame and decide the following issues, namely :—

(i) Is the person who advanced the loan a money-lender within the meaning of this Act?

(ii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (1) of section 3 of this Act?

(iii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (2) of section 3 of this Act?

(2) If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall dismiss the claim or plea of the money-lender; provided that in any suit instituted within three years after the commencement of this Act, the court shall, instead of dismissing the claim or plea, deal with it in the following manner :

(a) in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree, the court shall disallow one-fifth of the amount found due to him and shall also disallow his costs, and

(b) in any other suit, if the money-lender is successful the court shall disallow his costs and shall also direct him to pay the costs of the opposite party.

(3) If issue (i) is found in the affirmative, and issue (ii) in the negative, the court shall in computing the amount of interest due upon the loan exclude every period of six months for which the money-lender omitted duly to furnish the account as required by clause (2) of section 3; provided that if the money-lender has after the time prescribed in that clause, furnished the account and satisfies the court that he had sufficient cause for not furnishing it earlier, the court may notwithstanding such omission include any such period or periods for the purpose of computing the interest.

(4) Every person who has been found to be a money-lender under this section by a court of competent jurisdiction shall be presumed to be a money-lender for the purposes of this Act until the contrary is proved; provided that there shall be no such presumption if the finding was given in a suit decided *ex parte*.

Explanation.—A person who has kept his accounts or sent six-monthly statements of account in the form and manner prescribed in clauses (1) and (2) of section 3, shall be held to have complied with the provisions of those clauses, in spite of errors and omissions if the court finds that the errors and omissions are of a trivial character and that the accounts were kept, and the six-monthly statements prepared and sent in good faith with the intention of complying with the provisions of those clauses.

Mr. President : Clause under consideration, amendment moved :—

That for clause 5 of the Bill the following clause shall be substituted :—

- (1) Notwithstanding anything contained in any other enactment in force, if in any suit relating to a loan or the security for repayment thereof, any person who advanced the loan makes a claim or raises a plea in respect of the loan or security, the court shall before deciding upon the claim or plea, frame and decide the following issues, namely :—
 - (i) Is the person who advanced the loan a money-lender within the meaning of this Act ?
 - (ii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (1) of section 3 of this Act ?
 - (iii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (2) of section 3 of this Act ?
- (2) If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall dismiss the claim or plea of the money-lender ; provided that in any suit instituted within three years after the commencement of this Act, the court shall instead of dismissing the claim or plea deal with it in the following manner :—
 - (a) in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree, the court shall disallow one-fifth of the amount found due to him and shall also disallow his costs, and
 - (b) in any other suit, if the money-lender is successful the court shall disallow his costs and shall also direct him to pay the costs of the opposite party.
- (3) If issue (i) is found in the affirmative, and issue (iii) in the negative, the court shall in computing the amount of interest due upon the loan exclude every period of six months for which the money-lender omitted duly to furnish the account as required by clause (2) of section 3 ; provided that if the money-lender has after the time prescribed in that clause, furnished the account and satisfies the court that he had sufficient cause for not furnishing it earlier, the court may notwithstanding such omission include any such period or periods for the purpose of computing the interest.
- (4) Every person, who has been found to be a money-lender under this section by a court of competent jurisdiction shall be presumed to be a money-lender for the purposes of this Act until the contrary is proved : provided that there shall be no such presumption if the finding was given in a suit decided *ex parte*.

Explanation.—A person who has kept his accounts or sent six-monthly statements of account in the form and manner prescribed in clauses (1) and (2) of section 3, shall be held to have complied with the provisions of those clauses, in spite of errors and omissions, if the court finds that the errors and omissions are of a trivial character and that the accounts were kept, and the six-monthly statements prepared and sent in good faith with the intention of complying with the provisions of those clauses.

The question is that that amendment be made.

Sardar Jodh Singh (Sikh, Urban) : Sir, I rise to oppose this motion. I believe that even if this harsh law is enacted the *bania* will not be killed, because *bania* is an institution. As long as people want money and capital has got its use, no legal enactment can kill him, but I believe that this law imposes very harsh restrictions upon him. Sir, whilst introducing this measure, the honourable mover referred to the English Money-lenders' Act and said that as there was an Act in England therefore an Act in India was necessary. I would draw the attention of the honourable members to the fact that before that Act was passed a Committee of the House of Commons sat to examine the whole situation. . . .

Mr. President : Order, order. The honourable member will restrict his remarks to the clause proposed and not enter into a general discussion of the principles of the Bill.

Sardar Jodh Singh : Sir, I am referring to that Act simply to show by a comparison how harsh this clause is. I will give in three or four sentences the conclusions arrived at by that Committee and show that no such presumptions exist in this case.

Before that Committee it was proved that money-lending transactions frequently had their origin in fraud and misrepresentation; secondly, that money-lenders in various ways put down misleading advertisements and circulars and get borrowers in their clutches; and thirdly, it was proved that actual interest charged in some cases was 3,000 per cent. and that the transactions were of a fraudulent character from start to finish.

Mr. President : Order, order. If I remember aright, three Money-lenders' Acts have been passed in England. Which Act is the honourable member referring to?

Sardar Jodh Singh : I am just trying to show that the punishment that has been proposed in this clause for a class of persons who do not resort to any of these practices on which assumption this Bill has been proposed is terrible. . . .

Mr. President : The question put by me, I think, is so very simple and clear that no prevarication will do. Please answer the question: To which of the three Acts is the honourable member referring?

Sardar Jodh Singh : Sir, the Act of 1920.

Mr. President : The reason why I have put this question is to enlighten some of the members of the Council. The first English Money-lenders' Act was passed in 1900 and it did not relate to the keeping of accounts; it related to registration of money-lenders, if I am not mistaken. Therefore any extracts from the statement of objects and reasons of that Act would not be quite relevant to the discussion now before the House.

Sardar Jodh Singh : Sir, I have said enough to illustrate what I am going to say and I need not read out the rest of the report. What I want to say is that even the second argument which some of the honourable members have brought forward in support of this Bill. . . .

Mr. President : The honourable member is again speaking on the Bill as a whole, while only clause 5 is before the House at the present moment.

Sardar Jodh Singh : Sir, I am sorry but it was by mistake that I used the word 'Bill' instead of 'clause'. Sir, the assumptions and the material on which this clause is based, I am going to controvert now. There are some people who think that by passing this clause and by making the money-lender to keep accounts correctly and by penalising him for not submitting a six-monthly statement, they will bring down the rate of interest.

Mr. President : Order, order. I am afraid the honourable member is not quite relevant and if he proceeds in this strain, I may have to ask him to resume his seat.

Sardar Jodh Singh : Am I to speak to clause 5 or to the whole amendment?

Mr. President : Only the amendment is now before the House. I believe the honourable member has got a printed copy of it. If he wishes to discuss the several clauses of the amendment, he will be quite in order, but if he wishes to enter into a general discussion of the Bill, I am afraid, I will have to stop him.

Sardar Jodh Singh : Sir, I will confine my remarks to the following clause :

"If issue (i) is found in the affirmative, and issue (iii) in the negative, the court shall in computing the amount of interest due upon the loan exclude every period of six months for which the money-lender omitted duly to furnish the account as required by clause (2) of section 3."

I think, Sir, that it is very harsh to penalise in this way the non-sending of accounts. These accounts will not entail any burden on the borrower who receives them, that is to say even after receipt it will not be presumed that they are correct. I think that if on demand the money-lender does not give an account there is some occasion for instituting such penalty, but if the money-lender does not send accounts as a matter of course as proposed by this Bill, I think this will operate very harshly on the money-lender. Sir, people will simply stop investing their capital for agricultural operations. But I would not have minded even that, had it not been that not only will the Bill affect the lending of money

Mr. President : The honourable member is again discussing the Bill as a whole. I think his arguments have been advanced already by other members when they discussed the motion that the Bill be taken into consideration. Whether the Bill is a beneficial measure or not has also been discussed in detail. The matter now under discussion is the clause which has been moved and not the whole Bill which was exhaustively discussed by this House for four days.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan); Urban] : Sir, this amendment moved by the Honourable Member for Revenue is really the crux of the whole matter because whereas the other parts of the Bill are only directly asking the money-lender to comply with this thing or that thing, this clause as amended by the Honourable Member for Revenue penalises the money-lender for non-compliance with certain provisions of the law, and it is therefore necessary that the honourable members of this House should direct their whole-hearted attention to the discussion of it and should bring an unbiassed mind, if possible, to bear upon this clause.

[Dr. Gokul Chand, Narang.]

I may, in the first instance, submit, Sir, that this Bill only applies to loans which carry interest and therefore if a loan were advanced without any interest the money-lender will not come within the clutches of this law. Thus even if he is among the most dishonest of money-lenders, his principal will be perfectly safe, and he is in a position to recover it and he will be absolutely secure from the baneful effects of this law. Keeping that in view, I really do not understand, Sir, the justification for the penalty which is sought to be imposed upon a money-lender who advances money on interest under this clause. If this clause, rather this amendment, is carried the result would be that a money-lender if he fails to comply even accidentally with the provisions as laid down in sub-clause (e) of clause 3, will lose not only his interest and his costs, he may have the whole of his suit dismissed after the lapse of three years and within the lapse of three years from the commencement of this Bill he will be liable to a very severe penalty which would extend also to the principal. I therefore very respectfully but equally earnestly ask the honourable mover of this amendment whether he has considered the contradiction, the inconsistency, the unfairness, the injustice and the cruelty implied in his amendment. Simply because I advance money on interest I lose in certain cases a part even of my principal and after three years have elapsed from the commencement of this Bill I get my whole suit dismissed. It is a thing which is absolutely unheard of. There is, as is apparent from this amendment, no limit prescribed to the amount of the suit. The suit may involve a million of rupees and yet after three years, if by some accident or by a theft in my house or by arson occurring in my house, I fail to comply with the provisions of sub-clause (e) of clause 3 I lose my million of rupees. Not only an illiterate person but it may be a head of Government who in order to purchase a few villages might have borrowed a million of rupees.

At this stage the Council adjourned for lunch.

The Council reassembled after lunch at 2 of the clock. Mr. President in the Chair.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban]: Sir, when the Council rose for lunch I was trying to develop a point which was to the effect that the Bill was intended to meet only those cases in which money is advanced at interest and if no interest is to be charged then the Bill does not apply to loans. Therefore I submitted that it is most inequitable that in the case of non compliance with any provision of this Bill any part of the principal should also be disallowed or that the suit should be dismissed. The amendment as it stands provides that during the first three years after the commencement of this Bill a part of the account would be disallowed and also the cost will be disallowed, and one-fifth of the amount found due to him shall be disallowed. My submission is that one-fifth may cover a part of the principal and therefore this amendment goes beyond the scope of the Bill itself and on that ground alone it ought to be ruled out because the disallowance of the principal is not contemplated by the object and scope of the Bill, for the apparent reason that if the money is advanced without interest, I lose nothing and I am free from the operation of this Bill. Then, I would submit that even one-fifth is a very heavy amount because no limit has been fixed for the amount of a claim which

would be liable to penalty and this one-fifth may in some cases amount to thousands of rupees. And then I submit there is no limit allowed even in the case of dismissal of suits and a heavy suit of a million rupees may also be dismissed if this amendment is passed. It may go off not only when against a poor peasant but also against one of the most intelligent and prosperous residents of the biggest towns in the province. He might have held the highest post under the Government and might have administered affairs of State. This is apparently most inequitable and unjust. It might be argued that there are certain cases in which suits are even now dismissed on account of non-compliance with certain provisions of the law. Well, I may at once set the minds of those gentlemen at rest, who may be under this impression. There is, to the best of my knowledge, no provision of the law which relates to the keeping of accounts which says that unless the accounts are kept in any particular form the suit or any part of the claim would be dismissed. Reference has been made during the agitation on this Money-lending Bill or the Borrowers' Protection Bill to section 34 of the Indian Evidence Act. That section runs like this:—

Entries in books of account regularly kept in the course of business are relevant whenever they refer to a matter into which the court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

This section has two operative parts. One is that the entries in account books shall be relevant in certain cases, namely, when they are regularly kept and the second is that howsoever regular they may be kept they will not by themselves bind any person with liability, which means that though these entries are relevant and form one kind of evidence they shall not be conclusive. Now, this is a very desirable provision of law given in the Evidence Act and nobody can find any fault with it. But there seems to be absolutely nothing in common between this provision of the Evidence Act and the provision which is now under discussion. If the amendment were only confined to this that the entries made in those books which will be prescribed by the Government will be relevant if they are regularly made, that though carrying great weight they will not be conclusive evidence against the borrower it would not have been open to much objection. They will be only a piece of evidence, but howsoever regularly the accounts may be kept they shall not be conclusive. In fact in order to make that point clear the honourable leader of the House appended an explanation to clause 3 of this bill. It is that failure to protest on the part of the borrower at any time during the three years of six years during which the accounts continue will not create a presumption against him and will not on the other hand be taken as an admission of the correctness of the accounts. That having been done it should have been considered sufficient without imposing this penalty which is proposed in this amendment. There is absolutely no comparison or similarity or analogy whatsoever between section 34 of the Indian Evidence Act and this provision. I know that some people whether their actions are *bona fide* or *mala fide* do dismiss suits on the ground that accounts are not regularly kept and the other evidence according to them is not reliable. The matter is open to appeal on that point and both the points can be taken on appeal, whether the accounts which the trial court has held to be irregular are as a matter of fact irregular or not, and whether the evidence which is necessary in order to give sufficient importance to those accounts which have been disbelieved by the

[Dr Gokul Chand Narang.]

trial court is or is not weighty enough to warrant a decree in favour of the plaintiff. Both these points can be taken in appeal but in this amendment there is absolutely no provision made even for an appeal because the question of appeal, if this amendment is allowed to be passed, does not arise. There may be some little question of triviality or of material irregularity which might be taken up but that would be the case in those cases only in which the provisions of clause 3; sub-clause (1), have been complied with but owing to some accidental error or omission a trivial mistake has crept in. It would not arise in cases where for some reason or another accounts have not been kept in the prescribed form. Then, I submit that even in the statute applying to limitations there is a healthy provision given in section 5. That is, if an appeal or an application is apparently not in time it will be taken to be in time if the petitioner can show that he had sufficient cause not to file his appeal or his application within the prescribed limitation but there is no such proviso here. The money-lender's house may be broken in. His books may be stolen. Or his house may be set on fire and his books may be burnt. After that he comes to the court and says Chaudhri so and so or Sardar so and so borrowed so much money from me. Issues as given in the first part of the amendment are struck in the case and one of those issues is whether he has complied with the provisions of clause 3. The onus is on the plaintiff and he has to discharge that onus. There is no provision whatsoever made to cover such cases. Sir Gopal Das Bhandari was perfectly right when he pointed out this omission, very important omission from the Bill. I would therefore submit that from every point of view the amendment is wholly unworkable and even if worked, it would be extremely oppressive and would defeat the ends of justice in a large number of cases and on the whole would result in confusion which no court and no Government can afford to see prevailing in affairs of business where money-lending or such other business is concerned. Now you are a lawyer and there are many lawyers sitting here and the mover is also a lawyer. He ought to know that the issues are framed when the parties are at issue. This is one of the most elementary principles of procedure. The defendant denies certain parts of the claim or some allegations made in the plaint. The court finds that the parties are not agreed on certain points which in ordinary language even may be described as parties being at issue on those points. The court says these are the points on which adjudication is required and issues are framed. Now, in these circumstances if the amendment stands as it has been proposed, the result would be that issues will be framed as a matter of course even if the parties are in agreement. It will be like taking the plaintiff and the defendant, peaceful, friendly people otherwise, and setting them by the ears and making them fight. The defendant says 'I do not want it'. The plaintiff's claim is perfectly clear and may be admitted. This amendment says 'No, the court must frame these issues and must give a finding on those issues'. It does not matter if the parties are agreed on those points or not. Keeping these things in view, Sir, I would propose certain amendments to this amendment with your permission. I have already sent up an amendment and that was made under clause 8. But as the whole thing has been mixed up now and the Government has not been clear in what form the various provisions of this Bill have to be put until to-day, I have to move an amendment to this amendment. In the first place I would submit that in sub-clause (1) of this clause after the word 'frame' these words may be added: 'On a plea to that effect being raised'. Then, Sir, I

would submit that in place of sub-clause (2) substitute the following amendment No. 6 given by me. The words will have to be changed in order to make it fit in "If issue 1 is found in the affirmative and issue 2 in the negative, the court shall deal with the suit in the following manner".

Mr. President: If the honourable member moves these amendments one by one, they will be disposed of.

Dr. Gokul Chand, Narang: Very well, Sir. Then I shall move the first amendment:—

"That in line 5 of sub-clause (1) of the proposed amendment after the word 'frame' the following words be inserted, namely, 'on a plea to that effect being raised'."

I will stop here. It may be put to the vote. I do not want to take the time of the House.

Mr. President: Clause under consideration amendment moved—

"That in line 5 of sub-clause (1) of the proposed amendment after the word 'frame' the following words be inserted, namely, 'on a plea to that effect being raised'."

The question is that that amendment be made.

Mir Maqbool Mahmood: May I speak just to that amendment or will I have the right to speak on each amendment as it is put?

Mr. President: Of course, every amendment is independent, and may be discussed separately.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: My learned friend suggests that issues shall only be framed when the parties raise those pleas involved therein. I have a twofold reply to that amendment. First, that normally when a party can engage a pleader or when a party is alert enough to raise that point that the plaintiff is a money-lender and has not complied with the provisions of the law, the issue will be framed. Protection is needed in those cases where either the man cannot engage a pleader and does not know his rights or is ignorant enough as not to know that he has a plea which can be raised. In those cases what the court has to do is just to invite the attention of the parties to raising the pleas. The onus of proving the first issue is on the borrower. He will have to prove that the person who advanced the loan is a money-lender. If he does not want to adduce evidence in support of that issue, obviously the first issue will be decided in the negative and the court will proceed in the normal course of things. But it is only in such cases where the borrower in justice and equity should be able to advance that claim, that the issue will be raised. If he were alert or if he could engage a lawyer it will be all right. Simply because he is ignorant and innocent, the issue will not be raised. The second point I would like to submit is that this is no novel procedure. Already under the Pre-emption Act, issues are struck and decided. The third point I would like to submit is this, that the prescription with regard to the keeping of accounts and the sending of six-monthly statements was unanimously arrived at in the Select Committee. That was a unanimous decision and they agreed to the decision as to what a money-lender should do. Why should anybody grudge that the court and the Crown shall insist that every party that comes into court, which has a duty to carry out those prescriptions, shall carry out those prescriptions? I could understand some of my friends saying that a money-lender should not be forced to keep accounts and that he shall not be forced to send six-

[Mir Maqbool Mahmood.]

monthly statement. But having arrived at that decision by a compromise that he shall keep accounts and shall send six-monthly statements, what objection is there in seeing that the provision is carried out? The other points raised by my learned friend in the general attack he made on this clause are (1) that the books may be burnt, (2) that the loan may be advanced without interest; and in those cases the Bill will not apply.

Mr. President: Order, order. The honourable member will confine his remarks to the amendment now before the House. Dr. Gokul Chand, Narang.

(Pandit Nanak Chand rose to speak.)

Mr. President: Dr. Gokul Chand, Narang, has received the call of the Chair to reply. Dr. Gokul Chand, Narang.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban]: Sir, the reply given by my learned friend, is that the issues are to be framed only on a plea to that effect being raised some ignorant people might not raise those issues. My submission is that if a person is entirely ignorant, he files the *jawabnama* through the pleader or through a petition-writer. If he is represented by a pleader or if he has recourse to a petition-writer, there would be absolutely no difficulty; and if the matter is so petty and the man is absolutely so poor that he can neither engage a pleader nor have the services of a petition-writer—and I regret to say that in these days a pleader can be had even for a couple of rupees and the services of a petition-writer for a few annas—then by that very process of reasoning the amount in dispute must be infinitesimally small and negligible and no hardship would be done if the issues are not raised. Therefore you would be pleased to see, Sir, that legislation is to provide for cases which are real evils crying for reform and to cover cases *ipso facto* of frequent occurrence. My submission is that these cases would not come within that category. Now, you will see, Sir, how it will affect the procedure in courts. My learned friend has overlooked that thousands of cases are decided by Small Cause Court Judges, having power sometimes up to Rs. 50, sometimes more and at the utmost Rs. 500. There it is not necessary even to put in *jawabnama*. It is not necessary to have even issues framed. The court notes the points for determination. The court is not bound to record evidence in full. It hears the witnesses and notes down whatever it considers necessary and then suits are disposed of. The result would be that even the procedure in the Small Cause Courts would be clogged and whereas the Small Cause Court Judge can to-day decide 50 or 60 cases in one day, he will probably be able to decide only a very few cases; and the complaint which we hear every day and which we find in the reports on the administration of justice would be perfectly justified and would be much more aggravated. Then, Sir, already it has been brought to your notice that a Collector has also been included in the definition of a court and even the proceedings under the Redemption of Mortgages Act of 1913 has been included within the definition of a suit. There also these issues will compulsorily be framed, although there is no right of appeal or revision from the order to be passed by the Collector in those cases. My learned friend has really overlooked the grave and serious complications and difficulties into which this amendment would lead the litigant public and also the courts. Really everything has been exaggerated and on that supposition and hypothesis, which is not supported by actual facts, this amendment, like so many other provisions, is sought to be pressed. He has referred to the

Pre-emption Act. He says although the parties may not raise an issue, the court has to frame an issue. That is the policy of the State. I could dilate on that at fair length and expose the circumstances under which that Act was enacted, but it would certainly take too much time of the Council. That was not really a legislative measure; that was a political measure. I refer to the Land Alienation Act. If this is also intended as a political measure, then of course all this debate and the whole discussion has been nothing but mere waste of time. The Government ought to have plainly told us "we do want this Bill in spite of all the arguments that you may use on the other side". We might have curtailed our debates and it would have saved the time of everybody. But I hope the honourable mover of this Bill is not prepared to admit this, because in admitting this, he would be admitting something very, very grave and serious which will go against him; it would mean that he has let himself to be used as a mere tool for a political object which the Government had in view in bringing forward this measure. Therefore, I would ask him to reconsider what he has said with respect to the analogy between this Bill and the issue to be framed in pre-emption cases with respect to the applicability of the Punjab Land Alienation Act. I would, therefore, submit that there is no justification for opposing this amendment, which is perfectly in keeping with the procedure adopted everywhere and in perfect consonance with common sense. Nobody wants to decide disputes which do not exist. It is putting a premium upon contentions and people will be raising contentions where there is no justification whatever for raising them. A barrister or a professor goes to recover some money that was lent to somebody on a certain occasion and an issue will have to be framed whether the plaintiff is a money-lender or not. The same is the case with other people. It will create unnecessary trouble and put a premium on dishonesty and on dilatoriness in litigation and all sorts of things. I hope that the Government would see its way to accept this harmless and necessary amendment.

Mr. President: Clause under consideration, amendment moved:

"That in line 5 of sub-clause (1) of the proposed amendment after the word 'frame' the following words be inserted, namely, 'on a plea to that effect being raised'."

The question is that that amendment be made.

The motion was lost.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan), Urban]: Sir, we are really at the end of this long debate. May I ask the leader of Government if there is any use our going any further and if they are open to conviction and if they attach any importance to the points that we may raise in our debate. If the Government members are going to act like a well-disciplined army and oppose us in every thing, there is no use our going on with further amendments. We may as well put an end to the debate even now. Most of the official members do not seem to be enamoured of this Bill, but like a well-disciplined army they have to carry out their orders. If this is so, I would like the honourable leader of the House to tell us that they have made up their minds as to their attitude towards our amendments so that even at this stage a great deal of the discussion may be avoided.

Mr. President: Does not the honourable member wish to move his amendment?

Dr. Gokul Chand, Narang : I would, if the necessary reply comes from the Government to my remarks.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, as a member of Government on whom it devolved to carry on in council the Bill of which the Honourable Sir John Maynard was in charge, I suppose it devolves upon me to make a statement which the honourable Dr. Gokul Chand, Narang, has invited. Now from the beginning of the discussion on this Bill Government's position was made clear in the statement read out in this Council by Mr. Dunnett, a statement prepared by the Honourable Sir John Maynard, the Member of Government who dealt with this case since November 1924. A great deal of feeling has been imported into the discussion of this legislative measure. A great deal of talk which one would have desired not to have taken place has taken place in the House and outside the House. Members of the Government have studiously avoided entering into any recriminations on this measure. Honourable members led away by passion and feeling have at times made observations which, I have not the slightest doubt, in their calmer moments they would have never made, but it has not been considered advisable to enter a protest against it or from time to time to get up and say that all these insinuations are repudiated, as a statement to that effect once made holds good, at all events during similar insinuations. Now, for an honourable member to get up and say, what the honourable Dr. Gokul Chand, Narang, has said, "is it any use proposing any amendments in this House and so on?" shows he has permitted himself to indulge in a fit of anger or passion

Dr. Gokul Chand, Narang : No, I am very calm and absolutely free from any indignation.

The Honourable Mian Sir Fazl-i-Husain : I am glad he is calm and he is quiet; and I hasten to assure him that these matters have received the most careful consideration of the Government, and these amendments when he reads after the debate is over, if he is calm now, then, I trust, in a still calmer mood, he will realise that the amendments proposed by Government greatly curtail the scope of the Bill, curtail and improve it from the point of view of the opponents of the Bill, and Government has taken pains to make something of a very difficult Bill, something of a very involved measure, and as at one time he was kind enough to realise and acknowledge, I trust after the heat of controversy has passed, though in a hotter climate, still in a calmer atmosphere, he will feel that he has not done us justice in saying that we are here simply to ignore all reason, we are here simply to push in a political measure, and all these things which all of us are liable to say when we are angry. I do not blame him. I only point out that as a matter of fact

Dr. Gokul Chand, Narang : I never said that, I must say that in justice to myself. I said "if it is a political measure".

The Honourable Mian Sir Fazl-i-Husain : I am very glad that I misunderstood him. These 'ifs' have a tendency to come and go just as the mood of the speaker demands and in response to it these 'ifs' multiply and disappear. However, Sir, the point of my statement is this, to assure this House that Government has no bias against any class. Government's sole wish is to help this Council to pass a measure which will help keeping regular accounts, a thing which Government has announced from

time to time, and which is a matter for the good of the whole province. Beyond that Government has no wish to help one part of the House or the other. In considering any amendments that the honourable members may make I can assure the House, Sir, that Government members will give it their most careful consideration and in arriving at their decision will not allow themselves to be influenced either by fear or favour.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadian), Urban]: Sir, I am very much obliged to the Honourable Member for Revenue for the statement that he has made on behalf of Government. It is now for the House to see whether this statement is supported or corroborated by the conduct of Government with respect to the debate in this House.

Mr. President: Order, order. I cannot allow a debate on that statement. The honourable member will move his amendment if he wishes to do so.

Dr. Gokul Chand Narang: I am going to do that. Without going further into the matter and hoping that there is still some hope of some of our points being carried, though some people may think that it is hoping against hope, I would venture to move another amendment. The next amendment I beg to move in connection with this clause is this:—

"That in place of sub-clause (2) the following be substituted:—

"If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall, in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree, deal with it in the following manner, viz., it shall disallow:—

- (i) in case of first default 10 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 250;
- (ii) in case of second default 15 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 500;
- (iii) in case of any subsequent default 20 per cent. of the amount found due provided the amount disallowed shall not exceed Rs. 1,000; provided that no part of the claim shall be disallowed if the court is satisfied that the money-lender was prevented by sufficient cause from complying with the said provisions."

Now, Sir, in supporting this amendment I would draw the attention of the House to the fact that this Bill is primarily and almost entirely intended to safeguard the interests of the poor illiterate peasants. I ask you, Sir, what, in your best judgment, conscientiously is the real amount of liability of an ordinary illiterate peasant? I ask the Muhammadian members of this House, what, in their opinion, would be as a rule the utmost limit of a poor agriculturist's liability in the villages?

The answer would be 'about Rs. 200'. Well, raise that amount several times. Let it be Rs. 400, 600, 800, 1,000 or 2,000. Let it be even Rs. 5,000. I appeal to your own knowledge and experience of this province and ask whether there are any ordinary agriculturists living in the villages unable to protect their interests and whose liability would extend to such a high figure as Rs. 5,000. My submission is that the average would not exceed Rs. 200 or so. If, honestly speaking, the object of the Bill is to afford pro-

[Dr. Gokul Chand, Narang.]

tection to those people, why should any dismissal of a large suit come in? Why should the dismissal of a suit for a lakh of rupees due from a non-agriculturist be permissible under this measure? Will not the penalty provided by this amendment meet the requirements of the case? If a person comes forward with a suit and he gets a part of his suit disallowed on the first default, a larger part on a second default, and if he is foolish enough to make a further default, a still larger amount on the third and subsequent defaults that should be sufficient punishment. After all if in the villages the borrowers are of a humble position the lenders also are of humble position. They are people who in order to save the *ekka* fare will walk ten miles and even twenty miles to file a suit. They would certainly not like to lose more than 20 per cent. of their claim. It would therefore be sufficient penalty, and would be sufficiently deterrent to prevent the money-lenders from not complying with the provisions of this law. The penalty that you provide is unfair and unjust and is beyond the degree of offence for which it is provided. With these remarks, I commend my amendment for the acceptance of the House.

Mr. President : Clause under consideration, amendment moved :

"That the following be substituted in place of sub-clause (2) of the proposed amendment :—

"If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall, in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree deal with it in the following manner, *viz.*, it shall disallow :—

- (i) in case of first default 10 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 250;
- (ii) in case of second default 15 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 500;
- (iii) in case of any subsequent default 20 per cent. of the amount found due, provided the amount disallowed shall not exceed Rs. 1,000: provided that no part of the claim shall be disallowed if the court is satisfied that the money-lender was prevented by sufficient cause from complying with the said provisions."

The question is that that amendment be made.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trade Association, Commerce) : Sir, I am very pleased to be able to support this amendment. It practically covers the mandate given to me by my Chamber. The penalty clause is one of the crucible points of the whole Bill and, as it stands, one which our Chamber cannot accept. If the Government will give way on this point, or rather if the honourable mover of the Bill will give way on this point, then he has my assurance that I, on behalf of my Chamber, will support the Bill in its passage into law. But we cannot agree to such a severe penalty as unsuited for technical faults. I suppose the honourable mover of the Bill has seriously considered this matter. If you make the penalty so severe you make it almost impossible for money to be lent without risk of loss, with the natural result that there will be wholesale evasion of the provisions of this Act. You are not going to get many people to risk all their capital for some small technical fault. The penalty proposed in the amendment is quite severe enough, but to lose every-

thing is much too great a hardship. The only thing that the money-lender can do is to take interest beforehand. Supposing he lends Rs. 100. He will add Rs. 15 by way of interest and make the whole sum of Rs. 115 repayable with interest in twelve months. He thus does not come under the Act. You are forcing the money-lender to have recourse to such underhand methods. Is it proper and just on your part that you should make the penalty so severe as to drive honesty amongst the money-lenders out of the field? Even if the money-lender wants to fulfil the reasonable provisions of the Act you are, by making the provisions very drastic, compelling him to evade its provisions. The money-lender is quite cunning enough to evade the provisions of this Act. Supposing there is an honest money-lender who keeps regular accounts. If his books are accidentally destroyed or if something happens which makes him unable to produce his books, then you go to the extreme length of unsuiting him. Is it not too much that any one should be penalised in that way? I wonder if the zamindar benches of this House quite realise that the amendment made in exception (xi) of sub-clause (5) of clause 2, namely, in the case of a loan advanced by landlord to his tenant, lessee or partner in cultivation, now brings the landlord into the same line with other money-lenders in the present clause. The present penalty imposed in the clause under discussion covers all such cases except advances for agricultural purposes. If a loan is advanced and if he does not produce books, then his whole capital is gone. I would have liked to move an amendment that might be possibly more suitable and more acceptable to Government, although I myself like my honourable friend Dr. Narang's amendment best. If the Government would see their way to delete the new clause 2 of their amendment, deleting every word from 'dismiss' to 'plea' this is cutting out the question of unsuiting altogether, and making for all time, the penalty of disallowing one-fifth of the amount and the disallowance of costs instead of for three years only, surely that would be big enough inducement to make the money-lender keep regular books. I know that the argument used by the other side is that the money-lender will add on one-fifth before he advances a loan. If he advances a loan of Rs. 100, he puts Rs. 20 on the top of it, being one-fifth and he also adds Rs. 15 interest and he will then take a promote for Rs. 135 after advancing Rs. 100 only. Even if he keeps no books and loses his one-fifth of the amount and also the interest, he would be left with Rs. 100 the principal that he advanced. Is there any money-lender in this province who is such an absolute fool as to lose that Rs. 35 by not keeping books? He will keep regular accounts, send his usual six-monthly statement and will sue the debtor for the whole sum of Rs. 135 and recover the sum to the last pie. In this way he will make the borrower pay more owing to the Bill and then recover this extra amount too.

I again appeal very seriously to the Government and the honourable members on the opposite side to accept the amendment of my honourable friend Dr. Narang. If they are not amenable to it, let them at least allow me to move my amendment to delete the provision of unsuiting. May I move my amendment, Sir?

Mr. President: The honourable member may move his amendment.

Mr. V. F. Gray: Sir, I beg to move. . . .

Mir Maqbool Mahmood: Is the honourable member in order in moving this amendment at this stage?

Mr. President : Yes.

Mr. V. F. Gray : Sir, I beg to move—

"In sub-clause (2) of the proposed amendment, second line, delete the words 'dismiss the claim' up to the word 'plea'."

I ask the House to give my amendment their serious consideration. This is the amendment put up officially by the Punjab Chamber of Commerce. It is the considered opinion of our Chamber, which is fifty per cent. Indian and fifty per cent. European and it is now the only big point on which we cannot accept this Bill. If you want the support of the commercial community, I must ask you to accept this amendment. If you will consider the harshness of absolutely unsuiting a man seriously, you will realise that the amendment I am moving is the only fair solution of the problem.

Mr. President : Clause under consideration, amendment moved :

"In sub-clause 2 of the proposed amendment, after the word 'shall' and up to the word 'plea' included be omitted."

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I would make it quite clear that I and my honourable friends on this side of the House are not particularly fond of the penalty of non-suiting. In fact we have worked here, on the Select Committee and outside the Select Committee to find any effective alternative penalty to the one that is being proposed. In the Select Committee also, we considered all alternative proposals suggested from whatever quarters they came. As the Select Committee itself has stated in the report, they found it impossible for themselves to accept any other effective alternative penalty. The penalty as proposed by the Government materially mutilates from the effectiveness of the penalty proposed by the Select Committee. In fact, we on this side of the House feel that since no other penalty is effective except that proposed by the Select Committee, the Government has by putting in this amendment made the whole Bill practically useless for at least three years. But in a spirit of compromise and in a spirit to give the persons a chance to understand that after all there is serious risk involved in the non-compliance with the provisions of the Bill which we are talking of at present, we have perforce to agree to accept the clause moved by the Government. If we have accepted that, I want to make it clear that we do not accept it without protest. Two alterations have been suggested to the penalty under discussion, one by my honourable friend Dr. Gokul Chand, Narang, and the other by my honourable friend Mr. Gray. As regards the penalty suggested by my honourable friend Dr. Narang, I am sure the House will agree with me that it can be evaded very easily. A money-lender, I mean a dishonest money-lender and not an honest money-lender, at the time he advances, say Rs. 200, will ask the borrower to give him a pronote in writing for Rs. 250. When you put on the top of it ten per cent., which he is going to lose by way of penalty, he will add to it the principal also that he is going to lose and add everything to it and take a pronote for that amount. So that even if he loses interest, even he loses one-tenth of the principal as such, he will be left with the principal and a substantive and excessive interest which would have been cut off if he had not kept proper accounts. In any way, he will be able

to evade the whole Bill, he will evade any of the prescriptions of keeping accounts or giving six-monthly statements. What can be practised with small amounts can also be done equally well with big amounts. In fact, if I understood my honourable friend Dr. Narang correctly he stated that in the case of Rs. 5,000 and above, a higher penalty may be levied. My submission is that a man who goes to court for items involving Rs. 5,000 is obviously a big money-lender who has even now normally to keep accounts. There is no hardship for him to keep regular accounts.

The second point involved in the amendment of my honourable friend Dr. Narang is that the court may, if the money-lender shows sufficient reasons for not complying with the provisions of this Bill, give him relief. As to that he also referred in his preliminary speech the case of books being torn or destroyed. I am sure he will forgive me and he will not accuse me of impertinence if I remind him of section 65 of the Indian Evidence Act which is not repealed by this Act. That section provides for cases in which secondary evidence may be given. It says:

"When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of any person out of reach of, or not subject to, the process of the court, or of any person legally bound to produce it, and when, after the notice mentioned in section 68 (1) such person does not produce it; secondary evidence may be given of the existence, condition or contents of a document."

I am sure that since we do not, by bringing in this Bill, repeal this provision of law which is not definitely repealed, it covers the object of the proviso mentioned by my honourable friend in the amendment.

As to the point raised by my honourable friend Mr. Gray, he cited the instance of a man who advances Rs. 100. He says he puts Rs. 20 on the top of it, which is one-fifth which he has to pay by way of penalty and he further adds Rs. 10 or Rs. 15 by way of interest so that when interest is out, when Rs. 20 put on the principal is out, he is still left with Rs. 100. When he loses interest, that is sufficient punishment, if I understood my honourable friend correctly.

Mr. V. F. Gray: He loses nothing.

Mir Maqbool Mahmood: If the honourable member's amendment is accepted, he will still lose interest.

Mr. V. F. Gray: My point is that he will lose nothing. He would get not only his principal Rs. 100, but he will also get his Rs. 20 that is one-fifth which he has put on the top of it and also his interest of Rs. 15 so that on the whole he will get Rs. 135. He would not be foolish enough not to keep regular books of account.

Mir Maqbool Mahmood: I understood my honourable friend while moving his amendment to say that he would lose Rs. 35. Possibly he will, if the original penalty stood and if he did not keep accounts. Therefore he would normally keep accounts and lose nothing according to my honourable friend. If he would keep accounts, we have no fight with him. If he keeps accounts, he can recover the whole amount. If he does not keep accounts or does not want to keep accounts, it is only in that case that the penalty will come into force. In a case where a money-lender puts Rs. 35 over and above the sum advanced by him, he could easily put Rs. 70 and defy the whole law and recover the excessive interest and principal involved down to the last pie.

[Mir. Maqbool Mahmood.]

I want to make it clear here and now that it is not the honest money-lender who is likely to resent this provision because he normally keeps regular accounts already and it would be no hardship for him to keep accounts in the form of books prescribed on the top of any other books, that he may like to keep for himself but it is the dishonest money-lender that we are struggling against. So far as he is concerned my learned friend thinks he is an elusive fellow. All that we are attempting is not to make it easy for him to evade the provisions of this Bill.

Then reference has been made by both the last speakers to a man who does not charge interest or a man who charges interest in the beginning and who will be exempted from the provisions of this Bill. If my honourable friends would do me the kindness of looking up the definition of 'interest' as define in this Bill—it is also more or less the definition given in the Usurious Loans Act—they will find that the definition of 'interest' is very wide. It covers everything at the top, i.e., what is actually lent as principal. If we can show that it has been found possible to evade the Usurious Loans Act, then it is also possible under the present Bill. After all it may be easy for a man in a single transaction to put interest. But the fellow, when he is conducting that sort of business in a series of transactions, is sure to be spotted out. Moreover, as the House will observe, the Government has added another proviso to this clause in the form of "explanation" and that states that if accounts have been kept in good faith and if errors or omissions are found which are not material he will still be considered to have complied with the provisions of this Act.

Pandit Nanak Chand : Of a trivial character.

Mir Maqbool Mahmood : I am sure it would thus be recognised that the Select Committee made desperate attempts to provide sufficient safeguards against the evasion of the law by clever money-lenders. We on this side of the House admit this alternative penalty only under protest. The House will, I am sure, grant that the Select Committee, the Government and we on this side of the House have explored as best as we could to find any effective alternative and we did find it. Now it is my painful duty in dealing with this amendment to say that Government has gone out of its way and has thus made a provision practically nullifying the effects of the Bill for three years. In a spirit of compromise we on this side accept it and I hope that our friends on the other side will accept it in a similar spirit.

Mr. President : Will the honourable mover state which amendment he is prepared to accept ?

Mir Maqbool Mahmood : The Government amendment, Sir.

Lala Mohan Lal : Sir, may I know whether I will be given a chance to move my amendment ?

Mr. President : What amendment does the honourable member propose to move ? Is it an amendment to the proposed amendment or is it an independent amendment ?

Lala Mohan Lal: Sir, it is amendment* No. 12 to Clause 8.

Mr. President: The Honourable Pandit Nanak Chand's amendment is substantially the same. Is it not?

Pandit Nanak Chand: Yes Sir, it is amendment† No. 20.

Mr. President: The honourable members have tabled alternative amendments. They are not quite identical.

Lala Mohan Lal: My amendment* is No. 12.

Mr. President: Which is substantially the same amendment as has been moved by Dr. Gokul Chand, Narang.

Lala Mohan Lal: The amendment is not the same inasmuch as I put in a period of three years?

Mr. President: The period is different no doubt, but that does not take away the substance of the amendments.

Dr. Gokul Chand, Narang: Only if it is considered it will have to be put in a different part of the amendment because Government says that for three years there should be no dismissal of suit. I do not make any provision with respect to that.

Mr. President: I shall be glad if the honourable members will redraft their amendments to suit the new amendment and hand them over to me.

Mr. E. Maya Das [Non-official, Nominated]: Sir all I wish to say is that the successful working of the measure will depend upon a number of things, and one of the factors will be the matter of this penalty. If this penalty is made heavy and the working of it is found difficult, the money-lender will try and keep out of it. If the penalty is made light, the measure will work more successfully. I would rather be accused of having imposed a light penalty than having imposed a heavy penalty and so far as I can make out, the penalty proposed by Government is heavy. I am, therefore, in favour of the amendment proposed by Dr. Gokul Chand, Narang.

Dr. Gokul Chand Narang [North-West Towns (Non-Muhammadan) Urban]: Sir, to utilise the time which would be taken by these gentlemen to frame their amendments, I would reply to the honourable mover. His reply to my argument in support of this amendment reminded me of good old days of merry England. In ancient days in England the punishment for theft was hanging. The thief was to be hanged by the

* * That in clause 8 of the Bill for the words 'shall dismiss such claim or plea' at the end the following be substituted, namely:—

'Shall, in deciding the suit, deal with such claim or plea in the following manner—'

(a) In any suit instituted after three years after the commencement of this Act, if the payment of any sum of money to the money-lender is to be directed by the decree, the court shall disallow one-tenth up to one thousand and one twentieth above one thousand of the amount found to be due to him or shall disallow his costs of the suit.

† "That in clause 8, for the words 'the court shall dismiss such claim or plea' substitute the words 'the court shall disallow any part or the whole of the interest as it may deem fit'."

[Dr. Gokal Chand, Narang.]

neck until he was dead. If he stole an apple, he was liable to be hanged and he was very often hanged, so that whenever a young fellow entered into an orchard and stole a few apples and was detected, his attempt was to kill the keeper so that there may be nobody to give evidence knowing that if he was caught he would be hanged as well for stealing as for killing the keeper. My honourable friend Mir. Maqbool Mahmood says it is only the dismissal of the suit that could prevent a non-compliance with the provisions as laid down in sub-clause (2) of clause 3; no other penalty will be sufficiently deterrent. In this way exactly the legislators of those days whose prototype my learned friend wants to be, argued in favour of the retention of the sentence of death for theft. But history has taught us that with the removal of this extreme penalty in the case of theft, the number of thefts, the number of dacoities and even the number of murders have gone down and my honourable friend Mr. Gray was perfectly right when he said that when the penalty is severe, everybody wants to escape it in one way or another and rather than comply, rather than make an attempt to comply with this and still be exposed to that danger when he brings a suit because he does not know at what time he might make a mistake which a Sub-Judge might not consider trivial, he would altogether try to evade the provisions of the Bill. My learned friend said that if the penalty was made lower as proposed by me, attempts would be made to evade it. I have said once before and I say it again that my learned friend seems to be too much obsessed with the presumption that money-lenders are a dishonest lot. He is no doubt sitting as a legislator to provide for the regulation of accounts and for the prevention of dishonest money-lenders taking undue advantage of the ignorance of the borrowers.

But he is certainly obsessed with the idea that all money-lenders or almost all money lenders are dishonest and therefore whenever a proposal is made from this side he says: "well, this leaves a loophole, this leaves a way for evasion and so on." With respect to the loans by widows, with respect to the loans on jewellery and so on, that has been his argument and I submit that he is entirely mistaken in being under that impression or having that opinion of the money-lenders as a class. Then to my argument with respect to the books being lost or burnt, he referred me to section 65 of the Indian Evidence Act. He read the whole of it and it has gone down on record and I need not repeat it. He has overlooked the fact that in the first place it may be argued with some chance of success, depending upon the ability of the defendant at the time that so far as this section of the Evidence Act is concerned it has been overruled by this provision of the Borrowers' Protection Act, because this amendment starts by saying "notwithstanding anything contained in any other enactment in force." Well, it may be argued that this provision as to secondary evidence does not apply in this case. I may tell you that sub-judges, who may like my learned friend be predisposed against the money-lenders would say "Yes, it is very good argument, that section 65 of the Indian Evidence Act does not apply to it and off goes the claim." Then, Sir, I would respectfully point out to my learned friend that section 65 does not cover the case. Section 65 deals with cases where a contract is evidenced by writing and that writing disappears and cases of that kind, so that the subject matter of the contract which was reduced to writing can in certain cases be proved by oral or other kind of secondary evidence. It does not provide for a case like the present where a

question arises whether this man had complied with the provisions of this Act or not inasmuch as the keeping of a certain book was concerned. If the contents of a document lost are to be proved, then section 65 might come in, but not if the question is whether such a document was kept or not by the money-lender in a certain case. Then I would submit that even if this point were covered by section 65, what a great burden you impose upon the plaintiff in that case. If you prevent him from taking advantage of the provision which I want to be added to this sub-clause—that if the court is satisfied that there was sufficient cause, the court would not dismiss the suit on the ground that the plaintiff did not comply with this provision of the law. That is what my provision aims at and in any case as I have pointed out even if under the law it were permissible to him to prove that he had a book and it had been lost, how will he, as a matter of fact be able to prove that in that book he had kept those accounts regularly? Mr Magbool Mahmood owes me some money and I enter it in my book. Does he expect that I would be placing his account in my ledger before Honourable Sir Fazl-i-Husain or before his other friends. And if I am not supposed to do that, every honest money-lender must keep the confidences of his borrower and must not show his accounts to anybody, except the borrower. How will he prove by secondary evidence that he had kept that account in the regular form not only that he had a book, not only that that book was the one prescribed by the Government, but also that the account written up in that book was in accordance with the form prescribed by the Government. You make it almost impossible for a plaintiff to discharge this onus which would be imposed upon him in such a case.

Mr V. F. Gray [Punjab Chamber of Commerce and Trades Association, Commerce]; Sir, Dr. Gokul Chand, Narang has covered most of the points, but I must emphasise the fact that it is extremely difficult to argue from this side when we are met at every turn with the reply that the borrower is so foolish and the money-lender is such a rogne. The mover of the Bill has got that simply hammered into his mind. He merely meets my argument that the money-lender will add one-fifth first by arguing that the money-lender will get the bond signed for double and treble the amount, for which he actually pays. Is there no limit to the foolishness of the borrower? Is there no competition among money-lenders? Is the money-lender the sort of person who will say: 'I will give you Rs. 100, but you must sign a bond for Rs. 200? Are we to take it that the borrower is quite such a fool as to agree? You say, you are trying to protect the borrower, but to do so in this matter the penalties you are imposing on the honest money-lender are enormous? There may be a hard case here and there. You seem to think that it is quite easy to prove cases where evasion has taken place by deleting interest and thus avoiding the Bill altogether, but how on earth you are going to get the evidence I don't know, when a man gives only Rs. 100 and gets the bond signed for Rs. 150. You say you are protecting the agriculturist borrowers, but you forget that you are extending this Act to the whole of the Punjab. You are not restricting it to the agriculturists; this you have refused to do. It applies to the urban population as well in fact it will apply everywhere. You are basing the whole of your argument on the fact that the borrower is so absolutely idiotic that he will sign anything and the money-lender is such an absolute Shylock that he will take double and treble the amount he is entitled to and I submit that it is perfectly impossible to meet that kind of argument in ordinary debate.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammdan) Rural] : Sir, I beg to move :

"That for sub-clause (2) the following be substituted :—

"If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall (a) disallow any part or the whole of the interest as it may deem fit in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree; (b) in any other suit, if the money-lender is successful shall disallow his costs."

I submit that the amendment which I am moving is quite consistent with the principle of this Bill. The definition of 'loan' as given in this Bill is that loans without interest are not to be taken into consideration. The Bill is not made applicable to them. Therefore I see absolutely no justification why a person should be made to lose the principal amount. If you have to penalise the money-lender you can do so by disallowing his interest and any part of it or the whole of it if you think it proper, but I entirely fail to see when in the definition of loans you do not include those loans which are given without interest why under the penalty a man should be made to suffer by losing a part or the whole of his principal as well. My second point is that in the penalty which the Government has provided no discretion is left to the court. The criminality of an offender against the provisions of this Bill may be very small or it may be very great. Yet the penalty provided is one and the same for all. A man might be making mistakes through no fault of his. They might be merely accidental mistakes, though not of a trivial character, and on the other hand, there may be a person who may be playing fast and loose with the provisions of the Bill knowingly and dishonestly. The Bill, if it is enacted in its present form leaves absolutely no discretion to the court to punish these people according to the degree of their moral turpitude. I submit that the amendment which I am proposing gives this discretionary power to the court and the court can in these cases disallow either a part of the interest or the whole of the interest as it may deem fit and proper in the circumstances of each case. Then, Sir, there is unfortunately a bias in the mind of the mover with regard to the money-lenders. The whole Bill is based on that presumption.

Mr. President : The honourable member will not enter into a discussion of the whole Bill and stick to the desirability of the amendment which he is moving.

Pandit Nanak Chand : I was referring to the idea underlying the whole Bill. The mover of the Bill thinks that all the money-lenders are dishonest and acting on that presumption he has provided or the Government has provided this penalty for all money-lenders whether honest or dishonest. Therefore I submit that the amendment which I have proposed is reasonable and it should be acceptable to the Government. Now it is open to the Government to accept this amendment and give a proof of that open mindedness to which the Honourable Mian Sir Fazl-i-Hussain has referred.

Mr. President : Amendment under consideration, further amendment moved :

"That for sub-clause (2) the following be substituted :—

If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall (a) disallow any part or the whole of the interest as it may deem fit in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree; (b) in any other suit, if the money-lender is successful shall disallow his costs."

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain : If all amendments to sub-clause (2) of my amendment have been exhausted, then I would reply. If there are more amendments to be moved, it would save the time of the House if I were not to speak at this stage.

At this stage Lala Mohan Lal got up to move an amendment.

Mr. President : I called on the honourable member to move his amendment, but he did not rise.

Lala Mohan Lal : I do not move the amendment ; I withdraw.

Mr. President : The Honourable Mian Sir Fazl-i-Husain may reply to all these three amendments.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : It will be, Sir, noticed that sub-clause (2) of the clause that I moved by way of amendment relates to clause 8 of the Bill, wherein two points are worth noting, firstly, the scope of the Bill, that is to say, the number of cases or the number of persons suing who fall within its purview ; and, secondly, the penalty portion of it, which means, the penalty involved in consequence of failure to comply with the provisions of clause 3 of sub-clause (1) of the Bill. As regards the first part, the amendment sent in by Government limits the scope of the Bill to those cases of plaintiffs wherein they are the actual lenders of the loan which is the subject-matter of the suit. To that extent the Government amendment is one which narrows down the scope of the Bill considerably. — As regards the second part, the penalty which was absolute from the very start has been postponed to three years after the enforcement of the Bill, the object of this amendment being to familiarise the people affected by the measure with the provisions of this Bill as to keeping the accounts in the way to be prescribed by Government. Already nearly two years have passed since a measure of this nature has been before the public ; and the general discussion in the press, on the platform, and in various societies has enabled the public to know its nature and to be prepared for some sort of change in the method of keeping accounts. It will take probably a year or more to frame rules under the Bill, with the result that the enforcement of the Act, if the present Bill is enacted by this Council and assented to by the authorities concerned, will not take place till after the lapse of another year or 18 months. It has been felt by Government that this period of three years and more is a sufficient preparation for the operative portion of this Bill to come into force, and that having made provision in this amendment of another period of three years, they are doing all they feel is necessary with the material at present at their disposal. In case it is found before the expiry of this period of 5 years or 6 years that the ultimate penalty involved is too heavy, or that the intermediary penalty is working hardship, there is nothing to prevent an amending Bill coming in before the ultimate penalty actually comes into operation. There are other difficulties of a minor nature with reference to Dr. Gokul Chand's amendment. I believe he realises them. I am referring to the objection as to the first default or the second default, and so on. He knows that it cannot easily be interpreted, or if interpreted is not likely to give much relief to the persons concerned. As all the three amendments are based on the same principle, it is not necessary for me to take them separately. Had it been

Dr. Gokul Chand, Narang: What about Pandit Nanak Chand's amendment as to disallowing interest?

The Honourable Mian Sir Fazl-i-Husain: As for disallowing interest, the figure (i.e.; 20 per cent.) that has been mentioned in the Government amendment was arrived at in view of this suggestion. In most cases 20 per cent. will not go beyond the interest, but will be well within the interest. Plaintiffs are not likely to come into court within a few months of the loan having been given. If they take the normal period of three years or a little less than three years, and assuming that the interest does not exceed 12 per cent. for a period of three years, the interest would be about 36 per cent. on the actual loan. That means in the case of a Rs. 100 loan a claim for Rs. 136, twenty per cent. of which will be Rs. 27 — well within the interest. Therefore, this Government proposal of 20 per cent. is such that it does not travel ordinarily beyond the interest limit. That is the explanation, Sir, of the Government amendment. I notice that on the one side Government amendment is considered to be too harsh, and on the other side too lenient, or not in keeping with the spirit of the measure that the promoters of the Bill wanted to have. That always is the fate of all attempts at compromise, and Government have the satisfaction to know itself that they have tried to do their best to help both sides and as usual have failed to please either.

Mr. President; I will put the last amendment to the House first, namely, the amendment of the Honourable Pandit Nanak Chand. Amendment under consideration, further amendment moved—

"That for sub-clause (2) of the proposed amendment, the following be substituted:—

"If issue (i) is found in the affirmative and issue (ii) in the negative, the Court—

(a) shall disallow any part or the whole of the interest as it may deem fit in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree,

(b) in any other suit, if the money-lender is successful, shall disallow his costs."

The question is that that amendment be made.

The motion was lost.

Mr. President: The second amendment is that of Mr. Gray. Amendment under consideration, further amendment moved—

"That in sub-clause (2) of the proposed amendment, after the word "shall" and up to the word 'plea' included be omitted."

The question is that that amendment be made.

The motion was lost.

Mr. President: The third amendment is that of Dr. Gokul Chand, Narang—

Amendment under consideration, further amendment moved—

"That the following be substituted in place of sub-clause (2) of the proposed amendment:—

"If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall, in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree, deal with it in the following manner, viz., it shall disallow—

(i) in case of first default 10 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 250.

(ii) in case of second default 15 per cent. of the amount found due, provided that the amount disallowed shall not exceed Rs. 500.

(iii) in case of any subsequent default 20 per cent. of the amount found due, provided this amount disallowed shall not exceed Rs. 1,000, provided further that no part of the claim shall be disallowed if the court is satisfied that the money-lender was prevented by sufficient cause from complying with the said provisions.

The question is that that amendment be made.

The Council then divided: Ayes 17, Noes 43.

AYES—17.

Rai Bahadur Lala Dhanpat Rai.

Diwan Bahadur Raja Narendra Nath.

Professor Ruchi Ram Sahni.

Dr. Gokul Chand Naraog.

Pandit Nanak Chand.

Mr. E. Maya Das.

Rai Bahadur Lala Sewak Ram.

Lala Bodh Raj.

Lala Sham Lal.

Lala Mohan Lal Bhatnagar.

Lala Diwan Chand.

Lala Banke Rai.

Mr. V. E. Gray.

Chaudhri Ram Singh.

Lala Mohan Lal.

Mr. Labh Singh.

Sardar Partap Singh.

NOES—43.

Mr. W. P. Sangster.

Col. C. R. Bakhle.

Mr. C. A. Barron.

Mr. C. M. King.

The Honourable Sardar Jogendra Singh.

The Honourable Rai Sahib Chaudhri Chhotu Ram.

The Honourable Mian Sir Fazl-i-Husain.

The Honourable Sir Geoffrey de Montmorency.

Malik Firoz Khan Noon.

Khan Bahadur Nawab Muzaffar Khan.

Sir George Anderson.

Mr. A. B. Astbury.

Mr. Ram Chandra.

Mr. H. W. Emerson.

Mr. J. M. Dunnott.

Mir Maqbool Mahmood.

Sardar Bahadur Sardar Jowahir Singh.

Khan Sahib Lieut. Malik Muzaffar Khan.

Mr. D. Milne.

Mr. H. W. Webb.

Mr. M. V. Bhide.

Lt.-Colonel E. L. Ward.

Sayad Husain Shah.

Subedar-Major Farman Ali Khan.

Chaudhri Duli Chand.

Sayad Muhammad Husain.

Captain Malik Muntaz Muhammad Khan, Tiwana.

Chaudhri Afzal Haq.

Sardar Tara Singh.

Rao Pohap Singh.

Subedar-Major Asghar Ali Khan.

Maulvi Mazhar Ali Azhar.

Makhdumzada Sayad Muhammad Raza Shah Gilani.

Rana Firoz-ud-Din Khan.

Shaikh Muhammad Sadiq.

Khan Bahadur Sir Sayad Mehdi Shah.

Munshi Fazal Khan.

Khan Sahib Chaudhri Muhammad Shafi Ali Khan.

Chaudhri Nur Din.

Chaudhri Ghulam Muhammad.

Chaudhri Najib-ud-Din Khan.

Malik Khan Muhammad Khan Wagha.

Lieut. Sardar Sikandar Hayat Khan.

The motion was lost.

Mr. Labh Singh : There are certain amendments to sub-clause (3) of clause 4. May we not move them ?

Mr. President : I have no objection if the honourable member wishes to move any more amendments. But I would like to have them in writing.

Mr. Labh Singh : Sir, I beg to move—

"That in sub-clause (3) of the proposed amendment for the words 'every period of six months for which' be omitted and the words 'the period during which' be substituted."

This amendment is already in print. Please see amendment No. 7 to clause 9.

The motion was lost.

Mr. Labh Singh : Sir, I beg to move—

"That in sub-clause (4) of the proposed amendment after the words 'be presumed' the words 'on production of a certified copy of the decision' be added."

Sir, this is a very simple amendment, and it is intended only to reduce the delays and uncertainties of the courts before which these cases might come up. Otherwise a good deal of rankling will come about and cause delay.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (4) of the proposed amendment after the words 'be presumed' the words 'on production of a certified copy of the decision' be added."

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain : I presume that this is what will happen. It is hardly necessary to say what evidence the court should demand and what should be its form.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (4) of the proposed amendment after the words 'be presumed' the words 'on production of a certified copy of the decision' be added."

The question is that that amendment be made.

The motion was lost.

Mr. Labh Singh : Sir, there is one amendment which I wish to move that is this—

"That in sub-clause (4) of the proposed amendment in place of the words 'of competent jurisdiction' the words....."

Mr. President : Order, order. As the honourable member himself has moved an amendment to the latter part of the sub-clause under discussion he may not now move an amendment to an earlier part of the sub-clause.

Pandit Nanak Chand : I have got an amendment to the sub-clause May I move it ?

Mr. President : The honourable member may move his amendment.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]
Sir, I beg to move—

"That in sub-clause (4) of the proposed amendment the words 'as between the same parties' be added after the word 'presumed.'"

The point is that if a previous suit is decided, as between A and B, the presumption should be applied only if there is a subsequent suit between A and B and not between A and any other person. Supposing A brings a suit against D or E who is quite unrelated to B then in that case there shall be no presumption that is referred to in the sub-clause. This is only an elementary principle of law and procedure, and I hope this will be accepted.

Mr. President : Clause under consideration, a amendment moved—

"That in sub-clause (4) of the proposed amendment the words 'as between the same parties' be added after the word 'presumed.'"

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan) Rural] : Sir, if the words of my honourable friend were accepted, this proviso will be even a narrower version of '*res judicata*' which already exists in section 11 of the Code of Civil Procedure. Under that section, if under certain circumstances a suit between the same party is decided one way, then the court is barred from entering into the same question between the same parties in any other suit. What my learned friend wants to do is to narrow down this proviso. This proviso was inserted in the original Bill. We did not want a person on the same set of evidence to be a money-lender in one court and not a money-lender in another court, or a money-lender with respect to one borrower and not a money-lender with respect to another borrower. It is not in the original form in which it was intended to be. The present provision does not put the money-lender in an awkward position in such places. It has been thought fair, just and equitable to introduce it in the present form.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, I do not think that my honourable friend Mir Maqbool Mahmood knows well enough section 11 of the Code of Civil Procedure. In order to make a matter '*res judicata*' two things are necessary, firstly, that the Court which first decided the suit must have jurisdiction to decide a subsequent suit. Supposing in the first suit, it is a small cause court which could not decide suits above the value of Rs 500, then any decision given by the court which decides the suit to the extent of Rs. 500 would not be '*res judicata*' in a subsequent suit if the suit were worth Rs. 2,000 or Rs. 3,000, over which the first court will have no jurisdiction. The second point to make a matter '*res judicata*' is that the matter should have been between the same parties or successors in interest of the same parties. Now a matter becomes '*res judicata*' when these two conditions are fulfilled. In this clause, if we leave aside the words '*competent jurisdiction*', there may be a court having small cause jurisdiction, and there, if a person has been declared to be a money-lender he will be presumed to be a money-lender in subsequent suits. All that I want is that it should be done only in those cases where the parties are the same. It would be most unjust to draw this presumption in cases where the

[Pundit Narsik Chand.]

parties are not the same or were not in any way interested in the first suit. My honourable friend says that I am narrowing down the rule of '*res judicata*'. I submit he has entirely misunderstood this question of '*res judicata*'. I merely want that a presumption should be drawn only in those cases where the parties in the subsequent suit are the same, but in no other case, and it would be unfortunate if this presumption is drawn in the case of those persons who have got absolutely nothing to do with the previous case.

Mr. President: Clause under consideration, amendment moved:

"That in sub-clause (4) of the proposed amendment, the words 'as between the same parties' be added after the word 'presume.'"

The question is that that amendment be made.

The motion was lost.

Dr. Gokul Chand, Narang: Sir, I beg to move —

"That in sub-clause (4) of the proposed amendment last line the words 'in a suit decided' be omitted"

So that the clause will read thus —

'if the finding was given *ex-parte*'.

Mr. President: Clause under consideration, amendment moved —

"That in sub-clause (4) of the proposed amendment last line the words 'in a suit decided' be omitted"

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain: I suppose the honourable member suggests it as a drafting amendment.

Dr. Gokul Chand, Narang: More or less.

The Honourable Mian Sir Fazl-i-Husain: If so, why not leave it to the drafting committee?

Dr. Gokul Chand, Narang: There can be no difficulty in accepting it now.

Mr. President: I do not think the draftsman will be entitled to delete any words unless there is a consequential or formal amendment to be made. An amendment to omit words should be made by the House.

The Honourable Mian Sir Fazl-i-Husain: Not having tested it beforehand, I have been advised not to accept this amendment. As it has been just now sprung upon us, I prefer to leave the clause as it is.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan) Rural]: Sir, I believe this matter has already been considered more than once. In the Bill as it originally stood, the phraseology was the same as is now being proposed by my honourable friend Dr. Narang. In the original Bill it is provided that the finding was to be *ex-parte*. I have already explained the difference in the two sets of phrases involved. If I may illustrate, it is like this. In a small cause suit the plaintiff may not care, in a ten rupee suit for instance, to contest the plea whether he is being adjudged a money-lender or not. He may not adduce evidence at all, with respect to that particular issue, namely, whether he is a money-lender or

not. In that case the finding on this issue will be given against him *ex-parte* as distinguished from a suit having been decided against him *ex-parte*. I hope, I have made the distinction clear, and venture to think that the adoption of the amendment suggested would save time and also reduce some of the botheration of the litigant parties.

Mir Maqbool Mahmood : The amendment proposed seems to me to be of a serious nature. What will happen is this, that the money-lender will not contest that particular issue, but will choose the question to be decided *ex-parte*. Thereafter he will carry on his old business. It is to provide against this type of cases that it was thought fit to introduce the words 'suit decided *ex-parte*'. Therefore I oppose this amendment ~~just now~~.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (4), last line of the proposed amendment the words 'in a suit decided' be omitted."

The question is that that amendment be made.

The motion was lost.

Dr. Jekul Chand, Narang : May I ask one question of the Honourable the Revenue Member. Will he agree to add the word 'accidental' before the word 'trivial' in the *Explanation* to the clause? There might often arise errors and omissions that are of an accidental character. I formally move, Sir—

"That in the *Explanation* to the proposed amendment, in line 4 between the words 'of' and 'a' the words 'an accidental or' be inserted" so that the clause will read :

"..... if the court finds that the errors and omissions are of an accidental or a trivial character....."

Mr. President : Clause under consideration, amendment moved :

"That in the *Explanation* to the proposed amendment in line 4 between the words 'of' and 'a' the words 'an accidental or' be inserted."

The question is that that amendment be made.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : I am afraid I cannot quite grasp the meaning of this amendment which has just been sprung upon the House. If it is of a trivial nature, I have no doubt that it will be covered by the clause as it stands. If it is of an important nature, the fact that it is accidental or otherwise might by itself be a matter for court's decision. Therefore I regret that with such examination as I am able to give to the suggestion just now, I am not in a position to accept it.

Mr. V. F. Gray (Punjab Chamber of Commerce, Trades Association, Commerce) : May I point out that such an amount as '1,000' might sometimes be put as '1,900' and that would be an accidental error in the accounts? It would not be a trivial error by any means. In submitting accounts in the mercantile world we always put at the bottom '*E. and O. E.*' meaning 'errors and omissions *excepted*'. There is no provision of this sort allowed in this Bill. The word 'accidental' is therefore necessary to safeguard against accidental slips in writing of accounts, and I think this amendment might be accepted.

The Honourable Mian Sir Fazl-i-Husain: Errors and omissions, from whatever causes, we have included in the Bill. If they are really errors, then the fact that there is an extra zero or that an extra one crept in will be considered. That would not be considered an omission. Certainly not. That would be covered by word 'errors'. As a matter of fact this version was taken from the commercial vocabulary.

Mr. Labh Singh: I want to make one thing clear. I notice that the words 'errors and omissions' are there. But I may point out that the error or omission may not be of a trivial nature, it may involve a big amount, but all the same may be an accidental one. The error may be trivial in origin but it may affect a big sum. Instead of writing 100, one might, by a mere slip of the pen, write 1,000. That would be purely accidental but the case could not be covered by the word 'trivial'. It is to cover such cases that the word 'accidental' has to be used and I need not repeat that this use of the word 'accidental' is well recognised in drafting.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban]: I think, Sir, that just as a feather shows which way the wind blows, so this trivial amendment shows which way the wind blows in this House. As has been pointed out by my honourable friend Mr. Labh Singh an omission may not be of a trivial character but it may be still accidental though it may be of very great importance, so far as the figure work is concerned. Accounts depend very much on figures and they involve frequent use of figures, and an accidental omission of a zero, say from the amount of repayment, might be looked upon by the ordinary courts as a deliberate omission. Supposing one hundred rupees have been paid to a money-lender and supposing the money-lender in the preparation of accounts omits accidentally one zero or rather, to put it more correctly, supposing the clerks or the *munims* who are employed by the money-lender—for after all every big money-lender has to employ clerks for the preparation of accounts—make mistakes in the preparation of accounts by the accidental omission of a zero, the court might say: 'Well, the repayment was Rs. 100 and you have purposely given credit only for Rs. 10 and so your suit is to be dismissed'. Out goes the poor money-lender. From the trend of speeches made in this House it appears that such is the nature of the charges brought against the poor money-lender and I think in fairness to him—for after all we have to give even the devil his due—we must safeguard him against accidental omissions or errors. This word 'accidental' may be inserted in order to give some protection for omissions and errors which cannot be deliberate but merely accidental.

The Honourable Mian Sir Fazl-i-Husain: Sir, I have to explain, that if the *Explanation* had concluded with the word 'character', there might have been some force in the arguments advanced by the honourable member opposite in this connection. But the succeeding words:—

"and that the accounts were kept and the six-monthly statements prepared and sent in good faith with the intention of complying with the provisions of those clauses."

render it clear that the sort of mistake that is mentioned will certainly be very well covered.

Mr. President: Amendment under consideration, further amendment moved:—

"That in the *Explanation* to the proposed amendment in line 4 between the words 'of' and 'a' the words 'an accidental or' be inserted."

The question is that that amendment be made.

The motion was lost.

Mr. President : Clause under consideration, amendment moved :

" That for clause 5 of the Bill, the following clause shall be substituted :—

- (1) Notwithstanding anything contained in any other enactment in force, if in any suit relating to a loan or the security for repayment thereof, any person who advanced the loan makes a claim or raises a plea in respect of the loan or security, the court shall before deciding upon the claim or plea, frame and decide the following issues, namely :—
 - (i) Is the person who advanced the loan a money-lender within the meaning of this Act ?
 - (ii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (1) of section 3 of this Act ?
 - (iii) If issue (i) is decided in the affirmative, has he complied with the provisions of clause (2) of section 3 of this Act ?
- (2) If issue (i) is found in the affirmative and issue (ii) in the negative, the court shall dismiss the claim or plea of the money-lender ; provided that in any suit instituted within three years after the commencement of this Act, the court shall, instead of dismissing the claim or plea deal with it in the following manner :
 - (a) in any suit in which the payment of any sum of money to the money-lender is to be directed by the decree, the court shall disallow one-fifth of the amount found due to him and shall also disallow his costs, and
 - (b) in any othersuit, if the money-lender is successful the court shall disallow his costs and shall also direct him to pay the costs of the opposite party.
- (3) If issue (i) is found in the affirmative, and issue (iii) in the negative, the court shall in computing the amount of interest due upon the loan exclude every period of six months for which the money-lender omitted duly to furnish the account as required by clause (2) of section 3 ; provided that if the money-lender has after the time prescribed in that clause, furnished the account and satisfied the court that he had sufficient cause for not furnishing it earlier, the court may notwithstanding such omission include any such period or periods for the purpose of computing the interest.
- (4) Every person, who has been found to be a money-lender under this section by a court of competent jurisdiction shall be presumed to be a money-lender for the purposes of this Act until the contrary is proved : provided that there shall be no such presumption if the finding was given in a suit decided *ex-parte*.

Explanation.—A person who has kept his accounts or sent six-monthly statements of account in the form and manner prescribed in clauses (1) and (3) of section 3, shall be held to have complied with the provisions of those clauses, in spite of errors and omissions, if the court finds that the errors and omissions are of a trivial character and that the accounts were kept, and the six-monthly statements prepared and sent in good faith with the intention of complying with the provisions of those clauses."

The question is that that amendment be made.

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, beg to move—

" That clause 6 be omitted."

The motion was carried.

Mir Maqbool Mahmood : Sir, I beg to move—

" That clause 7 be omitted."

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain : Sir, I beg to move—

"That clause 8 be omitted."

The motion was carried.

The Honourable Mian Sir Fazl-i-Husain : Sir, I beg to move—

"That clause 9 be omitted."

The motion was carried.

Mr. President : The question is—

"That clause 10 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 11 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That the preamble stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 1 stand part of the Bill."

Dr. Gokul Chand, Narang : I have an amendment to move to clause 1 and that is—

"That in place of sub-clause (2) the following may be substituted....."

Rana Firoz-ud-Din Khan : Sir, will I be permitted to move my amendment after Dr. Gokul Chand, Narang, has moved his?

Mr. President : What amendment does the honourable member refer to?

Rana Firoz-ud-Din Khan : It is an amendment to clause 1. It is not on the list.

Mr. President : Is it not the same amendment* as has been tabled by Maulvi Mazhar Ali Azhar?

Rana Firoz-ud-Din Khan : Yes, Sir.

Mr. President : I am afraid that cannot be allowed to be moved except by the member who has given notice of it.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan) Rural] : Sir, I beg to move—

"That in sub-clause (1) of clause 1, the words 'The Punjab Borrowers' Protection Act' be omitted and the words 'The Punjab Agricultural Borrowers Protection Act' be substituted therefor."

*"That in sub-clause (1) of clause 1, for the words 'the Punjab Borrowers' Protection Act' 1922 the words 'the Punjab Regulation of Accounts Act, 1922' be substituted."

My reason for the change that I seek is that I desire to make the title of the Bill accord as nearly as may be with its professed purpose, and, secondly, I move the amendment in the hope that some day the Bill will be brought in accord with its declared purpose and scope, and that its alleged beneficence will be restricted to the agricultural borrower alone.

Mr. President : Clause under consideration, amendment moved—

"That in sub-clause (1) of clause 1, the words 'The Punjab Borrowers' Protection Act' be omitted and the words 'The Punjab Agricultural Borrowers' Protection Act' be substituted therefor."

The question is that that amendment be made.

The motion was lost.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, may I venture to seek your indulgence in the matter of the name of this Bill? An amendment was tabled by an honourable member of this House who is absent and you have been pleased to rule that in his absence the honourable member whom he had asked to move it, cannot move it. There is a feeling among quite a large number of members of this House that the name he has suggested is a good one, and that if you would permit one of the members present to move that amendment, we shall be obliged. If it cannot be done, then of course the present name stands.

Mr. President : What new name is suggested?

The Honourable Mian Sir Fazl-i-Husain : "The Punjab Regulation of Accounts Act"

Malik Firoz Khan Noon [Shahpur East (Muhammadan), Rural] : Sir the request made by the Honourable the Revenue Member is quite in conformity with the orders of the Chair on similar new amendments. A new amendment is often moved in this House without any previous notice, and this can be taken as a new amendment by Rana Firoz-ud-Din Khan. I hope that the request will be granted.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural] : If that is so, then I hope the amendment in the name of Mr. Owen Roberts should also be allowed to be moved—the amendment that the Act be called "The Suppression of Loans Act."

Mr. President : That amendment is out of order as it appears to have been made by way of mockery. Such amendments are not in order.

As regards the amendment which is now proposed to be made, I have already ruled that an amendment tabled by one member cannot be moved by another member. To allow it, would be to go against the Parliamentary practice. But under our Standing Orders new amendments can be made unless they are objected to in which case it is for me to exercise my extraordinary power. If it is moved as a new amendment, that would perhaps be a way out of the difficulty.

Pandit Nanak Chand : Why do you suggest this way?

Mr. President : Order, order. It is the Honourable the Revenue Member who wishes to move the amendment as his own without reference to the amendment tabled by Maulvi Mazhar Ali Azhar, and I feel inclined to allow him to move it.

The Honourable Mian Sir Fazl-i-Husain : With your permission, Sir, I move—

"That in sub-clause (1) of clause 1, in line 2, substitute 'the Regulation of Accounts' for 'Borrowers' Protection'."

The sub-clause as amended will read. 'This Act may be called the Panjab Regulation of Accounts Act.'

Professor Ruchi Ram Sahni : We object to this, Sir.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, this would mean many speeches because we have all along proceeded on the fact that it was for the protection of borrowers that this Act was going to be passed, and at this stage to make a contentious amendment will be opening a door for further discussion and we are quite prepared for the further discussion.

Mr. President : I wish the honourable members had signified their view a couple of minutes earlier. I think the Chair stands almost committed that it will exercise its special powers and allow the amendment to be moved. If the view, which is now being put forward, had been expressed a little bit earlier the Chair might have considered twice before committing itself. I hope that the honourable members will not press their objection now. As regards speeches the honourable members are welcome to have their say.

Professor Ruchi Ram, Sahni : We thought that after the permission had been asked we could object. No permission had been asked, but only a suggestion had been made.

Mr. President : After giving half a promise, it is not proper for the Chair to recede from it.

Professor Ruchi Ram, Sahni : We were hoping to raise the objection later on.

Mr. President : It is not my position that the objection is quite out of time. All I say is that it is a little too late. The Chair almost committed itself while the discussion was going on to allow the Honourable Revenue Member to move his amendment. That is my difficulty. I think the only way out of the difficulty is to overrule the objection. Therefore, I am bound to rule that I do not wish to stand in the way of the amendment moved by the Honourable Revenue Member.

Mr. Lakh Singh : We wanted to finish the bill to-day, but the amendment which has been moved may throw an obstacle in the way of the Bill being passed to-day.

Mr. President : I have every sympathy with the honourable member and those who share his view, but having committed myself, the honour of the Chair require that I should stick to my ruling.

Mr. Lakh Singh : I would point out that one point has been overlooked, and that is that the Chair has consistently ruled that the Chair would express its opinion unless the point arises.

Mr. President : I am afraid there is some misunderstanding. I have repeatedly told the honourable members of the House that I have

almost committed myself, and that it is too late for me now to go back on what I have already said. Had this objection been raised earlier, my ruling would have been different.

Clause under consideration, amendment moved—

"That in sub-clause (1) of clause 1, in line 2, substitute 'The Regulation of Accounts' for 'Borrowers' protection.'"

The question is that that amendment be made.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I would appeal to Government to withdraw this amendment and take away from the Chair the embarrassment that has been caused. There is no doubt that the new name suggests something absolutely wrong. How can this be called the Punjab Regulation of Accounts Act, when three quarters of the accounts in the Punjab are kept differently, such as all firms, banks, insurance companies and even the income-tax people insist on our keeping a different type of accounts? This Bill is intended to protect borrowers. The name has been twice altered, and I would appeal to Government to leave the name as it is, namely, the Punjab Borrowers' Protection Act.

Lala Mohan Lal [North-East Towns (Non-Muhammadan) Urban]: Sir, the question of giving a name to this Bill was discussed in the Select Committee. The Government was in a fix as to what name to give to this new child. The Select Committee was in the same fix. When originally it was called the Money-Lenders' Bill it did not apply to every class of money lenders. Then the Select Committee suggested that the name to be given should be Borrowers' Protection Bill. To my mind this also does not fit in as it does not give protection to all the borrowers. It gives protection only to one class of borrowers who would borrow money from the money-lenders. It does not apply to a man, for example, who deals with a retail dealer or buys goods on the market on credit. The Government wants to call it Regulation of Accounts Bill instead of Borrowers' Protection Bill. I submit, Sir, that this name also is not suitable, because it does not cover all the accounts. It is only a special type of account kept for money-lending that is to be covered by this Bill. So I think that as no suitable name can be given to this Bill it will be proper for the honourable mover to drop the Bill altogether. We have found that the word 'money-lender' could not be properly defined, because it was said that the money-lender was such a subtle person that he cannot be caught in any way. So I suggest that we cannot give any suitable name to this child which we are bringing into existence. So my submission is either give it the name given by the Select Committee or, better still, drop the whole measure.

Mr. Lakh Singh [Rawalpindi Division and Lahore Division, North (Non-Muhammadan) Rural]: Sir, I beg to move—

"That the word 'Rural' be inserted before the word 'Accounts' so that the Bill may be called "The Punjab Regulation of Rural Accounts Bill."

An Honourable Member: It is already covered by the word "agricultural."

Mr. President: The question of title is an important one. No title can go beyond the preamble. I, therefore, rule the amendment out of order.

Mr. Labh Singh : Sir, I was going to say that for very nearly one hour the time of the Council has been occupied in adjudicating *de novo* the question as to who is the father of this Bill. The question under discussion has been all along who is the author of this Bill. If I am not wrong a good part of the time of the Council has been spent in the elucidation and adjudication of that particular matter. The infant was going about and seeking its parent and the case before us was in the nature of what in England is known as affiliation proceedings. It was very difficult to say who the parent of this curious Bill was, and at the time of the christening ceremony another difficulty has arisen. We do not know how to name this poor foundling. It is very difficult how to name it, and the difficulties of deciding the case on the merits have all along been augmented by the fact that we are confronted by a solid phalanx of the Government Members voting to order. Once only during the discussion that took place the lynx-eyed honourable the leader of the House perceiving that the point which he wanted the Council to carry could be carried even by the abstention from voting of Government Members politely informed us that the Government in that particular case were not going to vote and that he was going to leave the matter to the decision of the unofficial House, obviously because he was fully sure that the point could be carried without the Government voting for that particular amendment. The Government even in the matter of this allegedly private Bill have been acting as a corporation and as the saying goes "Corporations have no souls", but in this particular matter one could go further and say that the corporation before us had acted not only without conscience but even without judgment. I would submit, Sir, that if the name is to be altered at all then the name should be altered to the one which I have suggested, namely "Regulation of Rural Accounts Bill," so that the declared and avowed intention of the measure may continue to be expressed at least by the title of the Bill, although in reality and in effect the measure had travelled far beyond its original conception.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, once the keeper of a park in England when he came early in the morning to his duty found a baby lying on the grass. He took it to the Church and as he did not know to whom it belonged the parson looked at it and did not know what to do with it. Well, under the beneficent rules and practices of that country even foundlings have to be cared for. They were at a loss to decide what name to give to the child as they did not know who the parent of the child was. The parson enquired where it had been found and he was told that the child was found in the park, and so he gave it the name of "Green." I do not mean any disrespect to those gentlemen who might be carrying that name, but that is exactly what this Bill looks like. Well, apart from the difficulty of naming it, I would submit that the amendment which has been moved ought not really to have been moved. I am neither in favour of this amendment nor in favour of the amendment which has been moved by my honourable friend Mr. Labh Singh. Mr. Labh Singh probably moved it in the same spirit as the first amendment which was over-ruled and which had been tabled by Mr. Owen Roberts.

This is not a Bill which aims at any regulation of accounts at all, neither urban accounts, nor rural accounts, nor any accounts at all, and yet the name would show as if the accounts of all persons, even of the Accountant-General, the Railways and the Imperial Bank and other banks were all contemplated to be regulated by this if those accounts happen to be kept in the Punjab.

The name suggested in the amendment to the amendment will be a misnomer, because it aims at the rural people and also at the urban people. Therefore I am against both these amendments. One thing, however, I would say and it is really with that object I got up and I crave your particular attention to it, Sir. *(At this stage the member paused.)*

Mr. President: Order, order. Every speech has to be addressed to the Chair no doubt, but a speaker should not expect to appropriate the whole attention of the Chair to his speech. The Chair has to look to every part of the House, and to see to many things besides hearing speeches. Therefore, the honourable member is not in order in stopping his speech when the Chair is attending to something else. When a member addresses the Chair, he addresses the House through the Chair and not the Chair alone.

Dr. Gokul Chand, Narang: I thought, Sir, that the Chair was expected to be attentive to the speeches that were being made.

Mr. President: The Chair has to be attentive to everything in the House.

Dr. Gokul Chand, Narang: Quite so, primarily to the speeches when the speeches are being made. I think you were looking up a point, and I did not like to disturb you. This was a matter to which I wanted to draw your particular attention and the only method that I could think of was to observe silence for a second. Sir, you were pleased to overrule our objection and that is why I wanted your particular attention, because it concerns the Chair more than the House. You overruled the objection of honourable members on this side on the ground that you had committed yourself to a certain extent, in fact to a great extent, and you had to take the trouble of rising 3 or 4 times because you were anxious that your commitment should not be set aside; and you will appreciate the attitude of honourable members on this side of the House when they did not like to put you in an embarrassing position, and practically withdrew their objection. Now, what I want, Sir, is this, that a similar regard for the honour of the Chair should be shown by honourable members on the other side and just as we did

Mr. President: Order, order. I am now in a position to say that the title of a Bill must conform to the contents of the Bill, it may be amended in the light of amendments effected in the clauses. Therefore, the proper stage at which the title may be amended, if necessary, is after the disposal of amendments proposed to the Bill. In the House of Commons amendments have been offered to the title on the third reading stage of a Bill.

Dr. Gokul Chand, Narang: I have finished. I only wanted to ask the honourable mover of this amendment whether out of regard for the Chair, such as has been shown by honourable members on this side, he would withdraw the amendment. As it has been objected to by so many members on this side, even if technically this amendment is in order, out of deference to the objection which has been raised . . .

Mr. President: That is a question for him to answer.

Dr. Gokul Chand, Narang: I have to keep my face towards the Chair according to the rules of debate. The name, moreover, does not really describe the scope of the Bill, because the Bill simply relates to certain transactions in the Punjab and not to accounts in general as the

[Dr. Gokul Chand Narang, name proposed in the amendment would indicate. The best thing would be to withdraw the amendment proposed. I feel that the Government feels very nervous about this name and does not like that the Bill should be classed under this name, because it would carry the impression that the Government was more favourably inclined towards one class of people and did not have the same regard for another class; therefore it is that they want the change. But I do not think there is anything to be ashamed of in the name that has been given to the Bill and it would be as effective under the present name as it would be in the name proposed by the Honourable Member for Revenue.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Had I known, Sir, that this innocent suggestion of mine would evoke such an outburst of indignation, I certainly would have thought twice before taking upon myself the responsibility of making this suggestion. Having made it, the Council having considered the merits of the suggestion and the merits of many other suggestions bearing on the subject, I do think it behoves us just for a moment to think over the discussion that has taken place in this Council during the last half an hour or so as to the name of this measure. Had it been, Sir, a fact that the Chair was in some embarrassment on account of this matter being before this Council for decision, I would have had no hesitation whatsoever in withdrawing the suggestion of this amendment. As has been pointed out by the Chair, the matter of the name is of such curious interest and enjoys such a favourable position in the whole machinery of legislation that it can be taken up at any time at anybody's suggestion and probably for no rhyme or reason in particular. Now, why did I make this suggestion? Sir, it must be conceded that a great deal of discussion that has taken place has been of a nature that could have been made less violent, more in the direction of reconciliation and compromise; and I thought that if a new, nice, non-contentious and unobjectionable name is given to the measure it will be a sign that we are prepared to bury the past and not carry the bitterness of this discussion any further. Therefore a new name, a non-contentious name, an innocent name, a name which evokes no memories of the horrors of the creditor who is trying to persecute his borrower, nor the unpleasant memories of a borrower who is running away from honest creditors was suggested for this Bill. It was solely, Sir, in the interest of having no unpleasant memories attaching to the Bill that the suggestion was made and it was felt that if the borrower as well as the creditor realised that it is a good thing to keep accounts, the name would be eminently suitable. As a matter of fact it is a good thing to keep accounts for all of us, even when we are neither creditors nor debtors. Now, the criticisms to which this proposal has been subjected are firstly that it is an incorrect name, as the Bill does not cover all the transactions that take place in the Punjab, all the accounts that are kept in the Punjab and the exceptions to clause 2 are naturally relied upon. That criticism is quite true, Sir. But what is the name that it already bears? The Punjab Borrowers' Protection Bill. Does it protect all borrowers? No. Therefore that criticism applies to both the names. Sir, I venture to think that if we look at the Preamble of the Bill which this House has, I am glad to say, passed unanimously without any dissentient voice, it would appear that the name that is now being suggested is in conformity with it. The Preamble, as you were pleased to read it, Sir, was: "Whereas it is expedient to make provision regulating the keeping of accounts relating to certain transactions in the Punjab."

Mr. V. F. Gray : Certain transactions. That is the point.

The Honourable Mian Sir Fazl-i-Husain : True. In the name you cannot put down every part of the Preamble, but you do put down as large a part as possible. I trust, Sir, this explanation will go far to disarm the opposition that has been displayed to this innocent suggestion of mine. The name of this measure will not make the provisions of it that have been already passed either more strict or more lenient. To put up such strong opposition to a formal amendment like this, only shows, that the honourable members who have during the last week censured their opponents for their pre-conceived prejudices, are laying themselves open to the same censure.

Lala Mohan Lal : May I suggest an amendment? The Bill may be called the "Punjab Loans Regulation of Accounts Bill."

The Honourable Mian Sir Fazl-i-Husain : It should not be said that that the last suggestion made by an honourable member from the opposite side was ignored by us. I would gladly welcome it, if you will permit it, Sir.

Mr. President : The amendment moved by Lala Mohan Lal is

Lala Mohan Lal : I withdraw my suggestion.

Mr. President : Clause under consideration, amendment moved :

5 P.M.

"That in sub-clause (1) of clause 1, in line 2, substitute 'The Regulation of Accounts' for 'Borrowers' protection'."

The question is that that amendment be made.

The motion was carried.

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan), Urban] : Sir, I beg to move :—

"That in sub-clause (2) of clause 1, for the words 'It extends to the Punjab' the following words be substituted, namely 'It shall extend to such district or districts of the Punjab as may be notified by the local Government in this behalf'."

In moving this amendment I again rely upon the good sense of the Government. Even from the speeches of the Honourable the Revenue Member it appears that at best this is an experimental measure. It is therefore desirable that this experiment should be tried with caution. One caution Government has taken, and we are not blind to the fact that some of the amendments made by the Government are an improvement upon the original Bill as it emerged from the Select Committee. The Honourable the Revenue Member was not perfectly justified in saying that we do not appreciate the improvements introduced by the Government into the measure. We do appreciate them. All that we say is this that even those improvements are not sufficient. It is like handing over a handkerchief to a naked man not only to cover himself from the inclemency of weather but also to show some concession to civilisation. These improvements are practically of the same nature. Still, however, we appreciate them.

[Dr. Gokul Chand, Narang.]

As I submitted already, from what has been said from the Government benches this is an experimental measure, and it should therefore be tried with caution. I would suggest one caution in trying this experiment, and that is, that it should not be extended to the whole province all at once. Government must ask the officers of the co-operative department to enlighten them as to the districts where the necessity for the introduction of such a measure is most felt. I think Muzaffargarh district may be tried or any other Muhammadan district in Western or South-Western Punjab where the money lenders are supposed to be very harsh in their business methods. If this measure meets with success in those parts then it may be extended to other districts also gradually. I ask that this measure may be tried in one district or one division. That is all that I ask the Government to do, and I hope that the Government will support this amendment of mine because it gives them more power than this clause as it stands at present.

Mr. President : Clause under consideration, amendment moved :

" That in sub-clause (2) of clause 1, for the words ' It extends to the Punjab ' the following words be substituted, namely ' It shall extend to such district or districts of the Punjab as may be notified by the local Government in this behalf ' "

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, I think my honourable friend will excuse me if I tell him that he is giving a weapon in the hands of Government which may be abused in the same spirit in which he accuses that it is open to Government to exempt certain classes of people. But I will not do that. But I will point out to him the difficulties that may arise if his suggestion is accepted. Suppose the Government decides that this act will apply to Amritsar and not to Gurdaspur. Let him just imagine what will happen. The money-lender will quietly walk over to Gurdaspur and thus defy this measure. I am sure that the honourable member does not seriously want that the money-lenders should defy the Bill in that way. I can understand his opposing certain clauses of the Bill on their merits, but if he with his legal acumen brings in a suggestion of this sort, I think it will not go very well with him.

Mr. President : Clause under consideration, amendment moved :—

" That in sub-clause (2) of clause 1, for the words ' It extends to the Punjab ' the following words be substituted, namely ' It shall extend to such district or districts as may be notified by the local Government in this behalf ' "

The question is that that amendment be made.

The motion was lost.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : Sir, the amendment which stands in my name consists of two parts. I will not deal with the first as I consider it unnecessary. I will move only the latter part. It runs as follows :—

" That in sub-clause (3) of clause 1 at the end the following words be added, namely ' and shall remain in force for five years ' "

As has already been pointed out this is only an experimental measure and it has far-reaching consequences. We have to see how far this measure affects the borrowers as well as the creditors and how the commerce of the

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province will be affected. We have also to see what political features this measure is likely to have. There are many difficulties in the working of this Act. Therefore it is desirable that the Act should be tried for five years in the first instance. If this Act works satisfactorily during that period its operation can be extended for a longer period later on.

The objection which has been raised by the honourable mover of the Bill against the sort of trial which Dr. Gokul Chand, Narang suggested for this measure cannot be raised against the proposal which I make. It is not a case of only one district being affected by this Act and the creditor running away to another district, and a neighbouring district. My proposal involves a question of time and not of space. The creditor cannot escape anywhere within the five years within which the Act is to be tried. I can very well anticipate the fate which this amendment of mine will meet. It will meet the same fate which other amendments moved from this side of the House have met. But I consider it my conscientious duty to put my view of the case before the House.

Mr. President: Clause under consideration, amendment moved :

"That in sub-clause (3) of clause 1, at the end the following words be added, namely 'and shall remain in force for five years'."

The question is that that amendment be made.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural] : Sir, so far as the House is concerned and so far as the Government's announcement was concerned we are agreed as to the principle of the Bill and even in the Select Committee the principle of regulating the accounts and the principle of sending six-monthly accounts was unanimously agreed to. So far as those principles are concerned they should stand unless anything happens which might necessitate the change of those principles. As regards any amendments that may be necessary in working out the details of procedure in which this Act is to be carried out, they will not necessitate a fresh Bill being introduced forthwith. The procedure that is normally adopted by the legislative bodies in the world is when they are convinced of the necessity or utility of a measure to have it and when any amendment is felt necessary later for the working of any particular detail, it can be brought in as an amending Bill. If this time limit is fixed it will only display a sort of half-hearted approval to the Bill which I am sure this House will not be committed to.

Diwan Bahadur Raja Narendra Nath : Sir, first of all there are not many principles in the Bill. There was only one principle when the debate began on this measure and a practical shape has been given to that principle. In the second place even the Select Committee was not satisfied about the principle. Many honourable members who have so long been in conflict with the details of the Bill have held that there was no necessity, no paramount necessity for introducing such a measure as this. But as the matter has attained a new situation and as we were not in possession of facts which would enable us to decide whether or not we should agree to the principle we as a matter of compromise assumed the principle to be sound and wise. The present Bill which we are now about to pass has not assumed that shape or that form about which there will be no controversy. Even if there is no controversy about the form of the Bill there is ample reason for trying it as an experimental measure and for introducing it only for a short time. I still

[D. B. Raja Narendra Nath]

press before the House the reasonable nature of my amendment which I hope will be considered with an impartial and open mind.

Mr. President: Clause under consideration, amendment moved :

"That in sub-clause (3) of clause 1, at the end, the following words be added, namely 'and shall remain in force for five years.'"

The question is that that amendment be made.

The motion was lost.

Lala Mohan Lal: Sir, I beg to move :

"That in sub-clause (3) of clause 1 after the words 'into force on such date as the local Government' be omitted and the following be substituted '3 years after passing the Act.'"

Mr. President: Order, order. If the words proposed by the honourable mover of the amendment were actually substituted in the clause it would read thus :

"It shall come 3 years after passing the Act."

The amendment is meaningless. Therefore I decline to allow it.

Lala Mohan Lal: I am sorry for the mistake.

Mr. President: I am equally sorry but the amendment cannot be allowed.

Mr. Labh Singh [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural] : Sir, I beg to move :

"That in sub-clause (3) of clause 1, after the word 'date' the words 'not earlier than three years from the passing of the Act' be inserted."

The clause as amended will read as follows :—

"It shall come into force on such date not earlier than three years from the passing of the Act as the Local Government may by notification appoint in this behalf."

The motion was lost.

Mr. President: The question is :

"That clause 1 as amended stand part of the Bill."

The motion was carried.

Mr. President: Under Article 88. (2) of the Punjab Constitutional Manual, I direct that the Bill be examined by a committee consisting of :—

The Honourable the Revenue Member,

Mir Maghool Mahmood,

The Secretary to Government, Punjab in the Legislative Department, and

The Deputy President,

with orders to report what amendments of a formal or consequential character should be made in the Bill as a matter of drafting.

It is for the Council to direct within what period such report shall be presented.

The Honourable Mian Sir Fazl-i-Husain: May I suggest 10-30 a.m. to-morrow morning?

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Dr. Gokul Chand, Narang: I propose that the drafting committee should present its report to this House in ten minutes. The whole thing, I understand, is ready, and it is merely a formal meeting of the drafting committee. Unless the learned Legal Remembrancer who is in charge of the drafting has any objection, I think the whole thing can be done in ten minutes and this Council can proceed to vote upon the motion that the Bill be passed into law.

Mr. President: Is there any objection to the proposal made by Dr. Narang?

The Honourable Mian Sir Fazl-i-Husain: The reason why I suggested 10.30 A.M. to-morrow was that although the drafting report may take a quarter of an hour or so the motion that the Bill be passed might involve some discussion and there might be several speeches which in all might take over two hours of the Council's time. If the honourable members on the opposite side who have been giving us the benefit of their speeches which have not been particularly marked for brevity want really to finish is to-day, I would not stand in their way. Let it not be said that the Government wanted to finish the whole thing to-day without giving any opportunity for further discussion on the next motion that the Bill be passed into law.

Dr. Gokul Chand, Narang: I think, Sir, if no speeches are made from that side of the House—and it would be absolutely unnecessary for them to make any speeches—the whole thing can be wound up to-day. I think sometime before 6.30, sometime before the rail motor leaves, we will be able to adjourn the Council. I do not believe that any official member is leaving the place, so that the starting time of the rail motor really does not matter. That should not be the determining factor in the case. I think 6.30 would be the utmost limit within which we would be able to finish the business.

Mr. President: May I ask the Legal Remembrancer, whether he is in a position to present the report of the Select Committee in fifteen minutes?

Mr. M. V. Bhide: I think I will be able to have the report in about fifteen minutes.

The Honourable Mian Sir Fazl-i-Husain: I may point out, Sir, that I do not agree to this that from five up to half-past six we should be listening to the speeches of the honourable members opposite. That time will have to be divided equally between both sides of the House. So let me not keep the House under any misapprehension on that subject.

Mr. President: May I ask the Honourable the Revenue Member that if no speeches are made by the Government members or by the honourable mover of the Bill then no speeches should also be made by the opposite side?

The Honourable Mian Sir Fazl-i-Husain: I have made my position very clear.

Dr. Gokul Chand, Narang: The closure can be applied at 6.15.

The Honourable Mian Sir Fazl-i-Husain: I am afraid that is not a pleasant position to be in. What I said was that if any speeches are made against the passing of the Bill, for every speech made on this point by the

[Hon'ble Mian Sir Fazl-i-Husain.]

opposite side, you, Sir, with your usual fairness, will permit the supporters of the Bill to make speeches in time. That is all what I wish to say.

The Council then adjourned at 5-25 p.m. for fifteen minutes.

The Council re-assembled at 5-40 p.m.

Mir Maqbool Mahmood [Amritsar (Muhammdan), Rural]: Sir, I beg to present the report of the drafting committee which reads as follows:—

“(1) That the new sub-clause defining “Company” in clause 2 be numbered (2) and the remaining sub-clauses be renumbered accordingly.

(2) For exception (iv) in sub-clause (5) of clause 2, the following shall be substituted:—

“(iv) a loan to or by or a deposit with a person belonging to any class of persons specified for the purpose of this section by the Local Government by Notification.”

(3) For exception (v) in sub-clause (5) of clause 2, the following shall be substituted:—

“(v) a loan advanced by a Bank, a Company, a Co-operative Society or an Insurance Company,”

(4) For exception (vi) the following shall be substituted:—

“(vi) a loan advanced by a landlord to his tenant, lessee, partner in cultivation, or co-sharer for the purpose of carrying on agriculture.”

(5) That in sub-clause (1) of clause 3, for the proviso following the word “prescribed” the following proviso shall be substituted:—

“Provided that the Local Government shall prescribe and print in each account book the forms of Urdu, Nagri, Gurmukhi, English and one set of Mahajani numerals and may also prescribe and print any other numerals in vogue in any part of the Punjab, and such numerals alone shall be used in the accounts.”

(6) That in sub-clause (2) of clause 3 for the words “the letter card” the word “it” shall be substituted.

(7) That clause (5) as amended be renumbered as clause 4.

(8) That clauses 10 and 11 be renumbered as clauses 5 and 6 respectively.”

I beg to move that these consequential amendments be incorporated in the Bill.

Mr. President: The question is that the amendments as reported by the Select Committee be adopted by this House.

The motion was carried.

Mir Maqbool Mahmood: Sir, I beg to move—

“That the Punjab Regulation of Accounts Bill as amended be passed.”

In presenting this motion, Sir, I should like to answer one question that has been put to me in the course of the debate and put to me also in the press, viz., why I did not agree to the postponement of this measure and...

Mr. President : Order, order. Speeches at this stage should be restricted and, according to Parliamentary practice, must be limited to the matters contained in the Bill, no extraneous matters should be introduced.

Mir Maqbool Mahmood : I was just going to say why I am presenting the motion that the Bill be taken up forthwith and not postponed. I would just like to make one declaration here from my place in this House, and it is this, a declaration to my friends in this Chamber and outside, that in moving this Bill and in presenting this motion that the Bill be passed, I have not in any way, Sir, been prompted by Government or any other authority to put up this Bill. I want my friends and those who do not agree with me to accept that suggestion, and I want them also to accept, and I declare before God and man, that I have not been in any way actuated by any communal motives to bring up this measure. In fact, I declare I would have been false to my traditions, to my education and even my ambitions if I could be guilty of any mean trick to my country; and if I were convinced that the dropping of this Bill or postponement would improve the communal tension, I would have been the first to do so.

Coming now to the provisions of Bill and the discussions that we have had about them, I know, and the House knows, unfortunately as my learned friend Dr. Sahib suggested, though it was not intended, controversy of a communal nature has been brought into the Bill. I appeal to the House, to all those who agree with me, and all those who do not agree, to let by-gones be by-gones, and I appeal to them to give this Bill with all its faults and all its shortcomings a chance to improve, what we consider to be an attempt to improve, the credit problem of this province. It may be that as experience teaches us and as the Bill is applied in practice we will find it defective, narrow or wide in more than one respect; but all that I claim, and all that the House is entitled to claim, is that we gave anxious thought to this problem and presented this measure, the first honest attempt to deal with this problem. The Bill is by no means going ultimately to remain in its present form. In many a matter its provisions will be redrafted, and I believe before long amending Bills would have to be brought in. I am also aware that Government also has given a too narrow shape to the amendments they have proposed. To those of my friends who wanted that the whole Bill as recommended by the Select Committee should be passed, I appeal to them that they should forget that aspect. I make this appeal also to those who wanted that no Bill should be passed. Let all of us in an honest and constructive way give the Bill an economic trial, and when we go back to our constituency tell them that for the moment the controversy, rightly or wrongly raised by this Bill, should be hushed with the present Bill. Let us all work the detailed provisions of the Bill on the merits. If there are any suggestions, let them be sent, and any Member may later move any amending Bill that may be desired. I do not want to detain the House long over this motion. I do not claim anything beyond this, that when posterity comes behind us and occupies the seats that we are occupying to-day and when this Bill and possibly all the amending Bills would be lying in the museum of antiquity, all that I claim is that they would say that we honestly gave this problem our anxious thought and brought forward what we considered best with the best of motives. I appeal to my learned friends who are likely to be opposing the passing of this Bill to be a bit magnanimous and at this stage to give the Bill their blessings and see that it has a fair trial and the Bill may ultimately be found to be in the best interests of the province.

Mr. President : The question is :

"That the Punjab Regulation of Accounts Bill as amended be passed."

Dr. Gokul Chand, Narang [North-West Towns (Non-Muhammadan) Urban] : Sir, I am sorry that I cannot support this motion which has been made at this time, and I wish I could express the same sentiments, sweet sentiments, as the honourable mover of the Bill has expressed after the whole thing is over. He has asked for the blessing of the House to his measure but I regret that it is almost like asking a man whose side has been pierced with a dart, to bless the person who has done the deed and drawn his blood. I do not want to go into the details of this measure, but I shall certainly say that the apprehensions which were expressed with respect to it have all been confirmed. Pandit Nanak Chand was blamed for having introduced communal feelings into the thing, but those who have been watching the course of the debate in this House, I think, are more likely to support Pandit Nanak Chand than the honourable mover of the Bill.

Mr. President : Order, order. I have already ruled that at this stage speeches should not be only restricted but that they should be limited to the matters contained in the Bill.

Dr. Gokul Chand, Narang : I refer to this matter because my honourable predecessor had made a reference to it. He also made a reference to the relation that was alleged to exist so far as this Bill is concerned between him and the Government. With respect to that also I would remark that the worst apprehensions and suspicions of this side of the House have been confirmed. Sir, so far as we are concerned, we have tried to fight every inch of the ground and we have done our duty in placing our point of view before Government. From the earliest stages of the debate we knew what the result of the various amendments that we were proposing would be, but we were sure that we would be failing in our duty if we did not place before Government what we thought of the Bill, so that a larger audience and higher authorities who have ultimately to deal with the Bill may know at least what we consider the Bill to be. Before we came to this House we had held meetings of eminent lawyers of the province who went clause by clause into this Bill and the amendments that we proposed in this House were the results of the joint deliberations of some of the most eminent lawyers in the province but if they have had no effect in this House it is not our fault, nor is it the fault of the intelligentsia of this province.

So far, Sir, as the merits of this Bill are concerned, I am as sure as one can be morally of anything, of which he does not possess personal knowledge, that there are very few members on Government benches who have any love for this measure and who, if they were left to themselves, would not have supported this measure and I hope that before the final motion is passed this important fact would not be ignored and even outside this Council that fact would not be overlooked. In fact, Sir, so far as the proceedings relating to this Bill are concerned there are many on this side of the House who think that they were far better off before the Reform Scheme came in and this is one of those things which is going to have an extremely injurious effect upon the minds of the people so far as any political advance in this province is concerned. They have found that the majority in this Province has no regard for the minority and is bent upon having its own way. And Government, for reasons which need not be

dilated upon but which are too apparent, has decided to side with that majority and ride rough shod over the interests and the feelings of the minorities in this Province. The circumstances in this province are such that the Hindus themselves cannot complain of this attitude of the Government. If they come to this Council divided among themselves and along with some of the Sikhs bent upon opposing the Government in everything they should be prepared to face the music which must result from their policy. It is for the community to which I belong, to consider the policy and to revise it if they think it proper.

With these remarks and simply placing our emphatic protest on record and knowing what the result of our opposition even to this motion would be, I strongly oppose this motion.

Rana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban] (Urdu) : Sir, I rise to express my regret at the heat that has been exhibited during the discussion on the Bill. I also regret the communal view taken of the Bill. Some honourable members have called it a Government measure and others have described it as a measure intended for the benefit of the agriculturists. It is a pity that we are living in an age which is highly prebarged with communal feelings. No well wisher of the country likes such a state of things. Every body wants to see a united nation. But the way which we are going will not lead to such a thing. We must sit down and consider coolheadedly over the causes that lead to such a thing and honestly try to remove them. If we were to continue viewing everything through communal glasses we shall be drifting from bad to worse. It is a pity that from the very beginning the Bill has not been seen in its true perspective. Honourable members have attacked the motives of each other. Nobody can deny that this measure is for the protection of the borrowers. Every single provision is a proof of that. Whether the borrower is a Hindu, Muslim, Sikh or a Christian this Bill

is to afford protection to him against unscrupulous lenders. It distinguishes between no class or community. Zamindars in this province constitute more than 70 per cent., of the population. At least 65 per cent. of them need protection. Barring a few big landlords almost 88 per cent. are peasant proprietors or in other words agricultural labourers. Now, this Bill is to protect these and other industrial labourers. In fact, this is neither a Government measure, a class measure nor a zamindar measure. It is a measure for the protection of labour. Every well wisher of the country who aspires for self-Government cannot afford to disregard the interests of labour. It is his duty to win the sympathy and co-operation of the labouring classes, who constitute 90 per cent., of the population. Unless the conditions in which labourers live are improved there can be no political progress. Every well wisher of the country should have supported such a measure. I was really sorry to see a patriot of the calibre of Dr. Gokul Chand Narang getting up to oppose it tooth and nail. I am really sorry to know that the honourable member could only see in it a communal measure. It is a pity that a man of his patriotism should go astray.....

Dr. Gokul Chand, Narang : I was only discussing the impression which had been created upon the people. I was not giving my own opinion.

Rana Firoz-ud-Din Khan : What was your own personal opinion?

Dr. Gokul Chand, Narang : I gave it in my first speech.

Rana Firoz-ud-Din Khan : They ought to have seen the wholesome effects of this measure on 90 per cent. of the population and a nationalist like Dr. Gokul Chand Narang should have supported it. A labourer, be he a Hindu, a Muslim or a Sikh is to benefit from such a measure. This is only a negative measure. It gives no positive advantages to anybody. It only saves you from loss. Dr. Gokul Chand Narang regretted that he could not give the Bill his benediction and blessings. He says how can a man who has been pierced in the heart bless the murderer. What a pity that the heart of a Swarajist has been pierced by the passing of such a measure affording protection to labour (Loud cheers). I, standing here, not a supporter of the Government, which charge I am sure cannot be levelled against me, nor as a Muhammadan nor as an agriculturist but simply as a nationalist, whole-heartedly support the Bill. It has not been my habit to support the Government but I must say that Government has done well in helping the passing of this measure. I submit, Sir, there is no representative of labour in the House to put their views before the House and Government would have failed miserably in its duty and would have betrayed criminal negligence if it had not supported the Bill. It would have been blind to the best interests of the country and would not have been worthy of the confidence of the people if it had not felt it its duty to support this Bill. With these words I heartily support the Bill.

Chaudhri Ram Singh [Kangra (Non-Muhammadian) Rural] (Urdu) : Sir, from the very day this Bill was introduced it has been proclaimed from the House tops that this Bill is for the protection and good of zamindars. But to-day my honourable friend Rana Firoz-ud-Din Khan has thought of a new argument that it is for the protection of labour. Now, Sir, this is the first time that such an argument has been advanced. In the first bill even the mover said that it is for the protection of agriculturists. I am a zamindar and would like to show you the bad effects of this Bill upon zamindars. In villages most of the *sahukars* are illiterate and other people keep accounts for them. By the passage of this Bill such *sahukars* will cease to exist because they are not so rich as to engage the services of clerks. The result will be that the number of *sahukars* will considerably decrease and you will find only here and there a *sahukar* who will be able to comply with the provisions of this Bill. The number of *sahukars* having thus decreased the zamindars will find it difficult to get loans as freely as they can do now and then they will have to pay higher rates of interest to boot.....

Mr. President : Order, order. The honourable member is simply repeating arguments of the previous speakers.

Chaudhri Ram Singh (continued in Urdu) : One thing which I want to say and which has not been advanced by any member is that as things at present are, money-lenders generally strike balance after two or three years. Now after the passing of this Bill they will do so every six months and thus the principal will increase every half year and they will have to pay compound interest. Again, Sir, people are liable to err. But this Bill now that it is going to be passed will penalise even the slightest error or omission. Litigation will increase and honest agriculturists will be encouraged to dishonesty, I consider this Bill highly prejudicial to the best interests of agriculturists. By the passing of this Act the rate of interest will increase. I therefore submit that this Bill be not passed.

Chaudhri Duli Chand [Karnal (Non-Mubammadan) Rural] (Urdu) : Sir, I rise to repudiate the statement that this Bill is an attack on the Hindu community. If it were so I would have been the first to oppose the Bill. Not only myself but all Hindu zamindar members from the Ambala Division and other Hindu zamindar districts where we have almost all the Hindu zamindars would have opposed it. All the Hindu zamindars support the Bill. Sir, I am sure, if the Bill had been prejudicial to Hindu interests the Honourable Minister for Education would have left his seat on the official benches to oppose such a measure. But, Sir, I know that all the Gujars, Ahirs and Jats of the Ambala Division support the Bill.

Dr. Gokul Chand, Narang : You would not have supported it if he had not been on the official benches.

Chaudhri Duli Chand : If he had not been there then even we would, have supported the Bill, and it is very possible that he himself would have moved the Bill. Sir I refer you to the columns of the *Jai Gazette*. Probably in 1923, when it was edited by the Honourable Minister for Education he wrote articles on the need for a similar measure. The District Board of Gurgaon, which is the representative of petty landlords unanimously supported this Bill. The same is the case in Karnal. There are some zamindars living in hundreds of villages in the Ambala Division. They generally oppose our election. But even they have supported the Bill. What more proof do you need to show that the Bill is not opposed to the interests of the Hindu community ?

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) Rural] : Sir, at this stage of the debate I will only take a few minutes to oppose this measure. It is said by the mover of this Bill and my friend on my right (Chaudhri Duli Chand) that it is not a communal measure. I say that this is distinctly a communal measure.

Mr. President : That is only a repetition of arguments already advanced.

Rai Bahadur Lala Sewak Ram : This measure is simply meant to kill the Hindu community, I cannot use any other expression.

Mr. President : It is again a repetition.

Rai Bahadur Lala Sewak Ram : I submit that when this Bill is worked it will be found that it is entirely unworkable just as the Panchayat Act is unworkable. I have still hopes that His Excellency the Governor will not give his assent to this Bill, and even if he does give his assent, His Excellency the Viceroy will withhold his assent to this retrograde measure because there is already one retrograde measure on the statute book, namely, the Punjab Land Alienation Act, and this is another measure of the same sort.

I may submit, Sir, that by the Punjab Land Alienation Act the zamindar community of this province has not been able to kill the non-agriculturist Hindus. Similarly by passing this measure they will not be able to kill the community known as *sahukars*, such as is the desire of the people who have supported the Bill. I will not take any more time of the Council. I will close my remarks by saying that the landlords who have been very prominent in supporting the Bill will now become *sahukars*, and I will prove in course of time how these landlords for whose benefit this measure is passed will harass the poor tenants by giving them loans.

Mr. President : That is only a repetition of what the honourable member has already stated.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, it is very disappointing to me that the mover of the Bill did not rise to the occasion and let us have a Bill in which we should all have been satisfied or at least most of us. In introducing a Bill of a rudimentary character of this sort, I consider that he ought to have started in a much smaller manner and have introduced a much simpler measure. As has already been stated I must oppose the Bill solely for the penalty clause in it. It spoils the whole Bill. If that clause had been amended, I should have been prepared to accept it.

Dr. Gokul Chand, Narang: You are not a Hindu, are you?

Mr V. F. Gray: No, I am not. The time is very short and there are other members who wish to speak. I would therefore merely state that I oppose the Bill solely on account of the very severe penalty clause.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural]: Sir, I think the House will agree with me that the mover of this Bill has placed the labouring and the poor classes under a great debt of gratitude by having brought forward this necessary measure. It was needed not only by a particular community, but perhaps by all communities who happened to be poor and in the clutches of the creditors. I do not wish to make a long speech, but I wish only to refer to one aspect of the speech made by the honourable member who has just deserted us. He said that the passing of this Bill will be an eye-opener to the Government in England when they take up the question of the extension of reforms scheme. That argument, Sir, is a double-edged sword. If my honourable friends on the opposite side are always arguing that there should be no communal representation and if their conduct is such as has been proved in this House, namely that even in a salutary measure like this they are not prepared to support it, that certainly will be an indication to the powers-that-be that the interests of the uneducated and the backward classes like the agriculturists of this province should be safeguarded by strongly supporting communal representation in this Council.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, I wish to congratulate the House on the successful termination of a lengthy and protracted discussion of a measure which had excited a great deal of feeling. I congratulate all parts of the House for keeping the debate on such a measure at a high level of debate as would befit the dignity of any legislative council in India. Knowing that the measure had assumed an extremely controversial aspect, still to keep the debate at the high level at which it had been maintained, I think, does credit to all parties in this House. Whenever there was a tendency for that level to go down, some members of the House tried to raise it up again and I must say to the credit of the House that they did succeed in putting it up.

In the second place, Sir, knowing that a certain section of the House treated the measure as if it were a communal measure, and I will not be far wrong if I go even so far as to say that they genuinely believed it to be communal, still it is really quite a pleasure to note that in spite of their believing it to be an extremely communal measure, what they said was not half as bad as it might have been. Even though they were in a

minority they showed, to my mind commendable perseverance in carrying on the discussion at such length and in doing so acted well within the constitution. The supporters of the Bill, on their side, knowing that they were in a majority, feeling that they were in the right, hearing that they were believed to be doing something from motives which were not commendable, still they exercised that patience and that forbearance which the party in majority ought to exercise towards those in opposition to them. They were not quick in taking offence at many things said by the other side at which offence might ordinarily have been taken.

Thirdly, Sir, although it has been said that the measure is an extremely communal one (Diwan Bahadur Raja Narendra Nath : Class), yes, it would have been more appropriate to say that the measure is, as the honourable leader of the opposition has now called it, a class measure. That is exactly the word which correctly describes the nature of this measure. It is a class measure; and class measures also, Sir, excite opposition. They are as bad in exciting fanaticism as communal measures. However, those countries which claim to have representative institutions and are working for attaining representative Government, will have to abide by the rules of the game, and carry on the game whether they are winning or losing. Whether there are two parties in the House or more, we have to learn that even class measures can excite acrimonious controversy, but it befits our dignity not to let it go beyond control.

Although it was said frequently but wrongly that this Bill was a communal measure, I have no doubt I agree with the honourable leader of the opposition in holding that it ought to have been described as a class measure. At the various divisions that took place in the House it was apparent that although the opponents of the Bill very largely, if not entirely, belonged to one community, the supporters of the Bill included amongst them not only members of the Muslim community, but also members of the Hindu community, of the Sikh community, even the Christian community and in some cases non-official European community also.

Fourthly, Sir, the honourable member said that the condition of the official members was really pitiable. He alleged that some of them did not believe in the Bill and it was a pity that they supported some of the provisions of this measure even against their own conviction. Had this observation come from lips other than those that were responsible for it one might have examined it and controverted it, but considering that the owner of those lips came into this Chamber bound hand and foot to oppose this measure and he and his party had committed themselves to opposition at all stages, one can hardly take it seriously. The Sawarajists pride themselves on their party discipline. Is it not strange that their virtue if adopted by others ceases to be a virtue? I have to place before the House the reason why in a case like this the Government officials cannot assume the position of what one might call dilettantes in legislation. They cannot pick and choose inasmuch as this measure has to be worked by courts of law of this Government. The responsibility for working this measure entirely devolves upon the Government and therefore the Government could not allow the provisions of the Bill to take any shape that the various side of the House may desire it to take. What is more is this? During these discussions has a single division taken place in which the Government members or officials, have by their votes made the Council arrive at a decision at which it would not have arrived if they had refrained from voting? If so, the point of attack that Government members and officials have voted for certain provisions of the bill loses all its force.

[Hon'ble Mian Sir Fazl-i-Husain.]

Lastly, I must say that this measure when passed by this House will continue to receive the closest attention of the Government (Hear, hear). It is true that the Government did not find its way to accept the amendments which wanted the postponement of the enforcement of this measure for three years or its operation for five years. But as the Council has very wisely left the date of its introduction to the Local Government, I believe I am right in saying that the Government has no intention of enforcing this measure forthwith. As a matter of fact, no enforcement of the measure within the next few months could be contemplated inasmuch as the prescribing of forms of accounts is essential before this measure can take effect and that has to be done by the Government. When that is done I believe it is the practice of the Government when making rules to see that after their publication a session of the Legislative Council has intervened before these rules come into operation. This Government has always been in this way taking the Legislative Council into their confidence before the rules framed by the Government come into actual operation. This is a safeguard to which no part of the House can object. In this way it will appear that all those considerations which have been emphasised by the honourable members who have opposed this measure, were all taken into consideration by the Government. In the words of the honourable member—Dr. Narang—this Government was fortunate enough to have before it the results of the joint labours of the intelligentsia of the Punjab, and after giving their most careful consideration to them arrived at the decision which was announced in the very commencement of this session. It was not that we simply would not look at the suggestions made. It was not that we had not an open mind with reference to the suggestions made. We were lucky enough and fortunate enough to have had the advantage of having before us all these valuable suggestions at the time when we were really considering this Bill. If after having these points most carefully considered, we arrived at a certain decision, the simple fact that these very suggestions were repeated in this Chamber did not enable us to estimate their value at a price higher than what we allotted to it when we considered them ourselves.

This is the reason why some of the honourable members not knowing the real facts were inclined to think that the Government made up its mind, and that it was no use to urge any sensible thing for the acceptance of the Government.

In conclusion I have to state that as the various provisions of the Bill, which is now before the House, have been passed substantially in the way the Government had approved of them, the Government sees no reason why it should oppose the passing of the Bill.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): Sir, I wish to say a few words of explanation. I am not in the habit of interrupting speakers, and I do not like that I should get up when a speech is going on to offer a few words of explanation. I thought I might reserve my remarks for the time when my turn would come. When I used the word 'class' I used it for the sake of brevity. I meant that it is a class question, not of the character out of which class questions arise in Europe or in other countries, but it is a class question based upon caste, caste question intermingled with communal question. For the sake of brevity and for the sake of observing your orders to eschew communal matters I did not explain myself then. I wish to say something more with your permission. (Here the honourable member paused).

Mr. President : The honourable member is in possession of the House. He may continue.

Diwan Bahadur Raja Narendra Nath : Sir, I will not dwell upon the economic aspects of the Bill or its legal aspects, although I agree with some of the objections that have been raised. The most objectionable feature of the Bill appears to me to be that by which money-lenders are marked out as a class. In every suit whether a plaintiff claims his right or not, whether a defendant raises his plea or not, the court has of its own motion to raise the plea whether the man belongs to that class of robbers called the money-lenders. I strongly object to this implication of marking out the money-lenders as a class. It was sought to defend this provision on the analogy of the Pre-emption Act. The Pre-emption Act was itself the off-spring of the Land Alienation Act. . . .

Mr. President : That is a repetition.

Diwan Bahadur Raja Narendra Nath : My argument is quite a new one. This Bill is in a manner connected with the Land Alienation Act. It is now twenty five years since that Act was passed. The class controversy which was generated by it has been dormant and it has been revived since these Councils have come into existence and the screw has been made tighter by the passing of this Bill. I am afraid, Sir, it is your order that I should be very brief and therefore I must conclude my argument and say that all this conflict which is not really class conflict but which is a conflict between castes and groups, all these conflicts have a very prejudicial influence on and are detrimental to, the political advancement of the Province. Those who constitute the majority now may have to see other provinces advance more rapidly than the Punjab.

Mr. President : The question is—

"That the Punjab Regulation of Accounts Bill as amended be passed."

The motion was carried amidst loud cheers.

ANSWERS TO CERTAIN UNANSWERED QUESTIONS LAID ON THE TABLE.

The Secretary : *Answers to certain Council questions which have been received from the Government since the publication of the Council Debates of 18th March 1926 are laid upon the table for the information of members.

The Council then adjourned *sine die*.

*Appendix XIV.

11-11-61

The following is a list of the names of the persons who have been appointed to the various positions in the various departments of the Government of the State of New York, for the year 1900:

148 P.C. 415-18-6-25-66 P.P. Lahore.

"History of the Communist Party, U.S.A., 1919-1936"

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PUNJAB LEGISLATIVE COUNCIL.

9TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Wednesday, the 20th October 1926.

The Council met at the Council Chamber at two of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following members were sworn in :—

Mr. H. D. CRAIK, C.S.I. (Official nominated).

Mr. B. H. DOBSON, C.B.E. (Official nominated).

Mr. H. M. COWAN (Official nominated).

Lieutenant-Sardar HUGHES SINGH [Amritsar (Sikh) Rural].

Chandhri GORIND RAM [North-West Rohtak (Non-Muhammadan) Rural].

Lala RAM CHAND (Representative of labour).

ANNOUNCEMENTS FROM THE CHAIR.

PANEL OF CHAIRMEN.

Mr. President: I have to announce to the Council that under rule 3 (1) of the Punjab Legislative Council Rules I have nominated the following gentlemen to serve on the panel of chairmen for the present session :—

Diwan Bahadur Raja Narendra Nath.

Lieutenant-Sardar Sikandar Hayat Khan.

Sardar Tara Singh.

Mir Maqbool Mahmood.

BILLS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR AND HIS EXCELLENCY THE GOVERNOR-GENERAL.

Mr. President: I have to acquaint the Council that His Excellency the Governor and His Excellency the Governor-General have been pleased to give their assent to the following measures :—

The Punjab Court Fees (Second Amendment) Act, 1926.

The Punjab Land Preservation (Chos) Amendment Act, 1926.

[Mr. President.]

The Punjab Land Preservation (Chos) Second Amendment Act, 1926.

The Prisons (Punjab Amendment) Act, 1926.

The Good Conduct Prisoners' Probational Release Act, 1926.

The Punjab Forestal Act, 1926.

QUESTIONS AND ANSWERS.

GRAZING TAX IN CERTAIN PARTS OF THE KANGRA DISTRICT.

1815. Chaudhri Ram Singh: With reference to the answer to question No. 1254* asked on the 17th January 1926, will the Government be pleased to consider the advisability of the abolition of the grazing tax levied on sheep and goats in the ilaqa of Beshwari and Satias Giran of tahsil Nurpur and ilaqa Haldoon of tahsil Dera, and such other mauzas of the other tahsils in the Kangra district where there are no Government or shamlat forests? If not, why not?

The Honourable Mian Sir Fazl-i-Husain: The matter is still under consideration.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

2187. Chaudhri Afzal Haq: Will the Government be pleased to lay on the table a statement showing the action taken by them in respect of each of the recommendations made by the Indian Jails Committee and the expenditure incurred by the Government in giving effect to the said recommendations?

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

DISTRICT BOARDS.

2651. Sardar Jodh Singh: Will the Government be pleased to place the following information on the table:—

- (a) The number of Sikh, Muslim, Hindu and other voters in the case of each District Board in the province according to the latest returns available;—
- (b) the present number of Sikh, Muslim, Hindu and other members, elected as well as nominated (separately) for each District Board; and
- (c) the date of the last election in each case?

The Honourable Rai Sahib Chaudhri Chhotu Ram: A statement showing the particulars required is laid on the table.

(a) NUMBER OF VOTERS.

Serial No.	District Board.	Sikhs.	Muslims.	Hindus.	Others.	Total.
1	Hissar ...	1,553	2,332	6,802	5	10,429
2	Rohtak ...	...	1,800	23,554	...	25,454
3	Gurgaon ...	85	5,540	12,445	...	18,080
4	Karnal ...	542	4,401	15,275	1	22,279
5	Ambala ...	3,515	3,893	12,232	3	19,743
6	Kangra ...	...	194	15,402	300	15,816
7	Hoshiarpur ...	6,332	7,915	13,517	351	27,915
8	Jalandhar ...	15,551	11,710	9,527	...	36,827
9	Ludhiana ...	13,355	3,288	2,768	70	19,007
10	Ferozepore ...	13,446	5,375	4,030	Included in Hindus	22,860
11	Lahore ...	11,516	5,700	1,875	82	19,005
12	Amritsar ...	25,332	6,381	2,373	425	34,536
13	Gandapur ...	10,000	3,335	7,680	104	26,489
14	Shikoh ...	4,001	9,350	6,253	Included in Hindus	20,213
15	Gujranwala ...	3,502	11,420	3,181	1	18,000
16	Sheikhpura ...	7,305	9,308	1,397	Included in Hindus	18,501
17	Gujrat ...	543	15,153	435	...	16,026
18	Shahpur ...	2,332	28,249	1,312	Included in Hindus	31,494
19	Jhelum ...	7,532	24,771	1,749	...	34,062
20	Rawalpindi ...	1,540	18,341	680	...	20,461
21	Attock ...	519	15,243	1,302	...	17,064
22	Mianwali ...	57	4,775	1,372	4	6,399
23	Montgomery ...	3,230	74,886	2,804	...	20,703
24	Lyallpur ...	15,770	43,391	3,345	Included in Hindus	62,516
25	Jhang ...	212	11,094	3,330	14	14,660
26	Nalhan ...	1,264	12,903	4,155	...	18,152
27	Muzaffargarh ...	10	5,374	2,365	...	8,149
28	Dera Ghazi Khan ...	...	5,707	2,411	Included in Hindus	8,118

[Honourable Rai Sahib Chaudhri Gabota Ram.]

(2) NUMBER OF ELECTED AND NOMINATED MEMBERS.

(6) NUMBER OF ELECTED AND NOMINATED MEMBERS.												
District Board.		NUMBER OF ELECTED MEMBERS, INCLUDING THOSE APPOINTED UNDER SECTION 11 (3) OF THE PUNJAB DISTRICT BOARDS ACT, 1882.					NUMBER OF NOMINATED MEMBERS.					Officials.
		Sikhs.	Muslims.	Hindus.	Others.	Total.	Non-official.					
Serial No.		Sikhs.	Muslims.	Hindus.	Others.	Total.	Sikhs.	Muslims.	Hindus.	Others.	Total.	
1	Hissar	8	9	26	..	34	1	2	2	...	5	5
2	Rohtak	...	2	32	..	34	...	3	2	...	5	5
3	Gurgaon	...	12	20	...	32	...	4	4	...	8	8
4	Karnal	4	9	22	...	35	1	2	2	...	5	5
5	Ambala	15	5	12	...	32	1	3	...	...	4	5
6	Kangra	...	1	63	...	64	...	...	4	1	5	5
7	Hoshiarpur	11	11	12	..	34	...	2	4	...	6	6
8	Jullundur	20	11	3	...	34	1	4	...	...	5	5
9	Ludhiana	22	7	1	...	30	2	3	...	...	5	5
10	Ferozapore	21	10	6	...	37	...	4	2	...	6	6
11	Lahore	18	19	1	...	38	1	2	3	...	6	6
12	Amritsar	20	9	1	...	30	3	3	1	...	6	6
13	Gurdaspur	10	11	12	...	33	1	2	2	...	5	5
14	Sialkot	7	18	7	...	32	2	2	1	...	5	5
15	Gujranwala	9	19	2	...	30	1	2	2	...	5	5
16	Sheikhpura	5	17	2	Included in Hindus	24	4	2	...	...	6	6
17	Gujrat	1	35	...	...	36	1	...	2	...	3	5
18	Shahpur	1	27	...	...	28	2	5	1	...	8	6
19	Jhelum	...	26	1	...	27	2	2	2	...	6	6
20	Rawalpindi	1	21	2	...	24	3	2	1	...	6	6
21	Attock	...	14	...	...	14	3	13	2	...	22	6
22	Mianwali	...	10	2	...	12	...	15	3	...	18	6
23	Montgomery	4	15	5	...	24	1	3	1	1	6	6
24	Lyalpur	11	24	1	...	36	...	3	2	1	6	6
25	Jhang	...	22	2	...	24	1	2	3	...	6	6
26	Multan	1	25	2	...	28	3	4	1	...	8	6
27	Muzaffargarh	...	21	3	...	24	...	4	2	...	6	6
28	Dera Ghazi Khan	...	6	5	...	11	...	20	2	...	22	6

(c) THE DATE OF LAST ELECTION.

Serial No.	District Board.	Date of last election.
1	Hissar	July and August 1924.
2	Rohtak	4th to 14th September 1923.
3	Gurgaon	February 1925.
4	Karnal	3rd to 18th December 1923.
5	Ambala	1st to 29th November 1924.
6	Kangra	December 1923 and January 1924.
7	Hoshiarpur	8th to 15th February 1924.
8	Jullundur	28th February 1924.
9	Ludhiana	1st to 15th February 1924.
10	Ferozepore	February 1924.
11	Lahore	April 1924.
12	Amritsar	10th to 13th December 1923.
13	Gurdaspur	1st to 24th July 1924.
14	Sialkot	August 1923.
15	Gujranwala	September 1923.
16	Stokhupura	November 1924.
17	Gujrat	September 1923.
18	Shahpur	1st to 12th February 1924.
19	Jhelum	September 1923.
20	Rawalpindi	17th to 22nd and 24th to 27th September 1923.
21	Attock	September 1923.
22	Mianwali	4th, 6th and 5th September 1923.
23	Montgomery	3rd to 10th December 1923.
24	Lyallpur	11th to 27th June 1925.
25	Jhang	18th to 23rd February 1924.
26	Multan	12th to 24th June 1924.
27	Muzaffargarh	14th to 19th and 22nd January 1924.
28	Dera Ghazi Khan	10th, 12th and 14th December 1923.

M. ALLAH BAKHSU, TEACHER, DISTRICT BOARD PRIMARY SCHOOL, MAUZA BOSAN.

2712. Lala Bodh Raj: With reference to the answer to question No. 2195,* will the Government please state what action has been taken by the local authority concerned?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The local authority, in whose employ is M. Allah Bakhsu has considered the matter and taken the following action:—

- (a) The headmaster has been instructed to keep a watch on M. Allah Bakhsu.
- (b) The Hindu boarders have been removed from the supervision of the Muhammadan Superintendent and kept in a separate building.

ILLEGAL POSSESSION OF REVOLVERS, ETC.

2718. Maulvi Mazhar Ali, Azhar: Will the Government please lay on the table a statement showing—

- (a) the number of revolvers, chhavis, kukris, bombs and other kindred articles illegally kept and which have been recovered during the year 1925 and during January 1926;
- (b) the districts wherefrom the articles have been recovered; and
- (c) the number of persons arrested, convicted and awaiting trial in connection with the offences committed in respect of the said articles?

The Honourable Mian Sir Fazl-i-Husain: During the year 1925 seventy persons in the province were convicted of offences under section 19 (a) of Indian Arms Act. During the same period, five hundred and thirty-two persons were convicted of offences under section 19 (f).

A statement of arms confiscated under the Act during 1925 is given below:—

Rifles	...	58	Bayonets	...	2
Smooth bore guns	...	242	Daggers and knives	...	32
Pistols and revolvers	...	132	Spears	...	36
Swords	...	86	Other arms	...	295

Collecting of the further details asked for by the honourable member will involve a great deal of labour and time and it does not appear necessary to do so.

COMPENSATION FOR ACQUISITION OF LAND IN THE COMPOUND OF THE BUNGALOW OF LALA SANT RAM, AMRITSAR.

2744. Dr. Gokul Chand, Narang: (i) Is it a fact—

- (a) that the Punjab Government acquired land under the Land Acquisition Act in the compound of the bungalow of Lala Sant Ram, just adjacent to the Railway Station, Amritsar, from Messrs. Kirpa Ram Brijlal carrying on ice business there in 1921;
- (b) that the said firm of Messrs. Kirpa Ram Brijlal had to remove their ice factory on account of the said acquisition and this resulted in heavy loss to them;
- (c) that it was after about four years that the District Judge, Amritsar, ordered compensation of Rs. 32,250 on 17th August 1925; and
- (d) that in spite of the above order of the District Judge, Amritsar, the compensation has not been paid as yet to the said firm.

(ii) (a) If the answers to the above be in the affirmative, will the Government be pleased to state why the compensation ordered by the District Judge, Amritsar, has not been paid to the firm as yet?

(b) Does the Government propose to take steps to see that the money is paid to the firm of Messrs. Kirpa Ram Brijlal without any further delay?

The Honourable Sir Geoffrey deMontmorency: (i) Yes.

(ii) Enquiries are being made as to why payment has not been made by the department concerned.

FLOODS IN THE GURDASPUR TAHSIL.

2823. Maulvi Mazhar Ali, Azhar: (a) Is it a fact that the Kahnuwan Chhamb area of the Gurdaspur tahsil is often suddenly flooded on account of the rainfall in the far off mountains when there is no sign of rain in the plain area itself?

(b) Is it a fact that in 1914 and 1925 especially the area was suddenly flooded at night time and people were caught in their beds, the resulting loss of life and property being very heavy?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes.

(b) There were sudden floods in 1914 and 1925 in the Chhamb area. Considerable loss of grain and cattle was reported, but no loss of life.

PAKHOWAL BUND.

2825. Maulvi Mazhar Ali, Azhar: (a) Is it a fact that Sir Louis (then Mr.) Dane, in his Gurdaspur District Settlement Report of 1890 remarked that the swamp area had not diminished since the erection of the Pakhowal bund extending from the village Lahri to the village Jagatpur, and he further considered the bund to have been positively injurious?

[M. Mazhar Ali Azhar.]

(b) Is it a fact that the question was considered in 1893 by Lieutenant-Colonel J. W. Ottley, Chief Engineer, Irrigation Works, Punjab, and he strongly differed from the view taken by the Settlement Officer and reported that the removal of the bund would not improve the condition of the land behind it, but would, on the contrary, probably lead to widespread injury and disaster, and that consequently the Pakhowal bund should be carefully maintained?

(c) Is it a fact that in the year 1895, the bund had been breached by river action in five different places to a total width of about 850 feet, and is it also a fact that by the order of the then Deputy Commissioner of the district the bund was breached in five new places situate close to each other, making a total gap of about 903 feet and the warnings of the Chief Engineer were utterly disregarded?

(d) Is it a fact that the bund was gradually neglected later on and was eventually destroyed in 1914, washing away with it several villages?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) Yes. Colonel Ottley was of the opinion that this bund be maintained.

(c) Yes. Except that the action of the Deputy Commissioner was approved by Government. The villages below the bund were also almost unanimously in favour of its being breached.

(d) The bund was not 'neglected', but it was decided to abandon it. There is no record of the stages of its disappearance.

FLOODS IN THE HOSHIARPUR AND GURDASPUR DISTRICTS.

2826. Maulvi Mazhar Ali, Azhar : (a) With reference to the answer to part (g) of question No. 2357,* will the Government be pleased to lay on the table the copies of the reports received from the Hoshiarpur and Gurdaspur districts?

(b) Has the Government finished the consideration of the reports? If so, what is the conclusion the Government has arrived at? If not, how long will it still take the Government to thoroughly consider the matter?

(c) With reference to the answer to part (i) of the question, does the Government propose to appoint a committee of inquiry to report on the measures to be adopted to reclaim the lands already rendered unfit for cultivation and prevent further injury to land and villages threatened by the river action?

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

MANJEHR-BAROTA CANAL.

2885. Chaudhri Ram Singh : (a) With reference to the answer to question No. 1907,† put on the 27th June 1925, will Government please state

* Vol. VIII-B, pages 1666-67.

† Vol. VIII-B, page 1120.

whether the owners of Barota in the Kangra district have made several petitions since the date of the answer for the remission of water-rate? If so, will it please state—

(i) the number of such petitions;

(ii) the date on which they were received and the decision arrived at on them;

(iii) whether the Revenue Officer, district Hoshiarpur, ordered that instalments of water-rate having been fixed for the time being, petitions for the remission of the same should be made again at the proper time?

(b) Will Government consider the advisability of appointing in addition to the manager of the Shah Nehr, some responsible officers of the Hoshiarpur and Kangra districts to devise means for doing justice to the claims of the owners of Barota?

(c) Will it please also state—

(i) whether the surplus water for which no *abiana* should be charged in accordance with the terms of the agreement and which has been described as tail water instead of being called surplus water is not the surplus water of these canals;

(ii) whether this water irrigates any other village except Barota and Paral;

(iii) whether the Shah Nehr department is responsible for any damage done to the lands of other places by what is now called tail water, and, if not, why not?

(d) Will the Government please state whether the rate has ever been charged from the area which is now proposed to be assessed?

(e) If the Shah Nehr department has decided to charge Rs. 10 per 100 acres, will it arrange to irrigate the area which has become *barani* on account of the breach of the Manjehr-Barota canal?

(f) Will Government please also state with reference to other canal colonies, whether the percentage of output of various grains is the same when irrigated by canal water and tail water, respectively? If the output is less under tail water, will it please state why Rs. 10 per 100 acres is being charged on tail water?

The Honourable Mian Sir Fazl-i-Husain : (i) (i) and (ii). No such petitions had been received at the date the question was put. A petition was received after that date from one Chaudhri Amin Chand, presumably one of the owners of the Manjehr-Barota canal. It is dated March 27th, 1926, and was received by the Deputy Commissioner of Hoshiarpur from the Deputy Commissioner of Kangra, with a letter dated April 5th. It is being enquired into.

(iii) No.

(b) It is at all times open to the owners of the Manjehr-Barota canal to represent their grievances to the Deputy Commissioner of Hoshiarpur or Kangra. In these circumstances Government sees no reason to take the action suggested.

[Honourable Sir Fazl-i-Husain.]

(c) (i) No. The surplus water for which no *abiana* should be charged is the surplus water of the Shah Nehr. It is obvious that the tail water of the private canals need not necessarily be surplus so far as the Shah Nehr is concerned.

(ii) No.

(iii) No. The responsibility rests with the private owners who take the water rather than with the management of the Shah Nehr. The reason for this is to be found in the history of the Shah Nehr and of the other irrigation channels in the locality.

(d) If the honourable member refers to the area in village Paral which was recently found to be irrigated, the reply is in the negative.

(e) The management of the Shah Nehr canal is not responsible for the repairs of the Manjehr-Barota canal, and no promise can be made as to the irrigation of the areas in question.

(f) No comparison is possible between the conditions in the locality irrigated by the Shah Nehr canal and other irrigation channels and those obtaining on other canal colonies, owing to differences of rainfall, sub-soil water level and the like.

APPLICATIONS FOR REVISION IN CRIMINAL CASES.

3006. **Chandhri Afzal Haq** : Will the Government kindly state—

(i) the number of applications for revision in criminal cases made to the present Sessions Judge of Jullundur during his tenure of office ; and

(ii) the number of such applications referred to the High Court ?

The Honourable Sir Geoffrey deMontmorency :

(i) 132.

(ii) 8.

MOSQUE OPPOSITE THE THANA OF ROHLANWALI, DISTRICT MUZAFFARGARH.

3098. **Makhdumzada Sayad Muhammad Raza Shah, Gilani** : Will the Government be pleased to state —

(a) whether it is a fact that there used to be a mosque just opposite the thana of Rohlanwali, tahsil Muzaffargarh, district Muzaffargarh ;

(b) that the mosque has been demolished by the Sub-Inspector in charge of the thana under the orders of the Superintendent of Police ;

(c) if the answers to (a) and (b) above be in the affirmative, will Government be pleased to ascertain why the said mosque has been demolished ?

The Honourable Sir Geoffrey deMontmorency : The enquiries made by Government do not show that there was a mosque here ; but that a praying platform was removed, but the circumstances relating to its removal are under enquiry in magisterial proceedings.

GRANTS FOR THE UPKEEP OF SHRINES.

3120. Chaudhri Afzal Haq: Will the Government be pleased to state the number of shrines which receive Government grant for their upkeep by way of *muafi*, etc., and the amount which the shrines so receive annually?

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

GRANTS OF LANDS TO *PIRS*, ETC.

3121. Chaudhri Afzal Haq: Will the Government be pleased to state the number of those *Pirs*, *Mahants* and *Gadina-shins* of shrines who received grant of Government land, the number of squares which each of them received since the year 1900 and the purpose for which such grants were given?

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

NEW ASSESSMENT OF MUZAFFARGARH.

3127. Khan Muhammad Abdullah Khan: (a) Will Government please lay on the table a copy of the notification or note by the Settlement Officer, Muzaffargarh, showing that at the time of the announcement of the new assessment it was also proclaimed to the zamindars concerned from what date the new assessment was to take effect and for what period it was to remain in force?

(b) Is it a fact that land revenue is being realised at the new assessment rates from this year?

(c) If the Settlement Officer did not notify to the zamindars the period for which the assessment had been made, will Government please state the reasons for this omission?

(d) Is Government prepared to notify this now? If not, why not?

The Honourable Mian Sir Fazl-i-Husain: (a) There is no such notification or note by the Settlement Officer, but it was announced to the zamindars at the time of giving out the new *jamas* that the assessment would take effect from *kharif* 1925.

(b) Yes. From *kharif* 1925.

(c) The Settlement Officer is not authorised to announce the period for which an assessment is made.

(d) The period of settlement will be fixed and notified when the Final Settlement Report is received and orders are passed on it.

ALIENATION OF LAND BY AGRICULTURISTS TO NON-AGRICULTURISTS IN THE MUZAFFARGARH DISTRICT.

3130. Khan Muhammad Abdullah Khan: Will Government be pleased to state tahsilwise the total area of land in the Muzaffargarh district which has passed from the hands of agriculturists to non-agriculturists during the years 1900 to 1925—

- (a) by sale ;
- (b) by attachment in execution ; and
- (c) by sanction of Deputy Commissioner as provided in the Land Alienation Act?

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

TAXES LEVIED BY THE SMALL TOWN COMMITTEE OF JALALPUR PIRWALA.

3134. Lala Mohan Lal: (a) Will the Government please state the taxes levied by the Small Town Committee of Jalalpur Pirwala of tahsil Shujabad of Multan district and the income that has accrued therefrom?

(b) What is the amount contributed towards the income of the committee by the Hindus and the Muhammadans, respectively?

Mr. Ram Chandra: (a) Hasiyat tax is the only tax levied by the town committee of Jalalpur Pirwala and the income realised therefrom in 1925-26, was Rs. 1,705.

(b) Realisations from Hindus amounted to Rs. 1,129 and from Muhammadans Rs. 576.

DIVISION OF WARDS OF THE SMALL TOWN COMMITTEE OF JALALPUR PIRWALA.

3135. Lala Mohan Lal: (a) Will the Government please state—

- (i) the strength of voters of the Small Town Committee of Jalalpur Pirwala of tahsil Shujabad ;
- (ii) the number of wards in which the town has been divided ;
- (iii) the number of members of the committee according to their respective communities ?

(b) Is it a fact that the work of division of wards was to be done by the Tahsildar himself under the orders of the Deputy Commissioner and that the work was however actually done by Diwan Muhammad Ghaus, the late President of the Notified Area Committee?

(c) Is it a fact that the Hindus of the place made representations to the authorities in the matter of the division into wards by the said Diwan Ghaus Bux and that a fresh distribution of wards was accordingly ordered?

(d) If the reply to part (c) above be in the affirmative, will the Government please state if the election of members returned from the wards objected to by the Hindus has been cancelled? If not, why not?

(e) Will the Government please lay on the table the representation of the Hindus containing their grievances on the subject?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) (i) 1,356.

(ii) Four.

(iii) Two Hindus and three Muslims.

(b) The work of dividing the town into wards was to be done under the orders of the Deputy Commissioner and this course was adopted. Diwan Muhammad Ghaus was only consulted in this matter.

(c) A representation was presented to the Deputy Commissioner on the 6th July 1925, but no action was taken as the objection was received too late.

(d) No. Nothing had happened to invalidate the elections.

(e) The honourable member may obtain a copy, if he so desires, on application to the Deputy Commissioner. Government does not consider any useful purpose will be served by laying it on the table.

**ELECTION OF DIWAN MUHAMMAD GHAUS AS PRESIDENT OF THE
SMALL TOWN COMMITTEE OF JALALPUR PIRAWALA.**

3136. Lala Mohan Lal : (a) Is it a fact that objection has been taken to the election of Diwan Muhammad Ghaus as President of the Small Town Committee of Jalalpur Pirwala of tahsil Shujabad?

(b) If so, on what grounds and what action has been taken by the Government thereon?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) A petition was received by the Deputy Commissioner alleging certain disputes between Diwan Muhammad Ghaus and some members of the public about the vacant sites in the town.

(b) The matter is under the consideration of local officers.

APPLICATIONS UNDER SECTION 41 OF THE PUNJAB COURTS ACT.

3141. Sardar Gurbakhsh Singh : Will the Government please state how many applications under section 41 of the Punjab Courts Act for the purposes of an appeal on a point of custom have been submitted to the District Judges during the last ten years, giving the number per year and per district and stating further as to how many of them were accepted?

The Honourable Sir Geoffrey de Montmorency : The required information is given in the enclosed statement.

[Honourable Sir Geoffrey de Montmorency.]

Statement showing the number of applications submitted to the District Judges section 41 of the Punjab Courts

District.	1916.		1917.		1918.		1919.	
	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.
Delhi Province	...	...	...	...	...	...	...	...
Hissar	...	...	1	1	4	3	12	...
Gurgaon	...	...	...	...	...	...	...	...
Karnal	1	...	4	2	1	1	...	...
Rohatak	2	...	3	...	1	...	...	...
Ambala	8	3	9	3	9	2	6	3
Simla	...	...	...	...	...	...	...	...
Hoshiarpur	...	...	...	...	10	...	8	1
Kangra	...	...	...	...	1	...	1	...
Jalandhar	42	24	26	6	15	1	10	...
Ludhiana	26	4	8	3	17	3	7	1
Ferozepore	5	...	3	...	1	...	5	3
Lahore	1	...	2	...	...	...	5	3
Amritsar	3	2	3	2	2	1	3	2
Gurdaspur	...	...	...	...	3	2	...	...
Chalkot	3	...	3	...	5	...	15	7
Gujranwala	...	...	3	1	2	...	2	...
Gujrat	17	2	7	4	5	3	3	1
Shahpur	1	3	3	...	1	...	7	1
Sheik (Civil)	3	2	1	...	...	...	...	...
Sheik	3	4	21	15	5	5	3	...
Rawalpindi	...	...	3	...	3	...	7	4
Attock	6	...	11	1	11	1	6	1
Mianwali	13	4	4	3	3	1	3	...
Montgomery	3	2	1	...	3	2	...	...
Lyallpur	...	...	...	...	...	...	...	...
Sheik (Criminal)	...	...	...	...	...	...	...	...
Multan	...	...	...	...	1	1	...	...
Maharajah	...	...	...	...	...	...	...	...
Dera Ghazi Khan	2	...	1	...	...	...	...	...

for the purposes of an appeal on a point of custom and accepted by them under Act during the last 10 years.

1920.		1921.		1922.		1923.		1924.		1925.	
Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.	Submitted to the District Judge.	Accepted.
...
5	...	3	2	3	1	3	...	...	...	...	...
...
...	...	4	1	4	1	5	1	3	1	4	1
7	3	4	1	3	1	3	...	3	1	3	...
8	3	12	3	6	3	7	2	3	1	3	2
...	...	...	...	...	...	1	...	...	...	...	...
13	3	5	2	3	3	11	5	12	7	13	3
3	3	...	...	1	1	5	...	3	2	...	...
6	...	12	1	6	...	13	4	14	...	9	...
9	1	4	...	14	2	1	1	16	1	11	3
2	2	1	...	6	3	3	1	4	3	3	...
1	...	...	...	2	...	2	...	...	...	...	...
5	3	4	1	3	...	1	...	2	1	3	1
...	...	2	3	1	...	...	...	3	4	6	...
15	1	6	3	5	1	3	...	6	...	6	...
3	1	1	...	...	...	3	2	4	...	6	...
14	4	4	2	5	4	16	3	18	4	9	3
3	...	4	1	4	1	2	...	3	1	1	...
1	...	3	1	...	...	2	...	1	1	3	...
15	6	10	7	15	11	...	...	14	1	15	6
1	...	3	1	3	...	4	1	3	1	10	...
5	...	6	1	10	7	3	3	11	...	3	...
6	1	3	...	3	...	1	...	2	2	6	3
3	2	1	...	6	3	2	2	1	...	1	...
...	...	1	...	1	...	...	...	1	1	...	...
...	...	...	...	...	...	...	...	...	...	1	1
...	...	...	...	1	2	1	1	2	1	3	1
1	...	...	...	...	...	7	1	...	...	...	...

EXPENDITURE ON THE AKALI LEADERS' TRIAL.

3175. **Sardar Gurbakhsh Singh :** Will the Government please give the entire expenditure incurred on the Akali Leaders' Trial under the following heads separately from the beginning up to the 9th July 1925 and from 9th July 1925 to 31st March 1926 :

- (a) Payment of fees to Counsels,
- (b) Upkeep of Police for the case,
- (c) Upkeep of the Fort Jail,
- (d) Payment of travelling allowances to persons other than witnesses,
- (e) Payment of Diet money to witnesses ?
- (f) Any other expenditure ?

The Honourable Sir Geoffrey de Montmorency : The expenditure is as follows :—

From the commencement of the case to 9th July 1925.

	Rs.	A.	P.
(a)	2,28,694	13	0
(b)	18,681	0	0
(c)	25,685	0	0
(d)	232	0	0
(e)	2,563	5	0
(f)	8,728	11	0

From 9th July 1925 to 31st March 1926.

	Rs.	A.	P.
(a)	74,898	8	3
(b)	10,272	0	0
(c)	8,926	0	0
(d)	...	...	...
(e)	2,680	11	0
(f)	2,778	8	0

EVACUATION OF VILLAGES FOR ARTILLERY PRACTICE.

3185. **Sardar Gurbakhsh Singh :** (a) With reference to the Government reply to question No. 2835,* part (b), will the Government please name the persons of the various villages affected who agreed to accept Rs. 0-8-0 per day as compensation for the evacuation of houses and the names of the leading zamindars and other villagers who consented to the evacuation ?

(b) Will the Government please state the population of each of the villages which had to evacuate for the artillery practice ?

(c) Will the Government please state for how many years past has this practice been going on and these villages got evacuated and what was the total amount of compensation paid to them during each of those years ?

(d) Will the Government please ascertain from the military authorities and state whether they intend to have artillery practice in the said villages during this year also?

(e) Will the Government please state whether it is prepared to enter into negotiations with the Army Department with a view to stop this practice from this year?

The Honourable Sir Geoffrey deMontmerancy: (a) No record of names has been kept.

(b) The census population of the villages is as follows:—

Kaimbwala	...	278
Suketri	...	1,043
Mahadeo	...	202
Kansal	...	633
Karaoran Jogian	}	609
Karaoran		
Mehla Majra	...	108
Ram Nagar	...	127
Jhewar Majra Jhewar-hari	...	176
Khuda Ali Sher	...	517
Bhainsa tibba	...	227
Total	...	3,919

(c) No record exists for the years preceding 1923, as the correspondence is treated as ephemeral. Existing correspondence shows that there was field firing in or about these villages in November and December 1923, January, February, October and November 1925 and once in 1924. The compensation paid amounted to Rs. 453-10-0, 1,052-3-0 and 2,473-0-0, respectively.

(d) There is to be no artillery practice this year.

(e) Government have addressed the Government of India in the Army Department pointing out the undesirability of holding field firing practice too frequently in the same area.

LAND UNDER MORTGAGE WITH NON-AGRICULTURISTS IN MUZAFFARGARH DISTRICT.

3186. Khan Muhammad Abdullah Khan: Will Government kindly state—

(a) the area of land at present under mortgage;

(b) the area of land on lease;

with the non-agriculturists in the Muzaffargarh district?

The Honourable Mian Sir Fazl-i-Husain:—

(a) The area of land at present under mortgage is 171,921 acres.

(b) The area of land on lease is 15,271 acres.

AUCTION OF CROWN LANDS IN THE SHEIKHUPURA AND LYALLPUR DISTRICTS.

3188. Sardar Randhir Singh : (a) Has any Crown land been auctioned in the districts of Sheikhupura and Lyallpur ?

(b) If so, what arrangements have been made by Government for giving canal water to those lands ?

(c) Is it a fact that the water of the old outlets has been reduced in order to give water to these newly auctioned lands ?

(d) Is it a fact that the volume of water of the canal has been reduced in the districts of Lyallpur and Sheikhupura ? If so, what are the reasons for the same ?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) Arrangements are invariably made by the Irrigation Branch for supplying water to newly allotted areas either from existing outlets, the size of which is increased where necessary, or from new outlets, or in some cases, from channels newly constructed for the purpose.

(c) Only those old outlets which invariably draw more than their authorised share of water are in some cases reduced. No outlet which is not drawing more than its authorised share is reduced.

(d) No.

DISTURBANCES IN CONNECTION WITH THE ROHTAK DISTRICT BOARD ELECTIONS.

3198. Chaudhri Duli Chand : Will the Government be pleased to state —

(a) whether at the recent district board election for the Rohtak circle there was a breach of peace ;

(b) whether as a result of that breach of peace the zaildar and the safedposh of the circle and the President, Municipal Committee, Rohtak, have been challaned ;

(c) whether the zaildar and the safedposh have been suspended without waiting for the result of the case ;

(d) whether one of the rival candidates at this district board election has been appointed zaildar in place of the suspended zaildar ; and

(e) whether the newly appointed zaildar is also a prosecution witness in the case.

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) Yes, along with 11 other rioters.

(c) Yes.

(d) Yes, the son of the previous zaildar.

(e) Yes.

PUNITIVE POLICE POSTS IN THE LAHORE DISTRICT.

3199. Sardar Dhira Singh : (a) Is the Government aware that in several villages of the district of Lahore the hail-storm last month ruined the whole of the standing *rabi* crops ?

(b) Is it a fact that the canal and revenue departments are preparing details to give *muafi*?

(c) Is it a fact that in some of these villages there are punitive police posts, for example, at Hudiara and Narli? If so, will the Government consider the desirability of removing these punitive posts from such villages?

(d) Does the Government propose to give *muafi* of the police tax like the canal and revenue departments? If not, does it intend to postpone its collection to next year?

The Honourable Sir Geoffrey de Montmorency: (a) Yes, the *rahi* crop of 86 villages was damaged by hail.

(b) Remission of water rate and land revenue is being given.

(c) Yes, but it is not expedient to remove these punitive police posts in the present circumstances.

(d) No.

BATAI SYSTEM IN DERA GHAZI KHAN.

* 3206. Shaikh Faiz Muhammad: (i) (a) Will Government kindly state if it is a fact that the zamindars under *batai* in the Sori Lund Tuman of Dera Ghazi Khan district have agreed to pay to their tumandars double the cash land revenue of their lands to get rid of *jinsi batai*?

(b) If the answer to (a) above be in the affirmative, does the Government propose to accept the arrangement?

(ii) Will Government kindly state if it is a fact that the Mazari tumandar has also expressed in writing his willingness to relinquish *batai* in his tuman?

(iii) Will Government kindly state if it is a fact that Dera Ghazi Khan is the only district in the Punjab in which the system of *jinsi batai* exists?

The Honourable Mian Sir Fazl-i-Husain: (i) (a) Yes.

(b) The arrangement is a private one between the Chief and his tribe and is not recognised by Government.

(ii) Yes.

(iii) Yes.

REFUSAL TO ADMIT A CERTAIN CANDIDATE FOR THE B. A. EXAMINATION.

3218. Rai Sahib Lala Ganga Ram: (a) Has the attention of Government been drawn to the fact that on the 21st January 1926 a certain student was permitted to appear in the B. A. examination to be held on the 19th April 1926, but on 7th April 1926 he was told that he would not be allowed to sit for the examination?

(b) If so, what action has the Government taken or proposes to take in the matter?

The Honourable Rai Sahib Chaudhri Chhottu Ram: Complaints of the nature referred to by the honourable member have been received and enquiries are being made from the University within whose jurisdiction the matter lies.

CONCILIATION BOARDS.

3219. Rai Sahib Lala Ganga Ram : (a) Is the Government aware of the increasing tension between the Hindus and the Muhammadans in the province?

(b) If so, does the Government propose to consider the desirability of appointing a Conciliation Board for removing this daily increasing tension and for maintaining peace and order in the province?

The Honourable Sir Geoffrey deMontmorency : (a) Government is aware of the communal tension existing in the province.

(b) Government has considered with care the advisability of forming a Conciliation Board or Boards and has carefully reviewed the circumstances of different localities. In the opinion of Government a Standing Provincial Conciliation Board would not be a suitable instrument for securing the prevention or the relaxation of tension such as that prevailing. There would even be a danger of giving prominence to some of the extreme claims now being advanced on either side, and thereby engendering trouble in localities where it does not for the moment exist. At the same time Government is far from wishing to belittle or neglect the value of non-official co-operation or of conciliation in times of communal strife and will issue a general instruction that in times of tension or apprehended disorder district officers should make every effort to bring together at any time the persons most likely to act effectively in restoring harmony with reference to the circumstances of the situation and the particular causes of discord. Such meetings will include all persons of good will and will be presided over by the District Magistrate.

VILLAGE COMMUNICATIONS.

3230. Rai Bahadur Lala Sewak Ram : Is it a fact that village roads do not exist in such backward districts as Muzaffargarh, Dera Ghazi Khan and Jhang? If so, what steps does Government propose to take to improve village communications in such backward districts?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The answer to the first part of the question is 'No'. The matter is one essentially for the district boards. Steps are being taken to improve communications in the Jhang and Muzaffargarh districts.

SECTION 34 OF THE POLICE ACT.

3231. Rai Bahadur Lala Sewak Ram : Does section 34 of the Police Act also apply to such Small Towns as Rangpur and Sitpur in the Muzaffargarh district? Is the Government aware that this leads to unnecessary hardship to people and corruption among the police? If so, does Government propose to withdraw the notification enforcing the application of the section in places mentioned above?

The Honourable Sir Geoffrey deMontmorency : Section 34, Police Act applies to the Small Towns of Rangpur and Sitpur in the Muzaffargarh district, but Government is not aware that hardship and corruption results thereby and is not prepared on present information to withdraw the notifications applying this section to the places named.

RAILWAY BRIDGE NEAR GARHSHANKAR.

3236. Chaudhri Afzal Haq : (a) Is it a fact that since the construction of the Jullundur-Jaipur railway line crops in Garhshankar are being devastated every year by floods ?

(b) Is it a fact that the zamindars of Garhshankar waited upon the Deputy Commissioner, Hoshiarpur, and requested him to take necessary measures to widen the railway bridges near Garhshankar so that the floods may pass unobstructed ?

(c) Will the Government be pleased to state what steps they are taking to save the cultivable lands at Garhshankar from the floods ?

The Honourable Sardar Jogendra Singh : (a) A certain amount of damage is done at Garhshankar by surface water coming from the direction of the hills. How far this is due to the stoppage of natural drainage lines (a) by the railway, (b) by the District Board Road, and how far to other causes it is impossible to say without making a detailed survey.

(b) Various representations have been made to the Deputy Commissioner who went over the ground at the end of August last. There was nothing in the nature of a deputation to the Deputy Commissioner, as the honourable member seems to suggest.

(c) The Deputy Commissioner has instructed the District Engineer to make a preliminary survey with a view to suggesting action in consultation with the railway authorities. Government do not consider that further action is necessary in the matter.

RESTRICTION OF SLAUGHTER OF ANIMALS.

3247-J. Dr. Gokul Chand, Narang : Will the Government kindly state the names of municipalities that have passed resolution for restricting slaughter of any kind or class of animals and the steps the Government have taken or intend to take in the matter ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : These resolutions or bye-laws were found *ultra vires* of the Punjab Municipal Act, 1911. Government does not consider it necessary to take any steps.

INSANITARY CONDITION OF WAZIRABAD.

3248. Dr. Gokul Chand, Narang : (a) Is it a fact that in reply to the Municipal address on 8th February 1922, His Excellency Sir Edward Maclagan said that he was personally aware of the most insanitary condition of the town of Wazirabad on account of stagnant water of the Pulkhu Nullah, and that a scheme for diverting the water of the Aik Nullah into the Pulkhu was seriously considered ?

(b) If so, will the Government be pleased to state when that scheme is likely to mature ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) The scheme is likely to be commenced this cold weather.

BYE-LAWS OF WAZIRABAD MUNICIPAL COMMITTEE.

3249. Dr. Gokul Chand, Narang : (a) Will the Government be pleased to state how many sets of bye-laws have been passed by the municipal committee of Wazirabad since 1st January 1920, to what subjects do they relate and on what different dates they were submitted to the Deputy Commissioner, Gujranwala.

[Dr. Gokul Chand, Narang.]

(b) Which of them have since received the sanction of the Commissioner and been brought into force?

(c) If none of them has received sanction, will the Government kindly explain the cause of this long delay and also expedite their sanction?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) & (b) A statement giving the information required is laid on the table.

(c) Does not arise.

Serial No.	Nature of bye-laws.	Date of submission to Deputy Commissioner.	Returned for correction.	Resubmitted.	Returned again.	Resubmitted a second time.	Sanctioned.
1	Business	25-10-1921	9-11-1921	31-10-1924	7-12-1925	21-3-1926	...
2	Building	25-10-1921	9-11-1921	24-1-1925	...	...	...
3	Slaughter-house	25-10-1921	9-11-1921	...	...	...	...
4	Fire-works	4-3-1923	...	...	...	...	27-6-1923
5	Vehicles	31-10-1924	7-12-1925	21-3-1926	...	...	...
6	Cart	31-10-1924	7-12-1925	21-3-1926	...	...	...

BRIDGE OVER THE NULLAH IN WAZIRABAD.

3250. Dr. Gokul Chand, Narang: (a) Is Government aware that different organised bodies of the Hindu community of Wazirabad have been making representations to the municipal committee of Wazirabad from time to time since 1912 for building a minor bridge over the nullah, across which the Hindu burning ground is situated?

(b) Is the Government aware that since the construction of the Upper Chenab Canal the rain water in monsoon is generally flooded into this nullah and the funeral processions have to pass through this water chest deep?

(c) Has the Deputy Commissioner of Gujranwala ever inspected this spot and impressed upon the municipal committee the necessity of building this bridge at once in preference to all other works of the committee?

(d) In which different years the provision for this work was made in the municipal budget?

(e) What steps have been taken for the last fourteen years in this respect and is the bridge likely to be built before the ensuing rainy season?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) It is reported that four applications have been presented to the committee since 1923.

(b) The answer to the first part is yes. As regards the second part the depth varies from two to four feet.

(c) There is no record of the Deputy Commissioner having visited the spot, but when his attention was invited to the matter, he asked the committee to take necessary action.

(d) 1926-27. Copies of budgets for the year previous to 1924-25 have been destroyed, and it cannot therefore be said whether provision for the construction of the bridge was made in any other year.

(e) Estimates have been prepared by the committee, but it will be necessary to have the work carried out through the Public Works Department of this Government as the engineering staff of the committee is not competent to undertake the work.

REPRESENTATION IN WAZIRABAD MUNICIPAL COMMITTEE.

3253. Dr. Gokul Chand Narang : (a) Will the Government be pleased to state if any objections were made by the Hindus and Sikhs of Wazirabad on 6th November 1923 on the draft revised election rules of the Wazirabad municipal committee before the said rules were confirmed by the Government? If so, will the Government be pleased to lay the said objections on the table?

(b) Did the Hindus ever demand protection of their interests and separate representation for themselves in the municipal committee of Wazirabad on account of their population being in a minority?

(c) Is it a fact that the population of Muhammadans of Gujrat is numerically larger than that of Wazirabad by 3,337, whereas that of Hindus and others in both these municipalities is equal?

(d) Is it also a fact that the voting strength of Muhammadans in the above-named municipalities is 3,421 and 8,555, respectively, whereas that of the Hindus and others at Wazirabad is larger by 615 than that at Gujrat?

(e) If the answers to (c) and (d) are in the affirmative, will the Government be pleased to explain why mixed representation has been restored in the Gujrat municipality and not at Wazirabad?

(f) Does the Government propose to consider the advisability of revising the election rules of the Wazirabad municipality allowing mixed, instead of separate, representation?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) (i) An objection, dated the 6th November 1923, and signed by four Hindu members of the municipal committee, was received by Government. The Sri Guru Singh Sabha of Wazirabad presented a separate objection concurring with the views expressed by the Hindu members.

(ii) A copy is laid on the table.

(b) No representation was received by Government.

(c) The difference between the Muslim population of Gujrat and Wazirabad is 3,320 and the non-Muslim population of these two towns is almost equal.

[Hon. R. S. Ch. Chhotu Ram.]

(d) The revised figures of voting strength are—

	Muslim.	Non-Muslim.
Gujrat	3,421	1,192
Wazirabad	3,899	1,800

(e) Communal representation was never introduced into the municipality of-Gujrat.

(f) No.

TREATMENT OF WHEAT, ETC., GROWN ALONG WITH *Senji*, ETC., AS FODDER CROPS.

3257. Chaudhri Nur Din: (a) Has the attention of Government been drawn to the fact that if a few plants of wheat or *jau* grow in a crop of *senji* or *methras*, the canal patwaris enter the whole as wheat crop instead of fodder and charge water-rate for a sixth class crop instead of eleventh class crop?

(b) If so, will the Government please state the area under the Lower Chenab Canal which has thus come under superior crops instead of fodder?

(c) Is the Government aware of the hardship caused to the zamindars by this practice?

(d) Does the Government propose to issue instructions to its subordinates that in such cases as those referred to in (a) the crops should be treated as fodder crops and *abiana* should be charged accordingly?

The Honourable Mian Sir Fazl-i-Husain: (a) *Senji* or *methras* (fodder crop) containing an admixture of wheat or *jau* which does not appreciably enhance the value of the 'fodder' crop is charged at 'fodder' rates (Class XI), but when the admixture of wheat or *jau* does materially enhance the value of the 'fodder' crop the field is charged at wheat or *jau* (Class VI) rates.

(b) Does not arise.

(c) Does not arise.

(d) Instructions have already been issued and no further action appears necessary.

HABITUAL OFFENDERS RESTRICTION ACT OF 1918.

3259. Sardar Gurbakhsh Singh: (a) Will the Government please give the number of persons per district restricted under the Habitual Offenders Restriction Act of 1918 for the years 1923, 1924 and 1925, and the number of cases against lambardars and chaukidars for not reporting the absence of such persons from the village during the same period?

(b) Is the Government aware that a large number of persons so restricted annoy and trouble the lambardars of their respective villages, and that the provision is causing great hardship to lambardars? If so, will the Government please state whether it intends to do anything to relieve the lambardars of this hardship?

The Honourable Sir Geoffrey de Montmorency: (a) The required information is given in the accompanying statement.

(b) Government is not aware that lambardars are being harassed by restricted persons, and no action is contemplated in the matter.

District	NUMBER OF PERSONS REPORTED UNDER THE HABITUAL OFFENDERS ACT OF 1918.			NUMBER OF CASES AGAINST LANDLORDS AND OHOWIDARS FOR NOT REPORTING THE ABSENCE OF SUCH PERSONS FROM THE VILLAGES.		
	Year.			Year.		
	1923.	1924.	1925.	1923.	1924.	1925.
Hissar	104	13	12	...	...	...
Rohtak	23	6	19	...	...	...
Gurgaon	6	9	4	...	...	...
Karnal	108	111	181	...	...	...
Ambohi	27	19	10	...	...	...
Siwani	...	...	...	...	...	...
Bawalpur	8	24	25	...	...	...
Jullundur	7	1	2	...	...	...
Ludhiana	10	5	12	...	...	...
Kangra	...	...	...	...	...	...
Veruapora	63	53	96	...	...	...
Lahore	102	67	161	...	...	...
Amritsar	5	6	42	...	...	...
Gurdaspur	2	23	23	...	...	...
Sialkot	4	34	15	...	...	...
Gujranwala	19	16	7	...	...	...
Sheikhpura	52	48	74	...	...	...
Montgomery	92	88	68	...	...	...
Lyallpur	85	43	61	...	...	...
Jhang	63	17	81	...	1	...
Multan	25	6	15	...	...	...
Muzaffargarh	70	60	75	...	...	...
Dera Ghazi Khan	45	52	23	...	...	...
Gujrat	76	17	45	...	...	...
Shahpur	35	24	22	...	...	...
Rawalpindi	...	...	...	...	...	...
Attock	3	3	3	...	...	...
Minerwall	6	17	2	...	...	...
Jhalam	3	2	1	...	...	...
Total	990	765	972	...	1	2

STEAMER SERVICE OVER THE INDUS AT MITHANKOT.

3271. **Rai Bahadur Lala Sewak Ram:** Does Government contemplate establishing steamer service over the Indus river at Mithankot during the flood season?

Mr. Ram Chandra: No.

Rai Bahadur Lala Sewak Ram: Will the Government be pleased to make further enquiries from the local authorities as to their requirements in this respect?

Mr. Ram Chandra: Enquiries have been made. Further enquiries are hardly necessary.

NUMBER OF HIGH SCHOOLS IN THE PROVINCE.

3280. **Lala Mohan Lal:** (a) Will Government please lay on the table the number of high schools maintained in the Province by Mission Societies, Muslims, Sikhs, Aryas and Sanatanists, respectively, on the 31st March 1926?

(b) How many high schools of each of the communities mentioned in (a) were on the list of recognised high schools in the Jullundur division on 31st March 1918 and how many on 31st March 1926?

(c) How many high schools of each of the communities mentioned in (a) were on the list of aided schools in the Jullundur division on 31st March 1918 and on 31st March 1926?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Statements giving the necessary information are attached.

Statement showing the number of High Schools (recognised and unrecognised) maintained in the Province by various communities on 31st March 1926.

Names of the Division.	Missionary Societies.	Muslim.	Sikh.	Arya Samajists.	Sanatanists.	Dev Samajists or general.	REMARKS.
Ambala Division...	2	5	4	4	4	...	
Jullundur Division	3	6	12	25	7	1 (Dev Samajist)	
Lahore Division ...	11	13	11	11	9	...	
Rawalpindi Division	2	5	10	5	7	4	
Multan Division ...	...	6	2	9	4	...	
Total ...	18	35	39	54	31	5=193	

Comparative statement showing the number of recognised high schools in the Jullundur Division maintained by the various communities on 31st March 1918 and 1926.

Year.	NAMES OF COMMUNITIES WITH NUMBER OF HIGH SCHOOLS MAINTAINED BY THEM.							REMARKS.
	Mision.	Muslim.	Sikh.	Arya.	Sanatanist.	Others.	Total.	
1918	2	2	2	9	2	1	18	
1926	3	6	12	17	7	1	46	

SCHOOLS AIDED BY THE DEPARTMENT.

1918	2	2	2	4	1	1	12
1926	3	6	10	9	7	1	36

RIGHT OF PROPRIETORS OF PRIVATE CANALS IN DASUHA TO DIG OUTLETS.

3288. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the proprietors of private canals in tahsil Dasuha and tahsil Nurpur possessed certain rights in the matter of digging an outlet for the irrigation of their lands? If so, will Government be pleased to state whether they possess the same rights now that they are paying 10 per cent. to the Shah Nehr department?

The Honourable Mian Sir Fazl-i-Husain : The honourable member has not specified the nature of the rights which he believes the proprietors of the canals concerned to have once possessed, or the time and place at which those rights were exercised, and without this information his question cannot be answered.

BUNDS IN THE SHAH NEHR CREEK.

3290. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the owners of water-mills in Dasuha tahsil construct bunds in the Shah Nehr creek for the purpose of diverting water for running the water-mills, while the proprietors of private canals are not allowed to construct bunds for the purpose of diverting water into their canals? If

[Ch. Ram Singh.]

so, what are the reasons for showing this special consideration to the owners of water-mills?

The Honourable Mian Sir Fazl-i-Husain: It is a fact that the owners of water-mills in the Dasuha tahsil are permitted to construct *bunds* in the Shah Nehr creek, while the proprietors of private canals are not allowed to construct *bunds*.

The position of water-millers is different from that of irrigators, as the water used for mills returns to the canal, while uncontrolled irrigation leads to waste and water-logging. It is believed that most proprietors of private canals already take about double the quantity of water required by them. In the circumstances there is nothing invidious in the special distinction made between water-millers and canal proprietors. It may be noted that the present policy on the canal favours the reduction of water-mills to a great extent.

LAHORE CONSPIRACY CASE.

3292. Sardar Jodh Singh: Will the Government please state how many prisoners out of those convicted in the Lahore Conspiracy Case of 1914-15 and the supplementary cases have been released up to this time? Does the Government propose to consider the advisability of rescinding the orders about the confiscation of their property and of those actually executed as a result of these cases, when now the law on that point has been changed?

The Honourable Sir Geoffrey de Montmorency: The number of prisoners released is 69. The answer to the second part of the question is in the negative.

FARIDABAD MUNICIPALITY.

3293. Chaudhri Sahib Dad Khan: Will the Government be pleased to state—

- (a) whether it is a fact that the members of the Faridabad municipality in the Gurgaon district have encroached upon nazul land;
- (b) if so, what action, if any, has been taken against the said members?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) No.

(b) Does not arise.

GHYUR MUHAMMAD, HEAD CONSTABLE OF HISSAR POLICE.

3295. Chaudhri Sahib Dad Khan: (i) Will the Government be pleased to state—

- (a) whether it is a fact that one Ghaur Muhammad, head constable of Hissar Police, was prosecuted under section 384, Indian Penal Code;

(b) whether the said head constable was acquitted on appeal but was departmentally dismissed ;

(c) whether it is a fact that Lala Wagar Mal and Pandit Hans Raj, Sub-Inspectors, were convicted first, but acquitted on appeal and no action was taken against the said Sub-Inspectors departmentally ; and

(d) whether it is a fact that Ghyan Muhammad, the dismissed head constable, applied to be re-enlisted in the police as a constable, but his request was not acceded to ?

(e) If the answers to the above are in the affirmative, will the Government please give reasons for the differential treatment in the said cases ?

The Honourable Sir Geoffrey deMontmorency : (i) (a) The Head Constable was convicted under section 385, Indian Penal Code.

(b) He was acquitted on appeal, but was dismissed for absence without leave.

(c) This is correct so far as Sub-Inspector Pandit Hans Raj is concerned. There is no Sub-Inspector of the name of Lala Wagar Mal in the Hissar District.

(d) Yes.

(e) Does not arise.

CIRCULAR ROAD, RUPAR.

3310. Sardar Gurbakhsh Singh : (a) Will the Government be pleased to state if it is a fact that the municipal committee at Rupar has constructed metalled circular roads round the town of Rupar, and that there is a road from the mosque of Lakkar Shah to the Bombaghat passing near the Veterinary Hospital, which is unmetalled ?

(b) Is it also a fact that the municipal committee at Rupar in order to complete the circular roads requested the Canal Department to hand over that road to the municipal committee for maintenance on certain conditions ? If so, will the Government please state whether the Canal Department has granted that request ? If not, does the Canal Department propose to get it metalled soon in the interest of the public ? Is there any objection to hand over the road to the municipal committee for maintenance on conditions stipulated by it ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The municipal committee has constructed a metalled road half way round the town. The road from the mosque of Lakkar Shah to Bombaghat is unmetalled.

(b) The committee asked the Executive Engineer to hand over the unmetalled road to it for maintenance but he did not agree. The committee, however, has no funds to metal the road. Enquiries are being made whether the Irrigation Department proposes to metal it.

ELECTION FOR THE MUNICIPAL COMMITTEE, RUPAR.

3311. **Sardar Gurbakhsh Singh :** (i) Will the Government be pleased to state if it is a fact—

(a) that the election for the municipal committee, Rupar, was held on 3rd, 4th and 5th February, 1925;

(b) that the election notice for the purpose of rule 10 (election rules) was signed by the Superintendent, Deputy Commissioner's Office, instead of by the Deputy Commissioner himself, as required by the rules?

(ii) If the answer to (i) (b) is in the affirmative, has the Deputy Commissioner any authority to delegate his powers in the matter of election to the Superintendent of his office? If so, under what rules or circular of the Government, if any? Will the Government please lay those rules on the table?

(iii) (a) What was the date of the issue of the election notice at Ambala and when was it publicly proclaimed at Rupar?

(b) Were the provisions of rule 10 (election rules) complied with? If not, what are the effects of this irregularity on the election and what action does the Government propose to take in the matter?

The Honourable Bai Sahib Chaudhri Chhotu Ram : (i) (a) Yes.

(b) The notice was signed by the Superintendent for the Deputy Commissioner. The rules do not require the Deputy Commissioner to sign notices himself.

(ii) Does not arise.

(iii) (a) Three notices were issued at Ambala on the 20th, 26th and 27th January 1925, respectively.

(b) Yes, as the notices were issued one week before the date fixed for the election. The notices were posted on the notice board at the Deputy Commissioner's office and also in the kutchery compound. The second part of the question does not arise.

GRANT-IN-AID CALCULATIONS.

3316. **Bai Sahib Lal Ganga Ram :** Is it a fact that the details of grant-in-aid calculations are not furnished to the school authorities concerned? If so, has the Government any objection to furnishing the school authorities in future with the details of the grant-in-aid calculations?

The Honourable Bai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Government sees no necessity.

GRIEVANCES OF FEMALE PRISONERS.

3319. **Sardar Partap Singh :** (i) Is the Government aware that the female prisoners in the Lahore Female Jail have the following grievances :—

(a) That they get only two soap nuts for washing their hair every week and a very small quantity of oil for their hair;

(b) that light is provided only for a few minutes during the night;

- (c) that the prisoners are forced to take meals in the open and if a piece of loaf is left uneaten with any one of them, it is taken away;
- (d) that children of female prisoners are not supplied with clothes;
- (e) that the children of these prisoners do not get enough quantity of milk, for the lack of which they grow weak and sickly;
- (f) that the doctor visits these prisoners when they are taking their meals so that they are not able to consult him even if any one of them is ailing?

(ii) Will Government please state whether it proposes to enquire into the above grievances and take steps to afford a speedy redress?

The Honourable Sir Geoffrey de Montmorency: (i) Government is not aware that these prisoners have any of the grievances mentioned.

The facts are—

- (a) that the orders regarding issue of 15 soap-nuts and $\frac{1}{2}$ chatak of oil to each prisoner are complied with.
- (b) Lamps are filled for the whole night and if any light goes out during the night, the convict officials in charge are provided with matches to rekindle it.
- (c) The prisoners are required, in accordance with paragraph 591 of the Jail Manual, to take their meals in the open air. Food not consumed is naturally collected after the meal is over.
- (d) There is no allotment for the clothing of children in the jail. Some of them receive clothing from their relatives and the rest are provided with clothes made out of any serviceable material available. Under no circumstances are they allowed to remain unsuitably clothed.
- (e) Children receive the full scale of diet laid down in paragraph 928 of the Jail Manual, and in special cases the quantity of milk is increased for the preservation of their health. All the children, who number about 30, are given good milk at a cost varying from Rs. 30 to Rs. 80 per mensem, obtained from the Government Military dairy.
- (f) As laid down in paragraph 121 (2) of the Jail Manual, the medical subordinate is prepared at all times to attend to a prisoner who complains of sickness and the present incumbent discharges this duty satisfactorily.
- (ii) Does not arise.

MUHAMMADAN SUB-REGISTRAR, ROHTAK DISTRICT.

3326. Rana Firoz-ud-Din Khan: (a) Is it a fact that in the district of Rohtak there was only one Muhammadan Sub-Registrar whose post has recently fallen vacant?

(b) Is it a fact that among the applicants for the vacant post there are suitable Muslim candidates with good record of personal and family service?

[Rana Feroz-ud-Din Khan.]

(c) Does the Government propose to consider the desirability of appointing a suitable Muhammadan candidate to the vacant post?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) The names of the applicants or their qualifications have not yet been communicated to Government.

(c) The matter will be considered on receipt of recommendations from local officers.

APPOINTMENT OF POLICE INSPECTORS IN THEIR HOME DISTRICTS.

3342. Sardar Partap Singh : (a) With reference to the answer to Question No. 2087,* put on the 30th November 1925, will Government be pleased to state whether a copy of the orders mentioned therein has been communicated to the Superintendent of Police of the various districts in the province?

(b) Will Government be pleased to state whether effect has been given to these orders in the Eastern Range and especially in the Ferozepore district?

(c) Will Government be pleased to state whether they propose to consider the advisability of insisting upon the fact that the orders mentioned above should be carried out to the letter?

The Honourable Sir Geoffrey de Montmorency : (a) The transfers of Sub-Inspectors are controlled by Deputy Inspectors-General of Police, to whom the orders in question have been communicated.

(b) Yes. In the interest of the public service, however, two Sub-Inspectors of the Ferozepore district, who are residents of that district, have not yet been transferred.

(c) The orders are already being observed so far as is compatible with efficiency. Immediate transfers of large numbers of Sub-Inspectors cause administrative difficulties but these transfers are being arranged as opportunity offers.

LOANS UNDER THE PUNJAB INDUSTRIAL LOANS ACT.

3345. Rai Bahadur Lala Dhanpat Rai : Will the Government be pleased to lay on the table a statement showing the amount of loans which have been advanced to the small industries from the date of the passing of the Punjab Industrial Loans Act up-to-date together with the names of the persons or firms to whom these loans have been granted?

The Honourable Sardar Jogendra Singh : One loan only has been granted under the Punjab Industrial Loans Act. This was a loan of Rs. 63,500 to the Punjab Arts and Crafts Depot.

EXCISE DUTY.

3349. Rai Bahadur Lala Dhanpat Rai : (a) Will the Government be pleased to state if it is a fact that excise duty on liquors is levied on all liquors manufactured in the province or imported therein excepting those which are imported from foreign countries?

(b) Is the Government aware that country and foreign liquors and rectified spirits can be had as by-products of sugar industry?

(c) Is the Government aware that Java, Mauritius and Germany are very keen competitors of sugar industry in India?

(d) Is it a fact that the by-products of sugar manufacture of those countries have free access to the Punjab while the same products of Indian manufacture are prohibited from being imported into the province free of duty?

(e) Does the Government propose to consider the advisability of removing these restrictions on import of these articles from within India and thereby indirectly help the Indian sugar industry?

(f) (i) Is it a fact that Unao sugar works have applied to the Government to supply liquors and rectified spirits (mostly used for educational and medicinal purposes) at a very cheap rate? (ii) In case the total removal of the restrictions be not feasible, has the Government any objection to treat the Unao distillery which is owned and worked by Punjabis and financed by Punjab capital in the same way as the Rosa sugar distillery.

The Honourable Sardar Jogendra Singh : (a) No. Excise duty is levied on all liquors manufactured in the province or imported therein. The only difference is that one pays still-head duty in the province and the other customs duty, the latter being heavier than the former. Vendors of both pay licence fees.

(b) Yes.

(c) Yes.

(d) If by "by-products" liquor is meant the answer is in the negative. On the contrary such liquors pay a heavier duty than India-made foreign spirit or country spirit.

(e) No.

(f) (i) Yes.

(ii) Yes. The matter is still under consideration.

PANSALNAVIS.

3350. Rai Bahadur Lala Dhanpat Rai : (i) Will the Government be pleased to state :

(a) the pay of Pansalnavis on the Bari Doab Canal ;

(b) if they are required to be literate ;

(c) if they are required to work as chaukidars also and are expected to be on duty for all the 24 hours of the day ?

(ii) Has the Government any objection to consider in the light of the replies to the above questions, the desirability of increasing the salaries of the Pansalnavis ?

The Honourable Mian Sir Fazl-i-Husain : (a) Replied to already.

(b) Replied to already.

(c) Pansalnavis have to act as "Chaukidars" in certain circumstances such as when Government property lies at or very near their headquarters or where canal road gates are fixed at their headquarters when they attend to the opening and closing of them. Such men are naturally expected to be at their posts continuously, but the number of hours they actually spend "on duty," i.e., "at work" rarely exceeds five in twenty-four.

(ii) Replied to already.

HEADMASTERS OF VERNAICULAR MIDDLE SCHOOLS IN LYALLPUR.

3353. Sardar Harchand Singh : Is it a fact that all the headmasters of the vernacular middle schools appointed after 1922 in the Lyallpur District Board Schools are with a single exception all Muslims in spite of the fact that they are very junior men? If so, will Government please state the reasons for the same.

The Honourable Rai Sahib Chaudhri Chhotu Ram : Government has no information on the subject. The appointments rest with the local authority.

AGRICULTURISTS IN THE VARIOUS SERVICES OF THE LYALLPUR DISTRICT BOARD.

3359. Sardar Harchand Singh : Is it a fact that the district board, Lyallpur, decided some time ago that as a rule only agriculturists will be appointed in future in its various services? If so, will it please state if any action has been taken upon this decision?

The Honourable Rai Sahib Chaudhri Chhotu Ram : No such decision has been recorded by the board. The second part of the question does not arise.

PREFERENTIAL TREATMENT OF MUSLIM TEACHERS IN LYALLPUR DISTRICT.

3360. Sardar Harchand Singh : (i) Is it a fact—

(a) that Lala Sobha Ram, B.A., B.T., has been serving in the Lyallpur district since 1916;

(b) that he passed the B.T. examination in 1921;

(c) that he has not yet been given the grade of Rs. 150 while four new Muslim teachers have been appointed as headmasters on Rs. 150 per mensem from the very outset and that in spite of the fact that they joined the service of this district long after Lala Sobha Ram?

(ii) If the answer to (i) (c) be in the affirmative, will Government please give reasons for this preferential treatment of the Muslims?

The Honourable Rai Sahib Chhotu Ram : Government has no information on the subject, which comes within the jurisdiction of the district board, Lyallpur.

FAMINE RELIEF IN THE HISSAR AND ROHTAK DISTRICTS.

3369. Chaudhri Sahib Dad Khan : (a) Will the Government please lay on the table a statement showing—

- (i) the total expenditure on famine relief in the Hissar and Rohtak districts during the last thirty years ; and
- (ii) the number of cattle that died on account of scarcity of fodder and water in the above-named districts during the last thirty years ?
- (b) Is it a fact that in the famine of 1899-1900 the value of cattle lost on account of famine in the Hissar district amounted to Rs. 4,48,000 ?
- (c) Is the Government aware that there is constant famine (scarcity) in the Hissar district and the condition of the poor peasantry in barani villages has been reduced to dire poverty. If so, does the Government propose to take early steps to provide facilities of irrigation in that tract ?

The Honourable Mian Sir Fazl-i-Husain :

			Rs.
(a) (i) Rs. 52,19,685	Hissar District	...	38,00,784
	Rohtak District	...	14,18,901
	Total	...	52,19,685

(ii) Not known.

(b) The Famine Report of 1899-1900 estimated the loss of number of plough animals (including camels) to be 63,244, but did not attempt their valuation.

(c) No, though conditions in the Hissar district are undoubtedly very precarious. The revenue is extremely light in unirrigated villages, and suspensions and remissions are freely granted. It is incorrect to say that the peasantry of barani villages has been reduced to dire poverty ; they are probably much better off now than they have been for a very long time in the past.

Government extends canal irrigation as much as possible, but the extent is limited by the amount of water available.

HINDU PROCESSION WITHOUT A LICENSE AT SONEPAT.

3371. Rana Firoz-ud-Din Khan : (a) Is the Government aware that on the occasion of Janam Ashtami last, Hindus of Sonapat took out a procession without a license and in utter disregard of Government orders freely played music before the mosques ?

(b) Is it not a fact that timely information of the proposed procession was given to the Superintendent of Police, but the local officers took no steps to stop or properly regulate the procession ?

[Rana Firoz-ud-Din Khan.]

(c) Is the Government aware that Muslim leaders controlled the situation with great difficulty and informed the Deputy Commissioner of Rohtak of the whole affair?

(d) Is the Government aware that there is already great tension between the two communities over the vexed question of music before mosques?

(e) If the answers to questions (a), (b), (c) and (d) above be in the affirmative, will the Government please state if any action was taken to prevent the recurrence of a similar event? If so, what? If not, why not?

The Honourable Sir Geoffrey deMontmorency: (a) The question presumably refers to what is known as a "Swari" of Shivaji, which the local officers describe as in no sense a "procession." No licenses have hitherto been required for such "Swaris". The reference to Government orders in this part of the question is not understood.

(b) The local officers were aware of the intention of Hindus, but did not consider it necessary to interfere.

(c) No, the incident passed off peacefully.

(d) Yes, but the tension will not be reduced by exaggeration of trivial incidents such as that at Sonapat.

(e) No action is considered necessary.

COMMUNAL REPRESENTATION AMONG OFFICERS AT SONEPAT.

3373. Rana Firoz-ud-Din Khan: (a) Is the Government aware that relations between the two major communities at Sonapat are much strained over communal questions, especially that of music before mosques?

(b) Is it a fact that all the three executive officers at Sonapat, namely, the Sub-Divisional Officer, the Tahsildar, and the Sub-Inspector of Police are Hindus?

(c) If so, does the Government propose to appoint persons of other communities for some of these posts?

The Honourable Sir Geoffrey deMontmorency: (a) The state of affairs at Sonapat is, in respect to communal relations, similar to that in other towns.

(b) No.

(c) Does not arise.

THE MAYO SCHOOL OF ARTS, LAHORE.

3374. Pandit Nanak Chand: (a) Has the Government's attention been drawn to an article entitled: "The Arts School" in the *Sunday Times* dated 25th April 1926?

(b) Is it a fact that Mr. L. Heath, the Principal of the Mayo School of Arts, has been given an extension of service for one year?

(c) Will the Government please state whether it is a fact that the number of students who attended the school has fallen from nearly 400 to 150 during the period that Mr. L. Heath was in charge of the school?

(d) Is it a fact that the cotton printing class has been entirely closed and other classes, such as, photo, litho, and the painting classes do not exist at present?

(e) Will the Government please state whether it proposes to give Mr. L. Heath extension of service for some more years?

(f) Is it a fact that Mr. L. Heath has to look after the Museum, Arts and Crafts Depôt and has to inspect Industrial Schools in addition to his work as Principal of the Mayo School? If so, will the Government please state what allowance he is given for doing this extra work?

(g) Is it a fact that Mr. Abdul Rahman Chughtai, Munshi Feroze Din, and Chandu have been forced to resign on account of their differences with the Principal?

(h) Has the Government decided as to who should be the Principal of the Mayo School of Arts after the retirement of Mr. L. Heath? If so, will the Government please say who has been chosen for the post?

(i) Does the Government propose to consider the claims of the Indians serving in this school for the Principalship of the school?

The Honourable Sardar Jogendra Singh : (a) Yes.

(b) Yes.

(c) No.

(d) The question of starting these classes is under consideration.

(e) Government has not considered the matter.

(f) Yes. Mr. Heath receives an allowance of Rs. 200 per mensem for holding charge of the Punjab Arts and Crafts Depôt, and of Rs. 100 per mensem for holding charge of the Museum. He receives no allowance for the inspection of Industrial Schools.

(g) No.

(h) No. The second part of the question does not arise.

(i) Yes.

GRANTS TO DISTRICT BOARD, HOSHIARPUR.

3375. Pandit Nanak Chand : (a) Will the Government please state what grant it has given to the district board of Hoshiarpur for educational purposes in the years 1921, 1922, 1923, 1924, 1925 and 1926?

(b) Will the Government please state what amount it has given to the district board in question for the promotion of sanitation in the district of Hoshiarpur during the years above-mentioned?

(c) Will the Government please state the total amount of grants for all purposes made to the Hoshiarpur district board in the years 1921, 1922, 1923, 1924, 1925 and 1926?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The following grants have been made to the district board, Hoshiarpur, for

[Honourable Rai Sahib Chaudhri Chhotu Ram.]

educational purposes since 1921-22. Grants are made by financialist and not by calendar years :-

(1) *Grants for Vernacular Education.*

	Maintenance.	Building.
	Rs.	Rs.
1921-22	1,42,141	25,000
1922-23	1,48,181	...
1923-24	1,58,982	10,500
1924-25	1,92,944	25,000
1925-26	2,12,857	76,000
1926-27	1,10,112 (1st instalment)	20,000 (1st instalment.)

(2) *Grants for Anglo-Vernacular Education.*

	Maintenance.	Building.
	Rs.	Rs.
1921-22	...	...
1922-23	...	...
1923-24	994	10,000
1924-25	574	...
1925-26	2,400	5,000
1926-27	No grant has yet been awarded.	

(3) *Grants for Adult Education.*

	Contingencies.	Library books.
	Rs.	Rs.
1925-26	500	2,897-8-0

(b) Rupees 7,196-8-0 for silb clearance of tanks in 1922-23.

(c) The grants allotted to the district board of Hoshiarpur for all purposes since 1920-21 are given below :-

	Rs.
1920-21	1,56,022
1921-22	2,08,641
1922-23	1,89,455
1923-24	2,21,563
1924-25	2,50,498
1925-26	3,85,119

THE VETERINARY COLLEGE.

3378. Pandit Nanak Chand : (a) Has the attention of the Government been drawn to a paragraph headed : "The Veterinary College" appearing in the *Tribune* of the 13th June 1926?

(b) Is it a fact that a student who fails twice in any class in the Veterinary College is not permitted to remain in the college?

(c) Is it a fact that this rule applies even in the case of a fourth year student who fails twice in his last year course but has otherwise successfully passed his first three years course without failing in any class?

(d) Will the Government please state how many students failed this year in the fourth year class for the second time, but who never failed in the first three years' classes? Is it a fact that these students are not now permitted to study in the college?

(e) Is it a fact that such students cannot even appear privately for the final examination?

(f) Is it a fact that the rigour of this rule was relaxed in 1924 and students in the Final Examination who failed twice were allowed to appear in a supplementary examination?

(g) Does the Government propose to relax the rigour of the rule this year also?

The Honourable Sardar Jogendra Singh : (a) (b) and (c) Yes.

(d) Two students who have failed twice in the fourth Professional examination have had to leave the college under this ruling. They passed the first two examinations at the first attempt, but only passed the third examination after being placed in compartment.

(e) Yes. The college being a professional institution the rules do not permit of the examinations being taken by private students.

(f) Yes. This was done in the case of some vernacular course students in very special circumstances.

(g) No, but Government is considering the possibility of allowing a student who fails in only one subject to appear again in that subject only.

SUB-INSPECTORS OF POLICE EMPLOYED IN THEIR HOME DISTRICTS.

3380. Chaudhri Afzal Haq : (a) Will the Government be pleased to state :—

(a) the names of those Sub-Inspectors of Police who are posted in their home districts; and

(b) the names of those Sub-Inspectors of Police who are posted in thanas which are places of their residence?

(c) Is it a fact that Government have issued instructions not to post Sub-Inspectors in their home districts?

The Honourable Sir Geoffrey de Montmorency : (i) Government is not prepared to furnish this information.

(ii) Yes, the few cases remaining for transfer will be dealt with as soon as is possible without detriment to the interests of the public service.

The honourable member is referred in this connection to the answers to Council Questions Nos. 1768* and 2087†.

PUNJAB UNIVERSITY EMPLOYMENT SECURING BUREAU.

3382. Chaudhri Afzal Haq : (a) Is it a fact that in the Punjab University there exists what is known as the Punjab University Employment Securing Bureau?

(b) If so, will the Government be pleased to state :—

(i) what the functions and scope of that Bureau are and who are the Fellows or University authorities that constitute the executive body of that Bureau;

(ii) when this Bureau was first constituted; and

(iii) how many graduates of different communities it has helped to find service?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The correct title is the Punjab University Appointments Board.

(b) (i) The Board is composed of the Vice-Chancellor, four Principals of Colleges, the University Professor of Economics, the Chief Secretary to Government, the Registrar of Co-operative Societies, the Deputy Agent of the N.-W. Railway, and the Agent of the Imperial Bank. The main function of the Board is to assist graduates in finding employment.

(ii) 1913.

(iii) The Board forwards, together with its opinions, the applications received by it, but it has no definite information as to the actual number of those who have gained appointments in consequence of its recommendations.

CUTTING OF WOOD AND THORNY BUSHES FROM SAWALIK HILLS.

3385. Rai Sahib Lala Ganga Ram : Is it a fact that the inhabitants of Sawalik hills are not allowed to cut off wood and thorny bushes from the hills for fencing their fields?

(b) If so, will the Government be pleased to state the reasons for the same?

The Honourable Mian Sir Fazl-i-Husain : (a) No. It is presumed that the honourable member refers to the restrictions imposed in certain areas under the Punjab Land Preservation (Chos) Act, 1900. Restrictions under section 4 only of that Act are in force in 117 Revenue Estates; while in 9 Revenue Estates restrictions under sections 4 and 5 are in force.

*Vol. VIII-A, page 925.

†Vol. VIII-B, pages 1341-42.

In "section 4 villages" the cutting of trees and the collection of removal of timber for *bona fide* domestic or agricultural purposes is not prohibited; and in "section 5 villages" there is a system of rotational closures by which one block of forest land in each revenue estate is open to necessary cuttings, as in "section 4 villages."

(b) Does not arise.

LALA SIRI RAM, VICE-PRESIDENT, SMALL TOWN COMMITTEE, KHARAR.

3387. **Rai Sahib Lala Ganga Ram :** (a) Is it a fact that Lala Siri Ram, Vice-President, Small Town Committee, Kharar, has encroached upon a part of public land without the permission of the committee?

(b) Is it also a fact that the residents of the town made a representation to the Government or its subordinates and that an enquiry was held?

(c) If so, will the Government please state the result of the enquiry and the action taken on that?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Representations were made to the Sub-Divisional Officer and the Deputy Commissioner but no action was taken as the committee had instituted a case in a court under the Punjab Municipal Act, 1911, against Lala Siri Ram. The case is still under trial.

(c) Does not arise.

DRAINAGE SCHEME FOR KARNAL.

3390. **Khan Sahib Chaudhri Muhammad Shafi Ali Khan :** (a) Is it a fact that the Karnal town is a most malarial place and that the chief cause of it is the existence of two tanks, one at Karnal and the other along the Grand Trunk Road which abound in decaying matter and have no outlet to drain off the filthy water?

(b) Is it a fact that Mr. C. H. Buck, late Deputy Commissioner, Karnal, prepared a drainage scheme for Karnal but it was never taken in hand?

(c) Does Government propose to take any action for the drainage of the filthy water?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Karnal town has a high fever death-rate but there is no evidence to show that this death-rate is chiefly caused by the tanks mentioned.

(b) No. But a scheme was prepared in 1914 and was sanctioned in 1917 by the Sanitary Board which gave a grant-in-aid of Rs. 44,104. The municipal committee have taken no action on the scheme.

(c) An order to refund the grant-in-aid or proceed with the scheme was served on the municipal committee and it is understood that the scheme will be taken up this year.

THE PUNJAB MEDICAL REGISTRATION (AMENDMENT) BILL.

Mr. Ram Chandra (Secretary, Transferred Departments) : Sir, I beg to introduce the Punjab Medical Registration (Amendment) Bill.

Mr. Ram Chandra : Sir, I beg to move—

“That the Punjab Medical Registration (Amendment) Bill be taken into consideration.”

The motion was carried.

Mr. President : The question is—

“That clause 2 stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“That the title and the preamble stand part of the Bill.”

The motion was carried.

Mr. Ram Chandra : Sir, I beg to move—

“That the Punjab Medical Registration (Amendment) Bill be passed.”

The motion was carried.

THE SIKH GURDWARAS (SECOND AMENDMENT) BILL.

Mr. Ram Chandra (Secretary, Transferred Departments) : Sir, I beg to introduce the Sikh Gurdwaras (Second Amendment) Bill.

Mr. Ram Chandra : Sir, I beg to move—

“That the Sikh Gurdwaras (Second Amendment) Bill be taken into consideration.”

The motion was carried.

Mr. President : The question is—

“That clause 2 stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“That clause 3 stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“That the title and the preamble stand part of the Bill.”

The motion was carried.

Mr. Ram Chandra : Sir, I beg to move—

“That the Sikh Gurdwaras (Second Amendment) Bill be passed.”

The motion was carried.

THE PUNJAB MUNICIPAL (AMENDMENT) BILL.

Mr. Ram Chandra (Secretary, Transferred Departments): Sir, I beg to move—

"That leave be granted to introduce the Punjab Municipal (Amendment) Bill."

The motion was carried.

Mr. Ram Chandra: Sir, I beg to introduce the Punjab Municipal (Amendment) Bill.

Mr. Ram Chandra: Sir, I beg to move—

"That the Punjab Municipal (Amendment) Bill be taken into consideration."

The motion was carried.

Mr. President: The question is—

"That clauses 2 to 9 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That the title and the preamble stand part of the Bill."

The motion was carried.

Mr. Ram Chandra: Sir, I beg to move—

"That the Punjab Municipal (Amendment) Bill be passed."

The motion was carried.

THE PUNJAB SMALL TOWNS (AMENDMENT) BILL.

Mr. Ram Chandra (Secretary, Transferred Departments): Sir, I beg to introduce the Punjab Small Towns (Amendment) Bill.

Mr. Ram Chandra: Sir, I beg to move—

"That the Punjab Small Towns (Amendment) Bill be taken into consideration."

The motion was carried.

Mr. President: The question is—

"That clauses 2 to 6 stand part of the Bill."

The motion was carried.

Mr. President: Clause 7.

Mr. Ram Chandra (Secretary, Transferred Departments): Sir, I beg to move—

"That in clause 7 of the Punjab Small Towns (Amendment) Bill for the words 'after the word 'charges,' the words 'after the words 'charges incurred' be substituted."

The motion was carried.

Mr. President: The question is—

"That clause 7 as amended stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 8 to 10 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That the title and the preamble stand part of the Bill."

The motion was carried.

Mr. Ram Chandra : Sir, I beg to move—

“That the Punjab Small Towns (Amendment) Bill as amended be passed.”

The motion was carried.

THE PUNJAB LAND REVENUE (AMENDMENT) BILL.

Mr. President : The next item on the list of business is the presentation of the report of the Select Committee on the Punjab Land Revenue (Amendment) Bill. Under Standing Order 42 the Select Committee has to make a report *on the Bill* referred to it. What is proposed to be presented is not a report *on the Bill*. I cannot allow, therefore, a document to be presented to the Council which does not contain a report on the Bill. I wish to point out at the same time that under Rule 21-A of the Punjab Legislative Council Rules every Bill which has been introduced in the Council and has not been passed by the Council lapses on the dissolution of the Council. Since it is not proposed to proceed with the Punjab Land Revenue (Amendment) Bill during this session of the Council, it will automatically lapse when the dissolution of the Council takes place. It is open, however, to the member in charge of the Bill if he so desires, to make a statement that the Government intends to re-introduce a similar Bill in the new Council early next year.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : May I then, Sir, with your permission make a statement in Council with reference to this very matter? The Select Committee which was elected by this Council was a large one. It met more than once, tried to tackle this difficult Bill which is of a very controversial nature and in view of the Taxation Enquiry Committee's report and the shortness of time, it was considered advisable not to proceed with the discussion of the Bill in the Select Committee but to await the re-introduction of the Bill by Government in the early part of next year. The members of the Select Committee agreed to this course being adopted and Government had no objection to adopting it. This is the reason why there is no report as defined by the Standing Orders, and I do not think on that account the Council or the Province will lose anything.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY AND ADDITIONAL GRANTS, 1926-27.

The Honourable Sir Geoffrey deMontmorency (Finance Member) : Sir, I beg to announce that all the supplementary demands which are going to be made in the Council by the Members and Ministers are being made on the recommendation of His Excellency the Governor.

GENERAL ADMINISTRATION GRANT.

The Honourable Sir Geoffrey deMontmorency (Finance Member) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 24,872 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration.”

Mr. President : The question is—

“That a supplementary sum not exceeding Rs. 24,872 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration.”

Sardar Tara Singh [Ferozepore (Sikh) Rural] : Sir, there are two sides to every question and the question that I am going to handle here is so delicate that it might be interpreted both ways. Through you, Sir, I wish to draw the attention of Government to the employment of a non-official agency for election purposes. The explanation given on page 3 of the Memorandum on Supplementary Estimates says that it has been considered desirable by Government that in order to avoid interruption of judicial work retired officials and suitable men should be employed. In the very beginning I may point out that it is far from my intention to cast any reflection upon the official, retired or not retired, but at the same time I cannot shut my eyes to facts that come to our notice in every-day life. Government is aware that district board elections and municipal elections are run by Government officials and non-official agency is never employed even in these comparatively small affairs. But in the case of Council elections Government is going to introduce a new system which heaven knows may work for good or for evil of the country. It makes no difference whether they are retired officers or whether they are not. They are human beings and cannot be expected to be above party feelings. There may be persons who may have sympathy with a certain candidate and may have even carried on active electioneering propaganda for or against a certain individual not necessarily directly but probably indirectly. Therefore in order to avoid all possible election objections, it is most desirable both in the interest of Government and the country that this element should be eliminated at present. Sir, there will be certain persons, especially retired officials, who might have thought of standing for certain constituency but having lost their chances or thinking that they would have no chance of success they might withdraw. Then they might have a chance to work as presiding officers. In these circumstances it is very difficult to expect such a polling or presiding officer not to show sympathy one way or the other. Therefore, Sir, I want to draw the attention of Government to this fact and ask them to eliminate this non-official element and to employ official agency.

My second point which I want to press is that this special agency of retired officials and non-officials will not be so conversant with the rules of election as the Government agency will be. In the case of Gurdwara elections I have got experience and I can say that the non-official agency which was employed for the purpose was absolutely ignorant of the election rules. They had to be taught like school boys by the Returning Officer and even then they committed several mistakes. Therefore when in the case of Gurdwara elections which were not so important especially from the point of view of contest our experience has not been very good, I think the employment of official agency will be far more useful than the non-official agency.

My third point is that if the courts are not closed because that would interrupt judicial work, many people will be debarred from voting. I think the members will agree with me that Government is more anxious than we are to show at the time of the next Royal Commission that the Reform Scheme has been a success and if the polling strength at the next elections

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is larger than the previous ones it could be said that the Reforms are becoming popular. That will be a useful weapon in the hands of Government itself. If during the election days the courts are closed and all the judicial officers are employed, there will be greater chance of people coming freely to the booths and giving their votes. If the courts are open many people will be debarred from recording their votes. It is for the purpose of showing the popularity of the Reforms that Government should give all facilities to voters to record their votes. It is for these reasons that I ask Government to close the courts on election days and to employ the judicial officers at the polling booths. If Government employs official agency and does not employ non-official agency, it will give no chance to anyone to complain one way or the other.

Lala Mohan Lal [North-East Towns (Non-Muhammadan) Urban] : Sir, I have to differ from my friend Sardar Tara Singh. My friend objects to non-official agency being employed for the purposes of elections. He wants that official agency should be employed. I say much will depend upon the selection of officers. If proper persons are selected, I fail to understand what possible objection there can be on the part of anyone in this Council. I think that during the period that these elections are held the functions of honorary magistrates for a few months before and after the elections are over should be suspended. I submit, Sir, that the proposal of Government should be carried. I hope that Government will take all possible care to select proper persons who will preside over the polling stations.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan) Rural] : Sir, at the polling stations there are usually two persons who are really important. One of them is the presiding officer and the second is the polling officer. During the last two elections the system has been that the more important of the two officials has undertaken the duties of the presiding officer and the duties of the polling officer have been delegated to the inferior class of men. The duty of the presiding officer is, I think, to give the ballot paper. The voter takes the ballot paper to the polling officer. In the case of the majority of voters who are illiterate, the ballot paper has to be marked by the polling officer. If that officer happens to be dishonest he can put a cross against particular candidate whom he wishes to favour even though the voter may like to give his vote to some other candidate. Therefore the really important officer who counts is the polling officer and not the presiding officer. I therefore submit that particular care should be taken to appoint persons as polling officers who are thoroughly honest and reliable.

Shaikh Muhammad Sadiq : It is the presiding officer that so marks.

Malik Firoz Khan, Noon : No, it is the polling officer that marks. I think, Sir, that care should be taken to see that the person who is appointed as polling officer has the confidence of the majority of the public. In the case of non-officials I do feel that practically 99 per cent. of them in a district side with one candidate or another. Therefore if an official is appointed, an official of responsible position, say an Extra Assistant Commissioner or a Sub-Judge or a Magistrate, that certainly would meet the wishes of the public.

Chandhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu) : Sir, I am at one with my honourable friend Sardar Tara Singh when he says that non-official agency would not be advisable for the purposes of the next election. We have already had an election experience of the Rohtak

district which requires us to take precautions in the matter. If you appoint a non-official agency to mark the ballot papers they would certainly be guilty of dishonesty. There are in the Panjab two parties of the Hindus, namely, the zamindars and the non-zamindars and as a probable result of the appointment of a non-official agency I think few Hindu zamindar members would be returned. If a non-official agency is to be appointed at all let it be appointed experimentally for the distribution of the ballot papers. I am sure that this arrangement would also fail but if it succeeds, the marking of the ballot papers may also be subsequently entrusted to the non-official agency. If officials are appointed they would certainly realise their responsibility and fear dismissal in case of irregularities but the non-officials, on the other hand, would have a free scope and nothing to fear. Moreover, if you appoint a non-official agency the probable result would be that riots would be committed and the candidates, instead of coming to the Council, would go to jails.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan) Urban]: Sir, the greatest difficulty about these elections is that the Assembly and the provincial council elections are held at the same time with the result that you require two sets of staff at the same time. I do not know whether it is in the province of this Government to alter this. (A voice: You are wrong.) No, I am right. These elections are generally held on the same day. Additional booths require additional men. There are separate polling officers and there are separate presiding officers. I do not know what happens elsewhere, but this is the case in Amritsar.

Pandit Nanak Chand: You are right.

Mr. H. D. Craik: There is only one presiding officer.

Shaikh Muhammad Sadiq: It is impossible for one man to do two pieces of work, that is, to mark both for the Assembly men and also for the Council men. As far as I know the presiding officer may be the same, but the polling officers are always different. What I mean to say is, because these two elections are held at the same time, naturally more officers are required for polling stations. I do not know whether it is within the province of the Punjab Government to hold the elections for the two legislatures in future at different periods or whether they are bound to hold them at the same time.

Then coming to the question of honesty, it is not an easy thing to say that honesty belongs only to officials. That is an insult to the whole of the Punjab. But I cannot at the same time support the idea that the untrained non-officials should be asked to start the work now. What I mean to say is that the coming elections should not be left in the hands of untrained non-officials selected in haste. My learned friend says that if these elections are left in the hands of non-officials there will be riots. I do not agree with him. In every democratic country the demand is for non-officials. But the question is whether these non-officials can be trained for the work within the one month before us. Besides, are they forthcoming in sufficient numbers in such a short time to take up the work? I know that last year in connection with the Gurdwara Board elections very few men were forthcoming to undertake the work for the magnificent remuneration of Rs. 5 per day. You cannot expect a lawyer to accept Rs. 5 and waste the whole day in conducting the elections. If you want the

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best men for the work you must pay handsomely and not niggardly as the Government has done. The real difficulty is that you don't have trained men for the work. The best course will be to give them training in municipal elections and Gurdwara Board elections. After this training the non-officials will become able polling officers or presiding officers.

Again in the present mentality of the Punjab, when the Hindus and Muhammadans are running at each other's throats, when the Swarajists and the Hindu Sabhas are fighting with each other, it is very natural that some parties will look askance at this new system which is proposed for introduction in such a short time. But what I want is that Government should give an assurance that only the best available people would be appointed for this work, such as headmasters, principals, doctors, lawyers, etc., who can be expected to be above board. Instead of that if people are appointed haphazard, then I should rather agree with Chaudhri Duli Chand in saying that this experiment should not be started.

Another point is that the Government should make these elections a serious matter and should not treat them as sham. At present you cannot prosecute a person for giving wrong vote except with the sanction of the Government. My experience in Amritsar was that at least 60 per cent. of the voters gave false votes in the last municipal elections. People came in motor lorries from 40, 50 and 60 miles for giving votes and gave false votes. Unluckily the elections are nearing and there is not much time now to discuss the whole matter. I think it is the duty of the Government to see that those who record false votes are brought to book. I know of many cases where people after giving their votes rub their fingers on bricks and then wash them with soap and then again affix their thumb-impression to the ballot papers. It is high time if the Government does not want these elections to be mere sham, that they should do something to prevent the recording of false votes by prosecuting those who give false votes.

There is another pernicious system in this province which is against the law. A man who wants to record his vote at the polling booth has first to get a chit from the patwari outside. As soon as the patwari gives the chit he ticks the name of the person with the result that the names of other voters who have not yet voted become known to the candidates or their workers, who then bring false voters to claim unticked votes, and thus false personation becomes very easy. Many a time dishonest patwaris themselves supply the list of unticked voters by jotting down the numbers. Then again many a time the police prohibits a voter to go into the polling booth without the chit and it very often happens that a false voter has taken the chit, and when the real voter comes he is refused chit because it has already been taken by a false voter. So under these circumstances no person should be appointed to sit outside the booth. Parties can supply the particulars to voters themselves.

After all this system of election is new to this country. I think the Government would be really doing a great service to this province if they appoint a committee to go into these new rules after the elections are over. I would like to make another suggestion to the Government and that is that the election officers should be called upon to take an oath that they would work honestly.

S. R. M.

There is no reason why election officers should not be asked to take an oath especially in view of the fact that they have to mark the votes of illiterate candidates. It is not derogatory for them to be asked to take an oath before they enter upon their duties. With these few remarks I shall resume my seat.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders General): Sir, I am sorry to have to differ from my honourable friend Lala Mohan Lal, the member from Simla with whom I have often agreed. I am not prepared to question the impartiality or the independence of retired Government officers, but it must be admitted that the sense of responsibility amongst officers actually in service is much keener. It must not be forgotten that we are at the last stage of the experiment of the Reforms Scheme so far as elections are concerned, and therefore it is quite necessary that there should be no variation from the past practice. The conflict of interests in the Punjab and perhaps all over India are assuming abnormal proportions and the lines of cleavage are so numerous that for some time to come it will be necessary to entrust this duty of both polling and of presiding officers to Government officers who are responsible for their action to the Government and whose promotion depends upon the honesty with which they discharge their duties. With regard to interruption in judicial work, I do not think it is a very strong argument. After all, interruption is a sort of loss. But we have to consider the other side also and that is that nothing should be done which would vitiate the fairness of the election. I would therefore request the Government to continue the past practice and not to make any change at this last moment in the system of elections.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Rural) (Urdu): Sir, so far as I think the Madras Government were the first to start a non-official agency for election purposes. They admit that the system adopted by them has proved a success. It has been urged that the appointment of a non-official agency would most probably result in party strife and disunion. But, Sir, this can also be said of the official agency. I do admit that the gazetted officers of the Government realise their responsibility but after all they are human beings and as such they are not above suspicion. My honourable friend from Karnal has condemned the non-officials but as regards the *bond fides* of the officials as well we cannot be sure. In fact there do exist suspicions about them also. For the Gurdawara elections, non-official agency was employed and there has no complaint about the working of this agency. It is the duty of the Government that at the time of appointing presiding and polling officers it should see that only very capable and honest men are appointed. Moreover I would request that the experience that has proved successful in Madras should be adopted here in the Punjab and if it fails it could be easily done away with in the subsequent elections. I would also urge that the Government should direct the presiding and polling officers to perform their duties in such a manner that no one may be able to find fault with them.

Sardar Jodh Singh (Sikh, Urban): Sir, before I move my amendment, I would like to make a few remarks on the points raised by my honourable friend from Ferozepore who has started the discussion. I think there is something to be said for the official agency and that is, not that the proportion of honest men among the officials is more than amongst the non-officials, but that the Government has got some hold on officials. If the officials commit some mischief, their career will be ruined, but on the

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non-officials, the Government has no such hold. I want to make one suggestion and I think that will answer all the objections raised against the non-official agency. The non-officials should not be employed in the locality to which they belong. For instance a non-official belonging to Ferozepore should be employed in Ludhiana and *vice versa*. Then no charge of partiality, etc., could be levelled against such non-officials. But in some constituencies such as the constituency which I have the honour to represent this is not feasible, because my constituency extends to the whole of the Punjab.

Then, Sir, objection was raised by my honourable friend from Amritsar to the system of issuing chits. The system of issuing chits is meant to expedite the business. The other day the Election Commissioner told me that one polling officer was expected to attend to 750 voters per day and this would not be possible if the patwaris or some other agency were not permitted to issue the chits. If the polling officer himself is required to attend to every voter and put to him all the necessary questions, then it will take a good deal of time and the polling officer may not be able to complete the work in a single day. Now, Sir, I wish to move my amendment* of which I have given notice and it reads thus.....

Mr. President: Order, order. I think the honourable member's amendment is not quite in order. In this connection, I invite his attention to my previous ruling† which I gave on the 26th and the 29th June 1926. On the 26th June last, I ruled :—

“Some of the honourable members appear to be under the impression that in discussing the supplementary estimates they are entitled to discuss such matters of policy, underlying the original grants as were discussed when the annual budget was discussed. That, however, is not the case. It is only in exceptional cases when the Government bring forward entirely new demands that matters of principle regarding such demands can be discussed. I wish to acquaint the honourable members of the House that it is not their privilege on this occasion to go in detail into matters of principle as they were entitled to do at the discussion of the annual budget.”

The same point was raised three days later and I think it was Professor Ruchi Ram and Sardar Jodh Singh who took part in that discussion. I then ruled :—

“I think it was on Saturday last that I ruled from this Chair that questions of principle or policy can be raised and discussed only when the annual budget is discussed as a whole. Such questions cannot properly be discussed in a supplementary grant unless the demand or some item in the demand goes beyond a certain settled policy or principle. As a rule only the supplementary estimate or an individual item comprised in the estimate can be discussed or criticised. The honourable member is raising a question of general discussion and this he cannot be allowed to do. He is at liberty to discuss the whole demand or any particular item therein but not a matter of principle or policy.”

* That the grant be reduced by Rs. 10 in respect of the item of Rs. 20,000—Elections for Indian and Provincial Legislatures.

† Pages 985 and 1103 *ante*.

Now the amendment which the honourable member wants to move really raises a question of principle which can be appropriately discussed at the time of the annual budget. Here we have only a supplementary demand and such an important matter of principle cannot be allowed to be discussed now.

Sardar Jodh Singh : In this connection, may I submit, Sir, that this is altogether a new demand. The Government never asked for travelling allowances before.

Mr. President : This is a supplementary demand.

Sardar Jodh Singh : Supplementary demands are of two kinds. When the expenditure is altogether new, they are called additional grants. When expenditure has to be incurred in addition to what has already been granted, then they are supplementary grants. Now the Government is asking for the sanction of new expenditure.

Mr. President : There is a difference between supplementary demands and excess demands. If the honourable member would look into the agenda lower down, he would see excess demands are separately asked for and they will be taken up later on. These are supplementary demands.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I wish to offer a few observations on the interesting discussion raised by some of the honourable members.

Sardar Jodh Singh : I have not yet finished my speech.

Mr. President : The honourable member opened his remarks with the observation that he will first say something on the points raised by previous speakers and that subsequently he will move his amendment. Now he expressly proposed to move his amendment and it was only then that the Chair thought it proper to interfere.

Sardar Jodh Singh : I am sorry if I have been misunderstood.

Mr. President : If the honourable member wants to speak on the demand and not to move his amendment he can proceed.

Sardar Jodh Singh : I want to draw the attention of the Government to one more hardship which is experienced by the candidates and especially by the poor candidates. Under the rules rich people who possess motor cars and other conveyances can use them in taking voters to the polling booths. Sir, according to rules, Government has allowed that people can use their motors, not only their own motors but the motors of their friends, even for the conveyance of the voters to the polling booths. (A voice: No). According to the rules they do.....

Mr. President : As the rule which the honourable member now proposes to discuss indirectly was in existence when the annual budget was discussed, I am afraid I cannot allow this point to be discussed at this stage.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I just want to make a few observations on three or four points raised by the honourable members. I cannot but consider that they are the result of a peculiarly suspicious frame of mind in which candidates naturally happen to be when elections are approaching, and therefore I am inclined to think that the honourable members are not really very serious about them. I have

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no doubt that there is room for a great deal of exaggeration when one is describing the misdeeds of other successful or unsuccessful candidates and such exaggerations are due in most cases to the unauthentic remarks which get circulated. I am sure the honourable members of this House will agree with me that the amount of honesty displayed recently in Gurdwara elections by the non-official agency was certainly something to be proud of. The work entrusted to the non-official agency was indeed colossal and I must say that they came out of that trial with considerable success. Non-official agency has been employed in such elections before and no doubt there are serious handicaps in the shape of ignorance of rules, lack of practice and in many cases lack of knowledge, but I am bound to say that up till now I have not heard that any non-official agency was very inferior to the official agency employed in these elections. However I do not mean to say that we have decided to employ a non-official agency to the exclusion of an official agency. As a matter of fact as many officers as are available will be employed for election purposes and in order to supplement the official agency every effort has been made in the past and will be made in the future to secure the best possible men available. I say 'available' advisedly because there is no dearth of good, suitable men but yet public opinion has to exert itself and make these suitable, honest, good men come forward to work more or less in an honorary capacity. It was said by an honourable member that Rs. 5 a day was not attractive enough for a man to come and do electioneering work. Am I wrong when I say, on the same bench on which that honourable member sits there is an honourable member who has been attending this Council day after day without charging even Rs. 5 per day? I mean those honourable members of the Council whose permanent residence is in Lahore. Therefore to say that Government cannot count upon non-official agency simply because they offer Rs. 5 and no more, is not right. There are a large number of Punjabis willing to do honorary work honestly and in a straightforward manner without being paid in full for it.

I have noted, Sir, the importance of employing the senior-most and the best officer for recording votes and not for presiding at polling stations, and I have no doubt the Elections Commissioner who has had the advantage of having conducted two elections in a most satisfactory manner will do all he can to remove complaints to that effect.

I have no doubt that in course of time Government will be in a position to employ a large body of non-officials, well paid and able to conduct elections in an efficient and honest manner. But, Sir, may I through you say a word to the intending candidates so far as the development of this suspicious mentality is concerned that they should try not to be suspicious and they should try to credit people with doing their duty honestly even when they are told by their workers that so and so is interested in a rival candidate? Even now such reports are being spread but one should not give an easy and ready credence to these reports. It has been suggested by an honourable member—a valuable suggestion, I must admit—that if non-officials are not employed as polling officers in places where they reside but are employed in other districts, the chances of these suspicions growing will be considerably reduced. I agree with him and I have no doubt we will try to utilise that suggestion, but it must be recognised that the suggestion means perhaps doubling and in some cases trebling the cost of holding elections. We are trying to make the money that this Council gives, go as far as possible, and to get the best possible

return for it. If Rs. 5 are to be paid to a man who works at the election booth, we try to get work worth full Rs. 5 and more out of that man.

Unless public opinion is formed and used to persuade good men worth Rs. 50 a day to work for Rs. 5 a day for elections in a spirit of serving the country, we cannot secure them without spending ten times the amount we spend at present. However I can assure the honourable members that having been a candidate myself for election several times in the Punjab, I can heartily sympathise with them, and that no effort will be spared to make the elections run impartially and no efforts will be spared to get the best value we can out of the Government money that will be spent for the purpose. Necessary instructions will be issued to all officials as well as non-officials that they should conduct these elections in a spirit which will do credit to them all and which will make some suspicious members of this Council hesitate in talking in the way they had done, and I am sure they would not have done but for the nearness of the elections which make some of us rather nervous.

As regards certain remarks made by an honourable member about honorary magistrates, I have no doubt the Council will be pleased to hear that Government has already issued instructions that where honorary magistrates take a keen interest in election contests either for themselves or for their friends, it is willing and ready not to send any cases to them for a month or two before the elections are actually held. This is in the interest of the honorary magistrates and the candidates they support so that they may devote their undivided attention to the work of elections or to the work of helping their friends and thus be not in any way hindered by the judicial work which they would have ordinarily to do. This I trust will give satisfaction to a large number of people in this Council and outside, for it is not right that election and judicial work should be combined at the same time. This, I hope, Sir, is sufficient to assure the Council that Government is taking great pains to run the elections impartially and efficiently.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, the discussion that has arisen on this demand is really very important. The Reforms are on their trial and it is only since three years that people have started in right earnest to work them. It is the duty of Government to give whatever help it can to make them a success. Now, Sir, I find from the note in the Supplementary Estimates that one reason assigned for not allowing the official agency to work is that judicial work would be interrupted. What I submit with regard to this argument is that if these courts are allowed to carry on their work, people will not be able to exercise their right of vote. Everywhere a large number of cases are dealt with every day, a large number of witnesses turn up, and lawyers have to attend to their work. This would mean that by keeping these courts open during the days of elections, Government will be depriving all these people from exercising their right of vote. People are not full of public spirit yet and they are not prepared to make applications to judicial officers that their cases may be postponed because they are to take part in the elections or perhaps the judicial officers may be reluctant to postpone their work to some future day. It is on these grounds that I request the Government that they should allow the official agency to be utilised for the purpose of elections during the coming elections also. That would mean, as I have submitted, that a large number of people will not be allowed to exercise their right of

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vote, if the courts are open and if the magistrates and judges do their work during the election days.

The Government should give every facility. It is a legal right which the Government of India Act has conferred on every man and therefore the Government should see that everybody is afforded proper facilities to exercise the right of vote. As I have already submitted if a large number of litigants and if a large number of lawyers have to attend courts and attend to their normal duties, the work of elections will suffer greatly. That is my first reason why magistrates and judicial officers should help us in this election. Then coming to the respective merits of the officials and the non-officials—here I do not want to cast any reflection on the non-official world nor do I want to praise the judicial officers to the skies—I think that a judicial officer or a magistrate who has to deal with cases has a judicial frame of mind and therefore it is expected from him that he will not be influenced by any party bias just as any non-official or a retired official would be. The judicial officers have all along been helping in these elections and they do not take any part in canvassing propaganda. But this is not the case with non-officials. Non-officials generally take part in canvassing propaganda and they therefore have a strong party bias and they have great opportunities of doing mischief if they want to befriend one man at the cost of another. To expect a person who has been taking prominent part in canvassing propaganda for three or four months preceding the election to suddenly change his mind and be impartial when appointed a polling officer is expecting too much from human nature. Either these people who are to help in the elections must keep aloof from all kind of party propaganda and should take no part in canvassing work or they should not be allowed to take part in marking the papers or doing anything of similar nature in the coming elections. That is the second ground on which officials are to be considered superior to non-officials for the purposes of recording votes.

The third ground on which officials are to be preferred to non-officials is this. As has already been pointed out by some of the honourable members so far as the officials are concerned, the Government has got a hold on them. If an official misbehaves or helps one man against another, the Government can punish him suitably. The fear of punishment would always deter an official from committing any wrong and it would be more potent in checking the evil than it would be in the case of a non-official.

Another ground on which the officials are to be preferred is that the reforms are now in an experimental stage and it is the duty of the Government at this stage to let the officials continue to discharge this duty at the elections as they have been doing before. So far as the Gurdwara elections are concerned, that does not affect this case very much because after all the Gurdwara election was a matter concerning one community only, namely the Sikhs. But in the coming elections, all the communities living in the Punjab, namely, the Hindus, the Sikhs, the Muhammadans and the Christians are interested and it is a fact which nobody can deny that at the present moment communal tension in the Punjab is at its height. Unfortunately the different communities do not trust one another and therefore it is necessary that the Government as an impartial agency should give us as much help as it can possibly give. Undoubtedly there are many lawyers who will come forward to take part in the elec-

tions and offer their services even for Rs. 5 a day. As I have already submitted the lawyers are the most important class of people who educate the masses and who take active part in political propaganda. The lawyers are generally on the side of one candidate or the other and therefore to ask them to act as polling officers or presiding officers would be expecting too much of human nature. Either they shall have to keep aloof from the work of political education of the electorate or they shall have to take no part in election matters. From all these points of views, it is necessary that officials should be allowed to conduct elections as they have been doing in the past. The argument may be urged and it was, as a matter of fact, urged that non-officials must be trained in the mode of conducting elections. But I submit that this is only the first step in self-government and so long as there is the official block, so long as there is the communal representation and so long as there are checks for the granting of complete self-government, as long should this check also be introduced and the officials should be allowed to conduct the elections. I appeal to the Government to allow their judicial officers and magistrates to conduct the elections as heretofore. The Government should not forget the fact that it was only during the last elections that the people understood the value of the reforms and tried to co-operate with the Government in working to their own advantage. It is, therefore, necessary that the Government should help the people in the matter of conducting the elections without any partiality.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 24,872 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of General Administration."

The motion was carried.

POLICE GRANT

The Honourable Sir Geoffrey deMontmorency (Finance Member):
Sir, I beg to move:—

"That an additional sum not exceeding Rs. 11,900 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police".

Mr. President: The question is:—

"That an additional sum not exceeding Rs. 11,200 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police".

Chaudhri Duli Chand [Karnal (Non-Muhammadan) Rural] (Urdu): I think, Sir, that as an inhabitant and as a representative of the Karnal district to which this demand relates, I must give expression to the views which the people of my district hold about it. No doubt every other district in the Punjab does suffer from cattle lifting, but Karnal, possessing a much larger number of cattle, each zamindar having several milch cattle on the average, and having a vast area of forest, is naturally more open to this sort of crime. You all will admit that this is a great social evil and must be eradicated. You, I believe, also know that the District Board, Karnal, on the occasion of His Excellency's visit to Karnal made a representation praying that necessary steps may be taken to stop it. It is as a result of that and similar other representations that the Government is taking this action. But let me very respectfully tell you, Sir, that it is not the proper remedy for our trouble. Cattle lifting was sometimes back as rampant

[Ch. Duli Chand.]

in the northern part of the Bombay Presidency as it is in our district, but the Bombay Government, unlike that of the Punjab, thought it expedient to appoint a cattle theft committee to report on the matter. I submit, Sir, that a similar committee should have been appointed in the Punjab as well to suggest ways and means to root out this social evil from the Province. I would like to make it clear to the Government that the present proposal will be viewed with suspicion by the people.

Some time ago I put a question in the Council to suggest that a Cattle Registration Act should be passed making it compulsory on the owners of cattle to register all births, deaths and transactions about cattle as they do about their own children. I also stated that people will be prepared to meet the expenditure on such registration. The adoption of that proposal will surely see the last of this sort of crime. You can at once detect a man who possesses more cattle than the number registered by him. But the system of tattooing resorted to by the Government can never stop such thefts for the thieves will cut the ears bearing the marks.

There is one objection, I know which can be raised against my proposal. It can be said, though with very little justification, that people will resent the rigidity of such a law. They will not tolerate this compulsion. Sir, as I submitted above, people would generally like the system of registration, but they do not approve of the proposal made by the Government. You can say one thing in favour of the Government proposal that it is only optional. You may or may not tattoo. This is what has been said in the Explanatory Memorandum. But we know much of the agency that has been entrusted with that task, I mean the police. Whenever a matter is handed over to the police, all option is transformed into compulsion. The police will never look to public convenience. They have never done so far or the cattle lifting would have been a thing of the past.

I, again, submit that the proposed action will not be of much avail. Thieves disfigure even the horns of the cattle. If you have our convenience at heart, and if you are not prepared to adopt my proposal, I submit that this work may be entrusted to the Co-operative Societies and not to the police. This department will certainly interest itself in the public good and people will also have their faith in it. I would now throw some light on the material loss that will accrue to the Karnal district through the proposed line of action. I have already told you that Karnalis keep a large number of cattle, most of them live on cattle rearing.

They have plenty of milk. An ordinary zamindar can supply enough for even a hundred men. This is what they offer to every guest, and if the offer is not accepted they feel injured. If the Government proposal is translated into action, this will probably, nay surely, be the cause of reduction in the number of cattle. People will export their cattle to other districts. Moreover, there are some religious scruples as well against tattooing. Many Hindus do not like to tattoo their cows. I, therefore, once again commend my proposal to the consideration of the Government. They will have to incur no expenditure by its acceptance and it will certainly put an end to cattle lifting.

The Honourable Sir Geoffrey deMontmorency (Finance Member), Sir, I should like to assure the honourable member who has just spoken that the system is entirely optional, that is if any person has any religious objections to the system, as he fears, he need not resort to it. All we hope to obtain by trying this system is that if in a village any people have specially valuable cattle which they do not wish to lose by theft, it is open to

them to have those cattle tattooed, so that if by any chance they are afterwards stolen the names of the district, police station and village to which the animals belong can be recognised, when they are found. There is going to be no compulsion. The system is purely optional. On the other hand the honourable member suggests that we should have legislation by which people would be forced to register the number of cattle they have got and register all the sales whenever their cattle change hands. That is a very far reaching measure which would probably be difficult to carry out, nor is there at present any sign or any general desire for such a measure. The measure for which this supplementary demand of money is asked is, on the other hand, a purely optional measure in the sense that it will be resorted to only by those who wish to have resort to it.

Diwan Bahadur Raja Narendra Nath : Why not entrust the work to the Co-operative Societies as was suggested ?

The Honourable Sir Geoffrey deMontmorency : We have a special staff of police in Karnal employed in connection with stopping cattle theft and it seems more appropriate to employ that staff for this work as they are in touch with all questions of cattle theft both in that district and in the adjoining districts of the United Provinces.

Chaudhri Duli Chand : The police will oppress the people.

The Honourable Sir Geoffrey deMontmorency : They will not do so. They have been warned that the system is entirely optional.

Chaudhri Duli Chand : There is no option with the police.

The Honourable Sir Geoffrey deMontmorency : That is not my experience.

Mr. President : The question is :

"That an additional sum not exceeding Rs. 11,200 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Police."

The motion was carried.

PUBLIC HEALTH GRANT.

Mr. Ram Chandra (Secretary, Transferred Departments) : Sir I beg to move—

"That a supplementary sum not exceeding Rs. 1,70,517, be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Public Health."

The motion was carried.

MISCELLANEOUS (RESERVED) GRANT.

The Honourable Sir Geoffrey de Montmorency (Finance Member) : Sir, I beg to move—

"That a supplementary sum, not exceeding Rs. 22,800, be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Miscellaneous (Reserved)."

The motion was carried.

STATEMENT OF PRESENT POLICY AND FUTURE PROGRAMME OF THE MINISTER
FOR AGRICULTURE.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) :
Sir, before I move the demands, I wish to place before you a few important considerations of my present policy, and the future programme.

In the pre-reforms days when my late friend Mr. Malabari and I used to plead the cause of Indian constitutional progress the one argument which we used to urge with all the persuasiveness that we could command was that the Government will gain by the presence of Indian Members in the Cabinet and that the Indian Members will be able to educate public opinion and have a programme and a policy shaped in direct response to popular demand. Now that it has been given to me to serve as your Minister, I have taken every opportunity of placing my programme and policy before you. I have already undertaken definite schemes of agricultural and industrial development and it will be my endeavour to make these departments of immediate use to the Province. In the department of agriculture our problem is to establish direct relation between all our departmental activities, research work and the actual needs of our peasant proprietors. In the Conference that I held at Simla, I emphasized this aspect of the problem and we are now directing our attention along these lines and are going to devote special attention to intensive agriculture and to concentrate research on immediate problems. The work on cotton, wheat, millets and fruit has been placed or is about to be placed in the hands of specialists and expert officers.

I am also giving special attention to the problems of lift irrigationⁿ to find out cheap and most efficient methods of tapping underground supply and using it for irrigation. The Agricultural Engineer is now recruiting his staff for the purpose and working out details.

The work on silk rearing is being extended and a Government silk reeling factory is to be erected at Shahdara to ensure silk-rearers getting a fair price for their cocoons: the Entomological Section I am sure, will do some very useful work.

Live Stock Expert has been sanctioned and cattle breeding will now receive the attention that it deserves. Proposals are under consideration for the extension of the work on the Hissar Cattle Farm and for the establishment of other cattle breeding farms for the main breeds of the Province.

The Building and Roads department under the Reformed Constitution has been making steady progress. It is a Department which is responsible for one of the most essential services. I am glad to say that under the inspiration of His Excellency Sir Malcolm Hailey, the Railway development in the Province has entered a new stage (the idea of second class broad-gauge lines is already proving its value) since June last construction has been started on the following lines :—

1. Lyallpur-Jaranwala.
2. Shakargarh-Chak Amroo.
3. Rohtak-Panipat.

In addition to the above, surveys have also been sanctioned for lines from :—

1. Mailsi-Luddan-Bakshankhan.
2. Batala-Batara-Patti-Lahore.
3. Gujranwala-Ugoke.
4. Ugoke-Marala-Gondal.
5. Killa-Sobha Singh-Zafarwal-Jammu State Boundary.
6. Dera Nanak-Gurdaspur.
7. Pasrur-Gujranwala.
8. Bhera-Shahpur.
9. Sargodha-Gujrat.
10. Gujrat-Manawar.
11. Nankana Sahib-Changa Manga.
12. Changa-Manga-Chunian-Pattoka.
13. Dera Nawab-Muzaffargarh.
14. Tandalianwala-Okara-Wasawewala.
15. Montgomery-Kamalia.
16. Fazilka-Malant.
17. Kot Kapura-Moga.
18. Baijnath-Kulu.
19. Haveli-Garhi Habib Ullah.

I need hardly (desirable that the new roads that we have taken in hand :

^{4 P.M.} The mileage of roads maintained by Government before the reclassification scheme was 2,000 and the mileage of roads at the end of the year amounted to 3,000. No mean record. I am giving special attention to kacha roads and providing every district with kacha demonstration roads and next year's budget will contain proposals which will increase the mileage to 4,600.

In connection with the most useful work of the Rural Sanitary Board, it will interest you to know that the inhabitants of Pindigheb in the Attock district, after heavy floods in Attock wrote how the new drainage works saved their village from destruction. His Excellency the Governor has been taking keen interest both in the matter of communications and drainage and to him is due the credit for animating these departments with freshness and vigour.

In this connection there is just one aspect of the problem which I wish to place before you. In some of the most advanced European countries technical work such as the building and maintaining of bridges and roads is under central control. I should like you to study the system of control in some of the most democratic countries such as France. All the national roads are under the direct control of a central organisation. I feel that what we need is a Provincial Local Government Board in direct touch with the Ministry and with provincial technical staff to carry out the work. I am sure you will agree with me that we cannot afford to waste our meagre resources on indifferent work.

You will be glad to know that the Mandi Hydro-Electric scheme is making progress. I can assure you that the scheme has every element of success.

[Hon. S. Jogendra Singh.]

but it is for us to be prepared to make the best economic use of the power as soon as it is available. It is here that people of the Punjab should put their heads together and start industries to add to the wealth of the Province.

I am trying to improve and extend the MacLagan Engineering College and the Mayo School of Arts. At the MacLagan Engineering College, I wish to produce trained mechanics who can mend or make machines and at the Mayo School of Arts fully equipped artists and craftsmen. I am receiving very great assistance both from Captain Whittaker and Mr. Heath, but it is for the people to create new industries to make use of the man power, knowledge and experience that is becoming available.

I will not say much about the Excise Department beyond this that there is no greater supporter of the temperance cause than Mr. King and as I see him at his table the whole day at work, he excites my envy. What we need at the present moment is complete prevention of illicit distillation. I will not dwell on the prohibition of drink as I do not wish to serve intoxicating matter to the Council, while talking of temperance, but I do feel that if there was some health centre where habitual drunkards could find asylum it would greatly help the cause which we have all at heart.

The Board of Industries has been long in the coming, but it is being shaped and is still on the potter's wheel. I hope the scheme will be ready before the year is out, and that I shall be able to hold the first meeting before the end of December. In the meanwhile the work on the Hosiery Institute at Ludhiana and the Power Loom Weaving Factory at Shahdara has been started.

I am also getting a Women's Home Industries Section started and the problem of vegetable oils is under investigation.

The problem of organising sugar industry in the Punjab is now being examined by Mr. Noel Deerr—one of the best experienced Sugar Experts in the world and his report will be out in another month.

The starting of a power loom weaving school and power loom demonstration station are full of future possibilities of development but as you know we have paid little or no attention to modern methods of industrial development, and in a world concentrating all its energies and resources in the manufacture of new articles we have remained idle and allowed not only fresh opportunities but even old advantages to slip off. The result is that we have neither the knowledge nor the confidence to pool our resources together and to win for ourselves a small place in the industrial world. This knowledge will have to be gained and confidence of the people won so that they may trust their meagre savings and place these in the hands of men who can profitably employ them. We shall have to pay for gaining this knowledge, ask those who have gone in for some new enterprise and the risk they have run. We as a Province must run those risks and gain the experience. There is no other way. We must start in a small way and gain experience. This purpose cannot be effected for nothing. We must run some financial risks. I can assure you that money will not have been spent in vain, it will return to the people in hundred visible and invisible ways. I am sure about one thing. Money must be provided if the industrial department is to explore new fields of development, if the Hydro-Electric power which will be available at the end of three years is to be used for production rather than wasted for luxurious uses.

I have given you a short history of my department's and other departments can show you a continued record of good work. The Department of Education, particularly, has done splendid work. It is busy in making men more intelligent and more capable who shall want and ultimately get more from life. At the present moment the problem of unemployment is certainly disconcerting, but believe me, man himself is the creator of employment—work and wealth. If you invest and equip men with power when they set their hands to it, they will not fail to make a better world for themselves. These are the fruits of the new system, which has been called responsive co-operation. This co-operation is not one-sided only, the other side has also to co-operate and it has co-operated under very difficult circumstances with a will and determination to which I have great pleasure in bearing witness. I have not seen the inner working of the machine in other provinces, but in our own, your Ministers have complete freedom and the Governor is both the source of inspiration and strength. Sir Malcolm Hailey is a man of rare idealism and practical statesmanship. The idealism that took him to the plague-stricken homes of the people is still the driving force and if you look back on the years of his reign you can trace the working of his mind in splendid effort and realised achievement. Dyarchy in the Punjab is working in improving the conditions of the people and improving the services for which it is responsible. Service is the acid test. I can say without hesitation in the name of the Governor that we ask you to apply the test.

We in India are apt to think more of an ideal constitution in the abstract rather than of the work that is before us. Tolstoy in his most illuminating study in his book called "life" compares this tendency to the change which came to a miller, who, though tradition has taught him that the business of his life is to grind good corn, neglects the grinding and starts investigations from the mill to the grindstone and from the grindstone to the mill-race, from the mill-race to the dam and from the dam to the river. We must not forget that what the country needs is good government, and your work here and outside is to provide good government.

I confess that my ideas of dyarchy have been entirely changed. In the first place I know there was a feeling of nervousness in some quarters that the system will create a kind of polygamous government. I am glad to say it has remained unitary in spirit and your first Governor, Sir Edward Maclagan and your first Ministers, Sir Fazl-i-Hussain and Lala Harkishan Lal, had the vision to grasp the possibilities of the new scheme and to work it. Your Ministers have the freedom to initiate new policies, to work out new programme. I can tell you the Minister is limited only by your vote and the funds you provide for him. There is no other limitation. The departments are helpful and responsible. Personally, if I were asked I would say without hesitation that I find a most congenial atmosphere and willing co-operation from His Excellency the Governor, downwards on the part of all my Secretaries and Heads of Departments. I must take this opportunity of conveying my appreciation of the great assistance that I have invariably received from my departmental officers.

There is just one more point to which I wish to draw your attention. We are on the eve of general election, the last before the Royal Commission comes to enquire, if the country is prepared for a further instalment of Reforms. We must so act as to give a direct answer to this question. We must not only maintain but increase the efficiency of administration, controlling crime, banishing corruption and enforcing even-handed justice. We must put an end to communal strife and banish communal riots which have become our national sport.

[Honourable Sardar Jogendra Singh.]

We must do all that we can do to make our communities strong, but at the same time remember that it is only in realising a larger unity that we can serve the best interests of the Province. True progress consists in a larger understanding between various communities and in an approach to human brotherhood and humanity. Let us foster everywhere some slight culture of healing influence.

No other Eastern country has the opportunities which we have. Not many European countries have as good an administration as we have. Now I ask you, supposing an old firm asked you to enter the firm as partners without undergoing even a period of apprenticeship, would we stand out and say we shall not join you till you hand over the keys entirely to us and if you do not do so, we shall do our best to spoil the working of the firm? Enter the firm, the firm is old and one of the best in the world. It is a human institution and not free from human limitations and imperfections, but it is built on sound foundations and at the moment dominates the world and offers you partnership. Is such an offer to be lightly passed over? We in the Punjab have already given the answer, and we must go on making this partnership stronger, founded on service to the people of the Punjab and the Empire. The realisation of this partnership to the full depends on our own effort, ability, experience and realisation of our own responsibility. Come, take the part that is given you, and serve your fellowmen and in doing so you may help in building up the common-wealth of the world on which the peace and prosperity of the future depends. Therefore, take the hand of co-operation that is offered to you. Hold firm and scale the heights that are before you, but it is only the pilgrim spirit of devotion, sacrifice and steady work that can win for you the crown of Swaraj. The popular wheel of life will go on revolving. In the poet's words it is :—

By nature an unmanageable sight
But not wholly so, to him who looks
In steadiness, who hath among least things
An undersense of greatest, sees the parts.
As parts, but with a feeling for the whole.

CIVIL WORKS GRANT.

The Honourable Sardar Jogendra Singh : Sir I beg to move :

" That an additional sum not exceeding Rs. 3,18,336, of which a sum not exceeding Rs. 3,18,326 can be met by re-appropriation within the existing grant, leaving a net sum of Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Civil Works."

Mr. President : The question is :

" That an additional sum not exceeding Rs. 3,18,336, of which a sum not exceeding Rs. 3,18,326 can be met by re-appropriation within the existing grant, leaving a net sum of Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Civil Works."

Professor Ruchi Ram, Sahni (Punjab University) : Sir, I have listened with very great interest to the speech with which the Honourable the Minister for Agriculture has prefaced the demand which he has placed before the House. Sir, there is a great deal in that speech with which I thoroughly agree and I will be the first and foremost in acknowledging the good work which the Honourable the Minister for Agriculture has done during the short space of time that he has held office as Minister. But, Sir, let me say at the same time that there is a great deal in that speech with which many of us on this side of the House will not agree. He has raised a series of con-

troversial, and very seriously controversial problems of debates on which the whole House could be divided. There are important questions which have been discussed in this House, but, he has referred to them just in a few words. I contest the position taken up and I should like to say a few words with regard to some of the points raised by the Honourable Minister.

Mr. President : Order, order. The Honourable Minister for Agriculture, with the permission of the Chair, made a certain statement with regard to the general work of his department as well as the Department of Education. In fact that statement was quite independent of the particular motion which has been now moved which is for discussion.

Malik Firoz Khan, Noon [Shahpur East (Muhammadian) Rural] : Sir, may we know the law on the subject? When a member is going to move a particular demand, is he entitled to make a speech only with regard to that particular demand or can he make a general speech on all subjects?

Mr. President : I think that the rules on the subject are quite clear. If he makes any statement with regard to the main proposal, certainly that statement might be criticised and discussed by the members of the Council. But if he makes a general statement independently of the motion, and that is what happened,—the Honourable Minister for Agriculture wrote a letter to the Chair and he was allowed to make a general statement and that statement was not confined to the demand which he has ultimately moved and that statement he was allowed to make—that statement is not a subject of discussion.

Professor Ruchi Ram Sahni : That was then his own opinion, I mean the opinion which he expressed about dyarchy and other controversial matters. I suppose I am right in saying that the opinion which he has expressed on the various questions do not commit us in the slightest degree. If that is so, I have nothing to say about the demand itself.

The Honourable Sardar Jogendra Singh : That is so.

Mr. President : The question is—

"That an additional sum not exceeding Rs. 3,18,386, of which a sum not exceeding Rs. 3,18,326 can be met by re-appropriation within the existing grant leaving a net sum of Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of "Civil Works."

The motion was carried.

FAMINE INSURANCE FUND GRANT.

The Honourable Sir Geoffrey deMontmorency [Finance Member] : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 3,61,250 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of advances from the Famine Insurance Fund."

The motion was carried.

IRRIGATION GRANT.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, I beg to move—

"That an additional sum not exceeding Rs. 1,04,000, of which a sum not exceeding Rs. 1,03,990 can be met by re-appropriation within the existing grant leaving a net sum of Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Irrigation."

The motion was carried.

AGRICULTURE GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) :

Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 1,00,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Agriculture."

The motion was carried.

EDUCATION (TRANSFERRED) GRANT.

Sir George Anderson (Director of Public Instruction): Sir, I beg to move—

"That an additional sum not exceeding Rs. 9,000, of which a sum not exceeding Rs. 8,991 can be met by re-appropriation within the existing grant, leaving a net sum of Rs. 10 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Education (Transferred)."

The motion was carried.

CIVIL WORKS GRANT.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) :

Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1927 in respect of Civil Works."

The motion was carried.

GOVERNMENT'S DEMANDS FOR EXCESS GRANTS,
1924-25.

STAMPS (RESERVED) GRANT.

The Honourable Sir Geoffrey de Montmorency (Finance Member) :

Sir, I beg to move—

"That an additional sum not exceeding Rs. 10,150 be granted to the Governor in Council to meet the excess expenditure incurred during the year ending the 31st of March 1925 in respect of Stamps (Reserved)."

The motion was carried.

MISCELLANEOUS (TRANSFERRED) GRANT.

Mr. Ram Chandra (Secretary, Transferred Departments) : Sir, I beg to move :—

"That a supplementary sum not exceeding Rs. 4,193 be granted to the Punjab Government (Ministry of Education) to meet the excess expenditure incurred during the year ending the 31st of March 1925 in respect of Miscellaneous (Transferred)."

The motion was carried.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1924-25.

The Secretary : The report of the Committee on Public Accounts of the Punjab Legislative Council on the Audit and Appropriation Reports for the year 1924-25 and other matters is laid upon the table.

The Council then adjourned till 2 P.M. on Thursday, the 21st October 1926.

PUNJAB LEGISLATIVE COUNCIL.

9th SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Thursday, the 21st October 1926.

The Council met at the Council Chamber, at two of the clock. Mr. President in the chair.

OATH OF OFFICE.

The following member was sworn in :—

Lieutenant-Colonel W. C. H. FORSTER (Official nominated).

ANNOUNCEMENT FROM THE CHAIR.

HIS EXCELLENCY THE GOVERNOR'S ADDRESS TO THE COUNCIL.

Mr. President: I have to acquaint the House that His Excellency the Governor will address this Council on Monday, the 25th, at 11 A. M. I hope that honourable members will make it a point to attend punctually and in full force. I am aware that some of them who are very busy in their electioneering campaigns will find it rather inconvenient to attend; yet the importance of the occasion, I am sure, will persuade them to attend without fail.

QUESTIONS AND ANSWERS.

3395-3446. *Cancelled.*

ZAILDARS.

3447. Chaudhri Ram Singh: (a) Is Government aware of the fact that the zaildars have to serve each and every department of Government? If so, will the Government please state whether their salary has been fixed with due reference to their responsible position?

(b) Is it a fact that in addition to other important functions (i) they have to help the police in:—

(1) carrying out house searches;

(2) investigation of crimes; and

[Ch. Ram Singh.]

(3) apprehension of criminals ; and

(ii) they have to realize the land revenue ?

(e) If the answers to the above be in the affirmative, does Government propose (i) to invest the zaildars with certain powers which will enable them to perform their duties more efficiently and (ii) to grant horse allowance and a peon to each of the zaildars ?

The Honourable Mian Sir Fazl-i-Husain : The honourable member is referred to the answer to Council Question No. 2670.*

THE MAHARISHI OF THE NINETEENTH CENTURY.

3448. Chaudhri Ram Singh : Will Government be pleased to state—

(i) whether they propose to make enquiries as to whether 1,000 copies of the book entitled "The Maharishi of the Nineteenth Century" have been sold up to this time; and

(ii) if on enquiry it is found that all or the major portion of the printed copies of this book have been sold, whether they propose to launch a prosecution against the author of the said book in view of the fact that the language of this book has already been adjudged by Government to be objectionable ?

The Honourable Sir Geoffrey deMontmorency : The attention of the honourable member is drawn to part (ii) of Sir John Maynard's reply to his question No. 1438.†

PROSCRIPTION OF BOOK ENTITLED "TEGH-I-FAQIR BAR GARDAN-I-SHARIR."

3449. Chaudhri Ram Singh : Is Government aware of the fact that a book entitled "Tegh-i-Faqir bar gardan-i-sharir" has recently been published by the Anwar-i-Muhammadi Press, Delhi, in which Sri Krishna and other Hindu gods and goddesses have been roundly abused by the author ? If so, do Government propose to proscribe the book in the Punjab ?

The Honourable Sir Geoffrey deMontmorency : The book is not, so far as Government is aware, a recent publication, but was published many years ago. Government has tried to secure a copy but has not succeeded in doing so. There is no press at Delhi of the name given in the question.

PAY OF KHAZANCHIS.

3450. Chaudhri Ram Singh : Will Government be pleased to state if it is a fact that the question of raising the pay of khazanchis has been under the consideration of Government for a long time ? If so, what action do Government propose to take in the matter ?

* Volume IX-A, page 379.

† Volume VIII-A, page 228.

The Honourable Sir Geoffrey deMontmorency : Yes. The question is an intricate one and is still under the consideration of Government.

ENCROACHMENT OF TRUNK ROAD FROM LAHORE TO MULTAN BY ISLAMIA HIGH SCHOOL, JHANG-MAGHIANA.

3451. Lala Mohan Lal : (a) Is it a fact that the people of Jhang-Maghiana represented to the Government that the President of the local municipal committee who is also the President of the managing committee of the local Islamia High School is arranging against their wishes and to the inconvenience of the public, to allow the school authorities to encroach upon a portion of the Grand Trunk Road leading from Lahore to Multan and lying between the main school buildings and boarding-house?

(b) Is it a fact that after the above representation a resolution sanctioning the encroachment was adopted in an adjourned meeting of the committee in which only three members were present?

(c) Is it a fact that after the passing of the above resolution another representation was made to the Government to suspend the execution of the above resolution?

(d) Will the Government please state what action has been taken by the Government in the matter?

The Honourable Rai Sahib Chaudhri Ohhotu Ram : (a) Yes.

(b) The resolution recommending that the area in question be attached to the school was passed by the municipal committee on the 3rd May 1926 in a general meeting at which eleven members were present.

(c) Another representation was received, but as it was sent in original to Commissioner for report, Government is unable to say what its contents were.

(d) A report has been called for through Commissioner.

REMOVAL OF PAPERS FROM A JUDICIAL FILE IN THE COURT OF THE REVENUE ASSISTANT, JHANG.

3452. Lala Mohan Lal : Is it a fact that some papers have been removed from a judicial file in the Court of Revenue Assistant, Jhang, while the file was in possession of one Akbar Ali, Ahlmad of the Court? If so, what action has been taken by Government in the matter?

The Honourable Sir Geoffrey deMontmorency : The *chitha* in the record of a criminal case in the Court of the Revenue Assistant, Jhang, was found to be missing from its envelope. Enquiry failed to show whether it had been removed or had dropped out. An entry was made in the character roll of the Ahlmad in charge of the record to the effect that he had been negligent in his care of the record.

SUPERSESSION OF MR. RAM CHAND.

3453. Lala Mohan Lal : (a) Is it a fact that one Mr. Ram Chand has been working in place of Mr. Muhammad Bakhsh, an officiating Naib-Tabsildar, Jhang, in the grade of Rs. 40—90 ?

(b) Is it a fact that one Mr. Ghazanfar Ali has been appointed in the vacancy caused by the said Mr. Muhammad Bakhsh in supersession of the claims of the said Mr. Ram Chand for the post ? If so, what are the reasons for such supersession ?

The Honourable Mian Sir Fazl-i-Husain : It is not in the public interest to answer questions relating to such minor appointments.

MR. MUHAMMAD ISMAIL, REVENUE ASSISTANT, MONTGOMERY.

3454. Lala Mohan Lal : (a) Is it a fact that the father and brother of Mr. Muhammad Ismail, Revenue Assistant, Montgomery, hold lands in that district ?

(b) Is it a fact that they are also the lambardars in that district ?

(c) Is it a fact that the father of the said Revenue Assistant is not himself residing in the district ?

(d) Will the Government please state the landed property acquired by the father and brothers of the said officer during his stay in the district ?

(e) Will the Government please state how long the said officer has been in the district ?

Mr. H. D. Craik :

(a) } Yes.

(b) No.

(d) (1) By purchase at auctions ... 543 acres.

(2) By exchange with land in other districts ... 125 acres.

(e) Since the 4th February 1924.

P. W. D. CONTRACTORS IN MULTAN.

3455. Lala Mohan Lal : (i) Will the Government please state :—

(a) the number of Hindu and Muslim contractors who have got in hand at present the several works in execution by the Public Works Department, Roads and Buildings, in Multan ; and

(b) the estimated cost of such works ?

(ii) How many of these contractors belong to the station ?

(iii) Is it a fact that a large number of Muslim contractors have been recently brought to Multan from outside at the instance of some responsible officials in the department ?

The Honourable Sardar Jogendra Singh : As contracts are placed as the result of publicly advertised tenders and the communal origin of tenderers is not taken into account it will be useless to introduce communal feeling in purely commercial undertakings.

There is no truth in what the honourable member has said.

ASSAULT OF A MEMBER OF COUNCIL IN THE MONTGOMERY JAIL.

3456. Lala Mohan Lal : (i) With reference to the decision* of the Government announced to the Council on 15th March 1926, on the report of the Jails Committee regarding the Montgomery Jail incident, will the Government please state if the offending prisoners were tried in a court of law? If not, why not?

(ii) Is it a fact that Lala Bodh Raj, M.L.C., applied for permission to proceed against the jailor and other officials held responsible by the Jails Committee, along with the two offending prisoners?

(iii) Is it a fact that such permission was not granted? If so, why?

(iv) Did any correspondence pass on the subject between the Government and Lala Bodh Raj? If so, will the Government please lay on the table the letter issued from the Government to Lala Bodh Raj, the reply of Lala Bodh Raj thereto and the action taken by the Government on the reply?

The Honourable Sir Geoffrey deMontmorency : (i) These offenders were not tried in a court of law, because no complaint was laid before the District Magistrate, Montgomery.

(ii) No. Lala Bodh Raj declined to proceed against the two prisoners unless proceedings were also taken against the Jail officials held responsible by the Committee of Enquiry, who had in fact already been dealt with departmentally.

(iii) Does not arise.

(iv) Yes, but Government does not consider it expedient to lay this correspondence on the table. The action taken by Government was to direct that the prisoners be dealt with departmentally under Jail Manual, paragraph 611.

COMMUNAL REPRESENTATION IN THE EDUCATION DEPARTMENT IN MULTAN.

3457. Lala Mohan Lal : (a) Is it a fact that in the Education Department the following posts are being held at Multan by the Muhammadans, namely, Divisional Inspector of Schools, District Inspector of Schools, Principal, Government College, Multan, Superintendent of the Government College Boarding-House, both the Superintendents of the Government High School, the Vice-Principals of the Government and the Normal Schools?

(b) If so, will the Government please state if it intends to effect any change in the incumbents of such posts by appointing some Hindus?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

[Hon. R. S. Ch. Chhotu Ram.]

(b) No change in the incumbency of any of these posts could be justifiable merely on the ground that the incumbents happen to belong to a particular community.

COMMUNAL REPRESENTATION IN THE EDUCATION DEPARTMENT, MULTAN DIVISION.

3458. Lala Mohan Lal: (i) Is it a fact—

(a) that out of 6 District Inspectors of Schools in the division of Multan 5 are Muhammadans;

(b) that out of 21 Assistant District Inspectors of Schools in the division 18 are Muhammadans;

(c) that out of 13 Headmasters of the Government High Schools 9 are Muhammadans;

(d) that out of 5 Headmasters of the District Board High Schools in the division 4 are Muhammadans and that the Headmaster of the only Municipal Board High School in the division is also a Muhammadan;

(e) that out of 3 Headmasters of the Notified Area Committee High Schools 2 are Muhammadans?

(ii) If the reply to the above parts be in the affirmative, will the Government please state if it intends to see that some changes are effected in the incumbents of such posts by the appointment of some Hindus?

The Honourable Bai Sahib Chaudhri Chhotu Ram :

(i) (a) Yes.

(b) No.

(c) No.

(d) (a) Yes.

(b) No.

(c) Yes.

(ii) No change seems to be justified because a certain number of posts are held by the members of a particular community.

SALE OF LAND BY QADAR BUX ROHAN OF KALOWAL TO ISAR SINGH OF HAMBANAN, TAHSIL CHINIOT.

3459. Lala Mohan Lal: (a) Is it a fact that the Deputy Commissioner, Jhang, gave sanction under the Punjab Alienation of Land Act for the sale of land by Qadar Bux Rohan of Kalowal in favour of one Isar Singh of Hambnan, tahsil Chiniot, and that in compliance with the sanction the registered sale deed was executed and the possession of land transferred?

(b) Is it a fact that the said vender is now being pressed by the authorities either to retransfer the property or to pay further consideration of about Rs. 5,000 to the vender? If so, what are the reasons for bringing such pressure upon him?

The Honourable Mian Sir Fazl-i-Husain : (a) It is a fact that the sanction to sell the land to the vendee, a non-agriculturist, was granted, the sale price being Rs. 20,000, which sum it was understood, no member of an agricultural tribe was prepared to pay. A question has now arisen that the permission was obtained fraudulently and that the real price paid by the vendee was Rs. 15,000 which the members of agricultural tribe were also willing to pay.

(b) No. It is not a fact. The fact is that enquiries are being made whether Deputy Commissioner's order giving permission to sell the land which was conditional has been duly complied with and the conditions fulfilled or whether there has been an attempt to evade the provisions of the Land Alienation Act.

TERMINAL TAX IN MULTAN MUNICIPALITY.

3460. Lala Mohan Lal : Will the Government please state if any schedule of rates proposed to be levied as terminal tax by the municipal committee, Multan, has been submitted to the Government for necessary sanction? If so, will the Government please state why the sanction is being delayed?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Yes, proposals were received on the 29th March 1925 and on examination were found to be defective in certain respects and had to be returned to the municipal committee for reconsideration. They have not been resubmitted.

PUNJAB JUVENILE SMOKING ACT, VII OF 1918.

3461. Lala Mohan Lal : Will the Government please state for every year since the Punjab Juvenile Smoking Act, VII of 1918, came into force the number of convictions under the Act?

The Honourable Sir Geoffrey de Montmorency : The figures are as follows :—

Year.	Number of prosecutions.	Number of convictions.
1919	Nil	Nil
1920	2	Nil
1921	1	Nil
1922	4	3
1923	3	3
1924	12	Nil
1925	3	2

VACANCIES OF EXCISE SUB-INSPECTORSHIP IN THE AMBALA DIVISION.

3462. Pandit Nanak Chand : (a) Will the Government please state the number of vacancies of Excise Sub-Inspectorship created in the Ambala Division during the year 1925 and 1926?

[Pt. Nanak Chand.]

(b) Will it please state what steps were taken to publish the fact of the creation of the vacancies for the information of the public at large?

(c) Will it please give the names of the persons accepted for appointment to these vacancies and also state their employment before being accepted as Excise Sub-Inspector candidates.

(d) Is the Government aware that a very large number of clerks and candidates of the office of the Commissioner, Ambala Division, have in July last been accepted as Excise Sub-Inspector candidates even before receipt of nomination rolls from the various districts in the division?

If so, is this in conformity with the rules for the acceptance of candidates for Excise Sub-Inspectorship? If not, will it please cancel the selection and issue instructions for fresh selection after getting nomination rolls from district authorities.

The Honourable Sardar Jogendra Singh: (a) There were three vacancies in 1925 and thirteen in 1926.

(b) No steps were taken to publish the vacancies, as the selection of candidates rests with Commissioners, who maintain a list of candidates, which is revised annually?

(c) A statement is laid on the table.

(d) From the statement laid on the table it will be seen that for the 16 vacancies, 4 officials and 2 candidates were selected and 10 non-officials. This is in conformity with the rules.

Statement showing the names of persons accepted for the post of Excise Sub-Inspector in the Ambala Division during the years 1925-26.

Name.	Employment held before acceptance as candidate for appointment in the Excise Department.
1925.	
1. Rajbal Singh	Non-official.
2. Suleman Khan	Do.
3. Mussarat Ali Khan	Do.
1926.	
1. Wilayat Hussain	Candidate, Commissioner's office.
2. Prem Sahai	Non-official.
3. Bharat Singh	Do.
4. Aftab Hussain	Candidate, Commissioner's office.
5. Zahir-ud-Din	Non-official.
6. Faiyaz Ali Khan	Do.
7. Niranjan Singh	Do.
8. Kapur Singh	Do.
9. Bhagwan Singh	Do.
10. Rashid Ahmad	Clerk, Deputy Commissioner's office, Ambala.
11. Islam-ud-Din	Stenographer Commissioner's office, Ambala.
12. Nizam-ud-Din	Clerk, Commissioner's office, Ambala.
13. Beni Pershad	Clerk, Commissioner's office, Ambala.

MR. ABDUL KARIM, OFFICIATING SUB-INSPECTOR OF POLICE.

3463. Lala Mohan Lal: (a) Is it a fact that Mr. Abdul Karim, officiating Sub-Inspector of Police, is posted to his home district at Multan?

(b) If so, will the Government please state if there are any special reasons for posting him to his home district? If so, what are the reasons?

The Honourable Sir Geoffrey deMontmorency: (a) and (b) There is no officiating Sub-Inspector of the name given in the Multan district.

GENERAL ELECTION FOR THE MUNICIPAL COMMITTEE OF JHANG-MAGHIANA.

3464. Lala Mohan Lal: Will the Government please state—

- (i) when the general election for the municipal committee of Jhang-Maghiana was last held;
- (ii) when the next election was due under the existing rules;
- (iii) why the new election was not held at the time when it was due and why it is being delayed;
- (iv) which officers are responsible for the delay;
- (v) when the new election is likely to be held?

The Honourable Rai Sahib Chaudhri Chhotu Ram:

(i) In 1921.

(ii) In 1924.

(iii) and (iv). It was intended to hold the elections according to revised rules relating to franchise qualifications and the rules were published in October 1924 but owing to the objections received to the formation of wards the proposals were reconsidered and further reports had to be called for from local officers.

(v) Soon. Under the Municipal Election Rules, 1926, the dates will be fixed by the Deputy Commissioner.

AREA IN THE COLONY AREA OF KHANEWAL FOR PASTURE LAND.

3465. Lala Mohan Lal: Will the Government please state if any area has been set apart in the colony area of Khanewal for pasture land?

The Honourable Mian Sir Fazl-i-Husain: Yes, the usual 10 per cent. reserved for chiragah.

LAND RESERVED IN KHANEWAL AS DUSEHRA GROUND.

3466. Lala Mohan Lal: Will the Government please state if any land has been reserved or is proposed to be reserved in Khanewal as Dusehra ground.

The Honourable Mian Sir Fazl-i-Husain : No land has been reserved at Khanewal as a Dusehra ground ; nor is it proposed to reserve a site for this purpose. There are many vacant plots at Khanewal, e.g., the cattle fair ground which can be made available for the Dusehra celebrations when necessary.

ATTACHMENT OF COLONY AREA OF KHANEWAL TO MONTGOMERY DISTRICT.

3467. Lala Mohan Lal : (a) Will the Government please state if it intends to attach the colony area of Khanewal to Montgomery district ?

(b) Will the Government please state if any representation was made to it not to attach the said area to Montgomery district ? If so, what action has been taken by the Government thereon ?

The Honourable Mian Sir Fazl-i-Husain : (a) There is at present no such proposal before Government.

(b) Does not arise.

INCREASE OF PAY OF THE COURT INSPECTORS OF POLICE.

3468. Lala Mohan Lal : Will the Government please state if it intends to increase the scale of pay of the Court Inspectors of Police ?

The Honourable Sir Geoffrey deMontmorency : Government has no such intention at present.

FIXED PAY TO PUBLIC PROSECUTORS.

3469. Lala Mohan Lal : Will the Government please state if it intends to re-examine the system of giving fixed pay to Public Prosecutors which was recently introduced as a measure of economy ? If so, will the Government please lay on the table the results of such re-examination when it is finished ?

The Honourable Sir Geoffrey deMontmorency : This question has been lately re-examined and it has been decided to retain the present system. Government does not propose to lay papers on the table.

CRIMINAL CASES IN THE COURT OF SENIOR SUB-JUDGE AT HISSAR.

3470. Chaudhri Sahib Dad Khan : (a) Is it a fact that criminal cases instituted on police challans in July and August 1926 in the court of Lala Gulwant Rai, Senior Sub-Judge, Magistrate, first class, with section 30 powers, at Hissar, have been posted for first hearing to October 1926, while the accused are being detained in the lock-up ?

(b) Is it a fact that the said Senior Sub-Judge posted civil suits or civil appeals filed about the same time for hearing within about a month from the date of their institution ?

(c) What is the number of accused (under-trial prisoners) in the criminal cases pending in the court of the said Sub-Judge, Magistrate, first class, with section 30 powers?

(d) What is the number of accused (under-trial prisoners) in the criminal cases pending in the court of Lala Gulwant Rai, Magistrate, first class, with section 30 powers, who have been in the lock-up for more than two months on 1st August 1926 and 31st August 1926?

(e) What steps do the Government propose to take for the speedy disposal in the court of the said Sub-Judge of criminal cases in which the accused are in the lock-up?

The Honourable Sir Geoffrey de Montmorency : (a) Some criminal cases instituted on or after the 22nd of July were fixed for hearing in October. The Magistrate was away from the station in the month of September.

(b) Only three civil suits were instituted in July, two out of which instituted on 5th and 7th July respectively, were fixed in the early part of August as there was no rush of criminal work then. The third was fixed for 27th August 1926, the last working day of August only to secure service on the defendant. During the month of August, there were only three civil suits, two being only applications under schedule II, paragraph 20, Civil Procedure Code. The third suit has been fixed for hearing in October.

(c) Seventeen.

(d) On the first of August 1926, thirteen : on the 31st of August 1926, three (estimated).

(e) The District Magistrate has submitted proposals for increasing the number of section 30 Magistrates in the Hissar district and the matter is under consideration.

RENT-FREE HOUSES TO THE STAFF OF THE MACLAGAN ENGINEERING COLLEGE.

3471. Lala Mohan Lal : (a) Is it a fact that at Government College, Lahore, members of the staff acting as Wardens of Hostels and as officer-in-charge of games are granted rent-free houses, while at the MacLagan Engineering College the officers performing similar extra-mural duties are denied this privilege?

(b) If so, do Government propose to grant the same privileges to the staff of the MacLagan Engineering College performing similar duties as are enjoyed by the staff of the Government College, Lahore? If not, why not?

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

SHAH NEHR CREEK.

3472. Chaudhri Ram Singh : With reference to the answer given to question No. 2891, *put on the 16th March 1926, will Government please state whether in the revenue records of tahsil Dasuya, district Hoshiarpur, and tahsil Nurpur, district Kangra, dating prior to 1744 or 1846 there is any mention of any areas as are now irrigated by the Shah Nehr creek having been watered by the river Beas?

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

POLICE OFFICERS AND BEGAR.

3473. Chaudhri Ram Singh: (i) Will Government please state if it is a fact—

(a) that Sub-Inspectors and Head Constables of Police have, when they are on tour, to submit a daily report of cases to the thana;

(b) that in order to convey these reports to thanas, the Police officers get *begar* from villagers through the agency of *lambardars* and *zaildars*?

(ii) If the answers to (a) and (b) be in the affirmative, will Government please state whether they propose to consider the advisability of taking steps for sparing the villagers from *begar* and for making other arrangements for the conveyance of the reports to the thanas?

The Honourable Sir Geoffrey de Montmorency: (i) (a) The answer is in the negative. Only an officer investigating a cognizable case has to submit a daily diary of his investigation.

(b) Constables convey these reports to thanas when they are available; otherwise, if the postal service is not convenient, a village *chaukidar* is utilised for the purpose.

(ii) Does not arise.

HOUSE OR GRAIN COMPENSATION ALLOWANCE TO DRAFTSMEN AND TRACERS OF THE CANAL DEPARTMENT AT SARGODHA.

3474. Malik Firoz Khan Noon: (1) Is it a fact that the clerks in the district offices at Sargodha get a house or grain compensation allowance?

(2) Is it a fact that the draftsmen and tracers of the Canal Department at Sargodha do not get this allowance?

(3) If so, has the Government any objection to granting this allowance to the men mentioned in (2) above?

The Honourable Mian Sir Fazl-i-Husain: (1) Clerks in the district offices at Sargodha get a compensatory allowance when not provided with Government residences or when they do not occupy quarters provided by Government.

(2) Yes.

(3) The honourable member is referred to part (b) of reply to Council question No. 1492* of 1925.

SHAMILAT FORESTS OF THE KANGRA DISTRICT.

3475. Chaudhri Ram Singh: Is it a fact that (a) that the Government decided in the 1917-18 settlement that wild trees growing in the *shamilat* forests of the Kangra district will be the property of the Govern-

ment, but the land will remain in the possession of their private owners who will continue to utilize the trees and land as before ;

(b) that Government has divided the shamilat land into three classes, viz., *trehai*, demarcated and undemarcated ; and

(c) that Government does not permit the grazing of cattle by the zamindars in the demarcated lands but sells grass and dry wood there to merchants by auction ?

(a) If the answers to the above be in the affirmative, will it please state whether the private owners are given their share of the price of grass and dry wood ? If not, why not ?

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

CANDIDATES FOR PATWAR.

3476. Chaudhri Ram Singh : (a) Is it a fact that the Financial Commissioner, Punjab, issued a circular to the effect that nobody who has passed the primary examination only should be registered as a candidate for Patwar ?

(b) If the answer to the above be in affirmative, will the Government please state the number of primary passed candidates registered in the Gurdaspur district since the issue of the said circular and the reasons for so doing ?

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

BUND ALONG MADHOPUR CANAL, TAHSIL NURPUR.

3477. Chaudhri Ram Singh : Will the Government please state if Madhopur Canal Department, district Gurdaspur, has annually been erecting a new bund or repairing the old bund for its own protection since the redirection of the course of the Chakki towards the villages of tahsil Nurpur, district Kangra, through Dhangoo hills ? If the answer to the above be in the affirmative, will it please state whether the department has ever constructed a new bund or repaired the old bund for the protection of the villages of tahsil Nurpur also ? If not, why not ?

The Honourable Mian Sir Fazl-i-Husain : The Canal Department erects or repairs bunds as necessary.

The Department constructed a new bund in 1912 and has repaired it as necessary, the last occasion being this year 1926.

CASH PAYMENT FOR DAMAGES TO LANDS OF DAMPAL TEMPLE.

3478. Chaudhri Ram Singh : (a) Will the Government be pleased to state whether land revenue has always been remitted since 1860 for lands washed away by Khad Chakki in tahsil Nurpur ?

[Ch. Ram Singh.]

(b) Is it a fact that Damtal temple has been in the enjoyment of a *munafi* from times immemorial? If so, do Government propose to make cash payments to the *gadi* of the Damtal temple for damages done to the lands of the said temple? If not, why not?

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

EXPORT OF KUTH FROM THE KANGRA DISTRICT.

3479. Chaudhri Ram Singh : (a) Is it a fact that in March 1924 the Government issued a notification prohibiting the export of kuth from the Kangra district?

(b) Is it a fact that in Kulu and in many other parts of the Kangra district kuth is cultivated by the zamindars?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state the reasons for issuing the above-mentioned notification and the advantages likely to accrue to the people by virtue of this notification?

(d) Is Government aware that this restriction on the export of kuth will do more harm than good to the zamindars? If so, does Government propose to remove this restriction?

The Honourable Mian Sir Fazl-i-Husain : (a) Under Punjab Government notification No. 8532, dated the 1st of March 1924, the moving of kuth from the Kangra district into or through any other district in the Punjab is prohibited except under a pass signed by the Divisional Forest Officer from whose jurisdiction the kuth is moved.

(b) Government understands that kuth is grown in Kulu and in other parts of the Kangra District, but not on a large scale.

(c) Kuth is grown in the Kashmir and Chamba States and in Kangra. In Kashmir the production and sale of the root is a State monopoly and exports are made through official channels. The notification of the 1st of March 1924 was issued in order to assist the Darbar in preventing the smuggling of the root from Kashmir into or through the Punjab. Its effect is to enable the recognition as such within the Punjab of kuth grown in the Chamba State or in Kangra.

(d) Government is not aware that the restriction imposed by the notification of 1st of March 1924 has caused inconvenience.

CIS-SUTLEJ JAGIRDARS.

*3480. Sardar Gurbakhsh Singh : (a) Will the Government please state what the status of the cis-Sutlej Jagirdars is and how this class of Jagirdars was created?

(b) Is it a fact that these Jagirdars were the rulers at the time when they were converted into Jagirdars and is it also a fact that they are still considered as mediatised rulers and are accorded the treatment as such.

* Questions Nos. 3480 to 3490 were put by Sardar Jodh Singh on behalf of Sardar Gurbakhsh Singh who was absent.

(c) Is it a fact that these Jagirdars have all through been very loyal and faithful to the Government? If so, will the Government please state what steps it has ever taken to better their condition?

(d) Will the Government please state the number of Honorary Magistrates and Darbaris amongst them in 1857 and in June 1926?

(e) Will the Government please state how many of these Jagirdars have ever been accepted as Extra Assistant Commissioners, Tahsildars or Naib-Tahsildars?

(f) Will the Government please state what grant of land has ever been made to these Jagirdars and to how many of them has such grant been made?

(g) Is the Government aware that these Jagirdars are losing their importance and status as such for want of due consideration to them on the part of the Government? If so, will the Government please state what steps it proposes to take to better their condition and improve their status?

The Honourable Mian Sir Fazl-i-Husain: (a) and (b). The honourable member is referred to paragraphs 100 to 127 of the Land Administration Manual, a copy of which will be found in the Library.

(c) As regards the first part of the question Government readily acknowledges that as a rule these Jagirdars are loyal and faithful. As regards the second, the honourable member apparently has in mind parts (d) to (f) of this question.

(d), (e) and (f) The information is not readily available and Government does not think it will serve any useful purpose to collect it.

(g) Government is not aware of the fact alleged in the first part of this question and consequently the second part does not arise.

JAGIRDARS AND REALISATION OF JAGIR MONEY.

3481. Sardar Gurbakhsh Singh: (a) Is the Government aware that Jagirdars have often to bring civil suits for the realisation of their money?

(b) Will the Government please state whether the jagir money is of the same type and nature as the Government land revenue?

(c) If the reply to (b) above be in the affirmative, has the Government any objection to frame rules of the same kind for the realization of jagir money as there exist for the realization of Government land revenue?

The Honourable Mian Sir Fazl-i-Husain: (a) No.

(b) Yes.

(c) It does not appear necessary to frame special rules. The honourable member is referred to the answer given to part (b) of Council question No. 3421.

Answer to Question No. 3491 (b).

The Honourable Mian Sir Fazl-i-Husain: Under existing rules the jagirdar can if he so desires have his jagir money collected by Government and paid through the treasury on payment of 2 per cent. to cover cost of collection.

JAGIRDARS AND RIGHTS TO ESCHEAT PROPERTY.

3482. Sardar Gurbakhsh Singh : Will the Government please state whether the right of the Jagirdars in the villages of the jagir with respect to escheat of property left by heirless people the same as that of the Crown? If so, will the Government please declare that in jagir villages the Jagirdars are entitled to such property?

The Honourable Mian Sir Fazl-i-Husain : The honourable member's question is far too vague and wide to admit of an answer which may be of any value. If a case has actually arisen a careful study of its facts and the law bearing on them will enable him to formulate an opinion and the competent authority will in due course of time decide it.

JAGIRDARS AND MAINTENANCE ALLOWANCES.

3483. Sardar Gurbakhsh Singh : Is the Government aware that a lot of Jagirdars are maintenance-holders and that very old understandings and conditions still apply to their case with respect to their maintenance allowances and title to property? If so, is the Government aware that these maintenance-holders find it very difficult to make both their ends meet on the terms allowed to them? Will the Government please state whether it proposes to revise their terms so as to make them suitable for their present day life?

The Honourable Mian Sir Fazl-i-Husain : The honourable member's question is far too vague and wide to admit of an answer which may be of any value. If a case has actually arisen a careful study of its facts and the law bearing on them will enable him to formulate an opinion, and the competent authority will in due course of time decide it.

EDUCATION FOR DEAF AND MUTES.

3484. Sardar Gurbakhsh Singh : (a) Will the Government kindly state the number of deaf-mutes in the Province according to the census of 1921?

(b) Is Government aware that the Government of Western countries, more especially United States of America, spend huge sums of money every year for the care and education of deaf-mutes, affording them facilities not only for training in arts and trades but for higher general education?

(c) Is it a fact that there were in existence a few years ago arrangements for the teaching of the deaf and the mutes at Lahore? If so, will the Government please state how far these arrangements were useful? Were the arrangements abolished some time ago? If so, why? Has Government any objection to revive the institution on the lines of modern principles of teaching the deaf and the mutes?

The Honourable Rai Sahib Chaudhri Chhotu Ram :—

(a) Males, 11,793. Females, 6,512.

- (b) Government has no information on the subject.
- (c) Yes; a grant-in-aid was given to a school maintained by Mr. Chatterjee, but after his transfer to Poona, the school was closed.
- (d) The matter will be considered.

AGRICULTURAL FARMS.

3485. **Sardar Gurbakhsh Singh:** Will the Government please state the number of agricultural farms that it proposes to start during this year and the places where they are proposed to be started?

The Honourable Sardar Jogendra Singh: The following district farms of 100 acres each are proposed to be opened this year:—

1. Gurgaon
2. Ambala
3. Hoshiarpur
4. Ferozepore
5. Jhelum
6. Campbellpur
7. Gujranwala
8. Jhang and

one 50-acre farm at Kangra.

Also it is hoped to start an experimental farm of 500 acres at Multan.

AGRICULTURAL ASSISTANTS.

3486. **Sardar Gurbakhsh Singh:** Will the Government please state whether it proposes to take all the Agricultural Assistants now in Board services into Government service? If so, when?

The Honourable Sardar Jogendra Singh: (a) Government is not aware of any such case.

(b) Does not arise.

LAND REVENUE ON CHAHI LANDS.

3487. **Sardar Gurbakhsh Singh:** Will the Government please state whether the land revenue of barani lands is increased when a well is sunk into it and thus the land becomes chahi? If so, will the Government please state whether it gives the zamindars any share of the cost of sinking wells or helps the zamindars in putting increased labour on chahi lands? If the answer to latter part is in the negative, will the Government please state why an increased rate of land revenue is charged on chahi lands?

The Honourable Mian Sir Fazl-i-Husain: The land revenue of barani land is not increased when a well is sunk till after the lapse of a period of not less than 20 and not more than 40 years from the year when the well

[Hon'ble Sir Fazl-i-Husain.]

began to irrigate. The exact period is fixed with reference to the increased profit which accrues to the land-owner owing to well irrigation and is calculated so as to ensure that the land-owner shall recoup himself out of the increased profit to the extent of twice the cost of sinking the well before any increase in land revenue is made.

Government does not share in the cost of sinking the well, or help the cultivator in the cost of his labour. In calculating the profits of the land, however, the cost of labour is always allowed for. Government has a presumptive right to share in the profits of land.

CONSOLIDATION OF HOLDINGS IN AMBALA DIVISION.

3488. **Sardar Gurbakhsh Singh**: Will the Government please state whether it proposes to carry on consolidation of holdings? If the reply be in the affirmative, will it please further state when it proposes to extend the experiment to Ambala Division?

The Honourable Sardar Jogendra Singh: Yes. Consolidation has been in progress in Gurgaon district during 1926, and it is intended to begin operations in Karnal in 1927. Work will then be proceeding in ten districts under the special staff.

ARRESTS FOR POSSESSION OF KIRPANS.

3489. **Sardar Gurbakhsh Singh**: Is the Government aware that arrests for possession of Kirpans are occasionally being made even now? If so, will the Government please state how it proposes to stop such arrests?

The Honourable Sir Geoffrey deMontmorency: (a) Yes.

(b) The necessary instructions have been sent to all District Officers.

SALE OF VEGETABLE GHEE, ETC., IN THE PROVINCE.

3490. **Sardar Gurbakhsh Singh**: Is the Government aware that a lot of vegetable ghee, Banaspati, is being sold extensively in the province and is thereby causing serious harm? If so, will the Government please state what it proposes to do in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Government is aware that Banaspati is sold in the Punjab, and that it is a solidified vegetable fat inferior to ghee in nutritive qualities. It is sold in tins which are clearly marked, and it does not purport to be ghee. Government is not aware that it is causing serious harm.

The second part of the question does not arise.

REMOVAL OF COURTS FROM AMBALA CITY TO AMBALA CANTONMENT.

3491. **Lala Mohan Lal**: (a) Will the Government be pleased to state if there is any proposal to remove the courts from Ambala City to Ambala Cantonment.

(ii) If the reply be in the affirmative, will the Government be pleased to state its reasons for doing so?

The Honourable Sir Geoffrey deMontmorency : No definite scheme of the nature indicated is under the consideration of Government ; but subsidence in the soil in part of the Civil Station has resulted in damage to certain Government buildings, the potential dangers involved in this feature are being examined and may necessitate the abandonment of these buildings.

PROVINCIAL VILLAGE PANCHAYAT OFFICER.

3492. Chaudhri Afzal Haq : (a) Will the Government be pleased to state—

(i) whether their attention has been invited to the report of the Village Panchayat Committee of the Central Provinces Government; and

(ii) whether that committee recommended the appointment of a Provincial Village Panchayat Officer for the guidance, instruction and establishment of panchayats?

(b) If the answer to (a) is in the affirmative, do the Government propose to consider the advisability of appointing such officer or officers for the same purposes in the Punjab?

(c) Do the Government propose to carry out other recommendations made by the C. P. Village Panchayat Committee?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) (i) Yes.

(ii) Yes.

(b) and (c) The whole question of encouraging and popularising panchayats and the best means of doing so is already under the consideration of Government.

VILLAGE SANITATION AND PUBLIC MANAGEMENT ACT.

3493. Chaudhri Afzal Haq : (a) Will the Government be pleased to state—

(i) whether in the Central Provinces there is an Act known as Village Sanitation and Public Management Act; and

(ii) whether a similar Act exists in this province?

(b) If no such Act exists in this province, are the Government considering the desirability of having such a legislation in this province?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) (i) Yes.

(ii) No.

(b) The matter will be considered.

TRAFFIC IN WOMEN.

3494. Chaudhri Afzal Haq : (a) Has the attention of the Government been invited to an enormous traffic in women in this province?

(b) Is it a fact that there are several renowned dens in each district where regular trade in women is carried on?

[Chaudhri Afzal Haq.]

(c) Is it also a fact that badmashes of each district have resorted to *barda faroshi* as an easy trade?

(d) If so, what has Government done so far to check this trade?

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

IMPORT OF WOMEN FROM THE UNITED PROVINCES.

3495. Chaudhri Afzal Haq: (a) Has it come to the notice of the Government that thousands and thousands of women from the United Provinces are being imported into this province each year and are being sold openly?

(b) Has the Government ever been in correspondence with the Government of the United Provinces for devising means to put down the import of women from the United Provinces?

(c) If so, will the Government be pleased to lay the whole correspondence on the table?

(d) If the answer to (c) is in the negative, will it be pleased to state—

(i) whether it now intends to appoint a commission to report and suggest means for putting down this import; and

(ii) whether it intends to invite the co-operation of the United Provinces Government in this respect?

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

BARDA FAROSHI.

3496. Chaudhri Afzal Haq: Will the Government be pleased to state:—

(i) whether the Inspector-General of Police ever intimated his inability to cope with *barda faroshi*;

(ii) whether the head of the police administration ever recommended a piece of legislation to deal with the cases of *barda faroshi*; and

(iii) whether the Government have finally decided to bring in a piece of legislation for the purpose of checking the trade of women.

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

CONFISCATION OF IMMOVEABLE PROPERTY FOR POLITICAL OFFENCES.

3497. Chaudhri Afzal Haq: (a) Will the Government be pleased to state the names of those persons whose immoveable property has been confiscated for political offences since the year 1904?

(b) Will the Government also please state—

(a) whether any property so confiscated was ever restored; and

(ii) whether the confiscated property was ancestral or self-acquired?

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

SCARCITY OF WATER IN THE HOSHIARPUR AND JULLUNDUR DISTRICTS.

3498. Chaudhri Afzal Haq: With reference to the answer to question No. 3232,* asked on the 29th June 1926, will the Government be pleased to state what other steps they propose to take to remedy the state of affairs in the matter of scarcity of water in the Hoshiarpur and Jullundur districts?

The Honourable Mian Sir Fazl-i-Husain: The honourable member is informed that so far as irrigation from rivers is concerned all possibilities have been surveyed to the fullest extent and it is not the schemes that are wanting but water in the rivers. A new canal for the Jullundur and Hoshiarpur districts is therefore not feasible.

GRANT OF LAND TO CIVIL OFFICERS.

3499. Chaudhri Afzal Haq: (a) Is it a fact that Government proposes to grant squares of land to its civil officers?

(b) If so, will it be pleased to state whether it proposes to grant the land to these officers only who are or have been strictly honest?

The Honourable Mian Sir Fazl-i-Husain: (a) It is not intended to make any grants to civil officers.

(b) It is, however, intended to allow civil officers who have retired from service to buy land from Government and pay its price by instalments. In granting this privilege Government will make a careful choice, and the officers' reputation for honesty will of course be taken into account. It is far from the intention of Government to overlook dishonesty in any of its officers, and it is its declared policy to eradicate dishonesty from the public services as far as it lies in its power to do so, but it is now well recognised by all thinking people that this object can only be accomplished when the people really and conscientiously co-operate with Government in suppressing it.

DISTRICT BOARD HIGH SCHOOL, GARNHANKAR.

3500. Chaudhri Afzal Haq: With reference to my question No. 3237,† put on the 29th June 1926, and the answer thereto, will the Government be pleased to state whether they have since come to any conclusion?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The matter is still under consideration.

* Pages 1056-67 ante.

† Page 1068 ante.

BAR ROOM OF GARSHANKAR.

3501. Chaudhri Afzal Haq : (a) Will the Government be pleased to state—

(i) whether the Bar Association of tahsil Garshankar, district Hoshiarpur, repeatedly requested the Deputy Commissioner to arrange for the building of a Bar room ; and

(ii) whether the Secretary of the Association also sent up an application to Government for the same purpose ?

(b) Will the Government please state whether the application is receiving the consideration of Government ?

The Honourable Sir Geoffrey deMontmorency: The Bar Association of Garshankar tahsil have never submitted a written request of this nature either to Government or to the Deputy Commissioner, Hoshiarpur. But it is understood that the Deputy Commissioner is impressed with the necessity for a Bar room, and has referred the matter for the consideration of the District and Sessions Judge.

ATTACHMENT OF AGRICULTURAL LANDS IN TARN TARAN IN EXECUTION OF DECREES.

3502. Sardar Dhira Singh : (a) Is the Government aware—

(i) that the non-agriculturist money-lenders had got the whole land of the agriculturist borrowers attached by the court of Sub-Judge, Tarn Taran, for several civil decrees against the agriculturists, and then had the lands formally mutated in the name of some agriculturists (allies of the money-lenders) ; and

(ii) that the decreed amounts were realised all at once ?

(b) Will the Government please lay on the table a copy of the rule by which the Sub-Judge is authorised to attach the whole of the land of the agriculturists and by which the Collector gives sanction to such mutations ?

(c) (i) Is the Government aware of the great professional loss which the poor agriculturists have to incur on account of such attachments ?

(ii) Is the Government also aware of the high rate of interest at which these borrowers have to borrow from another money-lender or to pay off decree amounts in order to free their lands ?

(iii) If so, does the Government propose to issue prohibitory orders against such attachments and such mutations ?

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

SLAUGHTER OF MILCH CATTLE.

3503. Rai Sahib Lala Ganga Ram : Is the Government aware of the fact that scarcity of milk and pure ghee is being felt in the province ? If so, has the Government any objection to appointing a committee consisting of one non-official Muhammadan and one Hindu and one official European member

to enquire into the causes of the scarcity and to examine the religious, social and economic aspects of slaughter of milch cattle and to report to the Government as to the desirability or otherwise of undertaking legislation for preventing the slaughter of milch cattle in the Punjab?

The Honourable Sardar Jogendra Singh: The honourable member is referred to the answer given to his previous question No. 599* on 4th August 1924 and to the proceedings of the Punjab Government (Ministry of Agriculture) in its resolution No. 6093, dated 23rd May 1923. Government sees no necessity to appoint another committee.

3504-06. *Cancelled.*

AMENDMENT OF STANDING ORDERS.

Mr. President: The honourable Chaudhri Duli Chand wishes to amend Standing Order 74-A as follows:—

"That for the words 'each financial year' in Standing Order 74-A (1) the words 'the first session of each Council' be substituted."

Has the honourable member the leave of the House?

No member objecting, the leave was granted.

Mr. President: I may point out to the honourable member before he proceeds further in the matter that even if the proposed amendment is referred to a select committee it will not be possible for the select committee to submit its report before the dissolution of the Council. I might further point out that the dissolution of the Council will automatically put an end to all pending proposals or measures. Whether under these circumstances it is advisable to proceed further or to drop the proposal it is for the honourable member to decide.

Chaudhri Duli Chand: Sir, I do not want to proceed further in the matter.

Mr. President: Is it the pleasure of the House that the honourable member may not avail of the leave which the House had given him a short while ago?

The Council assented.

RESOLUTIONS.

RESOLUTION RE. REMOVAL OF DISQUALIFICATION OF WOMEN FOR ELECTION OR NOMINATION TO THE PUNJAB LEGISLATIVE COUNCIL.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban]: I beg to move—

"This Council recommends to the Government that the Punjab Electoral Rules be so amended as to remove the sex disqualification in the matter of election or nomination of women as members of the Punjab Legislative Council."

[Lala Mohan Lal.]

Sir, it was on the 7th December 1925 that this House allowed women the right of vote. My present resolution is a corollary of the same. If women are entitled to vote, there is no reason why they should not be allowed to be members of this House whether by nomination or by election. The Madras and Bombay Councils have passed similar resolutions and allowed women to become members of their Councils. The Legislative Assembly also has done the same. There seems to be no reason why the Punjab should remain behind. If women are capable of managing States, if women can be presidents of the National Congress, if women can take part in public meetings, I fail to understand why they should not be allowed to be members of this House also. Probably it will not be for some time that they will become members of this House, but this resolution, if passed, will give them a chance, if they so wish, to become members. I do not feel well. I therefore commend the resolution with these few words for the acceptance of this House.

Mr. President : The resolution proposed runs—

“This Council recommends to the Government that the Punjab Electoral Rules be so amended as to remove the sex disqualification in the matter of election or nomination of women as members of the Punjab Legislative Council.”

The question is that that resolution be adopted.

At the time Mr. President declared the decision of the Council as ascertained by voices that the ayes have it, Sayad Muhammad Husain asked for division.

Mr. President : While I was declaring the final decision, simultaneously the word “division” was uttered. I would rather give the benefit of the doubt to the claimant of the division.

The Council then divided : Ayes 15 ; Noes 9.

AYES : 15.

Sardar Jodh Singh.
Sardar Tara Singh.
Mian Abdul Aziz.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Sardar Partap Singh.
Sardar Dhira Singh.

Pandit Nanak Chand.
Professor Ruchi Ram Sahni.
Sardar Mohindar Singh.
Rai Sahib Lala Ganga Ram.
Mr. E. Maya Das.
Lala Mohan Lal.
Chaudhri Ram Singh.

NOES : 9.

Khan Bahadur Sir Sayad Mehdi Shah.
Chaudhri Sahib Dad Khan.
Rai Bahadur Sir Gopal Das, Bhandari.
Sardar Bakhtawar Singh.

Lala Ram Chand.
Captain Malik Mumtaz Muhammad Khan, Tiwana.
Sayad Muhammad Husain.
Chaudhri Duli Chand.
Chaudhri Gobind Ram.

The motion was carried.

RESOLUTION RE. FILLING OF NON-COMPETITIVE POSTS UNDER PUNJAB GOVERNMENT ON POPULATION BASIS OF DIFFERENT COMMUNITIES.

The following resolution standing in the name of Shaikh Muhammad Sadiq was not moved :—

"That this Council recommends to the Government that in future all non-competitive posts under the Punjab Government be filled (subject to a minimum qualification test) on the population basis of different communities."

RESOLUTION RE. STOPPAGE OF BEGGARY AND OPENING OF POOR HOUSES.

Chandhri Afzal Haq: [Hoshiarpur-cum-Ludhiana, Rural] (Ordn):
Sir, I beg to move—

"That this Council recommends to the Government that beggary in the province be stopped by means of legislation and poor houses be opened for those who are physically or mentally unfit to earn their livelihood."

A similar resolution was moved in the Punjab Legislative Council by Sardar Bakhtawar Singh on the 10th February 1921. The Legislative Assembly also considered a similar resolution in 1926. The Government of India then remarked that it was the business of the Local Governments to adopt or reject the resolution according to their respective requirements. Now, Sir, I wish to say something about beggary. Beggars may be divided into two classes, namely, those who are habitually indolent and lazy and those who are physically incapable of earning their livelihood. It is not only permitted but enjoined by various religions that the poor and the needy should be helped. Since long, beggary has assumed the form of a religious institution and the people now think that if we discontinue the practice of giving alms to beggars we shall be guilty of violating the laws of our religion. But, Sir, this is an erroneous conception of the true state of affairs. No religion allows any stout or sturdy man to remain idle and live upon the charity of others. Sir, my resolution refers to both classes. As regards the first class it suggests that beggary should be stopped by means of legislation and as for the second class it says that poor houses should be opened. According to Census reports there are more than 23 lakhs of beggars in India. In the Punjab and even in Lahore there are thousands of them sitting on the wayside or wandering in the streets. In every shrine, *gaddi* and *pirkhana* you see any number of them. We can help the cripple and the insane but we cannot tolerate the existence of sturdy and robust beggars. This nefarious practice must be stopped. Some of the honourable members might think that the Muhammadans are moving this resolution. But I would point to them that on the 10th January 1922 many Sikhs and Hindus voted in favour of this resolution. In this Council also my honourable friend Lala Bodh Raj who perhaps belongs to the Arya Samajist creed gave notice of this resolution; but it could not be moved. One of our friends who belongs to the Sanatan Dharam creed, namely, Rai Sahib Lala Ganga Ram, also tabled a similar resolution. All this shows that the resolution which I have moved is not communal in its character. The Home Member of the Government of India had also admitted that the question of dealing with the sturdy beggar is a very difficult problem. The Local Governments ought to devise some means to solve it. Some gentlemen think that the resolution moved by Mr. Abdul Haye in the Legislative Assembly was rejected by an overwhelming majority. But, Sir, this is far from truth. The fact is that

[Chaudhri Afzal Haq.]

Government defeated the resolution by a small official majority. It has also been urged that municipal committees may make use of section 151 of the Municipal Act to deal with this question. But, Sir, municipal committees have not realised fully their duties and powers and their activities are circumscribed for want of funds. Is the Government prepared to considerably increase the municipal grant and if not why does it say that this business should be entrusted to municipal committees? The Government of India remarks that the problem of the sturdy beggar pertains to the sphere of Local Governments. The Local Governments in their turn say that it is a matter which primarily concerns the municipal committees. I would frankly submit without any fear of contradiction that the Government hesitates to take this responsibility on its shoulders. There are poor houses in England and I do not see any reason why they should not be opened in India. The Government is aware that if this resolution is passed it will have to take the responsibility of providing the sturdy beggars with work, for which it does not want to bother itself for the time being. The Government has said that it is not prepared to undertake the establishment of poor houses for it would mean a great burden on public finances. Anyhow if the beggars are allowed to live upon the charity of the people or if they are provided with poor houses, in both cases it would be a burden on the public purse. It is however advisable that the Government should solve this problem once for all. With these words I commend the resolution for the acceptance of the Council.

Mr. President. The resolution proposed runs :—

"That this Council recommends to the Government that beggary in the province be stopped by means of legislation and poor houses be opened for those who are physically or mentally unfit to earn their livelihood."

The question is that that resolution be adopted.

Rai Bahadur Sir Gopal Das, Bhandari [Non-official, Nominated] : Sir, sometimes the resolutions which are proposed by honourable members of this House are very good in nature, but at the same time they are so impracticable that one has to abandon them. The honourable member might perhaps think that he had given very good reasons in support of his resolution, but I can unhesitatingly say that the reasons given are so poor in nature that they cannot be said to strengthen the resolution. The honourable mover said that a similar resolution was moved by Sardar Bhaktawar Singh and Lala Bodh Raj, one of the Sikh and Hindu members, respectively, of this Council. From this my honourable friend Chaudhri Afzal Haq concludes that all communities living in this province are in support of this resolution. I do not think that is a very plausible argument nor do I think that this House will listen to such an argument. If certain individuals have held certain individual opinions, he cannot from this fact jump to the conclusion that the three sections of the population of this province, namely, the Hindus, the Musalmans and the Sikhs are in support of this resolution. We have only to see how far this resolution is practicable. First of all it may be observed that the honourable mover has not taken into consideration the fact that we have not yet got any definition of 'beggary'. If he is at all conversant with legislative enactments, he will see that the first requirements of an Act are the definitions. He will have first to pay attention to the definition of the word 'beggary'. What a difficult task it is to define 'beggary'. Possibly those who do not want to earn their livelihood by the

sweat of their brow with a view that they might go into the jail or the poor houses might claim to be beggars. We will have to see what the ingredients are that go to make up a beggar.

The next point that I have to mention is this. If there is an Act and if there is an infringement of its provisions or a violation of its rules, then there is the penalty. Supposing in the Act that is going to be passed, a beggar is defined as one who does not obey the orders contained in the provisions of the Act, what will be the result? The result will be that he will have to be sent to some jail or a work house. That is exactly the wish of the beggar. He does not want to do any manual labour. He finds it even difficult to go from door to door to beg. He will most comfortably go to jail where he can eat without doing any work. Even if some work is allotted to him, he might do it, but who is to provide for keeping such a large number of able bodied people in jails? The Government will have to do it. Proposals are always made for extra expenditure but the important factor is ignored, namely, the amount that we can spare for these proposals. We have to see what money we have got in our budget. I have got great experience in municipal affairs. In municipalities resolutions which involve heavy expenditure are very often moved without taking into consideration the fact whether any money is left in the budget to meet this expenditure. Resolutions are often moved in a most irresponsible way both in municipalities and in this Council also. The fundamental mistake that is committed in all deliberative assemblies, be they municipalities or district boards or legislative councils is that the amount of money that is available is often ignored. The honourable members of this House never care to keep in memory the amount which is in the hands of the Government. Sometimes resolutions are moved as if, I regret to say, to play to the gallery. Sometimes resolutions are moved so that the public may say that such and such a resolution has been moved by such and such a member. You will have to see the effect of your resolution on the purse of the province. My honourable friend has moved this resolution simply ignoring the fact that we have not yet made sufficient provisions for the beneficent departments. He has completely ignored the beneficent and the nation building departments in tabling this resolution. So far as the beneficent departments are concerned, in this very Council we have been discussing resolutions after resolutions and we have finally abandoned them all solely on account of the fact that no money was available to carry into effect those resolutions. If you want to appeal to the Government, you should not consider for one moment that the Government does not realise its responsibilities to the people who are entrusted to its care. We cannot say for one moment that the Government is not anxious to see good things done for the benefit of the people. The members of Government who hold responsible positions do know perfectly well how to spend the revenues of this province to the best advantage of the people. The Government realises all difficulties and we should never countenance any irresponsible proposals in this House. Is it not a fact that at the time of the discussion of the budget and also at the time of the discussion of supplementary demands the Government says that if the Council could provide more money it would only be too glad to allot more funds for the beneficent departments? Time and again the Government members have said that if only they had more money they would build more hospitals, root out plague and improve the sanitary condition of the rural areas and so on and so forth. If you want the Government to spend more money than they actually get, you will have

[Sir Gopal Das, Bhandari.]

to agree to the imposition of new taxes and I am sure the honourable mover of the resolution would not view with favour any imposition of fresh taxes. If the Government impose taxes to meet the legitimate necessities of the province, then a great hue and cry is raised against the Government. The public does not realise that the Government of the country cannot be carried on without the wherewithal to do so, namely, the imposition of taxes. The Government publishes the budget, but nobody cares to read the budget and without first ascertaining whether funds are available or not, new proposals are brought forward for extra expenditure. When these proposals are turned down by the Government simply on the score of want of funds, the people turn round and accuse the Government of stinginess and the people run about and create disaffection in the masses by saying that the Government does not want to see any good thing done to the people. It is not right that the Government should come in for this undeserved blame. If my honourable friend wants to open poor houses and stop beggary, he must take into consideration whether we have got enough funds and if we have not got enough funds whether he would vote for the imposition of fresh taxes. Above all he should also consider whether the remedy proposed by him would stop beggary in his constituency, not to speak of the whole province. Such questions must be thoroughly sifted in the Press and on the platform. After thoroughly threshing out all the points and after considering the *pros* and the *cons*, we should come to the Government with practicable proposals and the Government would only be quite willing to accede to all the reasonable proposals of the House. We should first know what the public opinion is on this point. My submission is that unless and until you first define 'beggary,' lay down the penalty for begging and show the wherewithal to carry out your proposals, unless you first do all these things it is impossible for the Government to do anything in the matter. What will be cost of constructing poor houses and what will be the cost of their maintenance? These things have been completely ignored by the honourable mover. Before any proposals are made, we have first to satisfy ourselves that there is no paucity of funds. Our budget is quite insufficient to meet all these demands at present. My submission is that it is really begging the question if we do not show to the Government the way to meet all these demands. We are simply moving in a vicious circle. Because there are three individual opinions, one Hindu, one Sikh and one Musalman that is no reason why Government should act upon these opinions. I submit that the scheme that is brought forward should have been first explained to the public and the public opinion should have been first ascertained. It is only then we can go to the Government to accept the proposal. Even then we must first hand over the Government a purse for this purpose. We totally ignore the funds available in the budget. If the honourable mover had the budget at his fingers ends, he would not have brought such a resolution as the one he has brought. With these remarks, I beg to oppose the resolution.

Rai Sahib Lala Ganga Ram [Ambala-cum-Simla (Non-Muhammadan), Rural] (Urdu) : Sir, there are two aspects of the resolution under consideration. The one is that beggary should be put an end to and the other is that poor houses should be opened for those who are physically unfit to earn their livelihood. The institution of beggary is a very old one and it was meant for Sadhu ascetics, but now it has been adopted as a profession by undesirable persons. The evils of beggary have passed all bounds. Under these circumstances it would be politic and wise to stop this practice. It has been urged that owing to the abolition of this institution the Govern-

ment shall have to face many difficulties, that is to say, in solving this problem financial as well as administrative difficulties would arise. Sir, generally speaking every enterprise involves certain difficulties, so the possibility of any difficulty coming into existence should not prevent us from doing that which is required for the welfare of the society at large. These difficulties can be overcome with the help of the community at large. It has also been said that the budget would not permit us to embark on such an enterprise. But, Sir, the budget difficulties can be removed by the Government itself. With these words I support the resolution.

Khan Bahadur Chaudhri Fazl Ali [Gujrat East (Muhammadian), Urban] (Urdu): Sir, I am sorry I could not hear the arguments advanced by the mover of the resolution under consideration. If any measure is passed to suppress the indolent class of beggars, I am sure the whole country will welcome it. But, Sir, such an enactment will involve diverse difficulties. In the first place it would be very difficult to define beggary and if it is defined in its most comprehensive sense I am sure it would include *piri-muridi* the stoppage of which is next to impossible. There would be a great hue and cry raised against any such measure. In the second place if, however, we overcome technical difficulties we are sure to meet with failure in our attempt to enforce any such measure. The people think it a religious rite to give alms to *mahants*, *manlvis* and *majawars*. They will certainly offer a strong opposition to any measure that conflicts with their interest. My honourable friend remarks that this work can be safely entrusted to municipal committees. It is easy to say so. But when once you begin to accomplish the task you will find insuperable difficulties in your way. I have also gained some experience of municipal work for I am connected with one of the municipal committees of the province. The financial condition of municipal committees is very bad. So far, we have not been able to do all that ought to have been done by us in connection with sanitation and education. The sanitary condition of the province is most unsatisfactory. Again, if we want to levy a tax on the people in order to bear all those expenses which will have to be borne in case this resolution is accepted, our attempt will prove a nuisance. Even from the religious, financial and administrative points of view the proposal under consideration is impracticable. The matter requires careful consideration. We must cut our coat according to our cloth. First of all we ought to consider our capacity for this task. It is no use passing any measure which may remain a dead letter. If you are going to limit your activities to municipal towns, the beggars will go over to the notified areas and in turn from notified areas to villages and if poor houses are opened by municipal committees, the beggars from outside would come there and municipal committees would not be able to defray necessary expenses. Considering the conditions prevailing in the province, I think any attempt at making a useful legislation for this purpose will certainly fail. With these words I oppose the resolution.

Malik Firoz Khan Noon [Shahpur East (Muhammadian), Rural]: Sir, from this resolution I find that my honourable friend opposite has two ideas underlying his mind. One is that he wishes to establish poor houses for the benefit of the needy in this country and the second is that he wishes to prohibit begging by law. Both those ideas revolve on one intention and that is, I believe, that he wishes to stop beggary in this province. If by the establishment of poor houses in this province he cannot stop beggary then I agree with him that the establishment of poor houses will be labour wasted.

[Malik Firoz Khan-Noon].

Now, let us examine these two points separately. As far as the establishment of poor houses is concerned I can only lay before the House the example of England. When I was a student there, I happened to go and see the workhouses. There are all over England places called workhouses. They are more or less residential places for old and crippled people who are unable to earn their living.

Anybody who cannot afford to live in the outside world is taken into the workhouse where he lives as a prisoner. If he is a carpenter he is given a little work of carpentry. If he is a *mochi*, he is allowed to do *mochi* work. They are given a small cabin where they have to do their work. When I was in England, I used to think that it would be a fine thing if we in India also established such work houses in our country for the benefit of the poor. As far as the idea of establishing a poor house or a workhouse is concerned, I am in entire agreement with the honourable member opposite. In England, by the establishment of workhouses, the people are able to stop beggary, but I submit that in my humble opinion the establishment of workhouses in this province will not stop beggary in the country. The one great reason for that is that our country is very poor. If you were to establish a poor house in this country and say that anybody who is found begging on the road will be sent to the workhouse and he will be confined there as a prisoner and will not be allowed to move about, then nobody will come to the workhouse. Unless you make some such restriction, and force the people to remain in the workhouse and do some work, the people who are now found begging on the road will quietly go to the poorhouse, take their meal every day and then go out of it during the day or the night time. In order to assure yourself that only the genuinely hungry and poor go to the workhouse, you must enact a law that they should go and stay in the workhouse. If you pass a law of this type, namely, that they should stay in the workhouse, then other difficulties will crop up. Supposing the law is that everybody who is found begging on the road is punishable with fine or imprisonment unless he willingly goes to the workhouse. Suppose there is a poor woman and her husband is a labourer. Suppose they have got five or six children and that the income they get is not sufficient to support whole of their family. What happens in the villages and even in big towns in such cases is that the woman goes out and starts begging in the streets or goes out regularly to certain houses where the residents are generous enough to give her a little *atta* or a little money and she thereby supplements her husband's income and enables him to keep up the family. Now, if you were to have that law you will have to send that woman to the workhouse where she will have to stay. Supposing she does not go to the workhouse, she is bound to beg and if she begs, she will be sent to jail. In this country the average income of a man is Rs. 3 a month or some such low figure. If the generality of the people are so poor, how can you establish workhouses for 80 or 40 per cent. of the whole of the population? In this country there are other people who do not go about begging themselves. Even in a country like England the punishment for begging can be avoided. I have seen people in England with a notice on their backs written blind and deaf; but I have sometimes seen them go about with boxes of matches in front of them. Charitably disposed people may give six pence or even a shilling and buy those matches. My point is that even in England people have not been able to stop beggary because it is against the law of nature. Similarly in this country you have a lot of people sitting either as *mahants* or *sadhus* or as *majawars* in shrines and other places. Their sole means of existence is

begging. By sitting in one place these *mahan's* and others are able to get as much money and even more than those who go about in the street begging. How is it possible to shut all these people in the workhouses? I submit there are certainly many difficulties in the way of the scheme that has been put forward by my honourable friend. The object underlying my honourable friend's scheme is certainly laudable. But that is bound to be too expensive for the exchequer of this province. Certainly it is not fair and just on the part of this House to call upon the Government to agree to a proposition like that involving perhaps lakhs of rupees of expenditure every year. How can this House settle that matter in a few moments? What I should have liked the honourable mover to have done would have been to call upon this House to appoint a committee to go into this matter of beggary and bring forward suggestions to meet that question of beggary according to local circumstances by penalising it where it can safely be done and by other means where penalising would be a hardship. I submit, that I, for one, am not prepared without further consideration and without threshing out this matter in a committee of this House to agree to a proposition like that at the present moment.

Sardar Tara Singh: I move, Sir,

"That the question be now put."

The motion was carried.

Chaudhari Afzal Haq [Hoshiarpur-cum-Ludhiana, Rural] (Urdu): Sir, whatever has been said by my honourable friend the Knight, ought to have been said by the Honourable Finance Member. He has remarked that we cannot embark on any enterprise like the one which is under consideration simply because we have no funds. He further says that the honourable members like the honourable mover sometimes owing to their excessive sympathy with a certain matter go beyond their proper limits and press their general propositions without considering the *pros* and *cons* of the whole situation. On the last occasion when Sardar Bakhtawar Singh moved his resolution, the Government said that for enquiring into the matter a committee should be appointed. But now when it is said that a committee may be appointed to inquire into the matter the Government changes its attitude and says that it has no money to open poor houses. It has been remarked that we move resolutions and make speeches in order to win the favour of our constituents. This is true. My honourable friend the Knight is a nominated member and he himself leaves no stone unturned to support the cause of the Government. Did he ever support any public measure? Never? Simply because he wants to win the approbation of the Government. Again, it has been said that the term beggary is indefinitely vague and cannot be properly defined. As regards this remark I would submit that I am not an expert legislator but have simply laid down a proposition for your consideration. You may take any steps which may carry out the object of my resolution. The Government may make any number of exceptions which may be necessary. If the Government accepts this resolution, we assure it of our assistance. It has also been remarked that every enactment requires a penalty clause and as such it would create great discontentment in the country. Some of the honourable members have said that the English law on this subject has failed and that the same would be the fate of any enactment that may be made in this province. In England in spite of the law on the subject many people violate its provisions but cleverly escape the punishment. As regards this assertion I would submit that in India it often happens that the real culprit goes scot free and innocent people are dragged into courts of law. When this is the case let all the laws be repealed. Because some clever people manage to evade punishment that is no reason why the law should

[Chandhri Afzal Haq.]

not be made. It has also been said that whenever the Government lays before the Council any scheme of taxation we strongly oppose it. Sir, the truth is that we do oppose but only such schemes of taxation which we think are not in any way subservient to the public interest. Let the Government take this responsibility on its shoulders. We will certainly help them by all means. Moreover I would like to point out to the honourable Knight that so far as the problem of the sturdy beggars is concerned the leaders of all communities are at one. They have expressed their views on the subject both in the press and on the platform. One of our honourable friends has remarked that on the establishment of poor houses beggars would pour in in great numbers and it would be very difficult to accommodate them all, for the number of beggars perhaps exceeds 23 lakhs. Moreover, this would cause the Government to incur heavy financial liability. These barristers and millionaires are not themselves accustomed to give charity to the poor and in spite of this they do not like to put an end to beggary which is a great burden on the resources of the middle class people. Sir, it is high time that the Government should either open poor houses or provide the indolent beggars with work so that they may be able to earn their livelihood. In England the Government either provides a person with work or sends him to the poor house. The English Government do not shrink to take this responsibility on themselves. Why does not our Government follow that example? Our country is far more poor and it is often noticed that certain women being pressed hard by poverty sell their favours. Is it not a shameful state of affairs? This resolution is most indispensable and will cure many defects which are now-a-days obtaining among the members of society at large. It does not matter if there are ten lakhs of beggars. In England there are forty lakhs.....

Sardar Jodh Singh : Sir, fifteen minutes have passed.

Chaudhri Afzal Haq (continued in Urdu) : Sir, I will curtail my speech and would resume my seat after saying a few words in respect of the argument advanced by my honourable friend Chaudhri Fazl Ali against the resolution. I would submit that these very arguments are in favour of my resolution. Certainly a measure which is provincial in its scope should be passed. If the resolution is accepted I am sure the economic condition of the country would improve. Indolence is the root-cause of many evils and unless you remove it there would be no real progress in any direction of public life whatsoever.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, the question has been so fully discussed that I can safely leave it to the verdict of the House, but there are just one or two observations which I should like to make. There is a tendency and I think it is a tendency which needs a little careful study, the tendency to treat the Government as if it is something apart from the people of the province commanding vast resources which are not made available. To appeal to the Government to commit itself to a certain action without providing funds is something in the nature of starting a metaphysical discussion. The problem of beggary according to modern idea reveals a conflict of ideals between the East and the West. So far our Eastern ideal has been one of personal service and personal charity and personal looking after of all these who needed such help. Europe on the other hand with its new economic idea has gone in for organised charity. Now it is a question of ethics whether organised charity makes the individual better and it is a blessing to the giver or whether it is a much better

blessing for people to shift all burden to some kind of organisation. I think the honourable mover of this resolution is a little impatient. Possibly India is moving in the same direction as Europe and in time will be called upon to organise its charities on modern lines. But at the present moment I am quite sure the honourable mover himself will admit that opinion in the country will be entirely against him. What the people need is not the poor houses but industrial development. When you have more money, you may be able to provide funds for the unemployed. When you compare the progress which England and other western countries are making to what some countries pay on taxation per head, you ignore the fact that the income in the Punjab per head is not equal and that out of such a meagre income it is not possible to maintain the Government and at the same time to make provision for all kinds of Provident Funds. The question is whether at the present moment we can spare money and whether even if we can spare money we can profitably employ it in the way suggested in the resolution. I can distinctly say, no. We have not arrived at that stage where we can go on providing funds for people who cannot and will not work.

We shall have to wait also till our ideals change. I think the honourable mover of the resolution, not long ago was a believer in the doctrine of simple living of Mr. Gandhi and that doctrine is based on a distrust of such things as organised charity. Under these circumstances I hope the honourable mover will reconsider his decision and take into account all that I have said and the opinion of thousands of people in the country who still cherish that they acquire merit by giving alms to the poor. When people begin to dislike the old idea it will be time enough for the honourable mover to press his resolution. In the meantime, I do not think any useful purpose will be served by pressing this resolution.

Chandhri Afzal Haq: Question.

The Honourable Sardar Jogendra Singh: I think the honourable member when he next goes to his constituency may test it. If funds are not available, this resolution cannot be given effect to even if it is carried in this House. Under these circumstances the Government is not prepared to accept this resolution.

Mr. President: The resolution proposed runs:—

"That this Council recommends to the Government that beggary in the province be stopped by means of legislation and poor houses be opened for those who are physically or mentally unfit to earn their livelihood."

The question is that that resolution be adopted.

The motion was lost.

RESOLUTION RE-IMPROVEMENT OF WEAVING INDUSTRY IN THE PROVINCE.

Sardar Jodh Singh (Sikh, Urban): Sir, I beg to move:—

"This Council recommends to the Government that a committee of experts be appointed to examine the present state of weaving industry in the province and to suggest what steps should be taken to improve and modernise it."

Sir, no one in this Council denies the extent to which unemployment has increased both among the educated classes and the masses. A few years back my experience of village life was that people had no difficulty in provid-

[S. Jodh Singh.]

ing themselves with clothes. Every housewife and every girl in the house used to spin and with the dowry of every newly wedded bride a spinning wheel was presented by the parents. Somehow or other that state of affairs has changed with the result that whatever we earn now by means of our only staple industry, agriculture, we have not only to maintain ourselves by getting the necessary food but also we have to buy our clothes among other things, either from this province or from other provinces or countries. The extent to which we spend on this head is 15 crores of rupees every year. Under the influence of non-co-operation movement and under the teachings of Mr. Gandhi people resorted to wearing *khaddar* again and they also started the weaving industry in this province. But they found that handlooms though they could make very fine clothes could not compete with looms worked by means of power. The result now is that all those industrial centres which were started a few years back have been closed. Next to food, clothes are absolutely necessary and very few people can dispense with clothes. If we can produce cloth finer than what we are producing in our hand looms, then I think there will be a great deal of opulence in the province. Hence I want the Government to appoint a committee to see what could be done in this direction. People have made certain efforts. A few years back a serious effort was made, but then they could not stand the competition and consequently those efforts had to be given up. Now the questions which require solution are whether we can improve the industry, whether we can modernise it, whether it will be by means of opening new big factories or it is possible to start weaving as a cottage industry by means of power looms run by electricity which we may produce after a few years; these are the questions which require expert examination. I want that the Government should appoint a committee to see what possibilities lie before those who want to work this industry. Our province is still famous for its weaving industry. Things are made at several places which command a big sale outside this province and there are weavers especially in the Hoshiarpur district who can turn out cloths of very fine counts in their handlooms. There are weavers, especially in the Amritsar district and other districts who even with handlooms can turn out very good cloth, and if Government can give them expert advice and start co-operative societies for buying looms and other materials for them, I think a great deal of unemployment will be checked. I understand, Sir, that people who work on powerlooms can earn three to five rupees a day. That wage, I think, a graduate will be glad to have now-a-days when he cannot get employment in the clerical line which he used to have. So I think that in the interest of the industrial development, in the interest of checking the growing unemployment in the province and even in the interest of stopping beggary which my friend (Chaudhri Afzal Haq) wants, this resolution ought to be accepted.

Mr. President : The resolution proposed runs :—

"This Council recommends to the Government that a committee of experts be appointed to examine the present state of weaving industry in the province and to suggest what steps should be taken to improve and modernise it".

The question is that that resolution be adopted.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, I must begin by expressing my complete sympathy with the object which the mover of the resolution has in mind. There can be no doubt that our great problem at the present moment is unemployment, and here is no other industry which can provide work for so many people as

weaving industry. Professor Jodh Singh, during all his time in the Council and outside has always devoted himself to problems vitally affecting the welfare of the country. His resolution to-day brings before this Council a very important question. Indeed what we need both here and outside is that the question of industrial development should become a live question and perhaps as live as the political question. Politics after all are means to an end and that end no other but the service of the people. If we can give people work we will be serving the highest interest of the province. (Hear, hear.) If this view commends to the public men and if politicians devote greater attention towards the achievement of this object, greater will be their services to the province.

As regards the particular recommendation contained in this resolution, I am quite sure when I tell him what we are doing in the matter he will not see the necessity for the industrial committee which he suggests. Since I took over office I have been considering this problem with great care. We have already started, as you all know, a weaving school at Shahdra where we are going to investigate whether it is possible to manufacture cloth at such a rate as to compete with imported article of equal quality. The school will be working in about 8 or 9 month's time. Necessary weaving plant has been ordered and buildings will soon be taken in hand.

Then again, the Board of Industries to which I made reference yesterday is about to be constituted. I am quite sure this Board will be so constituted as to meet the object of the mover of the resolution. I want this Board to be sufficiently well informed, sufficiently active and sufficiently interested in this problem so as to be able to advise Government and the people as to the best possible way of meeting the situation. In the meanwhile, possibly it may interest the House to know that from 1920 to 1925 the department of Industries concentrated its attention on the development of the handloom industry. A central weaving institute was established at Amritsar and four district weaving schools were opened at Sialkot, Jalandhar, Jattan, Multan and Sham Chaurasi with the object of teaching the use of fly shuttle looms and the introduction of new patterns and styles of cloth. These schools continued to do useful work inasmuch as they succeeded in replacing the primitive pit-looms by the modern fly shuttle looms and imparting instructions in the use of up-to-date appliances and preparatory processes. Weaving sections were also established in some of the industrial schools of the province, with the object of improving the quality of training imparted at the Central Weaving Institute, working on 'jacquard' machines and 'dobby' mechanism was also introduced. These attempts on the part of the department of Industries touched only the fringes of the great problem of improving the methods, equipments and financial position of the workers. But it will be observed that a good deal of spade work has already been done. The problem for investigation is whether we have in the first place the required quantity and quality of yarn and then whether we can provide the means of weaving the kind of cloth and at a price which would commend itself to the consumer. I entirely agree with the mover of the resolution that we in the Punjab have skilled weavers who with some of the most primitive handlooms are able to produce finished article which compares favourably with any product from outside the country. Any one who visits Amritsar and sees the new silks and cloths woven there would be struck by the fineness of the texture and the finish. I have every hope that if these weavers, these master craftsmen are given modern implements they

[Hon'ble Sardar Jogendra Singh.]

will be able to hold their own. Towards this object we are going to put a certain number of educated men in the school at Shabdara and train them in the art of weaving and when they are ready to distribute them all over the country to take charge of the small powerloom stations which will also be started, as soon as electric power becomes available. It will be a great opportunity for developing the weaving industry in the Punjab. Already we have 100,000 handlooms working and it should not be difficult to replace them by powerlooms. I can imagine, that in a few years time, the people will be able to instal powerlooms in their homes and begin to work them by switching the electricity, whenever they like. There will also be co-operative societies studying the market for the supply of yarn and arranging for the sale of the finished material. When this is accomplished the question of weaving in the Punjab will certainly have been solved. Before I ask my honourable friend not to press his resolution I wish to appeal to the House again to continue to give its attention to industrial problems, because it is only when the country is fully educated and is alive to the industrial need that the Government and the people can combine together and win for themselves a place in the industrial world (Hear, hear).

Mr. President : Is the honourable member inclined to consider the advisability of withdrawing the resolution ?

Sardar Jodh Singh : In view of the facts placed before the House by the Honourable Minister for Agriculture, I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

RESOLUTION RE COMMITTEE TO ENQUIRE INTO THE EXTENSION AND IMPROVEMENT OF FEMALE EDUCATION.

Professor Ruchi Ram, Sahni (Punjab University) : Sir I beg to move the following resolution standing in my name :—

This Council recommends to the Government—

- (a) to appoint a representative committee to investigate the question of the female education in the Punjab, and that the Committee be asked to suggest methods of creating new schools and adapting the existing schools and curricula to meet the considered wishes of the people ;
- (b) to provide in future years a much larger proportion of public funds for the extension and improvement of female education in the province than what it spends for the purpose at present.

Sir, it is not necessary for me to make any lengthy speech in support of this resolution. The condition of female education in this province is so bad that it is only right and proper that the Government should take special efforts in the direction in which my resolution wants Government to move. After all, all that I ask the Government to do is simply to survey the whole question of female education in the province. Sir, we find from the reports that only 83 per cent. of women in this province are literate, that is less than one in a hundred. In the case of boys the figure is not very promising but it is eight times as large as it is in the case of girls. Thus even while boys' education is very backward and not only backward but inefficient in quality, the case is very much worse with girls. The funds that the department spends on female education are also very inadequate. Perhaps I might quote a few figures.

In the year 1921-22 the funds Government spent on female education amounted to Rs. 4,12,438. The amount spent by the Boards was Rs. 4,78,824. The amount spent from other sources was Rs. 2,53,777. The total sum thus comes to Rs. 11,37,033. The total amount spent in the case of boys, on the other hand, was ten times as much.

Sir, as far back as 1919-20 a conference was held by Government to consider exactly the same question that I have raised at present in this resolution, namely, to survey the position of female education in this province, to consider how far the curricula that were laid down for girls schools were suitable and whether the means adopted for attracting girls to schools were effective for the object in view and also whether the funds available for such schools were adequate or not. For all these years, nothing or almost nothing has been done. Here I shall quote from page 62 of the report of the Director of Public Instruction where a reference is made to what the Deputy Directress thinks about girls' education—

"The Deputy Directress likens a girls' school to a younger son of a large family who is never given new clothes of his own but has to wear out the discarded clothes of his elders. At best a girls' school has usually to be content with a building or equipment which is no longer required by a boys' school. The buildings and equipment are usually mediocre and scanty. There is also a sad lack of text-books, stationery and sewing materials."

That is the condition of things as described by the Deputy Directress of schools as recently as last year. I have not been able to look into and read the report for this year, but possibly we will be told that a little improvement has taken place. If that is so, it will be a matter for gratification. What I plead for is that some comprehensive scheme for female education should be adopted and this can only be done by appointing a suitable committee of educationists with some educated Indian ladies as members who can go into the whole question, just as was recommended by the conference held in February 1919. I find that in other provinces also similar efforts are being made. Only a few days ago I read that a conference was held at Madras under the presidency of Viscountess Goschen, the wife of the Governor of Madras. That conference adopted a number of suggestions for improving the curricula of girls' schools as also for providing larger funds for them. Something of that kind is very necessary to be done in this province also. At the same time what I have particularly in view is that women themselves might be associated in the work of these conferences. A number of educated women are to be found now in every part of the province. It is a matter for gratification that private agencies are doing a good deal more in the way of pushing on female education, than Government or Board Schools. Private managed schools are more popular and they attract a larger number of scholars within a certain area than Government managed schools do, because their curricula are most suitable. Here I am speaking of denominational schools. I base my remarks upon the opinions expressed in the Government reports themselves. The curricula seem to be very much more suitable in these denominational schools and schools managed by private bodies than in the case of Government managed schools. Here, for instance, is the opinion of the conference to which I referred a little while ago :

"The conference also said that since the attendance at a denominational school is generally better than at a board school, district boards might open new schools through the agency of private bodies, that is the boards should select a suitable place for a school and provide funds for its maintenance and ask some local religious association to undertake its management."

[Prof. Ruchi Ram, Sahni.]

That shows very clearly. Sir, that the local bodies under stand the need and are supplying the requirements of girls very much better than the Government itself is doing in spite of the fact that they have very expensive lady officers to look after female education. They are very able and efficient officers no doubt, but since most of them do not belong to this country, they do not understand so thoroughly the needs and requirements of the people as the managers and directors of private schools do.

Then, again, the same official report proceeds to say that a large number of additional primary schools for girls can be successfully opened, if funds were available. That shows that the Government is not doing what it might do and what it ought to do. There is a pressing need for more schools. The people are spending large sums from their own pockets and they are ready to spend more. Their schools are much better managed than the Government managed schools. In the case of district board schools, we find that whenever there is financial stringency it is the girls' schools that come under the Geddes axe. That is not at all a desirable state of affairs. What is needed is that some other source may be tapped either for additional revenue or if there is no other source of revenue available for supplying the needs and requirements of girls' schools, something else should come under the axe and not the girls' schools. In one of the official reports, we find that in 1922-23, there was an actual decrease in the number of girls' schools. The report says :—

“In days of financial adversity, the local bodies tend to regard the girls' schools as the first and obvious sacrifice. Many of the primary schools are at best dreary and uninspiring places for successful training.”

That is the state of things with which we have to deal. That is not the fault of the people. The people are anxious for the expansion of female education. Here again I want to fortify myself by quoting a few words from one of the Government reports. As regards the attitude of the public the Chief Inspectress says :—

“Even in villages and outlying districts, the former indifference or even the antagonistic attitude towards the improvement of the intelligence and status of women is passing away. The Punjab is particularly fortunate in having a large number of private schools which are started by private bodies of every denomination.”

So that while the people are spending their energies and their money unsparingly in the improvement of their schools, the Government is not doing as much as it might do. The system of education which is enforced in our schools is too rigid. The Indian Women's Conference to which I alluded a little while ago laid down certain rules or suggestions for improving the system of female education and I believe I cannot do better than read them to the House.

Mr. President : May I invite the attention of the honourable member to the fact that he has already spoken for more than thirty minutes, the maximum time limit fixed under the rules ?

Professor Ruchi Ram, Sahni : I will just read out a few sentences if you can allow me two or three minutes more.

I would only add that if the honourable members of this House will not adopt this resolution, then in the next Council as we have just passed the resolution removing the sex disqualification I hope and expect there will be lady members to push this resolution more vigorously upon the attention of the House than I have the power to do : so that out of courtesy to the fair sex and with a view to avoid the unpleasant necessity of yielding to the earnest pleading of lady members of this House, I hope the House will accept my resolution.

Mr. President: The resolution proposed runs :

This Council recommends to the Government—

- "(a) to appoint a representative committee to investigate the question of the female education in the Punjab, and that the committee be asked to suggest methods of creating new schools and adapting the existing schools and curricula to meet the considered wishes of the people ;
- (b) to provide in future years a much larger proportion of public funds for the extension and improvement of female education in the province than what it spends for the purpose at present."

The question is that that resolution be adopted.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, I must congratulate the honourable the mover of the resolution in bringing forward to the

notice of the Council such an important subject as female education. Female education is of the greatest importance to our country and I have always held that the more attention we pay to female education, the more we do in the making of better men. Professor Ruchi Ram has drawn the attention to some of the defects of the present system of education. I ask him, who is responsible for that, Government or the people? Education in the Punjab, when I look back twenty years and I believe Professor Ruchi Ram, Sahni, can look further back, has made some progress and is still making progress. I think we have reached a stage in the Punjab educational system, when we can look forward to the education of boys to come up to the level of western countries, say in the course of the next ten years. In some of our districts, we have got 60 per cent. of boys of school-going age already in schools and I hope that before many years elapse we will have 70 to 80 per cent. of boys of school-going age at school, which is the average in some of the European countries. As regards female education, there is no doubt, we began a little later but a good beginning has been made and I hope with the co-operation of the people female education will soon be placed on a sound basis. I can assure Professor Ruchi Ram that there is no greater advocate of female education than our present Director of Public Instruction. I have known him for many years and I have known his views. He served on the Commission, a Royal Commission I think it was, and when he came to the province he brought all his enthusiasm and knowledge with him and now we are beginning to see the effects of his work. I can assure the Professor Sahib that the problem of female education is in safe hands in the keeping of the Education Minister.

I should like to draw the attention of those who are interested in female education to a very important book which I came across many years ago. It is called "Women and Labour" by Mrs. Oliver Schreiner. I have seen nowhere more clearly set forth why it is necessary to equip women with new knowledge and fit them for taking their proper place in the modern

[Hon'ble Sardar Jogendra Singh.]

world. Mrs. Oliver Schreiner with a wonderful vision and clarity of expression has put together all the arguments that could be set forth in the matter of female education, the position of women in the house, the position of women in politics, and other spheres. Her great argument is, that countries which have so far only regarded women as parasites have not reaped the benefit they might have derived if they had treated women as makers of men. That is the problem of the modern world. Woman is a worker not only in the house but also outside and not a mere parasite. Any system of education that goes to realise this ideal is sure to keep the progress of our country.

Now regarding the particular recommendation which the mover of this resolution is making, I am sure if he knows, what the Government is doing and proposes to do, he will not see any need to ask for a committee. Government fully sympathises with the object of the resolution. Government is busy considering the whole problem and is at the present moment paying very particular attention to it. I believe that in a few weeks Government will have the new scheme ready and make a declaration of its future policy. I am sure when that policy has been declared and the people of the province who take interest in female education know what the policy of the Government is, then it will be time to enquire, whether it is necessary to further investigate the matter or whether the scheme prepared by Government meets all the demands of the situation. I have reason to believe that the scheme which has been so carefully considered and prepared, which is based on actual knowledge of the present day conditions and which has taken into consideration all the modern tendencies will meet with the honourable member's wishes in the matter of promoting female education. I have always kept myself in touch with the educational progress in other countries by reading some of the literature on the subject. I always read the "Educational Supplement" of the *Times*. I state this, because the honourable mover pointed out certain defects in our educational system. No doubt there are defects but some of these can be cured as social development takes place. This scheme to which I have already made a reference will be made public in a few weeks and I would therefore suggest to the honourable member to withdraw his resolution, if he finds after the publication of the scheme that it does not serve the needs of the province he may then ask for a committee.

Professor Ruchi Ram, Sahni : Sir, I wish to thank the Honourable Minister for Agriculture for the assurance which he has given to this House with the concurrence of the Director of Public Instruction. If the Honourable Minister for Education or the Director of Public Instruction had sufficiently pushed this great subject of female education, I should not have considered it necessary to bring forward this motion at all. Sir, we know that the Director of Public Instruction takes very great personal interest, not only in the education of women, but in the other subjects also which belong to this department. But we want to strengthen his hands by a vote of this House that the time has come, when the opinion of those who know the needs of the province best should not be ignored and they should be associated in the work of framing a scheme for female education. I do not know if the scheme which,

Mr. President : Order, order. The honourable member appears to be making a second speech which I am afraid I cannot allow him to do. All I want to know is whether the honourable member in view of the assurance given by the Honourable Minister for Agriculture is prepared to withdraw his resolution.

Professor Ruchi Ram, Sahni: No, Sir. I am not prepared to withdraw.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural]: Sir, this House has passed two very important resolutions so far as the future of women in the Punjab is concerned. One was passed sometime ago by which women of this province have been placed on a footing of equality with men so far as franchise is concerned. To-day we have passed an equally important resolution by which women having proper qualifications will be allowed to stand for election to this Council. Now, when we have got these two important resolutions having the force of law, it is necessary that the Government should provide proper facilities for the education of women of this province. Unfortunately the condition of education of women in this province is far from satisfactory and there is none either in the Government benches or the other benches who can be proud of the record of education so far as females of the province are concerned.

Now, Sir, what is it that the Professor has placed before the Council through his very modest resolution? In spite of the assurance held by the Honourable Minister for Agriculture I do not think that there would be any harm done if the Government were to accept the resolution which has been put forward. It merely asks Government to take the help of a representative committee of people who understand these matters for the purpose of grappling with the problem of female education. What would be the harm if the Government were to accept this resolution? We are told by the Minister for Agriculture that there is a scheme which will be placed before the House or which will be published and in view of that fact the Professor is asked to withdraw his resolution. My submission is that we have not been given any indication as to the nature of the scheme....

The Honourable Sardar Jogendra Singh: The Director of Public Instruction will speak on the subject.

Pandit Nanak Chand: Then, let the Director of Public Instruction speak first. Then we will be in a position to discuss the question. It is for the Director of Public Instruction to give out the scheme and leave it to other members to see whether they are satisfied with it.

It cannot be denied that so far no proper attention has been paid to the education of women. It has been ascertained that there are about 95 lakhs of women in this province and those people who have studied facts and figures tell us that there are only 83,000 girl students reading in schools. That I submit is a very sad state of affairs. It shows the backwardness of the whole community and there cannot be any progress unless Government affords proper facilities to the females who are already in schools. It is not necessary to dilate at length on the importance of education, but there is one fact which I cannot possibly leave aside.

The question of infantile mortality is due mainly to the ignorance of our women in the province. We know that many thousands of children die because their mothers are ignorant and superstitious and they are misled by all sorts of quack doctors, and charmers who profess to cure diseases by superstitious remedies. The main factor that underlies the loss of human lives is the ignorance of the mothers. I know in many families, people do not take the advice of good doctors because of superstitious beliefs of the womenfolk in that family. The reason is that you have not given the

[P. Nanak Chand.]

required mental training for the women and thus enable them to accept new ideas and to act upon those principles which are necessary for the preservation of human life. This is the most important point that we always ignore in tackling with the question of female education. If we are really anxious to check this abnormal infantile mortality it is necessary that a larger number of schools should be opened for our girls who would become mothers after some time.

Then, Sir, part (d) of the resolution merely asks the Government to provide more funds for the extension and improvement of female education in the province. This is also a part of the resolution which the Government should have no hesitation in accepting. I do not know whether the Professor drew the attention of the House to the conference which was held in Lahore with regard to these matters. There, many ladies came forward and gave expression to their views and ultimately some resolutions were passed. Over this conference Khan Bahadur Shaikh Abdul Qadir, the *ex*-Minister of Education, presided and several Hindu, Muhammadan and Sikh ladies and gentlemen took part in this conference. That again shows that all sections of all communities are not satisfied with the arrangements that have been so far made and that they desire that something more substantial should be done by the Government in this direction immediately.

Sir George Anderson (Director of Public Instruction) : Sir, I am extremely sorry that my honourable friend, the Minister for Education, though he is present here this afternoon, is unable to take part in the debate, the reason being that owing to an attack of fever he has taken an overdose of quinine which has rendered him unable to hear what is said. He has asked me to express his views on his behalf. I can assure the Council, and in particular my honourable friend, Professor Ruchi Ram, Sahni, that the Minister will be diligent to read, mark, learn and inwardly digest the report of these proceedings. My honourable friends, the member for Hoshiarpur and the member for the Punjab University, have both commented on the extreme importance of girls' education. On that matter, there can be no difference of opinion. Government also realises the importance of girls' education and the urgent necessity of its development. I do not wish to labour this contention, but I cannot help making two general comments in regard to the importance of girls' education. I agree with my honourable friend, the member for Hoshiarpur, that the development of girls' education is even more important than the development of boys' education (Hear, hear), for the education of a single girl means the uplifting of a whole family in a wider and a larger sense than the education of a single boy. From this point of view alone, I think every one will agree as to the importance of education among girls. I wish to make one other general remark on the importance of girls' education. I shall measure my words carefully, and I trust that I shall not be misunderstood. I am not speaking in self-defence; I am not complaining, and I am not suggesting that conditions should be different from what they are. That is not my concern; but I feel bound to remark that the right expansion and development of girls' education is essential to the satisfactory development of boys' education. If an edict went forth in the United States of America or in any western country that no women should teach in primary schools for boys, then from that very day universal and compulsory education would cease to exist because at least 80 per cent of the teachers

in boys' primary schools in western countries are women. For these two reasons, among many others, I heartily agree with my honourable friends opposite and with my honourable friends around me that the right development of girls' education is of vital importance to the well being and the uplift of this province.

We are also on common ground in being disappointed by the present position. My honourable friend, the Professor, has flattered me by reading and re-reading from the dull reports which are published by the department of Public Instruction. He has given us many figures, doleful figures I admit, and everybody recognises this fact. I am sorry that I have not the figures correct up-to-date, but I have the figures correct up the 31st March of last year. On that date there were 67,650 girls enrolled in recognised schools, and there were 28,254 girls enrolled in unrecognised schools, thus making a total of 95,904 girls. The figures for this year show a slight increase with the result that the number at present is about one lakh. This is a sufficient indication for the purpose of this discussion.

Professor Ruchi Ram, Sahni : The exact figure is 95,000.

Sir George Anderson : That is for last year. The more recent figures are about one hundred thousand. I agree that these figures are disappointing, especially if we take into account the very great advance which has been made in the expansion of boys' education. During the last five years, our total enrolment in schools and colleges has advanced from 540,000 to a million and forty thousand. It is, therefore, very disappointing not only to my honourable friends opposite but also to these benches that we have not recorded a greater advance in the number of girls enrolled in our schools. This does not disturb me so much. What disturbs me far more is the fact that out of the 67,650 girls enrolled in recognised schools, only 2,051 were reading in the middle and high standards. It is true that the fifth class of girls' schools is classed as primary, whereas in boys' schools that class is classified as middle. If we add the number reading in the fifth class, the result is that there are only 4,740 girls who are enrolled in class V and upwards. This disturbs me far more than the somewhat disappointing increase in the number of girls at school. It indicates that it takes 67,650 girls to produce at best 4,740 literates and 71 matriculation candidates and this I submit, is a matter to which the Council should pay the most earnest attention.

Professor Ruchi Ram, Sahni : Only two or three graduates.

Sir George Anderson : Rather more than that. Therefore all are agreed as to the importance of the matter under discussion. All are agreed also that there is an urgent need for advance. As has been indicated by the Honourable Minister for Agriculture, the Honourable Minister for Education has been spending the last few months in anxious thought on the consideration of this problem ; and we are engaged in a survey which has nearly been completed. It is hoped that the Honourable Minister will shortly be able to place before the new Council the results of his survey, and also his views as to what should be done. We have therefore to consider in what directions additional expenditure can most fruitfully be made.

I wish to make a few remarks, with your permission on this aspect of the problem. It has been suggested that the most urgent need is the rapid expansion of primary education in rural areas. This proposal sounds very attractive. But the more I think of it, the more do I feel that that is not

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the most promising and the most effective line of advance. In the first place we should estimate the expenditure. I calculate that to institute in each of the next five years four primary schools in each district of the province will cost at least 5 lakhs recurring in addition to the additional expenditure required for inspection, training, buildings and equipment. If effective result could be expected from this expenditure, I should warmly welcome the adoption of this proposal. If on an average, 25 pupils are enrolled in each of these schools, it follows that the additional expenditure of Rs. 5 lakhs would be followed by an additional enrolment of only 15,000 pupils and of these 15,000 pupils I am afraid that very few indeed will become literate.

I have recently been considering the development of vernacular education in general, and am becoming more and more convinced that it is unwise and inadvisable to advance much further in pursuance of the voluntary systems and that our efforts in future should be directed more and more towards a superior application of the principle of compulsion. I would say a few words about compulsory education. In my opinion, the object is not so much to increase the enrolment (the enrolment is being increased with sufficient rapidity already) but rather to ensure that every boy who goes to school and benefits by a system of public education shall engage to stay at school for a sufficiently long time in which to gain a firm grasp of literacy. May I ask my honourable friends opposite whether it is within the range of practical politics for us to consider the application of compulsory education for the whole province?

Consider again the difficulty of obtaining the services of trained teachers. We have no difficulty whatever now-a-days in obtaining a satisfactory number of recruits both of girls and of boys for admission to our training institutions. I am informed also that, as regards the quality of the training and the general competence of those under training, there has been much improvement. But this does not solve the problem before us. Our experience is that, though there are a large number of girls under training, very few of them are prepared to serve in distant villages. There is also the very difficult problem of providing suitable residential accommodation for these teachers who are serving in villages. I, therefore, feel that the rapid expansion of vernacular education for girls in rural areas is inadvisable at present.

We have heard much from our friend the Professor about private effort. I am prepared to admit that private schools have served in many cases a useful purpose. I am also prepared to admit that a large number of local bodies have shown a sad lack of generosity and sympathy towards those schools. The Honourable Minister is prepared once again, and not for the first time, to draw the attention of local bodies to this lack of sympathy and to represent to them that it is not right or proper to withdraw schools from the grant-in-aid list merely on the score of paucity of funds. If the schools are inefficient, then the right procedure will be for the local body to give a warning and ask for an explanation of the inefficiency. If the explanation is unsatisfactory, then the local body is justified in removing that school from the grant-in-aid list.

A partial solution of the problem has already been formed in the advance of co-education. I am informed that in very many districts there is a very marked tendency for parents to send their little girls to schools with their little brothers. I am told that in the district of Gurgaon there are already more girls reading in boys' schools than there are girls reading in girls'

schools. The same practice is being observed in districts such as Mianwali. The district of Montgomery is also forward in carrying out this encouraging experiment.

There is, however, a very real promise in the region of secondary education. First of all, my friend Professor Ruchi Ram has quoted some remarks which were made by the Directress of Public Instruction. She has accused the Department of Education of treating girls' schools like younger brothers of a large family who have to be content with the discarded clothing of their elder brothers. As a matter of fact, I am of opinion that a really good second hand suit is very much better than a shoddy new suit. At any rate, by means of this policy we have been able to give very considerable encouragement to the secondary education of girls at a very slight expense. In the first place, there is the Lady Maslagan High School and the Victoria School in Lahore. The numbers in both these schools have reached 600. We have also been able through the policy of discarded clothing to institute high schools during the last few years in Rawalpindi, Multan and Lyallpur, and the number in those schools have also increased very materially. The same is the case at Jullundur. There are also Government High Schools at Ambala and Ludhiana. Government has already decided that these schools need improvement and financial encouragement. It has been arranged to ask the Council at the next budget session for the means whereby these schools shall be improved and encouraged. There will be improvement and encouragement in a number of ways. In the first place, we have added high classes in which girls will be trained up to the matriculation standard. In the second place, and this I believe will bring pleasure to my honourable friend, we intend to institute the teaching of science in those schools. We also intend to start training classes for the Senior Anglo-Vernacular certificate which will be attached to the Lady Maslagan School. By means of this class we shall be able to obtain the services of well-trained teachers in the future. The Minister is also engaged in framing a scheme by which during the next few years we shall have as many as 15 to 20 Government high schools in the province.

We have heard a great deal from the Professor and the honourable member for Hoshiarpur about private effort. I have already stated that private effort has rendered good service, but I do not understand in what way Government has shown neglect. Has Government ever refused a grant? I do not remember any private school for girls within the last six years having been refused a grant. My sorrow has been that applications for grants have been so few in number. I receive visits from many of my friends in the Council from time to time who make representations to me about grants for boys' schools, but I do not remember anybody having spoken to me about grants for girls' schools with the exception of Mr. Mohan Lal who has explained to me his proposals for improving the buildings of a girls' school in which he is interested. Government has shown no discouragement of privately managed girls' schools.

As to colleges we have recently started degree classes in the Government College for Women and we intend to give encouragement in the near future to the Kinnaird College, by which it will have more suitable buildings.

[Sir George Anderson.]

I have spoken at some length, but I should like to say a few words in conclusion about the resolution which has been moved by my friend. I have indicated sufficiently that Government has already taken steps to develop girls' education, and is desirous of extending generous assistance.

We now come to the question of the curricula, but again I do not understand in what directions Government has been negligent. It is for the University to prescribe the courses and it is the member for University who has been negligent. He should have suggested to his own constituency what changes should be made in the courses for girls. I trust he will not delay any longer.

I have already explained that the Education Minister has practically completed his survey, and that he is anxious to explain his policy to the next Council and to the public as soon as possible. He will also be delighted to take the advantage of discussing the matter with the Education Committee and to obtain their advice. I hope that the honourable member will withdraw his resolution.

Professor Ruchi Ram, Sahni : Sir, I should like to have some assurance, before I withdraw, on one point which the Honourable Minister for Agriculture has not touched nor which has been touched by the Honourable Director of Public Instruction, and that is that the curricula for girls' schools will be discussed and determined by . . .

Mr. President : Order, order. May I understand that the honourable member is replying to the arguments of the speakers who have opposed the resolution ?

Professor Ruchi Ram, Sahni : I am asking, Sir, whether that assurance can be given, for then alone I will be able to decide whether I should withdraw or not. If an assurance is given to me that the curriculum for schools will be determined by a body of persons on which educated women of the Punjab will be properly represented, then I shall be very glad indeed to withdraw, as the purpose of my resolution shall have been served.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : There is just one point on which I wanted to give you an assurance on behalf of my colleague the Minister for Education. So far as part (b) of the resolution is concerned we are quite prepared to accept it. Regarding part (a) the question does not arise. The scheme is ready and also the curricula. So there does not seem to me any reason why a committee should be appointed. We would have agreed to the appointment of a committee but there is no need for it. As for part (b) of the resolution, Government is quite prepared to accept it.

Professor Ruchi Ram, Sahni : For the primary school and middle schools the University is not responsible and for that part of the education are the Minister for Agriculture and the Director of Public Instruction prepared to give an assurance that the curriculum will be thoroughly discussed. We have held conferences here and their opinion is that the present system is not at all suitable and the same is the opinion of the conference at Madras also . . .

Mr. President : I have told the honourable members already that no member is allowed to speak more than once as a rule on any resolution.

Professor Ruchi Ram, Sahni : I only want an assurance. If that is not given then I will press that part. If only part (b) is accepted, then I will press part (a).

Mr. President : I propose to put this resolution in two separate parts to the House—part (a) and part (b)—so that votes will be taken upon these two parts separately.....

Professor Ruchi Ram, Sahni : I have not yet spoken. I have my right of reply.

Mr. President : No honourable member of this House stood up to say anything on this resolution and the honourable member himself did not stand to give any reply.

Professor Ruchi Ram, Sahni : I beg your pardon, Sir. I distinctly said I wanted to reply.

Mr. President : Very good, you can exercise that right of reply now.

Professor Ruchi Ram, Sahni : Sir, while I was delighted to learn from the lips of the representatives of Government that they were prepared to spend larger sums on female education, I am very sorry to find that no assurance is given and in fact no remarks were made in the course of the eloquent and lengthy speeches that were made on this resolution. No remarks were made in regard to the curriculum of studies which is at present in vogue in our schools and colleges. The Honourable Minister for Agriculture overlooked that point altogether and so did the Honourable the Director of Public Instruction. From the Honourable the Director of Public Instruction I had a right, I submit, to expect a more definite reply to the question which I put to him. The present curriculum of studies for girls is quite unsuitable for the purposes of proper education. He referred to co-education. Now co-education is good within certain limits. For teaching boys and girls together we have to change the curriculum in some respects even in the lower schools in this province. There are certain obvious difficulties which can only be removed by discussion and exchange of views, and the best way to do it is by discussion at a conference of experts. In the case of schools in England the primer would be the same, but here in the case of even the lowest classes the reading books cannot be exactly the same. Are our girls to read everywhere : *main jata hun, main khata hun* and things of that kind, or are they to read sentences differently phrased? This is a simple matter. These difficulties can, I am sure, be got over but after they have been properly considered by a committee on which women themselves are properly represented.

Then again, Sir, with regard to University education. How many women have we in the Senate of the University? The Honourable the Director of Public Instruction threw a taunt at me that though I was a representative of the University, I was not there to plead the cause of women as I am doing here. Well, Sir, I do not wish to go over the reasons which compelled me to withdraw from the University, but I can say this much that by my presence there I would certainly help to promote the cause of female education so far as a man can push it. But I would ask the Honourable the Director of Public Instruction and the Honourable the Finance Member who is, I am glad to say, Vice-Chancellor of our University, to appoint a larger number of Indian women graduates as Fellows of the University, so that they might be there to help the cause of higher education in a way in which women alone can help and promote it.

[Prof. Ruchi Ram Sahni.]

That, Sir, is the position. The unsuitability of the present curriculum has never within my knowledge been so well indicated as it was put at the Madras conference of women where a woman chairman, Mrs. Ammal, said that the time had come when the women of India will have their say in the guidance and training of her sons and daughters, not only of their daughters but of both their sons and daughters. As Honourable the Director of Public Instruction put it, the education of a single girl is very much more important than the education of a number of boys. I do not deny that it is so. If it is so, how can we exclude women from their proper say in determining the curriculum of schools for girls alone, let alone the curriculum for boys. Here is a summary of the resolutions which were passed. Resolutions were passed expressing the desirability of "making moral instruction compulsory in institutions." It was resolved that "domestic science suitable to Indian conditions should be compulsory in secondary education, that greater facilities for instruction in confined areas may be provided and that instruction should be given in sex hygiene." The conference also resolved that "in all education for girls training for the ideals of motherhood and in the making and beautifying of the home should be kept uppermost". We men might talk glibly of the ideals of "motherhood", but it is only a mother who knows what those ideals are. It is not for us men to say what we mean by motherhood and to lay down conditions for our schools so that the curricula might conduce to the realisation, more and more, of the ideals of motherhood. Lastly, Sir, the Conference "deplored the effect of early marriage on education and demanded the raising of the age of consent to 16 years" and urged that "no marriage should take place before that age." This last point is very important. We men are called upon to legislate for women in the Assembly and in the Councils, and we know that a howl is sometimes raised by men. All sorts of imaginary objections have been put forward against the raising of marriageable age for women. If women come forward to legislate for the improvement of our educational system, and frame the curricula for educating the women in such a way that they will tell us how we can realise those ideals and demand the raising of the age of marriage of women, then the reform will be acceptable to the people and not until then. For these reasons, Sir, I again want to make an appeal to Government to accept this very modest resolution, namely, that they might appoint a committee on which educated women of this province should be properly represented, so that they might determine a suitable curriculum of studies for girls' schools and for girls in higher institutions.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : There is just a word of explanation, Sir. There does not seem to be much difference between what the honourable member wants Government to do and what Government is doing. He says that a committee should be appointed. Our contention is that the committee is not required. What he wants us to do is to ask the committee to suggest methods of creating new schools. Now Government is already suggesting methods of creating new schools and adapting the existing schools and curricula to meet the considered wishes of the people. Then where is the need of a committee? That is the main point on which we find we cannot agree or we agree to differ. Is there any reason why we should agree to differ? What he wants done is already being done. That is the point which I should like him to consider before he presses the resolution to the vote and if he wishes that the resolution should go to the vote then I must say that Government will be very reluctantly compelled to oppose the resolution as a whole. Does he want that?

What he wanted to accomplish is being accomplished. The scheme that he wanted the committee to prepare is already under preparation. Should he not then wait and see where the scheme fails? Let him admit that he has forestalled the Education Minister and has considered all the points and put them in the form of a resolution and having admitted that to withdraw the resolution.

Professor Ruchi Ram, Sahni: On a point order, Sir. You have already said that the two parts of the resolution will be taken separately. Is it open to the Honourable Minister for Agriculture to threaten the House now that he will not accept any part of the resolution? He accepted part (b) of the resolution and for that reason you ruled, Sir, that you would take the two parts separately.

Mr. President: It is quite true that I was going to divide the resolution into two parts and put it to the House for a vote, but then the honourable member wanted to exercise his right of reply. However I wish to assure him that I will stick to my decision and will put the resolution in two separate parts to the House.

As regards the second question whether it is open to a member of Government to accept a resolution and then to go back upon that acceptance, I may inform the honourable member and other honourable members of the House that it is open to a member to move a resolution, to make a speech in its favour and to change his mind and vote against it. That I believe is the Parliamentary practice and, therefore, the Government member is quite in order in saying that he was once prepared to accept a part of the resolution but in view of the arguments put forward in the debate he is inclined to change his mind and is not prepared to accept any part of the resolution.

Professor Ruchi Ram, Sahni: If the Honourable Minister for Agriculture and the Director of Public Instruction are so hard-hearted, then I would beg leave to withdraw.

Mr. President: I think the honourable member is inclined to withdraw the whole resolution and not only the first part.

Professor Ruchi Ram, Sahni: The whole resolution.

The resolution was by leave withdrawn.

RESOLUTION RE APPOINTMENT OF A NON-OFFICIAL PANCHAYAT ADVISORY BOARD.

Bana Firoz-ud-Din Khan [South-East Towns (Muhammadan) Urban]: Sir, I move the resolution tabled by me which runs thus:—

"This Council recommends to the Government that early steps be taken to appoint a non-official Panchayat Advisory Board with a view to popularise and organise village Panchayats in the Province."

Sir, the fact that the major portion of the population of this province consists of rural people and it is the latter who pay the lion's share of the revenues out of which the expenses of the administration of the country are met is too well known to require any explanation on my part. But it is a pity that the people on whose prosperity depends the prosperity of the whole country have been neglected in the past and are being neglected in every respect. In support of my contention, Sir, I will take sanitation of the rural areas as an example. The sanitary

[Rana Firoz-ud-Din Khan.]

condition of the rural areas is so bad that the water collected during the rainy season is allowed to stagnate all the year round and consequently the villages are frequently visited by various diseases like plagues and malaria. Then with the exception of a few roads under the District Boards very little attention has been paid to the means of communication in villages. I will not say much about education of the rural population because it is a matter of common knowledge that the educational facilities that the urban people enjoy have never been made available for the rural population. Besides litigation is another and perhaps the greatest social evil amongst the villagers which is the main cause of their indebtedness. Mr. Darling has dealt with this point at length and very clearly in his famous book and therefore I need not dwell on it.

Now the question naturally arises what remedy should be applied to root out these and other social evils amongst the villagers. It is to answer this question that I have tabled and moved my resolution. In my opinion the only practicable remedy to see an end of all these evils is village organisations and village panchayats. Until and unless panchayats are established in every village, the various difficulties that I have mentioned will continue to face us. Leaving that aside another great good that will accrue from the establishment of panchayats in the villages is that the people will have been prepared to shoulder the responsibilities when self-government is granted. That is not all. By the establishment of panchayats the administration of the country will become easier and less expensive. Crimes will decrease and the moral tone of the masses will improve. In short the country will prosper both according to the well-wishers of the country and the Government.

They say that there is time for everything and consequently in these days every body in the country, from His Excellency down to the officer of lowest rank, is of opinion that on the extension and development of agriculture depend the welfare and prosperity of the country. That may be so. But my humble opinion is that unless people in the villages are entrusted with responsibilities and unless they are organised, the appointment of a few agricultural officers and Royal Commissions will not do. I say if you are convinced that agriculture is the only source of happiness to the country why not entrust the teaching of the improved methods of agriculture and the use of modernised agricultural implements and other propaganda work to the village organisation? I say it is these organisations of the people alone that can successfully persuade their brethren to take to the improved methods and modernised implements of agriculture.

As I have already hinted before, the village panchayats and village organisations will prepare the ground for the establishment of self-government which the British Parliament have promised and repeatedly promised to give to the people of this country as early as possible. If that promise is to be actually fulfilled and the Reform Scheme is to be made successful, it is the moral duty of the Government to bring the country to a level at which it may be able to reap fully the fruits of self-government when it is given to them. It is their moral duty to prepare the ignorant people of this country, who are unfortunately in a majority, for the great responsibilities that await them in the near future. And you can prepare these people only by establishing small self-governing institutions in the villages under which they will become used first to smaller responsibilities and then later on will not find it hard to cope with the greater responsibilities.

These advantages of the establishment of panchayats are known to every one and to the Government. I do not claim to have made them known for the first time. But it is a pity that in spite of this knowledge and in spite of the fact that the Panchayat Act was passed in 1921, nothing substantial has been done during these five or six years in this matter and that is why the public is inclined to think that the said Act was passed as a matter of show and it was not meant to act upon it. It is further believed that the said Act was passed to subside the agitation in those days, the programme of which included the establishment of panchayats in the villages. This impression of the public finds further strength from the attitude of the Government which it has persistently adopted towards the national workers. While the Government has done nothing to bring into operation the provisions of the Panchayat Act, it has at the same time discouraged the national workers in the accomplishment of this important work. Some of the honourable members might be aware of the fact that some time back panchayats were established in various villages of the districts of Hoshiarpur and Jullundur. But the repression and in many cases the institution of criminal cases against the members of the Panchayat Boards and the posting of the punitive police posts in the villages in which panchayats were established made the people give up this salutary reform. But the wonder of all wonders is that whenever a demand is made for self-government by the representatives of the people, the curt reply comes that the country is not yet prepared for it. I say swimming can be learnt only by leaping into the water and not by standing by the bank of a river or a stream. From the preamble of the Government of India Act, 1919, also it is clear that it was intended to create a sense of self-government in every possible way. But the experience of the past few years shows that in practice the intention of the Reforms has been totally overlooked.

Before I proceed further I would again emphasise the various advantages of the village panchayats. By the establishment of the panchayats the social evils prevailing in the villages will go. The administration of the country will become easier and less expensive. The moral tone of the villagers will improve and they will become self-respecting and self-relying and above all you will have prepared them for self-government. Now I will examine in brief the reasons why the Panchayat Act has almost remained a dead letter so far. I will not attribute motives to Government by saying that it does not wish the Act to be brought into operation. But this much I must say that it has been guilty of gross negligence in this respect because so far it has taken no steps to make the Act a success. To depend upon the initiation of the local officers for the popularisation of the panchayat system is a piece of folly. They would not like to add another duty. Of course if Government were to issue instructions to its officers urging the necessity of panchayats, then it is a different matter. The other reason is that the moneyed people and big zamindars are opposed to the establishment of panchayats as they are opposed to any other democratic movement. They do not like to see any decrease in their prestige by the establishment of panchayats. But if Government were to pay its attention to this matter, these difficulties are sure to vanish. I might here say that the Government officials are not fit for this task. They are already busy people. Therefore the only proper course to popularise the system of panchayats is to appoint a non-official Board consisting of any number of members that the Government might deem fit. I think it will not be out of place if I mention that on a demand being made by the people of Madras,

[Rana Firoz-ud-Din Khan]

the Madras Government appointed a non-official gentleman to popularise this system and to make the public realise its various advantages. I am sure that our Government too will see its way to appoint a non-official Board (I would not like to have one individual appointed) as suggested which should be entrusted with the work of popularising and organising village panchayats in the Province.

Mr. President : The resolution proposed runs :

"This Council recommends to the Government that early steps be taken to appoint a non-official Panchayat Advisory Board with a view to popularise and organise village panchayats in the province".

The question is that that resolution be adopted.

Mr. Ram Chandra (Secretary, Transferred Departments) : Sir, before this discussion develops any further I would like to say at the outset that the Government realises that the establishment of panchayats in this province has not been as rapid or as extensive as one would wish. The honourable mover accused the Government of negligence in the past. It is true that the Act was passed in 1921, but the preliminaries that had to be observed before the machinery could be put in motion were large. Rules had to be framed and the attention of the people had to be drawn to the provisions of the Act. Up till now Government was watching with keen interest the progress that was being made. But as the panchayats that have been formed have not done much useful work in the past it is realised that a good deal of effort is necessary to develop this form of local self-government. It is for this reason that a conference has been called which will meet sometime in the middle of November. Besides selected Government officials who are acquainted with the actual working of the panchayat system and who are familiar with the practical difficulties that have had to be faced in the past in the establishment of panchayats, non-official gentlemen who are interested in local self-government problems have been invited. An invitation has also been sent to the honourable mover of this resolution. The functions of this conference will be advisory. The gentlemen who have been invited to the conference will be requested to suggest measures for extending the provisions of the Panchayat Act to various villages in the province and to suggest ways and means for popularising the panchayat system. I think that conference would be the proper place where the honourable mover of this resolution could suggest the appointment of a non-official advisory board. I would therefore, request him to withdraw the resolution at this stage and if he considers it necessary to put forward the subject matter of the resolution at the conference that will be held next month.

Mian Abdul Aziz : Sir, may I ask the honourable the Secretary, Transferred Departments whether the Government intends to act on the Panchayat Act or not? Because what I understand from his speech is that in the preliminaries, five years have gone and perhaps acting on the Act will take another ten years. There should be some assurance on which we can make further speeches. We should like to know whether the Government intends with all its heart to work the Act or not. It is not only a question whether this question should be considered by an advisory board or by the Minister for Education, but whether the Act shall be acted upon.

Mr. Ram Chandra : Government certainly intends to work the provision of the Act. The preliminaries I have referred to are the framing of the rules. Certainly five years have not been taken in introducing this Act in the province. If the honourable member would care to read the proceedings of the Panjab Government he would know that a large number of panchayats were established in 1924.

(Mian Abdul Aziz rose to speak).

Mr. President : Before I allow the honourable member to speak on this resolution I would like to ascertain from the mover of the resolution whether in view of the statement made by the Government member he is prepared to consider the advisability of withdrawing his resolution.

Rana Firoz-ud-Din Khan : Sir, in view of the assurance given by the Secretary, Transferred Departments, that Government is seriously bent upon working out this Act and that a conference is being summoned in the middle of November, I beg leave to withdraw this resolution. At the same time I would like to suggest to the Honourable the Minister for Education that the date for the coming conference may be changed from November to the middle of December after the elections.

Mr. President : Order, order. That is not the point before the House.

Rana Firoz-ud-Din Khan : I beg leave to withdraw the resolution.

The resolution was by leave withdrawn.

RESOLUTION RE PROVISION IN THE BUDGET FOR THE RECLAMATION OF CHOS IN
THE HOSHIARPUR DISTRICT.

The following resolution standing in the name of Pandit Nanak Chand was not moved :

"This Council recommends to the Government that a sum of Rs. 2 lakhs be provided in the next year's budget for the reclamation of chos in the Hoshiarpur District."

RESOLUTION RE STOPPAGE OF ARTILLERY PRACTICE NEAR CHANDIGARH.

The following resolution standing in the name of Sardar Gurbakhsh Singh was not moved :

"This Council recommends to the Government that early steps be taken to stop the artillery practice near Chandigarh which necessitates the evacuation of villages near about Mani Masra in Tahsil Kharar, District Ambala, or failing that the residents of all affected villages be granted land in the Nili Bar."

RESOLUTION RE PROVISION IN THE BUDGET FOR CONSTRUCTION OF NEW AND
IMPROVEMENT OF EXISTING CART ROADS IN THE KANGRA DISTRICT.

Chaudhri Ram Singh [Kangra (Non-Muhammadan) Rural] (Urdu):
Sir, I beg to move that :—

"This Council recommends to the Governor in Council that provision be made in the next year's budget for a sum of Rs. 7 lakhs to be spent on the construction of new and improvement of existing cart roads in the Kangra District and for constructing a bridge over the Beas at some suitable place in the vicinity of Sujampur, Dehra or Nadaon."

[Chaudhri Ram Sidgh.]

Sir, as has been made clear already by my friend Rana Sahib the means of communication in the rural areas are in a deplorable condition and especially so in the Kangra district although the latter deserves more consideration in this respect because it abounds in ruts, streams, rivers and hills. My district is very much lacking in the means of communication so much so that there is only one road worth the name running from Pathankote to Baijnath throughout the length and breadth of this vast district. The tramway line to be constructed under the Hydro-Electric Scheme will not do much good because after joining few villages, it will merge into the road mentioned above. Then there is no bridge over the Beas so far as my district is concerned and consequently some part of the district like Hamirpur Tahsil, which are situated on the other side of the river, remain cut off from its other parts during the whole of the rainy season. That Jawalamukhi and Kangra are the two famous places of pilgrimage for the Hindus where people flock in large numbers every year is another factor on which the demand for new roads and bridges can be reasonably based. But I am sorry to point out that Kangra district has not got even its due share. I, therefore, request the Government to make special provision in the next year's budget for the purpose. With these few words I commend my resolution to the House for its acceptance.

Mr. President : The resolution proposed runs :

"This Council recommends to the Governor in Council that provision be made in the next year's budget for a sum of Rs. 7 lakhs to be spent on the construction of new and improvement of the existing cart roads in the Kangra District and for constructing a bridge over the Beas at some suitable place in the vicinity of Sujanpur, Dehra or Nadaon."

The question is that that resolution be adopted.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) :

Sir, I am sure the honourable member will recognise that the distribution of grants for communications can only be on provincial lines. It would be a wrong principle on the part of the Council to accept resolutions moved by individual members, bringing in particular recommendations. If we were to proceed on these lines, the comprehensive plans to provide the whole province with good communications will not be carried out.

Take for instance the Kangra district. I can assure the honourable member that I am very interested in districts which are regarded as backward districts and I feel that we as a province should give to backward districts their fair share of attention. At the same time it is not possible to give any special preference without sacrificing the larger provincial interests. The honourable member knows that the Communications Board is a fully representative body where claims of all the districts are considered and the grants distributed periodically. If the honourable member wants to bring any special consideration for Kangra district before the Board, he is at liberty to do so; but to bring such a resolution before this Council and to expect the Council to sanction such a proposition is a claim for special treatment which no provincial council could recognise. As matters stand the Kangra valley does not fare so badly in the way of communications. Excluding the Kulu sub-division, the Kangra district has 382 miles of classified roads. The province as a whole has 10.5 miles of classified roads per hundred square miles, and the Kangra district (excluding Kulu) has 9.9 miles so that the honourable member will admit that the Kangra district has received its full share and comes up to the standard which so far has been obtained in other parts of the Province. Besides this, there are two

arterial roads passing through it No. 14 Amritsar-Kulu (the Kangra Valley cart road) and No. 18 Jullundur-Dharamsala. Next to these in importance are (i) the road from Una to Mandi passing through Talai Barea and Agbar and (ii) the road from Ranital, on No. 14, passing through Jawalamukhi, Nadaun and Hamirpur, joining the Una-Mandi road at Bhota.

Communications in the Kangra District will be greatly improved by the opening of the Kangra Valley Railway, and it is understood that the District Board of Kangra have under consideration proposals for providing certain bridges and improving certain roads to afford access to the railway. These when ready will be submitted to the Communications Board where they will receive due consideration in the matter of grants-in-aid along with schemes from other districts.

The North-Western Railway have already under consideration the possibility of extending the railway beyond the proposed present terminus at Shanah.

The Communications Board recently gave a cent per cent. grant to Kangra on an estimate of Rs. 4,600 for the improvement of the Nurpur-Badauni road, this being justified because the road is of greater importance to the Chamba State than to the district. Again the Communications Board has recently allowed this district to apply the un-expended balance of a previous grant of Rs. 10,000 to the construction of a bridge on the Bhagan Khad on the Dharamsala-Pala mpur road estimated to cost Rs. 11,500.

In the Kulu Sub-division of the Kangra district, Government bears the entire cost of the maintenance of certain important hill roads:—

(a) Sibi Bhadwani *via* the Bhulu pass to Sultanpur;

(b) Kandi *via* the Dulchi pass to Bajaura;

(c) the Kulu Valley Road from Mandi to the frontier at Lingti, including a road on the left bank of the Beas from Bajaura to Mandi; and

(d) from Sat Behali to Luri *via* the Jalori pass.

The bridge proposed at Dera Gopipur is on the Jullundur-Dharamsala road and the river is at present crossed by a boat bridge, maintained by the District Board. At Nadaun and Sujanpur there are ferries, both places lie on class II roads. Proposals for bridges at Nadaun and Sujanpur should, in the first instance be made to the District Board of Kangra.

So from the works already undertaken and the roads that exist, it is fully proved that the Kangra District is not badly served in the matter of roads, and at the present moment when we have this great Kangra Valley scheme working, when the railway from Sujanpur to Kulu is extended, when the valley develops as it ought to with the opening of the Kangra Valley Railway and Hydro-Electric power station there is no doubt that more roads will also be built. In these circumstances, Sir, I feel I must ask the honourable member after the assurance that I have given him, that we are doing all we can in the matter of giving better roads to Kangra district, to withdraw his resolution. If at any moment he or the district board of Kangra have any project which needs immediate attention, I can assure him that the Communications Board will give it every consideration

[Hon. Sardar Jagendra Singh.]

He should in the interests of the whole province not press individual grants as it is a bad precedence in a Council, like this to bring up individual claims of districts. He would be justified if his district were far worse than other districts but as I have already pointed out that whereas the province as a whole has 10.5 miles of classified roads per hundred square miles, the Kangra district has 9.9 miles. There is not much that the Kangra district has not got and it is not fair on the part of the Kangra district to ask for a further instalment of road building. I can quite recognise Chaudhri Ram Singh's anxiety to afford better facilities to his neighbours. I would be doing the same if I were in his position, but I would recognise at the same time the claims of my neighbours.

Chaudhri Ram Singh: Sir, I beg leave to withdraw my resolution. The resolution was by leave withdrawn.

RESOLUTION RE REMISSION OF LAND REVENUE ON THE LOWER CHENAB CANAL.

Chaudhri Nur Din [Lyallpur South (Muhammadan) Rural] (Urdu): Sir, I beg to move that:

"This Council recommends to the Government that in future remissions in land revenue on the Lower Chenab Canal be granted when the crops do not reach half the normal standard and not when they do not reach one-fourth the normal standard as is done at present."

Sir, this resolution is very important at least from the point of view of the zamindars and as such I ought to have been given much more time to explain the merits of the case. But now when only 15 minutes are left at our disposal, I will be very brief in what I have to say. As is evident from the resolution, I want that in future remissions in land revenue should be granted when the crops do not reach half the normal standard and my reason for this demand is that under the present conditions when remissions are granted when the crops do not reach one-fourth the normal standard, the zamindars are not left with even the price of the seed, not to say of any remuneration for the labour spent on sowing the crops. To make my point more clear I would give a concrete example. According to the estimates made during the settlement, the fodder crop yields 40 rupees per acre. Now if remission in revenue is to be governed by four anna rule as is actually done, no remission will be granted if the fodder crop has yielded 11 or 12 rupees. Now these 11 or 12 rupees are hardly sufficient to make up the revenue local rate and village cesses, and nothing is left to the zamindars who have spent so much labour and money. Now take the case of wheat. The average yield per acre is eight maunds.

Mr. C. M. King: That is wrong.

Chaudhri Nur Din (continued in Urdu): Sir, I quote this figure from an answer given to my question put to the Advisory Canal Committee. Therefore I take it as true. If remission is to be granted on the outturn of two maunds as is actually done, you can judge what the zamindars can expect to gain under such conditions. I, therefore earnestly pray to the Government to accept the modest demand that I have made in the form of this resolution.

Mr. President : The resolution proposed runs :

"This Council recommends to the Government that in future remissions in land revenue on the Lower Chenab Canal be granted when the crops do not reach half the normal standard and not when they do not reach one-fourth, the normal standard as is done at present."

The question is that resolution be adopted.

Mr. C. M. King (Financial Commissioner) : Sir, I think that perhaps the mover of the resolution is under a slight misapprehension as to the full scope of the rules which he has quoted as being applicable to the case. Reading the resolution as it stands it would seem to most people that under the existing rules a remission of land revenue is granted if a crop does not reach one-fourth of the normal standard of outturn. This, however, is not a rule of general application, but it is true that there are certain villages where conditions are very bad and where as a special case a rule allowing for *kharaba* remissions on a basis somewhat similar to that indicated in the resolution is permitted. But the number of those villages is exceedingly few and it has been purposely kept very few. Normally the canal rates have been fixed in such a manner as to ensure that remissions shall not ordinarily be given or required. I think I am right in saying that in about 99 per cent. of estates the rule applicable is that if the crop is *na'ud* or if it has failed to germinate it gets *ipso facto* remission. But if the crop germinates no remission at all is granted unless the area affected is very great indeed and the *kharaba* is due to some general calamity. Where that happens, where the area affected is very large and where consequently it may be anticipated that there has been a general calamity affecting that large area, then *kharaba* remissions are allowed after consultation between the Deputy Commissioner and the Executive Engineer. No definite rule has been laid down as to what the amount of those remissions should be, but as a general rule of guidance for its officers (the Executive Engineer and the Deputy Commissioner) the Government has said that where it is apparent that over this large area the produce of the crop is not likely to exceed one-fourth of the normal that is a four anna crop, in that case it may be advisable to grant total remission. Where it exceeds one-fourth of the crop but is less than one-half of the normal, in that case one-half remission may be granted and where the crop is likely to exceed one-half no remission is granted. As I have already explained this is only a rule of guidance for its officers and it was never intended that the rule should be applied field by field or over small areas. As an example of the sort of calamity to which this working rule is applicable I may say there was a case some years ago of the boll worm destroying large areas of cotton crop throughout the Lyallpur district and remission was granted in accordance with this rule of practice. There is also a common calamity where a crop in the whole of a large area gets flattened out by hail. There again the Executive Engineer and the Deputy Commissioner would meet together and they would decide upon granting of remissions throughout the whole area on these terms. I would ask this House, through you, Sir, to note one fact. The essential feature of this rule is that remissions shall be given broadly over a large area. No attempt is to be made to grant the remissions after a survey from field to field of the areas affected. I think that possibly my friend Chaudhri Nur Din is under the misapprehension that the system of field to field *kharaba* allowance still exists. But I have to tell him that after the somewhat heated controversies that took place twenty or twenty-five years ago,

[Mr. C. M. King.]

it was finally decided that this field to field *kharaba* as it was called, should be abandoned. And the reason for reaching that decision was this. Field to field *kharaba* was found in practice to amount to an appraisalment of the crop and that appraisalment led to grave corruption. There were at any rate grave complaints of corruption. In consequence of this field to field *kharaba* allowance, it was found that wealthy people were able to get a great deal of *kharaba* and the poorer people had to go without it. In fact it was somewhere stated that the state of affairs had approximated to the state of affairs before the advent of the British rule when the governing power sent its officials round to the villages to look at the crop, appraise it and on the result of that appraisalment to decide what amount of revenue was to be collected. It was not in quite the same way that the *kharaba* remission was allowed, but it was like this. A patwari would go round, look at the crop and decide not how much was to be collected but how much was to be let off but the final result was very much the same. There do not seem to be many zamindar members here but I am quite sure that they and especially those zamindar members who belong to the Lyallpur District would not desire to go back to that field to field *kharaba* allowance system. I am sure that even Chandhri Nur Din himself would not desire to go back to it. If a general vote were taken in the Lyallpur District, a proposition such as that would not have the faintest chance of success. But if you examine this resolution carefully you will see that it opens the door precisely to the corruption arising out of the field to field *kharaba* which we have decided to abandon. As I have already explained, when any allowance is granted under this four anna or eight anna rule under the existing circumstances we have certain definite villages. As I have said the number of these villages is probably not one per cent. of the whole number of villages to be assessed. In those definite villages where the strictest control is being exercised, a *kharaba* allowance under this four-anna or eight-anna rule is allowed. Even there we are trying to reduce the number of these villages as much as possible and we hope eventually to reach a stage when our irrigation conditions will be perfected to this extent that it will not be necessary to have any such villages at all. While that is one direction in which we apply this rule, the other direction is one which equally safeguards the zamindar. Again the patwari and his immediate superiors have nothing to do with the matter at all. The persons responsible for deciding how much *kharaba* allowance should be given are the Executive Engineer and the Deputy Commissioner and even they can only give *kharaba* allowance when the area to be assessed is a large area and there is some general calamity affecting the whole of that area. I would ask Chandhri Nur Din just to consider the difference between the rule as it exists and the rule which he wishes to introduce. According to the rule as he would like to introduce it there would be a continuous inspection from field to field to ascertain whether the crop was less than four annas or eight annas and you would inevitably get back to all the abuses of the old *kharaba* system.

The Council then adjourned till 2 P. M. on Friday, the 22nd October 1926.

PUNJAB LEGISLATIVE COUNCIL.

9TH SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Friday, the 22nd October 1926.

The Council met at the Council Chamber at two of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION AMONG COMPOUNDERS IN THE CIVIL DISPENSARY, LAHORE.

*3507. Khan Muhammad Abdullah Khan: Is it a fact that all the compounders in the civil dispensary, Lahore, are non-Muslims? If so, will Government please state:—

(a) why it is so;

(b) for how long the present compounders have been serving in this dispensary; and

(c) whether Government proposes to consider the desirability of appointing Muslim compounders as well in addition to or in place of the present compounders at an early date?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The two dispensers (formerly called compounders) are non-Muslims.

(a) Because their work has been satisfactory, and there is no reason for a change. The sub-assistant surgeon attached to the dispensary is a Muslim.

Moreover, there being no regular service of dispensers for the whole province, they cannot be transferred from one district to another. In the district of Lahore there are no other appointments to which senior dispensers of their standing can be posted.

(b) Since the 9th March 1894 and the 17th November 1916, respectively.

(c) An increase is not contemplated, but the honourable member's suggestion to appoint a Muslim dispenser will be considered when a vacancy occurs.

ZAMINDARS OF VILLAGE BUBAK NEAR ZAFARWAL IN THE SIALKOT DISTRICT AND THE DEG NULLAH.

3508. Khan Muhammad Abdullah Khan: Is it a fact that the lands of many zamindars of village Bubak near Zafarwal in the Sialkot district have already been and are being washed away by the action of Deg Nullah and that the inhabitants and their lands in this village are in danger of being washed away this or the next year? If so, will Government please state what action it proposes to take in the matter?

*Questions Nos. 3507—3510 were put by Sayad Muhammad Hussain on behalf of Khan Muhammad Abdullah Khan who was absent.

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

DEG NULLAH RUNNING NEAR ZAFARWAL IN THE SIALKOT DISTRICT.

3509. Khan Muhammad Abdullah Khan : Is it a fact that some years ago the water of the Deg Nullah running near Zafarwal in the Sialkot district passed through the road between the tahsil building and the city of Zafarwal and put the city in danger of being washed away? If so, will Government kindly state what action it contemplates taking to safeguard the city of Zafarwal from the torrents and action of the Deg nullah?

The Honourable Mian Sir Fazl-i-Husain : The Punjab Rural Sanitary Board has not received any information to the effect that some years ago, water from the Deg Nullah passed along the road between the tahsil building and the city of Zafarwal, putting the latter in danger of being washed away. But the Rural Sanitary Board has received complaints of flooding from the Deg Nullah in the neighbourhood of Zafarwal and other villages near the Nullah in the Sialkot district, and is now investigating the conditions that cause flooding with a view to putting in hand remedial measures and in framing these the protection of Zafarwal and other threatened villages will be kept in view.

RAILWAY LINE FROM QILA SOBHA SINGH TO ZAFARWAL.

3510. Khan Muhammad Abdullah Khan : With reference to the assurance given by His Excellency the Governor of the Punjab to the people of Zafarwal in the Sialkot district while on tour in July last to the effect that it had been decided to open a railway line from Qila Sobha Singh to Zafarwal, will Government kindly state when this project is expected to be ready and when the Qila Sobha Singh-Zafarwal railway will run? Will Government also kindly state whether it is contemplated to extend this line to Jammu *via* Zafarwal?

The Honourable Mian Sir Fazl-i-Husain : The actual terms of His Excellency's reply are given in the newspaper of July 23rd, 1926. They are as follows :—

"If the projected scheme for a railway from Qila Sobha Singh to Zafarwal and a bridge over the Deg Nullah between Zafarwal and Sialkot materialized, this would alter the affairs for the better in Zafarwal."

The railway is one of those which are being surveyed by the Railway Board, and until the survey is complete, it cannot be said whether the project will be sanctioned. As far as is known to the local Government, there is no proposal to extend the line from Zafarwal to Jammu.

ARTILLERY PRACTICE AT CHANDIGARH.

*3511. **Sardar Gurbakhsh Singh :** (a) Will the Government please state whether the residents of villages affected by artillery practice at Chandigarh, tahsil Kharar, district Ambala, put an application to Government praying for the cessation of the practice there or for grant of land in the alternative? If so, will the Government please state what action has been taken in the matter?

(b) Will the Government please state if it is proposed to locate artillery units permanently at Chandigarh? If so, will the Government please state what it proposes to do for the villages to be affected by this constant artillery practice?

The Honourable Sir Geoffrey deMontmorency : (a) No such papers appear to have reached Government.

(b) No. With reference to the case of these villages, where it has been observed that field firing has frequently taken place, the Punjab Government have addressed the Government of India in the Army Department, pointing out the undesirability of holding field firing practice too frequently in the same area.

EXCISE SUB-INSPECTORS.

3512. **Sardar Gurbakhsh Singh :** (a) Is it a fact that Excise Sub-Inspectors have not been allowed the possession of revolvers while Police Sub-Inspectors have been allowed?

(b) If so, has the Government any objection to allow revolvers to Excise Sub-Inspectors also in the Punjab?

The Honourable Sardar Jogendra Singh : (a) Yes.

(b) Government does not think that Excise Sub-Inspectors who are not trained to the use of firearms (as are Police Sub-Inspectors) should be allowed to carry revolvers.

EXCISE OFFICIALS.

3513. **Sardar Gurbakhsh Singh :** Is it a fact that Excise officials have very often to perform duties involving danger to life? If so, does the Government propose to consider the advisability of giving them the same powers and authority as are given to Police officials of corresponding ranks?

The Honourable Sardar Jogendra Singh : It is a fact that Excise officials have very often to perform duties involving danger to life. One Excise official has recently been murdered in the execution of his duties. Nevertheless it is not deemed advisable to give them any powers other than those which they now exercise.

* Questions Nos. 3511—3535 were put by Sardar Jodh Singh on behalf of Sardar Gurbakhsh Singh who was absent.

ROAD ALONG THE RIGHT BANK OF THE SIRHIND CANAL.

3514. Sardar Gurbakhsh Singh : (a) Is it a fact that there is a road along the right bank of the Sirhind Canal which is altogether broken beyond the ghat known as Bomba Ghat up to the Ralon Kalan bridge; and that there are deep chasms in the road which have been the cause of death of many cows and buffaloes, and that a very large quantity of silt is being added to the canal water every year, and that there is every possibility of the road being altogether washed away in the near future?

(b) Is it also a fact that the repair estimate of this road was once made about three years ago, and that it was postponed on account of the Sutlej Valley Project? If so, does the Government propose to ask the Canal Department to improve its condition very soon?

The Honourable Mian Sir Fazl-i-Husain : (a) There is no road on the right bank of the canal in the reach referred to; other parts of this question therefore do not arise.

(b) Yes, an estimate was made out, but no work was undertaken as the expenditure was not warranted. Reply to the latter part is in the negative.

STUDENTS OF THE MACLAGAN ENGINEERING COLLEGE, MOGHALPURA.

3515. Sardar Gurbakhsh Singh : Is the Government aware that a lot of dissatisfaction prevails amongst the students of the MacLagan Engineering College, Moghalpura, owing to the fact that no guarantee of any posts is held for them after they finish their course in the college? If so, will the Government please state what it proposes to do in the matter?

The Honourable Sardar Jogendra Singh : With reference to the first part of the question, Government is aware that students of the MacLagan Engineering College are desirous of being guaranteed Government posts. As regards the second part of the question, the attention of the honourable member is invited to the reply given to parts (a) and (b) of Council question No. 2187* on the 10th December 1925.

FARDS FROM PATWARIS.

3516. Sardar Gurbakhsh Singh : Is the Government aware that zamindars feel a lot of difficulty in getting fards from patwaris? If so, will it please state what it intends to do to remove this difficulty?

The Honourable Mian Sir Fazl-i-Husain : Government is not aware of the general difficulty alleged in the question, but will be glad to inquire into the circumstances of any particular case in which difficulty has been experienced.

SIKH HONORARY MAGISTRATE, HISSAR DISTRICT.

3517. Sardar Gurbakhsh Singh : (a) Is it a fact that there is a Sikh Honorary Magistrate in the Hissar district? If so, what is his name and where does he hold his court?

(b) Does the Government propose to appoint some Sikh Honorary Magistrates in this district?

The Honourable Sir Geoffrey de Montmorency : (a) Yes, Sardar Bachant Singh, who sits on the Bench at Sirsa.

(b) A Bench of 8 Honorary Magistrates was constituted at Hissar by Punjab Government notification No. 18595-Judl., dated 12th June 1926.

EXCISE SUB-INSPECTORS.

3518. Sardar Gurbakhsh Singh : Is it a fact that a number of candidates for Excise Sub-Inspectorship are going to be accepted? If so, does the Government propose to issue instructions to the Commissioners to accept agriculturists for the same?

The Honourable Sardar Jogendra Singh : The rules regarding the appointment of Excise Sub-Inspectors are given in section 132 of the Excise Manual, Volume I. The existing rules provide that half the candidate shall be zamindars.

Under the circumstance Government does not think any further action is desirable.

VACANCIES IN OFFICES.

3519. Sardar Gurbakhsh Singh : Is the Government aware that no publicity is given to the vacancies occurring from time to time in Government offices and that Head Clerks or Superintendents of the offices manage somehow or other to fill up the vacancies? If so, will the Government please state what it proposes to do to stop this practice and to give full publicity to all vacancies before appointments are made?

Mr. H. D. Craik : Government does not consider it desirable to advertise all vacancies occurring in its offices.

EXTRA ASSISTANT COMMISSIONER CANDIDATES.

3520. Sardar Gurbakhsh Singh : (a) Will the Government please state whether it proposes to accept a number of Extra Assistant Commissioner candidates very shortly? If so, will it please state the number proposed to be accepted?

(b) Have any instructions been issued to the district officers to give special consideration for agriculturists while forwarding the recommendation rolls? If so, will it please lay a copy of the instructions on the table?

(c) If no instructions have been issued, has the Government any objection to issue them now?

(d) Does the Government propose to see that the deficiency in the number of agriculturists in the Provincial Civil Service is made up and till then recruitment of non-agriculturists is stopped?

Mr. H. D. Craik : (a) Yes. Approximately 10. It is impossible to give an exact figure.

[Mr. H. D. Craik.]

(b) The honourable member is referred to paragraph 4 of Punjab Government resolution No. 4572-S., dated the 3rd October 1919.

(c) Does not arise.

(d) Does not arise. The honourable member is referred to page 11 of the consolidated statement which was supplied to the House in June 1926 in reply to Council question No. 3209.*

EXCISE SUB-INSPECTORS.

3521. **Sardar Gurbakhsh Singh :** (a) Will the Government please state the number of Excise Sub-Inspectors that are to be appointed during this year ?

(b) Has it issued any instruction to the effect that only agriculturists should be accepted for the job ?

The Honourable Sardar Jogendra Singh : (a) The number to be appointed this year depends on the number of casualties in the department. Government is unable to forecast this.

(b) The honourable member is referred to paragraph 132 of Excise Manual, Volume I.

SEIZING ILLICIT COCAINE AND OPIUM.

3522. **Sardar Gurbakhsh Singh :** (a) Will the Government please give the total quantity and value of illicit cocaine and opium seized during the year 1925 and up to June 1926 ?

(b) Will the Government please state what was done with this cocaine and opium ?

(c) Is it a fact that these things are destroyed and not made use of in any way ?

(d) Does the Government propose to consider the advisability of selling these seized articles in future ?

The Honourable Sardar Jogendra Singh : (a) 17,554 grains of cocaine and 1,005 seers of opium of all kinds were confiscated from 1st January 1925 up to 30th June 1926. The intrinsic value of cocaine is Rs. 20 per ounce and of opium about Rs 8 per seer.

(b) and (c) All these are destroyed except Excise Opium which if fit for human consumption and weighing more than 5 tolas is sold to local licensed vendors.

(d) No. The cocaine is of poor quality and not fit for use and the opium is not usually Excise Opium. It would increase the difficulty of detecting smuggled opium if smuggled opium were sold to retailers and could be legitimately in their possession.

"OBSERVER" AND GOVERNMENT ADVERTISEMENTS.

3523. **Sardar Gurbakhsh Singh:** Will the Government please state—

- (a) whether the *Observer*, a Muhammadan weekly, has been brought on to the 'white list' for the purpose of Government advertisements;
- (b) whether the conditions regulating the inclusion of newspapers to the 'white list' are that they should be of one year's standing and that they should have a circulation of 1,000 copies;
- (c) if so, whether the conditions have been fulfilled by the *Observer*, if not, whether the conditions have been specially relaxed in this case and if so, on what grounds;
- (d) whether the Government uses the 'white list' as a sort of patronage to newspapers;
- (e) whether the Government requires any other conditions to be fulfilled for the inclusion of a newspaper in the 'white list' other than those referred to in (b) above; and, if so, what they are; and
- (f) how many Sikh papers there are on the 'white list' and if there is none, the reasons for the same?

The Honourable Sir Geoffrey de Montmorency: (a) Yes.

(b) Yes.

(c) The *Observer* has a circulation of more than 1,000 copies and it was started in August 1925. When the paper was placed on the 'white list' the condition of time was relaxed in this case as also in the case of a Sikh paper.

(d) and (e) No; but Government reserves discretion to advertise in the papers which it considers most suitable for the purpose.

(f) The names of four Sikh papers are included in the 'white list'.

OFFICE OF THE DIRECTOR OF INFORMATION BUREAU.

3524. **Sardar Gurbakhsh Singh:** Will the Government please state—

- (a) the number of non-gazetted appointments in the office of the Director of Information Bureau just at present;
- (b) how many of them are held by Hindus, Sikhs and Muhammadans, respectively, and on what pay; and
- (c) the collective emoluments per month drawn by the members of each of the three communities?

Mr. H. D. Craik: (a) 9.

(b) Hindus ...	...	...	...	2
Muslims ...	...	...	...	6
Sikh ...	...	...	...	1

[Mr. H. D. Craik.]

This is due to three Hindus and one Sikh having left the office on securing better appointments under Government. Their posts were not filled owing to amalgamation of this office with the Press Branch.

	Rs.	A.	P.
(a) Hindus	525	0	0
Muslims	770	0	0
Sikh	100	0	0

SUPERINTENDENTS IN THE CIVIL SECRETARIAT AND ATTACHED OFFICES.

3525. **Sardar Gurbakhsh Singh :** (a) Will the Government please state the qualifications necessary for appointment as Superintendent in the Civil Secretariat and attached offices?

(b) Is there any Sikh Superintendent in any of the branches of Civil Secretariat or departments of the Punjab Government? If not, why not?

Mr. H. D. Craik : (a) The qualifications necessary for the appointments in question have not been precisely defined, but they include, for obvious reasons, considerable experience of office procedure, ability to write minutes and draft letters in correct English and capacity for controlling subordinates.

(b) There is not at present any Sikh Superintendent in the Civil Secretariat. In the other departments of Government, there are altogether thirteen appointments of Superintendents and Head Clerks held by Sikhs.

MINISTERIAL APPOINTMENTS IN THE GURDWARA ELECTION DEPARTMENT.

3526. **Sardar Gurbakhsh Singh :** Will the Government please state —

(a) how many ministerial appointments have been made in the new Gurdwara Election Department;

(b) how many of them are Hindus, Sikhs and Muhammadans;

(c) how much of the total monthly pay goes to Muhammadans, Hindus and Sikhs;

(d) whether it is a fact that only the junior-most post of typist has been given to a Sikh;

(e) the reasons for the practical exclusion of the Sikhs from this department;

(f) whether the Government proposes to recruit only Sikhs for any future vacancies in this department;

(g) the name of the officer who recruited the ministerial staff of the office; and

(h) on what principles he made the appointments, and whether applications were invited for the posts or not?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) The honourable member seems to be under some misapprehension. There is no such department as the "New Gurdwara Election Department." It is a department both for the Gurdwara and General elections of the Provincial and Indian Legislatures. The number of appointments made is 48.

(b) Hindus	21
Sikhs	7
Muhammadans	20

Rs.

(c) Hindus	1,790
Sikhs	290
Muhammadans	1,506

(d) No.

(e) Does not arise.

(f) Government can make no promise.

(g) The names of the two Commissioners are given in the Gazette and they are responsible for the appointments made.

(h) Posts were not advertised because generally men with previous experience were taken either from the Secretariat or from other Government offices.

RECRUITMENT TO THE PRESS BRANCH.

3527. Sardar Gurbakhsh Singh : Will the Government please state—

(a) the total number of appointments in the Press Branch held by each of the various communities ; and

(b) the steps it has taken to regulate the recruitment to this branch so as to give adequate representation to all the communities ?

Mr. H. D. Craik : (a) There are in the Press Branch 13 Muslims, 8 Hindus and 2 Sikhs.

(b) It is not proposed to take any special steps.

HEAD ASSISTANT OF THE PRESS BRANCH.

3528. Sardar Gurbakhsh Singh : (a) Is it a fact that the Head Assistant of the Press Branch is due to retire shortly from Government service ?

(b) Is it a fact that he has been granted extensions of service in the past ?

(c) Is the Government aware that the grant of such extensions affects very much the chances of promotion of others in the office ?

[S. Gurbakhsh Singh.]

(d) Does the Government propose to retire the Head Assistant when his present extension comes to an end?

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

(b) Yes.

(c) In such cases Government has to consider the interests not only of junior clerks but also those of efficiency.

(d) His present extension of service is up to the 31st May 1927. He has, however, applied for permission to retire on pension from the first November next.

SUPERINTENDENT OF THE OFFICE OF DIRECTOR OF INFORMATION BUREAU.

3529. Sardar Gurbakhsh Singh: Will the Government please state—

(a) the minimum qualifications and the length of service in an office which are necessary for appointment as a Superintendent of that office?

(b) what are the qualifications and total length of service of the present Superintendent of the office of the Director of Information Bureau?

(c) what was the pay he was drawing before he was appointed as Superintendent of that office and what is his present pay?

(d) what are the reasons for giving him such a rapid promotion?

(e) is the Government aware of the resentment caused among the senior men in other offices on account of the appointment of the present Superintendent of the office of the Information Bureau?

Mr. H. D. Craik: (a) The criterion is efficiency and not length of service.

(b) The present Superintendent is an M. A. of the Punjab University and is a man of high literary attainments. His total service is one year and seven months.

(c) Rs. 125 and Rs. 350, respectively.

(d) Excellent work.

(e) No.

RECRUITMENT OF SIKHS TO PUBLIC SERVICE.

3530. Sardar Gurbakhsh Singh: (a) Is the Government aware that there is a very strong feeling among the educated Sikhs that since the Akali movement began Government has been according them a step-motherly treatment in the matter of recruitment to its services?

(b) Is it a fact that the Government has taken no steps to protect the rights of the Sikhs in the recruitment to services under Government and local bodies?

(c) Has the Government any objection to issue instructions to all the heads of departments to appoint Sikhs to future vacancies with due regard to merit, in order to bring up their proportion to at least 20 per cent. of the total strength?

(d) Does the Government propose to send for periodically from the heads of departments statistics relating to new appointments made in order to see what progress has been made in the recruitment of Sikhs in the various departments?

Mr. H. D. Craik : (a) No.

(b) No.

(c) Government sees no necessity for the issue of such instructions.

(d) No.

SUPERINTENDENTS OF DEPUTY COMMISSIONERS' OFFICES.

3531. Sardar Gurbakhsh Singh : Will the Government please state the number of Superintendents of Deputy Commissioners' offices, according to each community and whether it has any objection to issue a circular to all the Deputy Commissioners to take in Sikhs as Superintendents, wherever they are available, due regard being given to merit so that the Sikhs may secure an adequate representation in this line?

Mr. H. D. Craik : The honourable member is referred to pages 13 and 14 of the consolidated statement which was supplied to the House in reply to Council question No. 3209,* put by Khan Muhammad Abdullah Khan on the 29th June 1926 and to paragraph 3 of Sir John Maynard's reply to Council questions Nos. 1961 to 1975.†

Government sees no necessity for the issue of any circular such as suggested. The posts of Superintendents are filled by selection from amongst the best candidates in the Division.

RECRUITMENT FOR THE HYDRO-ELECTRIC DEPARTMENT.

3532. Sardar Gurbakhsh Singh : Will the Honourable the Minister for Agriculture please state—

(a) if the Hydro-Electric Department is under his charge ; and

(b) whether he proposes to look into the recruitment for this department with a view to see that the Sikhs are given an adequate share in the number of posts in this department?

The Honourable Sardar Jogendra Singh : (a) Yes.

(b) the Hydro-Electric Branch has been created on a temporary basis for the sole purpose of executing the first stage of the Uhl River Hydro-Electric Scheme. It will readily be understood that technical qualifications for the posts must be the prime consideration in recruitment for the execution of such a technical scheme. Subject to this consideration endeavours are made to prevent an undue preponderance of any one community.

*Page 1059 ante.

†Vol. VIII-B, pages 1167-81 and page cxli, Appendix VIII.

MUNICIPAL COMMITTEE, AMBALA.

3533. Sardar Gurbakhsh Singh : (a) Is it a fact that elections to the municipal committee of Ambala are due in January 1927? If so, is the Government prepared to reconsider the question of increased Hindu and separate Sikh representation on this body or not?

(b) Will the Government please state whether the Government ordered any inquiry into the working of the municipal committee of Ambala City? If so, will the Government please state whether any such inquiry was conducted or not and, if not, why not?

(c) Will the Government please state whether it received any representations from the Hindu Panchayat and Hindu Sabha of Ambala City regarding the maladministration of the Ambala municipal committee during the last three years? If so, will the Government please lay these representations on the table and state what action it took in the matter?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) (i) The next elections are due in December 1926 and Government will consider the question of the revision of the constitution of the committee.

(ii) On a representation by the Hindu Panchayat of Ambala, the question was examined, but facts did not justify any departure from the existing arrangements, except in the direction of a possible increase in the number of nominated seats which will be considered.

(b) The answer to the first part is no. The second part does not arise.

(c) Yes. A copy of the representation from the Hindu Panchayat is laid on the table. The representation of the Hindu Sabha was sent in original to local officers for report.

No. 80, dated 17th June 1926.

FR. m.—JOTI SARUP, Esq., Secretary, Hindu Panchayat, Ambala City.

To—The Honourable Rai Sahib Chaudhri Chhotu Ram, B.A., LL.B., Minister for Education, Punjab.

At the time of your visit at Ambala, dated 12th May 1926, a representation was made to you by the members of the Hindu Panchayat, Ambala City for your consideration. I hope you might have considered over our grievances mentioned in the said representation; now I beg to remind you to kindly favour me with reply.

I beg to submit herewith a report of the Civil Surgeon, Ambala, for your kind perusal, which will throw light on the present situation of the committee.

I beg to further add, that if more seats can not be given by election, the question of nominating two Hindus should be considered by you.

SANITATION IN AMBALA CITY.

The present plague epidemic has again drawn attention to the very insanitary state of Ambala City.

The committee will remember that I commented upon this important matter last year and in this connection I would invite a reference to my letter No. 2764, dated the 15th August 1926.

The recommendations I made in that letter have not been acted upon and inasmuch as the matter is of very grave importance in its effect upon the general health of the inhabitants of the city, more particularly in regard to the control of epidemic disease, it is imperative for the municipal committee to take this matter of sanitation seriously in hand.

A practical and up to date scheme of general sanitation should therefore be prepared, and brought into operation at the earliest possible moment.

The insanitary condition of the city to-day is disgraceful. No attempt has been made or is being made to grapple with the serious problem of the disposal of night soil and urine, congestion, over-crowding, lack of air space, and ventilation and there is no town-planning committee.

It is inattention to these important matters which prepares the way for the spread of epidemic disease.

A comparison of the present plague epidemic in Ambala Cantonment and Ambala City affords a valuable indication of the beneficial results obtained by attention to general sanitation in controlling the spread of epidemic disease. In both areas the population is approximately the same, namely, 30,000.

The plague figures since the commencement of the present epidemic in October last are as given below:—

Ambala Cantonment	157 cases	108 deaths.
Ambala City	652 cases	375 deaths.

In Ambala Cantonment area there is a practical scheme of sanitation in operation, including a scheme for the disposal of nightsoil and urine.

There is also a town-planning committee.

Overcrowding, ill-ventilated and ill-constructed houses, lack of air space and dirt generally are fruitful, predisposing cause in the spread of epidemic disease.

These evils are well illustrated in Ambala City to-day, and the consequences are apparent in the severity of the present plague epidemic in Ambala City as compared with that in Ambala Cantonment area.

In fact the city is liable to be swept at any moment by a severe epidemic with heavy incidence and high mortality, and the present very insanitary condition constitutes what amounts to an invitation to such a disaster.

I trust therefore that the municipal committee will give the matter their very serious attention bearing in mind the heavy burden of responsibility they are incurring to the public.

The present sanitary staff is quite inadequate.

It consists of the following individuals:—

1 Sanitary Inspector, Rs. 86-4-0.

8 Naib-Jamadars.

[Hon. R. S. Ch. Chhota Ram.]

20 Donkeymen.

3 Sweeper mates who are in immediate control of the sweeper staff.

1 Bhishti, who works in the Mutton Slaughter House.

78 Sweepers—8 on public latrines, 6 on extramural drain, 3 on extra work in the bazar, 8 on the main drain outfalls, 48 on actual sweeping duties in Ambala City.

In addition to the above 20 temporary hands, 15 sweepers and 5 donkeymen have been engaged as a temporary measure.

Equipment.—This consists of 2 bullock carts which are utilized for the removal of silt from drain outfalls and extramural drains. There is no practical and methodical scheme in operation for keeping the city clean, and for dealing with nightsoil, etc.

In fact there is no organised sanitary service in the modern sense of the term.

The quantity of water available for all purposes is limited, and at present that which can be utilised for drain flushing and cleansing purposes is nil, so that drains are never kept properly cleaned. Consequently during the monsoon or periods of exceptional heavy rainfall which occasionally occur the drains become blocked and flooding of large areas in the city follows.

The subsidiary drains in the streets are too small, they are not kept clean by regular removal of silt and vegetation, repairs are not taken in hand when necessary, which leads to collections of stagnant and evil smelling sullage water mixed with urine, which tends to lie in holes and overflow the surrounding ground.

Further the main drains are proposed to be kept clean by pumping the water into outfall tanks. These tanks are constantly becoming blocked up with silt, the cleansing of these is placed in the hands of contractors whose work is most unsatisfactory and dilatory, the result being that these outfall tanks are never properly cleaned.

The natural consequence to this state of affairs being that there is constant back pressure and stagnation of foul smelling water in the main, and subsidiary drains of the city.

Night-soil—There is no organised system for the removal of night-soil, and this important item of practical sanitation is apparently left to the discretion of the sweeper staff.

There is an iniquitous arrangement by which the sweepers possess customary rights over night-soil which in plain language I take to mean that these individuals can dispose of it as they think fit.

I believe the custom is for the sweepers to take the night-soil from houses in baskets, and to deposit it in carts owned by private individuals who pay a small amount for the material.

This arrangement is entirely a private one between the sweepers and zamindars who are allowed to keep their carts in the private compound in the city.

I cannot imagine a more insanitary practice—more particularly as the carts used are the ordinary open bullock carts which allow of the night-soil dropping all over the roads during the removal to the fields.

Apparently the municipal committee have no powers over these carts or their location, which seems an astonishing state of affairs in view of the fact that they must constitute an insanitary and public nuisance.

There are no arrangements for the disposal of urine which is allowed to run direct into the main drains.

There are only 5 public latrines with approximately 40 to 50 seats—this for a city with approximately 30,000 inhabitants.

There is no town-planning committee consequently houses are constructed in a most haphazard fashion.

Many of them are built of mud bricks with no arrangements for ventilation or lighting, and in most cases the latrine convenience are of the most primitive description. Encroachments on public streets and drains are of every day occurrence.

In fact every type of insanitary defect is perpetuated in new construction.

Over-crowding has reached an extreme degree.

Beef Market.—When this was opened last year it was an excellent building for its purpose, built of brick, with fly proof windows and doors, cement floors and arrangements for hanging meat—it appeared an excellent institution in every way.

However, the butchers were greatly prejudiced against it and raised every possible objection to using it. Moreover, it has never been a popular institution with the present municipal committee.

On my last visit it afforded a sad spectacle of neglect and disrepair.

The swing fly proof doors were propped open by stone, the wire gauze was torn from windows, the cement floor was broken and was covered with a mass of filth and corruption 2 to 3 inches deep.

Arrangements for the sale of mutton.—These are very unsatisfactory and insanitary. The shops in which mutton is sold consist for the most part of wretched hovels badly lighted, ill-ventilated and dirty.

During my last inspection I saw meat in several of these so-called shops, which was liberally black with flies.

Sale of food stuff.—The municipal committee have not yet framed By-laws governing the sale of food stuffs in the city, so there is no penalty which can be inflicted in the event of shop-keepers selling food stuff for human consumption.

Slaughter houses.—The beef slaughter-house is situated outside the city on the east side of the Grand Trunk Road.

It is without exception the filthiest and most insanitary institution of its kind I have seen in India.

[Hon. R. S. Ch. Chhotu Ram.]

Suggestions.—The sanitary staff should consist of the following.—

	Rs.
1 Sanitary Superintendent, at 120—10—150	120
2 Sanitary Inspectors, at 50—4—20	100
Conveyance allowance to above, 10	30
5 Jamadars, at 16—1—25	80
70 Road sweepers, at 9	630
6 Rubbish cart-drivers, at 17	102
20 Beldars for outfall, at 10	200
21 Latrine sweepers, at 9	189
12 Filth cart-driver, at 17	204
12 Filler (sweepers), at 10	120
16 Drain Sweepers, at 9	144
10 Donkeymen, at 14	140
<i>Trenching ground.</i>	
1 Overseer, at 20—1—30	20
2 Jamadars, at 16—1—25	32
30 Beldars, at 12	360
4 Bhishtis at 10	40
Total	2,511

B.—Equipment (initial expenditure).

Rubbish cart, 6 at Rs. 245 each	1,470
Filth carts, 12 at Rs. 245 each	2,940
Trenching ground, cost cannot be calculated.	
Filth receptacles, 100 at Rs. 18	1,800

This important matter has been entirely neglected in the past, and a practical and methodical system of night-soil disposal is now urgently necessary.

In the first place it is the responsibility for this matter employing their own staff under their own supervision.

The trenching system is the only system capable of application to Ambala City, and for this purpose it will be necessary for the municipal committee to acquire a suitable plot of land not too far from the city where trenching can be carried out.

The area acquired should be divided into 3 parts numbered, respectively, 1, 2 and 3.

In No. 1 trenching operations take place.

No. 2 lies fallow.

No. 3 to be under cultivation, and so on in rotation.

In this connection I would point out that this system is likely to benefit the municipality financially inasmuch as the land will increase in value for cultivation purposes and can either be cultivated by the municipality itself or leased out every year to zamindars.

A brick platform with water-supply laid on and the necessary drainage arrangement will be necessary on the platform, the filth carts will be washed before returning to the city.

I have made provision for the necessary staff—statement A.

Outfall tanks.—It is most important that these should be kept clean and free from silt, therefore the present practice of handing over this important work to contractors is unsound.

The municipal committee should employ their own staff for this purpose who would be constantly at work keeping these tanks clean.

I have therefore made provision for this duty in the list of sanitary staff under the item Beldars, &c.

Drains.—These should be kept in a good state of repair: sharp turns in drains should be realigned.

Subsidiary drains should be enlarged where necessary. Holes in the neighbourhood of drains should be filled in and low-lying ground should be levelled and battered.

The drains should be numbered and a map of the drainage system should be maintained in the municipal office.

This would facilitate the location of areas requiring repairs.

Encroachments in drains should on no account be permitted.

Periodical flushing of all drains is absolutely necessary and hydrants should be connected at suitable sites on main drains to allow of this flushing being done.

I believe arrangements are being made to increase the Ambala City water-supply in which case there ought to be no difficulty about providing sufficient water to allow of the drains being flushed once weekly.

Subsidiary drains can be flushed by Massags.

Public latrines.—The number of public latrines should be increased from 5 to 7.

Town-planning Committee.—This body should be constituted at once. I would suggest that it form a sub-committee of the municipality.

Three members to be elected by the municipality.

The Health Officer and Executive Engineer to be *ex-officio* members.

All plans of new construction should be submitted to this committee for approval and sanction, and this committee should possess powers to refuse sanction to the construction of any building which does not satisfy certain conditions.

These conditions to be determined by the municipal committee after consultation with the Sanitary Engineer and Health Officer.]

Beef and Mutton Slaughter House.—These should be put in a satisfactory state of repair. In regard to the former a complete drainage system will have to be devised, with the necessary sweeper and Bhishti staff for keeping these drains clean.

A filth cart should be detailed for removing blood and offal from the slaughter house daily.

[Hon. R. S. Ch. Chhotu Ram.]

Beef Market.—This should be repaired immediately and kept in repair.

A hydrant for cleaning purposes should be erected near the building and a sweeper and Bhishti detailed for duty.

The existing stand pipes are quite inadequate.

Mutton Market.—A new building similar to the beef market should be constructed on a suitable site and the necessary staff detailed to keep it clean, namely, one Bhishti and one sweeper.

The sale of mutton in the bazar should be prohibited.

Sale of Food Stuff.—Bye-laws should at once be framed governing the sale of food stuffs in the city, under section 197, Punjab Municipal Act, Nos. 8 to 11.

The estimated cost of these proposals amounted to—

A—Recurring	...	Rs. 2,511 per mensem.
B—Initial	...	6,210.

The latter charge does not include the cost of the trenching ground for which I am unable to estimate.

It might be possible to obtain a grant-in-aid from Government to cover the cost of necessary equipment, but the recurring expenditure amounting to Rs. 2,511 would have to be borne by the Municipal Committee.

In order to meet this expenditure I suggest that a conservancy tax on a sliding scale for the construction of a new mutton market and for repairs to the slaughter houses has also not been calculated, but this would not amount too much.

(Sd.) B. GALE,

MAJOR, I.M.S.,

Civil Surgeon, Ambala.

OFFICE OF AMBALA (CITY MUNICIPALITY).

The 28th May 1926.

Copy of the above report circulated among the members of the Ambala City Municipality for information. This report will be considered in a special meeting to be held on 3rd June 1926.

(Sd.) SADHU RAM,

The 28th May 1926.

Secretary, Municipal Committee,

Ambala City.

GRANT OF LAND TO ZAMINDARS AND JAGIRDARS OF AMBALA DISTRICT
IN THE COLONIZATION OF THE NILI BAR.

3534. **Sardar Gurbakhsh Singh** : Is the Government aware that the zamindars and jagirdars of Ambala district got very little share in the colonization schemes of Lyallpur and Montgomery districts? If so, will the Government please state what special measures it intends to adopt to give a fair share to this district in the colonization of the Nili Bar?

The Honourable Mian Sir Fazl-i-Husain : Yes. Residents of the Ambala district obtained less land in the Chenab Colony than residents of other districts owing to the fact that they persistently declined to take up grants of land, and when they did so, were notoriously given to absenteeism. In regard to the Lower Bari Doab Colony the recruitment of colonists was under the colonization scheme, largely made from the western and west central districts of the Province.

Government is not prepared to give any undertaking to take special measures to attain the object which the Hon'ble Member has in view.

POLLING STATIONS AT CHAMKAUR AND KURALI.

3535. Sardar Gurbakhsh Singh : Is the Government aware that the thanas of Morinda and Kharar in the Ambala district are very big thanas and the voters to these two thanas have to come from very great distances? If so, has the Government any objection to establish a polling station at Chamkaur and Kurali also?

The Honourable Mian Sir Fazl-i-Husain : (First part) Yes. (Second part) The honourable member is referred to Regulation 9 of the Regulations for nominations and elections published with Punjab Government, Home Department, Notification No. 641, dated 20th August, 1923. The matter rests entirely with the Deputy Commissioner of the district.

EXCISE AND POLICE INSPECTORS TO BE DECLARED AS GAZETTED OFFICERS.

3536. Sardar Gurbakhsh Singh : Will the Government please state whether Excise and Police Inspectors are of the same grade as Tahsildars? If so, will the Government please state when it proposes to declare both these classes of officers as gazetted officers?

The Honourable Sardar Jogendra Singh : Excise Inspectors, Inspectors of Police and Tahsildars belong to different departments and are consequently not graded together. There is no intention of declaring Excise Inspectors and Inspectors of Police to be Gazetted officers.

SARDAR BAHADUR SARDAR BISHAN SINGH.

3537. Sardar Jodh Singh : (a) Is it a fact that when Sardar Bahadur Sardar Bishan Singh took charge of the Jullundur Division there was only one Muhammadan trained graduate in the Board Schools of his Division, and now there are 23, the total number of trained graduates appointed during his regime being 49?

(b) Is it a fact that no Muhammadan has since the appointment of the Sardar Bahadur been superseded by either Hindu or a Sikh?

(c) Is it a fact that to increase the number of Muhammadan Headmasters he appointed two very junior teachers as Headmasters over and above the heads of many senior Hindus and Sikhs?

The Honourable Rai Sahib Chandhri Chhotu Ram : The collection of this information would involve considerable time and labour, and it is doubtful whether the statistics when collected could be made reliable. It is understood that the number of Muhammadan teachers in Board service in the Jullundur Division has increased considerably during the last few years.

STUDENTS ADMITTED TO J. V. AND S. V. CLASSES IN THE RAWALPINDI,
MULTAN AND LAHORE DIVISIONS.

3538. **Sardar Jodh Singh :** Will the Government be pleased to state communitywise the number of students that have been admitted to J. V. and S. V. classes in the Rawalpindi, Multan and Lahore Divisions during 1925-26 and 1926-27 ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Information is being collected and will be supplied to the honourable member when obtained.

TRAINED TEACHERS IN BOARD SCHOOLS OF RAWALPINDI DIVISION, ETC.

3539. **Sardar Jodh Singh :** (a) Will the Government be pleased to state communitywise the total number of B. Ts., S. A.-Vs., J. A.-Vs., S. Vs. and J. Vs., working in Board Schools of the Rawalpindi, Multan and Lahore Divisions ?

(b) Will the Government be pleased to state communitywise the number of B. Ts., S. A.-Vs., J. A.-Vs. and J. Vs. that have been appointed to the Board Schools of the Rawalpindi, Multan and Lahore Divisions during the last five years ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Government is of opinion that the benefit to be derived from this information will not be commensurate with the time and labour involved by its collection.

SARDAR BAHADUR BISHAN SINGH, INSPECTOR OF SCHOOLS, JULLUNDUR
DIVISION.

3540. **Chaudhri Afzal Haq :** (a) Will the Government be pleased to state if it is aware that in the History of Services of Gazetted Officers in the Punjab for 26th July 1926, page 383, the date of birth of Sardar Bahadur Bishan Singh, Inspector of Schools, Jullundur Division, is stated to be November 1873 ?

(b) Is it also aware of the fact that the said Sardar Bahadur passed the Intermediate Examination of the Punjab University in April 1886, and that his age then was 18 years according to *Punjab Government Gazette*, dated the 26th April 1888, part III, page 415 ?

(c) Is it a fact that several officers have been forced to retire from service on account of similar age discrepancies ? If so, is the Government considering the desirability of looking into the case of Sardar Bahadur Bishan Singh also in this respect ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : Enquiries are being made.

"MUSLIM OUTLOOK" AND LIST OF APPROVED NEWSPAPERS.

3541. **Chaudhri Afzal Haq :** (a) Is it a fact that Inspectors of Schools keep a list of approved newspapers ?

(b) Is it a fact that Inspector of Schools, Jullundur Division, also keeps a separate list?

(c) Is it a fact that *Muslim Outlook* is not included in that list?

(d) Is it a fact that several other departments have excluded *Muslim Outlook* from the list of approved newspapers?

(e) If so, will the Government be pleased to state why *Muslim Outlook* is so excluded by the heads of the several departments?

Sir George Anderson: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

HONORARY MAGISTRATE IN TAHSIL SAMRALA.

3542. Chaudhri Afzal Haq: (a) - Is it a fact that there are three Honorary Magistrates in Tahsil Samrala, District Ludhiana?

(b) Is it a fact that all the three Honorary Magistrates are non-Muslims?

(c) If so, will the Government be pleased to state whether they are now considering the desirability of appointing a Muslim Honorary Magistrate?

The Honourable Sir Geoffrey deMontmorency: (a) and (b) There was a bench of three honorary magistrates in the Samrala Tahsil, all the members of which, whose term has now expired, were non-Muslims.

(c) The matter will be considered when proposals for the reconstitution of the bench are received.

UNDER-TRIAL PRISONERS.

3543. Malik Firoz Khan, Noon: (a) Will the Government please state if it is a fact that all under-trial prisoners have to take jail food? If so, has the Government any objection to allow all under-trial prisoners to take their own food till they are actually found guilty and convicted?

(b) What is the average annual number of under-trial prisoners in the province, and what will be the probable saving of expenditure that may be expected by adopting the procedure referred to in the latter part of (a) above?

The Honourable Sir Geoffrey deMontmorency: (a) It is not a fact that all under-trial prisoners have to take jail food. Attention is invited to paragraph 800 of the Punjab Jail Manual.

(b) Presumably the average "daily" and not "annual" number of under-trial prisoners is required. In 1925 it was 2,829. If these prisoners were not fed by Government, there would be a saving of about Rs. 1,50,000.

REALIZATION OF LAND REVENUE BY JAGIRDARS.

3544. Malik Firoz Khan, Noon: (a) Is it a fact that some of the Jagirdars themselves realize the land revenue direct from the land revenue payers?

[Malik Firoz Khan, Noon.]

(b) If so, has the Government any objection to realize this revenue themselves in future and have it paid out to the jagirdars through Government treasuries?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes.

(b) Under existing rules the jagirdar can, if he so desire it, have his jagir money collected by Government and paid through the treasury on payment of 2 per cent. to cover cost of collection.

TREATMENT OF HEREDITARY JAGIRDARS AS KURSI-NASHINS.

3545. Malik Firoz Khan, Noon: (a) Is it a fact that some of the hereditary jagirdars are not *kursi-nashins* in their districts?

(b) If so, has the Government any objection to allow all hereditary jagirdars to be considered *kursi-nashins* for the purposes of all Darbars held within their respective districts?

Mr. H. D. Craik: (a) This is possibly so, but Government has no precise information as District Darbaris (formerly styled "*Kursi-Nashins*") are appointed by Commissioners and not by Government.

(b) Government is not prepared to make a rule on the lines suggested. Seats in District Darbars are not hereditary. They receive the status by selection.

MILITARY JAGIRDARS AND GRANT OF LAND INSTEAD OF THEIR JAGIRS.

3546. Malik Firoz Khan, Noon: Is Government aware that military jagirdars have been permitted to take land instead of their jagirs? If so, is it the intention of Government to allow other hereditary jagirdars (of under Rs. 1,000 per annum) to commute their jagirs and take land instead of the jagir money?

The Honourable Mian Sir Fazl-i-Husain: Military jagirdars, when first the jagirs are conferred on them by the Army Department, are frequently given a choice between a jagir and land which is estimated to produce in cash on the average two-thirds the value of the jagir. Once the choice is made no further change is permitted.

It is not the intention of Government to allow any jagirdars to commute their jagirs for land.

ENCROACHMENT ON ROADWAYS IN COLONIES, ETC., BY ZAMINDARS.

3547. Malik Firoz Khan, Noon: (a) Are the Government aware that there are a large number of cases in the colonies and elsewhere in which certain powerful or lawless zamindars plough or otherwise occupy land which is really meant for a public roadway.

(b) If so, have the Government any objection to undertake legislation to prevent such encroachments?

The Honourable Mian Sir Fazl-i-Husain: Such instances occasionally come to the notice of Government, and as these can be dealt with under the ordinary law, fresh legislation does not appear to be necessary. Government will be glad to go into any such cases if they are brought to the notice of Government.

TYPEWRITERS FOR GOVERNMENT OFFICES.

3548. Lieutenant Sardar Sikandar Hayat Khan : (a) Will the Government be pleased to state if they have approved of any special make-of typewriters for use in Government offices ?

(b) If so, will Government be pleased to give the names of the manufacturers and the types of machines approved ?

(c) Has the Government notified to the various heads of departments and district officers to buy only the types of machines approved by Government ?

(d) If not, does Government propose to issue instructions to heads of departments that machines manufactured in the British Empire only be purchased for use in Government offices ?

The Honourable Mian Sir Fazl-i-Husain : (a) and (b) Government have approved the following patterns of typewriters as suitable for use in Government offices in the Panjab :—

A for office use—

(i) Remington Nos. 11 and 12.

(ii) Underwood Nos. 3 and 5.

B for camp use—

(i) Remington Portable.

(ii) Underwood Portable.

(c) Heads of departments and district officers are allowed to purchase types other than those above mentioned with the special sanction of the Local Government.

(d) The matter is under consideration by Government.

DISTRICT BOARDS OF RAWALPINDI DIVISION.

3549. Lieutenant Sardar Sikandar Hayat Khan : (a) Will the Government be pleased to give the proportion of elected and nominated members in the various district boards of Rawalpindi division ?

(b) Is it a fact that the Attock district board was given a representation of only 33 per cent. elected members as an experimental measure ?

(c) Has the Government any objection to increase the proportion of elected members in the Attock district board during the next elections to at least 66 per cent. with a view to bring it in line with the other district boards of the province ?

Mr. Ram Chandra : (a) The proportion of elected to appointed members is as follows :—

Gujrat ... 9 : 2.

Shabpur ...

Jhelum and Rawalpindi. } 2 : 1.

Attock and Mianwali 1 : 2.

(b) The elected element was fixed at 33 per cent. in view of the conditions of the district.

(c) The matter is already under consideration.

Lieutenant Sardar Sikandar Hayat Khan : Would it be possible to come to a decision before the next district board elections ?

Mr. Ram Chandra : Attempts will be made.

TUBERCULAR PATIENTS IN HILL STATIONS.

3550. Lieutenant Sardar Sikandar Hayat Khan : (a) Is the Government aware that a large number of tubercular patients visit the various hill stations and the houses occupied by them consequently become infected ?

(b) Does Government propose to consider the desirability of formulating rules of issuing instructions to local bodies concerned to make it compulsory for the medical practitioners to notify to the local bodies the houses occupied by tubercular patients under their treatment with a view to have the houses properly disinfected ?

(c) Will the Government be pleased to consider the desirability of allotting suitable areas in the vicinity of various hill stations to approved medical practitioners who may apply for it for purposes of establishing tubercular sanitoriums ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Attention is invited to clause (7) of section 3 and Sections 141 and 148 of the Punjab Municipal Act, 1911.

(c) The matter will be considered if and when such applications are received.

COMPENSATION FOR WATER-LOGGING.

3551. Maulvi Mazhar Ali Azhar : (a) Is it a fact that the land in the villages of Kot Jan Bux, Chakanwali and Pleeha Jhathanwali in the Gujranwala district was water-logged ; and

(b) that compensation was awarded to the owners of these lands in the shape of land in the Lyallpur district ?

(c) (a) Is it also a fact that in the village called Bakh Sardarpur Sehgal also an area of 1,200 acres out of a total of 1,700 acres has been water-logged ?

(b) Is it also a fact that so far no compensation has been made to the proprietors of this village whose land has been waterlogged ? Has the matter been considered by the Government ? If not, does the Government propose to consider it at an early date ?

The Honourable Mian Sir Fazl-i-Husain : (a) Yes.

(b) No.

(c) (a) Yes. A considerable area of village Sardarpur Sehgal has been waterlogged.

(b) No. The case of Sardarpur Sehgal will be considered with that of the other waterlogged villages of the Gujranwala district.

COMMUNAL REPRESENTATION IN DISTRICT OFFICES IN AMRITSAR.

3552. Maulvi Mazhar Ali, Azhar : (a) Will the Government be pleased to lay on the table a statement showing the total number of permanent posts in the district offices at Amritsar and the proportion of each community in different grades ?

(b) Is it a fact that none of the five special posts in the Deputy Commissioner's office is filled by a Muhammadan ?

(c) Is it a fact that of the Superintendent, Assistant Superintendent, Head Clerk, General Branch, Record-Keeper, Head Treasury Clerk, District Nazir, Head Vernacular Clerk, Revenue Accountant (Sadr Vasil Baqi Nawis) and Reader in selection grade, none is a Muslim?

(d) Is it a fact that out of the seventeen readers attached to the courts of stipendiary and honorary magistrates the number of Muslims is only three?

(e) Has any Muslim been posted to any of the following posts within the last fifteen years: Superintendent, Reader to Deputy Commissioner, Reader to Additional District Magistrate, Reader to Revenue Assistant, District Nazir, Revenue Accountant and Head Clerk, General Branch?

The Honourable Mian Sir Fazl-i-Husain: (a) A statement is laid on the table.

(b) Yes.

(c) Yes.

(d) There are 22 Courts in all and of the 22 clerks employed as readers, 6 are Muhammadans, 7 are Sikhs and 9 are Hindus.

(e) The Superintendent has always been a Christian. There is now no such appointment as reader to the Deputy Commissioner. The posts of Head Vernacular Clerk and Reader were amalgamated in 1922 and during the last 15 years, the duties of these posts have been performed by both Muslims and non-Muslims. The posts of reader to the Additional District Magistrate, reader to the Revenue Assistant, District Nazir and Head Clerk General Branch have invariably been held by Hindus for the last 15 years.

Statement showing the number of permanent posts in the Deputy Commissioner's Office at Amritsar and the communal number in each grade.

Grades	No. of appointments in each grade.	COMMUNAL NUMBERS IN EACH GRADE			
		Muslims.	Hindus.	Sikhs.	Christians.
Special Grade	5	Nil	3	Nil	2
Selection Grade, Rs. 75-5-125	8	3	5	Nil	Nil
Senior Grade, Rs. 40-2-80	14	6	2	4	Nil
Junior Grade, Rs. 30-14-70. Pensionable appointments.	87	29	21	17	Nil
Junior Grade, Rs. 30-14-70. Non-Pensionable appointments	15	7	8	Nil	Nil
Total	169	47	39	21	2

SUPERSESSION OF A MUSLIM CLERK BY A HINDU CLERK IN THE DEPUTY COMMISSIONER'S OFFICE, AMRITSAR.

3553. Maulvi Mazhar Ali Azhar : Is it a fact that a Hindu junior clerk in 40—2—90 grade in the Deputy Commissioner's office at Amritsar was promoted to a higher grade in supersession of the claims of a senior Muhammadan clerk and was appointed as Head Clerk over another still senior Muhammadan clerk on Rs. 75—5—125 grade?

The Honourable Mian Sir Fazl-i-Husain : No.

EXTENSION OF SERVICE OF THE STAFF IN THE DEPUTY COMMISSIONER'S OFFICE, AMRITSAR.

3554. Maulvi Mazhar Ali Azhar : Will the Government please lay on the table a statement showing the number of Muslims and non-Muslims who were granted extension of service in the Deputy Commissioner's office, Amritsar, during the last fifteen years?

The Honourable Mian Sir Fazl-i-Husain : A statement is laid on the table :—

Statement showing the number of Muslims and non-Muslims who were granted extensions of service in the Deputy Commissioner's office, Amritsar, during the last 15 years.

Muslims.	Non-Muslims.	Remarks.
5	14	Nil.

BUNDS AT SULEMANKE.

3555. Sayed Muhammad Hussain : (a) Is it a fact that two bunds were constructed and completed in 1925 at the head Sulemanke to stop the water of the river from escaping beyond the bund, mentioned above?

(b) Is it also a fact that with the construction of these bunds, the total area of the villages (1) Thakkerke Mangh, (2) Kund Thakerke Jagvera, (3) Dara, (4) Chak Dara, (5) Pana Mahar, (6) Dharanga, (7) Nihal Mahal, (8) Ali-ke-Rohela of the Montgomery district and of villages (1) Jhangir, (2) Kunderke, (3) Muhammad Yar Chisti (4) Naki-ke-Mahar, etc., of the Ferozepore district became submerged in water causing considerable economic loss to the owners?

(c) Is it also a fact that the abovementioned villages contained excellent culturable area, with several habitations and afforded good pasture to the cattle of the people, all of which have been since washed away by water?

(d) If the answers to the above questions are in the affirmative, what compensation does the Government contemplate giving to the owners for the loss caused to them by the canal department?

(ii) (a) Is it also a fact that several other minor bunds were also constructed at Sulemanke by the canal department, without giving any compensation to the owners of the land and causing considerable loss to the culturable area of the villages (1) Sulemanke, (2) Quth Saru, (3) Nathoke Abdul of the Montgomery district?

(b) If the answer to part (a) is in the affirmative will the Government please state on what authority the canal department occupied the land without legally acquiring it?

The Honourable Mian Sir Fazl-i-Husain: (i) (a) Yes.

(b) The area of land acquired upstream of the headworks is intended to include all areas likely to be flooded owing to the river level being raised. Detailed surveys are now being made to ascertain if any flooded land remains outside this area and, should this prove to be the case, steps will be taken to acquire it. The land of the villages Dara, Dharanga and Naki-ka-Mahar have been eroded by the action of the river, which is not due to the headworks. The villages of Nihal Mahal and Kunderke are so remote from the headworks as to be unaffected by them.

(c) As stated, the headworks are not responsible for land eroded by the river.

(d) The enquiry as regards flooded areas is in progress.

(ii) (a) Yes, three small bunds have been constructed downstream of the headworks. In 1928 and before the construction of the headworks, a village called Sujeki near the villages mentioned in the question was engulfed by the river; as this appeared to threaten the main line of the Pakpattan Canal and other villages between it and the river, these bunds were constructed as a protection to both; the owners of the land gave the land on "razinamas" being anxious that the land required should not be acquired.

(b) The owners were desirous that the land should not be acquired and gave it up on written agreements; no compensation is therefore payable.

Sayad Muhammad Husain: If after the enquiry is made it is found that the loss has been due not to the action of the river but to the construction of the weirs, will Government be prepared to acquire the land in the first instance or give them compensation?

Mr. President: That is a hypothetical question. It does not arise out of the answer given.

LOSS OF MONEY FROM TRANSACTIONS OF TAKKAVI IN ROHTAK DISTRICT.

3556. Lala Mohan Lal: (a) Will the Government be pleased to lay on the table particulars of the loss of over 7,000 rupees resulting from a transaction of takkavi in kind in Rohtak district?

(b) Will the Government be pleased to say whether it is a fact that the loss was due to negligence or speculation?

(c) Is it a fact that a Muhammadan Revenue Accountant was primarily to blame?

(d) Is it a fact that the Hindu Revenue Accountant who discovered the loss has been punished while the Muhammadan who was really responsible has been let off?

[Lala Mohan Lal.]

(e) Is it a fact that this same Muhammadan subordinate was also reported to the Commissioner for embezzling Government money?

(f) Will the Government be pleased to state what action was taken by the Commissioner in these two cases?

(g) Is it a fact that this Muhammadan has now been recommended to the Financial Commissioner for promotion to the post of Tahsildar?

The Honourable Mian Sir Fazl-i-Husain: (a) In the year 1918-19 there was a fodder shortage in the Rohtak district and the Deputy Commissioner purchased *bhusa* to the value of Rs. 15,627, in the Lyallpur district. This *bhusa* was sold to zamincars in the Rohtak district at cheap rates and the loss on sale amounted to Rs. 7,331. It was intended by the Deputy Commissioner that the District Board who had set aside Rs. 10,000 for the cost of the scheme, should be responsible for the loss, but no definite resolution of the District Board on the subject was passed and as a result the District Board decided that they were not legally responsible. In 1924 the Deputy Commissioner held that the District Board appeared to be morally bound to make good the deficiency but not legally, and eventually it was decided that half the deficiency should be made good by the District Board and half by Government. The concession made by Government was largely due to the fact that at the time the question came up the District Board had had to incur heavy expenditure owing to the floods of 1924. The sum of Rs. 3,665-8-0 was therefore written off and the other moiety was paid by the District Board in November 1925.

(b) It will be seen that there was no question of dishonesty on the part of any official. There was, however, delay in reporting the facts of the transaction which if reported earlier might have resulted in the District Board paying the whole amount due.

(c), (d), (e) and (f) The result of enquiry into the cause of delay shows that there was ignorance of the rules on the part of the various incumbents of whom seven had held the appointment of Wasil Baqi Nawis during a comparatively short period. Of these incumbents three, Mumtaz Ali Khan, Girdhari Lal and Raghu Nath Sahai who had held the appointment longer, than the others were held to be responsible in varying degrees. The Deputy Commissioner found that Girdhari Lal's work was generally bad and he had reverted him before this enquiry. It is not true that any reports were made against Mumtaz Ali Khan of embezzling Government money.

(g) Yes.

ELIGIBILITY OF STENOGRAPHERS FOR APPOINTMENT AS TAHSILDARS.

3557. Khan Muhammad Abdullah Khan: Has the Government any objection to so amend paragraph 27, Standing Order No. 12 of the Financial Commissioners, as to make the stenographers to Deputy Commissioners and Commissioners who have 5 years' qualified service, eligible for the post of Tahsildars?

The Honourable Mian Sir Fazl-i-Husain: Government is not prepared to modify the rule in question. Clerks are, as such, ineligible for acceptance as candidates for the post of Tahsildar. Recognized exceptions to this rule are the posts of Superintendents, Head Vernacular Clerks of Commissioners and Deputy Commissioners, the incumbents of which are eligible.

Specially capable stenographers are technically eligible for appointment as Superintendents and Head Vernacular Clerks and are thus indirectly eligible for acceptance as candidates for the post of Tahsildar.

CHANGE OF DESIGNATION OF STENOGRAPHERS.

3558. Khan Muhammad Abdullah Khan : Is it a fact that some time ago a memorial was submitted by the stenographers in the province praying that the designation of stenographers be changed into Head Assistant or Secretary to the Deputy Commissioner or Commissioner. Does the Government propose to grant their request ?

The Honourable Mian Sir Fazl-i-Husain : No such memorial has been received by Government.

ELIGIBILITY OF STENOGRAPHERS FOR APPOINTMENT AS EXTRA ASSISTANT COMMISSIONERS.

3559. Khan Muhammad Abdullah Khan : Has the Government any objection to so amend paragraph 3 of the Financial Commissioners' Standing Order No. 4 as to make the stenographers to Deputy Commissioners and Commissioners, who have five years' qualified service, eligible for the post of Extra Assistant Commissioner ?

The Honourable Mian Sir Fazl-i-Husain : Government is not prepared to modify the rule in question. Clerks are, as such, ineligible for acceptance as candidates for the post of Extra Assistant Commissioner. Recognized exceptions to this rule are the posts of Superintendents, Head Vernacular Clerks of Commissioners and Deputy Commissioners, the incumbents of which are eligible.

Specially capable stenographers are technically eligible for appointment as Superintendents and Head Vernacular Clerks and are thus indirectly eligible for acceptance as candidates for the post of Extra Assistant Commissioner.

3560—3563 : *Cancelled.*

FOREST RANGERS, ETC., DISMISSED FROM SERVICE SINCE 1921.

3564. Chaudhri Afzal Haq : Will the Government be pleased to state—

- (a) the names and the number of Forest Rangers, Deputy Rangers and Foresters who have been dismissed from service since the year 1921 ;
- (b) whether it is a fact that a majority of the dismissed officers are Muhammadans ;
- (c) whether a majority of them were dismissed on account of insubordination ?

The Honourable Mian Sir Fazl-i-Husain : (a) Three Forest Rangers, one Deputy Ranger and 13 Foresters have been dismissed since the beginning of 1921. Government does not consider it necessary to publish their names.

(b) No ; out of the 17 men, 8 were Muhammadans.

(c) No.

DOUBLE-CROPPED AREAS IN THE PROVINCE.

3565. Chaudhri Afzal Haq : Will the Government be pleased to state —

- (a) whether it is a fact that only 20 per cent. of the land in the province is a double-cropped area ;
- (b) whether it is a fact that 80 per cent. of zamindars in the province remain without employment for six months in every year;
- (c) what steps Government has taken to increase the double-cropped area in the province; and
- (d) whether Government has taken any steps to remove unemployment amongst the agriculturists ?

The Honourable Mian Sir Fazl-i-Husain : (a) Figures showing the double cropped area of the land in the province are not readily available.

(b) No statistics are available.

(c) Government is constantly engaged in the promotion of irrigation schemes and other measures designed to increase the productivity of the land.

(d) Government is not aware that unemployment in the sense of lack of occupation exists among agriculturists.

REORGANISATION OF THE SENATE OF THE PUNJAB UNIVERSITY.

3566. Chaudhri Afzal Haq : With reference to my question No. 2562* put on 1st March 1926 and the answers thereto, will the Government be pleased to state whether they have reached any final decision with regard to the reorganisation of the Senate of the Punjab University ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The University has recently been addressed on the subject.

RESOLUTIONS.

† RESOLUTION RE REMISSION OF LAND REVENUE ON THE LOWER CHENAB CANAL—concluded.

Mr. C. M. King (Financial Commissioner) : Sir, last evening when the House adjourned I was taking up the argument that remissions are granted under this 4-anna and 8-anna rule only in the case of a very few villages. I had shown how undesirable it was to extend the number of those villages and what proximate danger there was of reverting to the system of field to field *kharaba* remissions which had been once for all abandoned as being the cause of very great corruption or a potential cause of very great corruption. If you examine the resolution carefully you will see that the mover of this resolution asks for remissions only in the case of land revenue. I do not know whether when he used the expression 'land revenue' he intended occupiers' rates or not. But as a matter of fact as the resolution stands the remissions that he asks for are to be given for land revenue only. It does not propose any remissions on account of occupiers' rate. In that connection I have only this much to say that the land revenue in the villages which are subject to this rule is comparatively a small portion of the total

* Vol. IX-A, page 289.

† Vide pages 1668-70 ante.

amount of payments made. The occupiers' rates and land revenue together are considerably more than double the amount of the land revenue alone. The resolution refers only to the remission of land revenue. To start with if we accept the position that we should do as the honourable member desires there will arise later the question of remission on account of occupiers' rates. Now, the occupiers' rates have been kept intentionally low so as to prevent the necessity of remission except in very exceptional cases. If you intend to go in for a system of *kharaba* which involves remissions on a much larger scale than is allowed at present, the inevitable result must be that you will further have to increase the occupiers' rates. Judged by the discussion which has taken place several times in this Council on the question of occupiers' rates, I gather that no one in this Council would agree to that proposal.

There was one point dealt with by the honourable member in moving this resolution which I think had the result of somewhat misleading the House. He told the House that the value of fodder was roughly Rs. 40 an acre and that therefore unless the value of fodder in a particular field for which remission is granted was less than Rs. 10 no remission will be granted. That statement is correct, but he went on to state that the amount of outturn of wheat was only 8 maunds per acre and that unless the outturn was less than two maunds an acre no remission was granted. That statement is not correct. The outturn of wheat as estimated in the last settlement was 15 or 16 maunds per acre. Therefore complete remission would be allowed if the outturn is $3\frac{1}{2}$ to 4 maunds.

There was another point which might have misled the House. That is that in those villages which as I said number about one per cent. of the total number of villages which are canal irrigated, these 4-anna and 8-anna rates apply, that is to say, those villages where irrigation conditions were so bad that the canal department desired that some kind of remission should be granted the remission is granted not only entirely if the outturn is less than a quarter but to the extent of a half if the produce was over $\frac{1}{4}$ and less than $\frac{1}{2}$. This is not mentioned in this resolution at all. From the resolution it would appear that either remission is given entirely or no remission is given at all. That is not quite true in any village. Remission is given entirely if the produce is less than one-quarter and half remission is given if the produce is less than one-half. Therefore in the special cases he has mentioned, if the produce of the fodder field amounted to less than Rs. 20 or if the produce of the wheat field amounted to less than 8 maunds per acre half remission is given. These terms are as liberal as possible and I do not think any further liberality is required.

I have already dealt with the question of the danger of reverting to the field to field *kharaba* system. I will not therefore go into that again. In conclusion, I would like to state in brief exactly what I said yesterday. There is no general rule for the grant of remission on canal irrigated lands anywhere. But in certain exceptional villages in the Lower Chenab Colony where the conditions of canal irrigation are very poor this rule of allowing full remission for a crop the outturn of which is less than 4 annas and half remission in cases where the outturn is less than half is in vogue. Those villages are very few in number and a very strict control is kept over the assessing officers so as to prevent them from exercising any sort of undue influence or of any kind of corruption.

[Mr. C. M. King.]

Next where there is widespread calamity due to causes over which neither the canal department nor Government has any control, remission is granted. That remission is granted on very much the same lines as remission is granted in the case of villages under fixed assessment, and when that remission is granted, it extends not only to the land revenue, but to the occupiers' rent. That is to say, we are much more liberal than is contemplated in this resolution. The rule is a practical working rule by which the Executive Engineer and the Deputy Commissioner are guided in reaching a decision when they shall allow remission over a very large area affected by calamity.

That then, Sir, is the present position and I feel sure that any attempt to revert to the old system of field to field *kharā'a* will be deprecated by the members of this Council.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] (Urdu) : Had the Financial Commissioner been conversant with the state of affairs in this ilāqa, I am sure, Sir, he would have classed it also along with those where special rates of *kharāba* are allowed. The soil in this ilāqa around Toba Tek Singh is inferior and even venerable men like Sir Mehdi Shah whom it is a pleasure to serve, do not get enough water. I am sure he will bear me out that water is very scarce in that ilāqa. The land is sandy, it is situated at the tail and water is scarce. Such is the nature of the ilāqa about which my honourable friend Chaudhri Nur Din has moved this resolution. Formerly, zamindars could get *kharāba* by bribing the zilladar. It was an objectionable practice, though, they could get their lawful rights even by illegal means. But, Sir, even that door for redress has been closed against them. I know full well that Government has done so in order to stop all sources of corruption and bribery. But this has, on the other hand, told heavily on the people. Government while stopping *kharāba* ought to have as well reduced *abiana* rates in such ilāqas. They have the same rates everywhere. Formerly it was levied on cropped area. The Government did not care the least for people of such ilāqas. They effected an increase of about a crore in *abiana* with one stroke of pen. But the supply of water has been reduced. Of course the ilāqas which had better soil have felt this very little, but it has told rather heavily on ilāqas with inferior soil. Government has not distinguished at all between good lands and bad lands in levying *abiana*, though the land revenue is different for the different qualities of soil. They did that to avoid agitation against the increase of water rate. That is why they levied a universal rate. But, Sir, the pity is that they are increasing the number of canals every year and they forget that the supply of water is not increasing proportionately. They are now taken in hand the work of Pir Mahal extension. Will it not further reduce the water supply of this already waterless tract? I know of the condition of the tenants of Bari Doab Canal that they can save something only from the *kharif* crops but *rabi* pays them hardly their revenue. If this is true of the Bari Doab Canal which is a new canal, it will be applicable to the older ones with a still greater force. Water does not flow in the triple canal perennially. They run only for a part of the year and the zamindars can make some profit only if it rains. Sir, water has been reduced, rains are not sure and *kharāba* is not allowed. What are the poor people to do? It is better that you turn them into beggars. But even mendicancy is sought to be stopped. You can only stop beggary if you improve agriculture which is the only industry of the province. Why do you seek to destroy agriculture? What will you say to the Viceroy who has come with the avowed object of

improving agriculture? You should stop the officers from taking bribes. You, on the other hand, annoy people by stopping the allowance of *kharaba*. What will you reply to the Supreme Government? We shall be witnesses before the Agriculture Commission when it comes to the Punjab and we shall tell them how agriculturists are being taxed. You may go on making demonstrations of machinery and showing films, but this will not help us. You must first improve our condition. Government is like an ostrich (*Shutar murg*) which when used as a camel said: 'Oh, no, I am only a bird, why do you use me as a beast of burden' and when used as a bird said: 'no, no, please do not cut my throat I am only a beast of burden'. The same is the case with the Government. They say that the grant of *kharaba* demoralises the people. I wonder when they began assuming the role of a moral teacher. Government is said to be a cloud which sucks water only to return it in the shape of rain over the whole of the area. But I am sorry to say that our Government is not acting like that. With these words I support the resolution.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) (Urdu): With your permission, Sir, I would like to address the House in Urdu. As I understand the resolution moved by the honourable member for Lyallpur, he proposes that full remission of land revenue only, i.e., not water rate should be granted instead of half remission in *kharaba* as at present. The Financial Commissioner has already stated the rules regarding these remissions. He has also explained the way in which we can amend those rules. The honourable member for Montgomery came next and I listened very patiently to the whole of his speech, and listened very attentively, with the hope of catching something that might throw some light on the issues raised by the resolution. But I listened in vain. There was not one sentence that could be called relevant to the real question. He waxed eloquent on the *abiana* trouble. But I fail to understand the connection between that unnecessary outburst of eloquence and the resolution under discussion. I, therefore, feel that the honourable member has no doubt made a very eloquent speech, but only it was not on the subject before the House. We are discussing the suggestion of the honourable mover that the *kharaba* that is allowed in certain *stages* under certain conditions should be allowed in full instead of in half. I spent much time in studying the rules on the question and my inquiries tell me that some 20 years ago *kharaba* was allowed. By *kharaba* is meant the remission of *abiana* and land revenue on ruined crops. But experience told the Government that this money did not go to the pockets of the people. Neither did it remain in the coffers of the Government that it might shower on the people again like rain. It was believed to enrich the subordinate officials. Now, if this money were to remain with the Government, it would spend the same for public good. Even if it had gone to the people they could have used it for their own good. But the trouble was that it only went to the subordinate officials. So the Government decided to reduce the rate of revenue at the assessment so that *kharaba* may be entirely abolished.....

Sayad Muhammad Husain: Was it enhanced or reduced?

The Honourable Mian Sir Fazl-i-Husain: It was reduced.

Sayad Muhammad Husain: Question?

The Honourable Mian Sir Fazl-i-Husain: Now, suppose that Government gets one crore from land revenue. They instead of getting one crore

[Honourable Sir Fazl-i-Husain.]

and 10 lakhs and then remitting 10 lakhs obtain only one crore. (A voice : That is not so.) Would you like to pay one crore and 10 lakhs and then get 10 lakhs back, or pay only one crore? The sum of 10 lakhs which is remitted remains neither with the Government nor with the people. You will thus see that such a course will be acceptable neither to the Government nor to the Council. I made inquiries from officials as well as non-officials and particularly from the honourable gentleman to whom reference was made by the honourable member from Montgomery and I was told that the resolution if accepted will result in no good. Had it been useful, I would very gladly have supported it. The truth is that the resolution has been framed under a misapprehension. I, therefore, regret that I cannot accept it. The suggestion needs some maturing and it cannot be accepted as it is.

Chaudhri Nur Din [Lyallpur South (Muhammadan), Rural] (Urdu): Sir, as I was under the impression that my resolution could not be discussed on the next day, I was not able to explain myself fully yesterday through lack of time, and I am thankful for the opportunity that has been given to me to-day to further explain it. Only he, who is pinched feels the pain. I come from an area which lies at the tail of two canals, the Jhang Branch and the Gogera Branch. Every honourable member who has been to the area will bear me out that the soil there is of a very inferior quality. The honourable the Revenue Member knows it. It was through his efforts that it was cultivated. But now Pir Mahal and Kbhkhna extensions are also to be taken out from these two branches. That will still reduce the water supply. Bhagat area will be thrown out of cultivation. *Kharaba* has been stopped and no body ever gets it unless he applies for it. Even then he gets it in full only if the produce is less than a quarter. My resolution suggests that full remission should be granted if the produce is less than half. The upper part of Lyallpur extending over Jaranwala and Samundri gets enough water and even *kharaba* is allowed. The Honourable the Revenue Member perhaps inquired from a member belonging to that part where they get good supply of water.....

The Honourable Mian Sir Fazl-i-Husain : That is not what I said. I said that I enquired from the honourable member to whom reference was made by the honourable member for Montgomery.

Chaudhri Nur Din : Then you meant Sir Mehdi Shah. But what does he know of our troubles? His lands are not situated at the tail. I talk of the *ilaqa* round Shorkot. Its very name suggests the nature of land it possesses. Those who have been to that place know how sand storms keep blowing. People have very small holdings. They extend only to two or three acres of land per head. The water does not reach them during the short turn they get. It only remains in their *khals*. That is why I move this resolution. Sir, the Honourable the Revenue Member has asked if we would like to pay one crore and ten lakhs and then get back ten lakhs. At the time of assessment of water rate no concession was shown to inferior lands. We pay as much land revenue as anybody else possessing far better lands. This *ilaqa* is poor. There are *janglis* at the tail of the canal who have only one acre or so. I, therefore, request that something in the direction indicated by me must be done. By the rates at which remission is allowed we hardly get enough for paying land revenue. We waste our labour for nothing. Perhaps by mistake I said yesterday that 8 maunds of wheat could be had per acre. I meant to say 12 maunds. Full remission should be allowed if the produce is less than three maunds.....

Mr. C. M. King: If it is less than three maunds he gets full remission. If it is less than 6 maunds he gets half remission.

Chaudhri Nur Din: But Sir, that is not the rule now. (Laughter.) They allow full remission only if the produce is less than four annas and if it is more, full remission is not allowed. It may have been so before, it is not so now. Perhaps, the Financial Commissioner does not know (Laughter). The rule of half remission has been cancelled in the Lower Chenab Canal. It is either full or none. The same is the case with *toria*. Remission is granted only if produce is less than 1½ maunds. This means that we get only from Rs. 7 to Rs. 11 which is hardly enough to pay the land revenue. We get nothing for our labour. I, therefore, pray that my resolution be accepted.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member): Sir, the difficulty is this that the honourable member has sent in a definite resolution and it appears that his grievances are quite different from what the resolution is. Therefore, it is impossible to vote on the grievances of the honourable member which are not identical with the resolution which will be put to the vote. The resolution as has already been read says "future remissions in land revenue". The resolution has got nothing to do with *abiana* whatsoever and it is the *abiana*, really which worries the honourable member who has proposed this resolution and the honourable member who has supported it. That is one thing.

The second thing is that here we have a resolution which concerns the Lower Chenab Canal not the particular *ilaga* that he is worrying about, which is very bad but his resolution refers to the whole of the Lower Chenab Canal. That is the second point.

The third point is this. Surely the honourable member is aware that besides the Lower Chenab Canal there are other canals, the Upper Chenab Canal, the Upper Jhelum Canal, the Lower Jhelum Canal. Does he want us to have this particular rule for the Lower

Chenab Canal only?

Again we have other canals like the Upper Bari Doab Canal and the Western Jumna Canal where the land revenue is fixed and not fluctuating and where the question of remission of land revenue does not arise. Does the honourable member want really that all other canals should bear the loss which will be involved if his resolution with reference to the Lower Chenab Canal were accepted? Therefore, Sir, it seems to me that the resolution demands careful consideration on his part. If the resolution is really such that it represents the real grievances or hardships with respect to any particular area and if it comes before this Council I have no doubt the Council and the Government will give their most careful consideration. The resolution as it stands is on the one hand too vague and on the other it is too narrow, and in general it is such that it can hardly be acted upon. One honourable member definitely stated that rise in revenue took no account whatever of the changed rules governing the grant of *khara*. I should like to correct him there. That is not so. When the assessment takes place we keep in view the fact that the *khara* of the old type no longer prevails and we never fix the assessment in a way that would never have been fixed had the old *khara* rules been in force. With these few words I would suggest to the Council the advisability of not accepting the resolution which is essentially vague on the one hand and too narrow on the other and altogether unworkable.

Chaudhri Nur Din (Urdu) : Sir, if the rule is as the Financial Commissioner has stated, that is that half remission is allowed if the produce is less than half and full remission is allowed if the produce is less than one-fourth, then I beg leave to withdraw my resolution.

Mr. C. M. King : In order that there may be no misunderstanding I shall read the rules :—

"In the case of some estates or defined parts of estates, for which the Deputy Commissioner and Executive Engineer agree that the water supply is precarious and unsatisfactory, the zilladar is required to grant remissions on the following scale :—

(a) No remission shall be given—

(i) in respect of crops which have been cut or grazed prior to inspection ;

(ii) when a light rate is charged for crops grown on the *wadh* of a previous crop ;

(iii) when a special rate has been fixed on a *kharij* distributary for a first watering to start a *rabi* crop ;

(iv) when a crop is equal to or better than an 8-anna one.

(b) when a crop is equal to or better than a 4-anna one, but worse than an 8-anna one, half remission shall be granted ;

(c) when a crop is worse than a 4-anna one, full remission shall be granted."

If Chaudhri Sahib can show me any case where the rule is not observed I shall see that it is observed.

Chaudhri Nur Din (Urdu) : There are some places where the rules are not observed. However, I shall withdraw my resolution on the assurance of the Financial Commissioner now given.

The resolution was by leave withdrawn.

RESOLUTION RE TRANSFER OF DIVISIONAL INSPECTORS OF SCHOOLS AFTER EVERY FIVE YEARS.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban]
Sir, I beg to move—

"This Council recommends to the Government that Divisional Inspectors of Schools be transferred from one division to another after a specified period of 5 years."

Sir, so far as I know there are in other departments rules by which officers of Government are transferred from one district or division to another after a specified number of years. In the case of the Inspectors of Schools, I understand that some of them have been in their divisions for 7 or 8 years and even more. It is desirable in the interests of the public that there should be a rule that the educational officers like others should also be transferred from one division to another. The ground on which I urge this resolution is that in some cases the Divisional Inspectors, it is alleged, get some prejudice against certain classes by their long stay in one division. It is possible they are liked by some and disliked by others and they are likely to be partial to some and against others. By their long stay in one division they get knowledge of some people which makes them prejudiced against them.

I, therefore, think that it will be good for all concerned that the Government accepts this resolution and makes rules for the periodical transfer of the Divisional Inspectors of Schools.

Mr. President : The resolution proposed runs—

“ This Council recommends to the Government that Divisional Inspectors of Schools be transferred from one division to another after a specified period of five years.”

The question is that that resolution be adopted.

Sardar Jodh Singh (Sikh, Urban) : Sir, I am sorry, I have to differ from my friend the honourable the mover of this resolution in this respect. It may be the practice in other departments that officers are transferred periodically from one place to another. But if he studies the educational institutions in countries like England he will find that the heads of schools take pride in their schools and stick to them for life. Therefore, in this department, I should think that the practice of transferring periodically the Inspectors or Headmasters may prove injurious. I have spoken to some of the Inspectors and they say that it takes them some two or three years to know their division. They have got some 80 or 100 schools to supervise and it takes a lot of time for them to know their headmasters on whom they could rely. It is only after knowing his division fully that the Inspector can put his plans into operation.

I am also sorry for the reasons that the honourable mover adduced for his resolution. Of the five Inspectors at present working in the Punjab four are Indians. To say that these Inspectors are favouring one community at the cost of another is to accuse our own selves. (Hear, hear). If this mentality continues I think we should despair of any self-Government in the Punjab. We should try to trust ourselves and if there are cases in which we are transgressing the rules of the education department we are bound to be hit. But as the honourable member only made general accusations I would not enter into any details by way of reply to them. As I have already remarked almost all our Inspectors are Indians and to the best of their ability they have been discharging their duties efficiently. If in any case hardship has been caused by the action of the Inspector he should not on that one account be judged as prejudiced. He has a whole division to manage and if in one particular case he has erred his work as a whole must be examined to see whether he is partial or prejudiced. I would, therefore, oppose this resolution and would suggest to the mover to leave it to the department concerned to keep the Inspectors or divisional officers in their places as long as they please, so that full value can be derived from the experience of such officers gained by their stay in their places. (Hear, hear).

Chaudhri Afzal Haq [Hoshiarpur-cum-Ludhiana, Rural] (Urdu) : Sir, I rise to support the resolution. In doing so, I wonder at the inconsistency of those gentlemen who have always been very zealous in asking for the application of this principle in other departments. We know that a maximum time limit has been fixed in the departments of police, jail and judicial after which the officers must be transferred. Why then object to its extension to the officers of the Department of Education? The only argument that has been advanced against the transfer of Inspectors of Schools is that they require some time to get acquainted with their schools and staff. The same argument applies and with greater force to police officers, and to jail and judicial officers. But you have always refused to recognise its validity.

[Chaudhri Afzal Haq.]

Why then do you make this exception towards Education Department? What revolution will it create in the working of the department if you introduce the proposed change? You will not lose at all even if transfers are made after three or four years. But the trouble is that transfers are not made even after 8 years and officers sit in one district and rule the affairs as if they held the lease. I do not say that they necessarily incline towards partiality. But they are human beings and are liable to err. Why not minimise all chances of complaints? Repeated questions about the transfer of these officers are evidence of the fact that there is something wrong in the game. Sir, five years is a fairly long period for an officer to get an insight into his division and give his best to it. We do not want to injure any one community. This rule will be applicable to all. There is nothing to lose by it. I, therefore, support the resolution before the House.

Malik Firoz Khan, Noon [Shahpur East (Muhammalian), Rural] : Sir, I am sorry to say that I cannot agree with the honourable mover of this resolution. There are only two kinds of people in the division with which an Inspector of Schools has to deal. It is for us to see as to which of these two classes of people will be benefited by the frequent transfers of these Inspectors of Schools. These two classes of people are the students and the staff. I think the House will readily agree that as far as the students are concerned, they can have no cause of complaint against an Inspector of Schools because they can have no direct touch with the Inspectors and they have nothing to do with them. The only class of people that have to deal with the Inspectors are the staff. If it is urged that the Inspectors should be transferred, it can only be on account of the reason that some of the staff might suffer being on bad terms with the Inspector of Schools. Let us see what are the causes which might lead to the Inspector of Schools being hard on a particular person of the staff or on a class of persons on the staff. The Inspector of Schools is against a particular teacher because he is really a bad teacher. If a teacher is bad, I think nobody in this House would sympathise with him and blame the Inspector for being hard upon the teacher and I do not think that anybody would wish the Inspector to be transferred by reason of the fact that he punishes the guilty. On the other hand there may be an Inspector of Schools who is hard upon a particular class of persons. There may be a Hindu Inspector of Schools who is hard upon the Musalman teachers serving under him. If the Inspector is so viciously minded that on account of religious bigotry he is against the Musalman teachers in his division and wishes to do them harm unjustly and unfairly, then how does the public as a whole benefit by the transfer of such an Inspector from one division to another? By transferring him you are merely transferring evil from one place to another. If there is a bad Inspector in the Lahore division and if he treats the Musalmans under him harshly and if you transfer him to Rawalpindi division, he will go there and treat the Musalman teachers in that division also in the same way as he was doing in the Lahore division. You are only transferring vice from one division to another. As far as I know the analogy of schools does not hold good as far as other departments are concerned. I personally think that schools are one of those institutions in which religious bigotry and communal feeling are the least felt. If anybody wants to prove the spirit of comradeship that is created and engendered among the student folk in this province, it could have been easily done during the last few days in this very city. A few days back I went to the University grounds on

the occasion of the visit of His Excellency the Viceroy and there I saw Hindus, Muhammadans and Sikhs all united together in the Boy Scouts demonstration. You would have seen there that the Hindu and the Sikh teachers were treating the Musalman boys just in the same way as they were treating the boys from their own community. You would have found there that even in national schools belonging to various communities, they had boy scouts belonging to communities other than their own. As far as I know the schools are the places where the teachers cannot make any differentiation between one class of students and another. If that spirit is kept up in schools as far as the boys are concerned, I feel certain that that spirit will be felt amongst the teaching staff also. It was argued by one honourable member that if the police are transferred from one district to another, why should not the school inspectors also be transferred? As far as I know if the Police Sub-Inspector in a thana is an honest man and if he does his work fairly and justly, then certainly the people in that *thana* would be desirous of having him for any length of time. If he is a man who punishes thieves and who protects the cattle from being molested by the neighbours of those who own them, then certainly such a Sub-Inspector would earn a good name among the people and the people would insist on having him in the same thana as long as possible. The reason why Sub-Inspectors are usually asked by the people to be transferred is this. When people begin to suspect the honesty of Sub-Inspectors, and not without cause, it is only then that complaints are made against them. By sitting in the same thana for a certain number of years, the Sub-Inspectors get into touch with certain bad characters and they try to shield such bad characters with the result that the general public loses confidence in those police officers and wants to get rid of them. It is therefore in the interests of the public that public servants should be transferred. This analogy does not hold good in the case of Inspectors of schools of divisions. If there is a bad Inspector of Schools who is hard upon any community or any particular person who does not belong to his own community, then such a person should be brought to the immediate notice of the Government and there is no use of merely getting him out of that division to be put into another division. If any Inspector of Schools is unfair towards any community, the Government should be called upon to punish him severely for his faults and not merely transfer him from that division. By transferring him you are only transferring trouble and vice from one place to another.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) : Sir, I did not expect that this resolution would really induce such a serious discussion as it has done actually. As a matter of fact speaking generally, the principle underlying this resolution has been acted upon in the past and as a very rough guide the principle will continue to be recognised in the future. But if the honourable mover of the resolution wishes that this principle should be laid down as a rigid and inelastic rule, Government is not prepared to accept it. At the same time I wish to make it clear that while the Government will regard five or six years, roughly speaking, as a sufficiently long period to enable an officer to put in all the good work that he is capable of in a particular division, it is not prepared to recognise that he must be transferred after a specified number of years or that he should be continued until he has completed any minimum period of service. As a matter of fact the question of transfer should be decided with reference only to the interests of the department and the convenience of the department and not according to any hard and fast rule which any honourable member of the House would

[Honourable Rai Sahib Chhotu Ram.]

like to place before the Council as defining a fixed maximum period. The sole guiding factor should be the interests of the department and the convenience of the department. It may be that an officer has put in five or six years of service in a particular circle and yet he may be in the middle of a very useful scheme initiated by him and which can best be executed only by him and under his guidance and supervision. In that case I do not think there is a single member in this House who would like to have that officer transferred simply because he has completed five or six years of service there. In the same way, an officer though he has served six years in a particular circle may be within six months of his retirement or even less. Can anybody seriously urge that he must be transferred simply because he has put in six or seven years of service in that particular division? I think not. While I am prepared to assure the honourable mover of the resolution that Government has in the past generally looked upon five or six years as a sufficiently long period and generally recognised that a transfer after such a period would be desirable, the Government cannot accept that as a hard and fast rule. If that satisfies the honourable mover and if it appeals to the general sense of the House, I think he will be well advised in withdrawing his resolution.

Lala Mohan Lal : Sir, without casting any reflection on the service, as was probably understood by Sardar Jodh Singh, I beg, in view of the assurance given by the Honourable Minister for Education, to withdraw my resolution.

The resolution was by leave withdrawn.

The following resolutions standing in the names of the respective members indicated at the beginning of each resolution were not moved :—

RESOLUTION RE REPRESENTATION OF SPECIAL INTERESTS IN MUNICIPAL TOWNS.

Diwan Bahadur Raja Narendra Nath : This Council recommends to the Government that representation of special interests in the municipal towns of the Punjab be introduced on the lines on which it exists in the United Provinces.

RESOLUTION RE OPENING OF A TIBBIA AND AYURVEDIC COLLEGE.

Sardar Gurbakhsh Singh : This Council recommends to the Government that a Tibbia and an Ayurvedic College be started in the province within the current financial year.

RESOLUTION RE PREFERENCE TO THE STUDENTS OF MACLAGAN ENGINEERING COLLEGE IN GOVERNMENT SERVICE.

Lieutenant Sardar Sikandar Hayat Khan : This Council recommends to the Government that—

- (a) some guarantee or assurance be given to the students of the "A" class of the MacLagan Engineering College for their preference in Government service in the various branches requiring men with technical qualifications such as Mechanical and Electrical Engineering Departments and the Departments of Canals and Industries, etc., and that
- (b) the students while working as apprentices in the workshops be paid stipends or be otherwise remunerated.

RESOLUTION RE UNIVERSAL SUFFRAGE IN ELECTIONS TO LOCAL BODIES.

Shaikh Muhammad Sadiq: This Council recommends to the Government that immediate steps be taken to introduce universal suffrage in the Municipal Committees and District Boards elections and that in future the number of seats on such bodies be determined by the numerical strength of the different communities.

RESOLUTION RE REPRESENTATION OF SPECIAL INTERESTS IN MUNICIPAL TOWNS.

Dr. Gokul Chand, Narang: This Council recommends to the Government that representation of special interests in the Municipal towns of the Panjab be introduced on the lines on which it exists in the United Provinces.

RESOLUTION RE IMPROVEMENT OF RURAL SANITATION IN THE PROVINCE.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Rural) (Urdu): Sir, I beg to move that:—

"This Council recommends to the Government that a sum of rupees 15 lakhs be provided in the next year's Budget for the improvement of rural sanitation in the province."

Sir, it has been submitted time and again to the Government that the sanitary condition of the rural areas is very bad, and that therefore something should be done to improve this state of affairs. I am very glad to acknowledge that our repeated requests have not altogether fallen flat on the ears of the Government. A Rural Sanitary Board was recently constituted which has done very useful work during this short space of time and with very little funds at its disposal. But ever since the creation of this Board, of which I am also a member, it has never been free from the anxiety about finances. Many useful schemes have been postponed for lack of funds. It is, therefore, in the fitness of things that the said Board should be provided with sufficient funds so that it may be able to fulfill the object for which it was constitution. I have been occasionally drawing the attention of the Government to the insanitary condition of particular rural areas by means of interpellations. Ilaga Beit in the Dasuha Tahsil is one of them. Its sanitary condition is extremely bad. No resident of this ilaga can be said to have lived up to the age of sixty years. On the other hand, according to the Gazetteer, the average age of a man in that ilaga is 25 years. The mortality amongst cattle is also very high and that is why the peasants of that ilaga are under a heavy burden of debt. The rate of interest prevailing there is from two to four per cent. and this is all due to the insanitary condition of the ilaga. The peasants of that ilaga are required to buy oxen and buffaloes every year because they die within a year of their purchase.

I have dwelt at a little length on the condition of ilaga Beit. But by that I do not mean for a moment that other rural areas do not stand in need of help and attention on the part of the Government. They do stand in need of such help and attention. And as a member of the Rural Sanitary Board, I know that the Engineers and the Director of Public Health are very anxious to improve the sanitary condition of the rural areas, but the pity is that they are handicapped by the deficiency of funds. As I have said before many useful schemes have been given up simply for lack of funds. Since the advent of British rule in this province many lakhs of rupees have been and are being granted to the municipalities for sanitation purposes. I do not grudge that. But I have a right to ask the Government

[Ch. Afzal Haq.]

to take care of the rural interest as well. The sum of rupees 15 lakhs that I have asked for is very small in proportion to the work that is to be accomplished. Therefore I am sure that the Government will feel no hesitation in granting this very modest request.

With these words I commend the resolution to the House for its acceptance.

Mr. President : The resolution proposed runs :—

"This Council recommends to the Government that a sum of Rs. 15 lakhs be provided in the next year's Budget for the improvement of rural sanitation in the province."

The question is that that resolution be adopted.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural] :

Sir, I have great pleasure in supporting the resolution which has been so eloquently moved by my friend Chaudhri Afzal Haq. It is really a matter of great regret that in this province instead of having good seasons we have got seasons of disease. Just when the rainy season stops, we get malaria in abundance. No sooner the people recover from malaria at the close of winter then plague makes its appearance. After the plague has wrought havoc for two or three months, then come typhoid and small-pox followed by cholera. This is the round of disease which goes on year in and year out. Thousands of Punjabis, sturdy, virile, in every way manly, succumb to the diseases and yet we boast of having a civilised Government which can tackle these difficulties. In no other country in the world, I venture to assert, would such a state of affairs be tolerated by the people. Only a few months back thousands of people lost their lives in the districts of Rohtak and Hissar, in the Ambala Division on account of plague. It is now recognised by medical science that most of these diseases can be prevented if precautions are taken at the proper time. But what do we find? After these epidemics have wrought havoc for a number of weeks or months the Government suddenly wakes up to its sense of duty to the public. Such a state of affairs, I submit, is undesirable and it is the duty of the Government not to go on muddling this problem. They should seriously and earnestly tackle this problem and try their level best not to allow such diseases to work havoc which may be prevented by proper sanitation and by adopting proper preventive methods at the proper time. My friend Chaudhri Afzal Haq referred to two particular tracts in the Hoshiarpur district, namely, Dasuha and the Beit, which is close to my village of Katgarh. We find in these two tracts people generally suffering from malaria to such an extent that it is sometimes impossible for them to find milk for a large number of people who fall ill. Diseases get hold of such a number of people that it is impossible for the people who are ill to find even proper nourishment on account of lack of milk. It has already been explained that that is due also to the mortality amongst cattle which also could be prevented by the Government at the proper time. I do not for a moment assert that the Government should not give relief to municipalities, but it is necessary that the Government should listen to the very great grievances of the people in the villages and should devote its earnest attention to this problem so that the manhood of the Punjab may not be sapped by these terrible epidemics. Sometimes back I mentioned the fact that when we got Mian Sir Fazl-i-Husain and Lala Harkishan Lal as Ministers, at once cholera broke out. When there was a change of ministry and Mian Sir Fazl-i-Husain and Chaudhri Lal Chand were appointed as Ministers, plague appeared in the Rohtak district. Thus whenever there are changes in the ministries, whenever there are

changes in the seasons epidemics also appear. This is really a warning of Heavens to the Ministers that they should awaken themselves to the great need of the people and that they should tackle this problem in right earnest. It is no use giving sometimes fifty thousand and sometimes one lakh. Proper amount of money must be found if you want the province to be prosperous and happy. You must be prepared to spend a larger amount of money than the 15 lakhs that is recommended in this resolution. These 15 lakhs may not be sufficient, but it is better to make a small beginning with Rs. 15 lakhs rather than not make any beginning at all and wait for 30 lakhs.

Khan Bahadur Chaudhri Fazl Ali [Gujrat East, (Muhammahan), Urban] (Urdu) : Sir, the meanings of the words 'sanitation' and 'rural areas' are clear and they do not require any explanation. In my opinion, the sanitary condition is not confined to any particular area. According to the following Persian couplet :—

ز فوق تابہ قدم ہر گجا کہ سے نگرم — کرشمہ داخیں دل سے کشد کہ جا اوقن جاسم

We cannot say that any area is fortunate in this respect. Besides other insanitary troubles certain rural areas suffer from waterlogging in the Gujrat district. I know full well about the villages on the eastern side of Gujrat. On one side they are being destroyed by the action of the river and on the other they remain surrounded by the water in the rainy season. Perhaps Shahpur suffers from that trouble also. I sometimes wonder where the residents of these ilaqas go to answer the calls of nature. I am inclined to say that these people live the life of a frog particularly in the months of Sawan and Bhadon as they are surrounded by water all a round. Owing to the presence of the rain water and water as a result of waterlogging every where in certain rural areas, the residents remain confined to their places and can find no way to go out of them. Only recently our Inspector of Schools came to visit a school in the Gujrat district and on his way to that school and back he had to wade through water which was knee deep. The question of rural sanitation is one which requires no word of explanation and I quite agree with my friend Pandit Nanak Chand when he said that the sum of rupees 15 lakhs asked for was quite inadequate for the purpose. If I had time and had my own way I should have tabled an amendment asking for at least one lakh of rupees for every district which may be spent according to their respective requirements. The resolution under consideration is quite reasonable and I am sure the Government will not refuse to accept it, otherwise it will be said that no heed is paid to the interests of the rural areas. In my opinion the Government will be well-advised not only to accept the resolution, but also to give an undertaking that if necessary more money will be provided for the purpose.

Lieutenant-Colonel W. H. C. Forster (Director of Public Health) : Sir, this resolution is a sign of the times and a very pleasing and healthy sign. During the years I have attended the debates of the Legislative Council I have been struck by the increasing importance attached by members of the House to all questions affecting the health of the rural population. It is unfortunately true that our Province, if we look at the statistics of the last 33 years, occupies an unpleasant position in relation to the Provincial mortalities of India inasmuch as we generally find it at the top of the list. Ninety per cent. of our population being rural, it follows that the greater proportion of this distressing mortality is contributed by the rural population, and that this mortality is very largely due to the conditions under which they live. Therefore this resolution which seeks to do something towards

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ameliorating the mortality in the rural population is one which in spirit will commend itself to everybody. On the other hand it is couched in a form which renders it unacceptable. It requires that a definite sum of 15 lakhs be provided in the next year's budget for the improvement of rural sanitation in the Province. I propose dealing with the matter at some length for the purpose of explaining to the honourable mover of the resolution, who is associated with me on certain Boards, why the resolution as it stands is unacceptable.

In the first place we require a definition of the term "rural sanitation" and it is not an easy expression to define. In fact it can only be given a conventional definition. I have prepared such a definition and will read it to you. I define rural sanitation as taking into consideration:—

- (1) The village site.
- (2) Housing conditions such as alignment, lighting, ventilation, etc.
- (3) Water-supply.
- (4) Surface drainage.
- (5) Conservancy.
- (6) Location of offensive matter.
- (7) Technical and administrative machinery for dealing with rural problems.
 - (a) Registration of births, deaths and marriages.
 - (b) Notification of epidemic diseases.
 - (c) Rural sanitary staff for reporting and remedying defects and executing preventive measures in respect of epidemic diseases.
 - (d) Technical departments for the preparation, execution, maintenance and supervision of constructive works.

That is a fairly comprehensive definition, one which I think will satisfy both the mover of the resolution and my honourable friend Pandit Nanak Chand.

I will not attempt to go into all these heads in detail, but will deal with the important points in connection with some of them.

Firstly the village site. The two important troubles in this connection are flooding and water-logging for the remedy of which we have technical departments. Water-logging to a certain extent is dealt with by the Irrigation department but for the most part water-logging and flooding are dealt with by the Rural Sanitary Board. Now in either case, water-logging or flooding, in the first instance a scheme must be devised which will remedy the trouble and for that purpose a very thorough examination must be made of the whole question. After the examination has been made and a scheme decided upon then it must be technically prepared, and these processes take some time. Therefore if this Council says to the Rural Sanitary Board "we wish you to carry out schemes during the next financial year to the extent of the funds which we now provide" the answer is that the Rural Sanitary Board cannot do it. There would first have to be a survey of the areas concerned, the preparation of the schemes to deal with the conditions noted, and then the sanction of the Finance Department of Government obtained. The Finance Department naturally will not accord sanction until a scheme has been thoroughly examined and finally approved.

At the present moment during this financial year the Rural Sanitary Board is engaged on the execution of schemes for which the sum of Rs. 17 lakhs has been allotted and it has prepared schemes for the coming year at a cost which I do not exactly remember but which I know is not under Rs. 10 lakhs. All these schemes have been preceded by a careful survey of the areas affected, on these surveys definite principles have been accepted for the solution of the difficulty, and on these principles detailed schemes have been prepared by the technical departments of Government and submitted for sanction. If you wish us to extend this process to new schemes you must realise that it is useless giving weeks or months notice, as for big schemes of the nature with which the Rural Sanitary Board deals we require very much longer time.

Next comes the question of housing conditions and I will not waste the time of the Council in dealing with this matter at any length. If you want to put the Punjab in the same position as other countries referred to in the debate you will have to rebuild about 89 per cent. of the villages. As there are some 45,000 villages in this Province the cost of such a suggestion rules it out of the question. There are, however, a few things which can be done during the coming financial year with regard to the improvement of village housing, but they will only cost a comparatively small sum and for them there is no need for money over and above the existing budget provision.

Next comes water supply. Village water supply is directly under the control of the Urban Sanitary Board and although I fear this title is objectionable to the honourable mover of the resolution this Board deals with practically all rural sanitary problems other than drainage works affecting village sites. At present I have before me a large number of schemes for the improvement of village water supplies submitted by the District Medical Officers of Health which total a very large sum. But all these schemes must be considered individually, both from the point of view of principle and technical details, and this is a process which will take time. In the meantime the Urban Sanitary Board has budgetted for an expenditure of 8 lakhs during the coming financial year, one-half of which sum is hypothetically allotted for rural schemes. Under the circumstances if you give, say, a large sum of money in excess of this budget provision I see no possible way of spending it short of the Council sanctioning a very large increase of technical staff.

Then comes surface drainage and conservancy and for the ordinary village it is a waste of time to consider such matters. There are certain villages, which in reality are much bigger than many English towns, in the case of which such questions call for different treatment, but the position in regard to them is quite clear. The Urban Sanitary Board deals with all such schemes, it has never failed to subsidise in whole or in part any schemes which has been submitted, and in its budget for the ensuing financial year it has made provision for such schemes as are likely to come before it. In this respect I repeat that we cannot spend more by making provision of 15 lakhs as suggested in the resolution.

Lastly we come to the technical and administrative machinery for dealing with rural problems. On this subject I can say much but will content myself with referring only to one matter. As I have told the Council on a previous occasion in another debate the first essential with regard to constructive schemes for benefiting the rural conditions is reliable information. The only

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source of information that we have at present is the District Medical Officer of Health and in the Debate referred to I urged on the Council the necessity for sympathetically considering proposals to increase our District Medical Officers of Health. I am happy to say that all proposals to this end subsequently submitted to you have been sanctioned, and encouraged by this attitude of the Council the Honourable Minister for Education has agreed to place before your successors a proposal which will give a Medical Officer of Health to each district. When that proposal has been sanctioned we will be in the happy position of being able to learn what is wrong with the district and having discovered what is wrong, will be in a position to put matters right. This scheme, I may say, will mean an annual recurring cost of Rs. 26,000.

Another item which we have taken in hand and which is of great importance to the rural areas is the question of Maternity and Child Welfare. Government has sanctioned and will put before your successors a proposal for provincialising the Punjab Health School which undertakes the training of Lady Health Visitors. This item will mean an annual recurring cost of Rs. 24,000.

In addition a proposal to provide all District Medical Officers of Health with the microscopic equipment necessary for the rapid diagnosis of diseases at a non-recurring cost of Rs. 28,000 has been sanctioned.

Totalling up the items, I find that for the financial year 1927-28 Government has approved a demand of Rs. 18,78,000 being placed before your successors on account of matters which are primarily and almost entirely rural. You now ask us to put in the budget 15 lakhs over and above that sum and this request is unacceptable.

The resolution does not take into consideration the fact that by the ordinary machinery of Government a demand for the sum already mentioned has been passed by the Finance Department and for the additional sum of 15 lakhs we cannot prepare schemes which would secure the consent of the Finance Department. On the whole I think it cannot be urged fairly that Government itself is unwilling to tackle the subject of rural sanitation.

There are a few other points which I should like to bring to the notice of the Council. Firstly as my honourable friend Pandit Nanak Chand pointed out the Province is liable at any moment to the visitation of an epidemic disease and when that happens we have to come to Council for money to deal with it. In this connection we have already been obliged to come to the Council for 3 lakhs to be expended on the plague epidemic from which we have been suffering and it is quite likely that we may have to come to Council again for more money. For these epidemic visitations, therefore, Government must have a reserve over and above any actual sum entered in the budget.

Secondly the honourable mover of the resolution referred to the conditions prevailing in the Dasuya Tahsil of the Hoshiarpur District, but I can tell him that this matter is already in the hands of the Rural Sanitary Board. This area was first surveyed by Mr. Astbury some years ago who drew up an extremely interesting report which was very largely responsible for the formation of the existing Rural Sanitary Board. Mr. Astbury's report and suggestions were taken over by that Board which is now executing schemes designed to improve the area and I am confident

that the honourable mover, from his own knowledge of the Board of which he is a member, will accept my statement that it is being carried out satisfactorily and expeditiously.

Thirdly we come to the *Beit ilaga* of the Hoshiarpur District. With regard to this area the Deputy Commissioner, Mr. Jenkyns, on a special request from me, went thoroughly into the matter and submitted comprehensive proposals which are now in the hands of the technical officers of the Urban Sanitary Board. Both the honourable mover of the resolution and my honourable friend, Pandit Nanak Chand, have accused Government of doing nothing in the matter whereas these particular troubles were investigated by Government departments on their own initiative and remedial measures had been devised before the honourable members concerned themselves with the subject.

My honourable friend, Pandit Nanak Chand, accused Government of generally muddling the whole question of rural sanitation and in levelling this charge noted that the advent of certain ministers coincided with a visitation of cholera and the advent of a certain other minister with an outbreak of plague. I confess a cold shiver went down my spine as he was speaking but at that point he stopped. If he had gone further back into history he would have found that the greatest epidemic tragedy in human history, the greatest disaster that has ever befallen this Province, I allude to the influenza epidemic of 1918, synchronized with my appointment to the post which I at present hold (Laughter). I, however, did not look upon it as a warning from Heaven to me. Far from it. I looked upon it as a warning to the people who suffered from it.

Pandit Nanak Chand: But you surely took it as a warning.

Lieutenant-Colonel W. H. C. Forster: No, Sir, I did not contract the disease. My honourable friend Pandit Nanak Chand is a distinguished lawyer and in accordance with the principles of his class, having no case, has found himself reduced to abuse of the other side.

Sir, I trust I have answered all the points raised by the previous speakers. The resolution makes a definite demand that we should enter in the next year's budget a fixed sum of Rs. 15 lakhs over and above our existing provision and I am afraid this cannot be accepted. I would remind the House that in any case the decision would have to be taken by their successors and it will always be open to the honourable mover of the resolution, should he happily be returned, to give us the support of his persuasive eloquence when Government comes again with supplementary demands on account of rural sanitation. But I must repeat that the resolution as it stands is one which Government cannot accept. I hope that after having explained the position at some length, and having in reality attained the object of his resolution, that the honourable mover will be satisfied with my explanation and the general attitude of Government and withdraw his resolution.

Chaudhri Duli Chand [Karnal (Non-Muhammadan), Rural] (Urdu): Sir, I may say at the very outset that I will be very brief in what I have to say. As pointed out sometime ago the distribution of taxes by the Government over its subjects is most unjust and unfair. Where the question of liabilities and payment comes, the rural people are asked to bear the burden, but all rights are reserved for the urban population. I will illustrate my point: The Government of India have ruled that

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persons whose income is Rs. 2,000 and above should be charged with a certain amount of income-tax and not those whose income is below Rs. 2,000. But in the case of zamindars no such limit has been fixed. A zamindar having an income of even Rs. 2 or 3 is required to pay land revenue. As regards rights I have already said they are reserved for the people in the towns. Although 90 per cent. of the population lives in villages, the major portion of the revenues, mostly contributed by the villagers, is spent for the welfare of the urban people. This state of affairs is simply intolerable. Now that we know and recognise our rights, we cannot sit quiet. We must have our due share. We do not demand more than our due. If it is not possible for the Government to increase the grant for rural sanitation, the grant proposed to be given to the municipalities for the purpose should be reduced and the money thus saved should be reserved for rural sanitation. We do not want to resort to agitation just like the urban people unless we are compelled to do so by the Government. I conclude my remarks with the hope that our request will not go unheeded.

Chaudhri Afzal Haq: Sir, I beg leave to withdraw my resolution.

The resolution was by leave withdrawn.

RESOLUTION RE MAKING OF THE POSTS OF PATWARIS AND GIRDAWARS PENSIONABLE.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan), Rural]: Sir, I beg to move—

"That this Council recommends to the Government that the posts of patwaris and girdawars be made pensionable."

It was in 1920, Sir, that my attention was drawn to the conditions and the grievances of patwaris. I happened to attend a conference of patwaris held in the city of Hoshiarpur where patwaris of the whole of the Punjab were properly represented. It was a sight worth seeing that the patwaris were trying their utmost to inculcate upon their fellow brethren that they should not resort to illegal practices and they were trying in all earnestness to remove the defects which are generally to be found in patwaris. But one was struck with one genuine grievance from which this service suffers, namely, the inadequacy of their pay and absence of any allowance in the shape of pension or provident fund at the time of their retirement. It will be recognised by all that patwaris are a very important piece of Government machinery. If they were to strike work, Government would come to a dead stop in a very short time. The work that the patwaris have to perform is very heavy. Not only have they to draw maps, do khasra girdawars, mutations, prepare jamabandis, but more work has been added to their already heavy work, namely the preparation of voters' lists and the preparation of census at the time when census takes place. Now, Sir, those who live in villages and who have seen these people at work know that they are one of the most hard-worked services under Government. In some cases we find that house allowance is given to Government servants but in the case of patwaris there is no house allowance. They are not given patwarkhanas, they have no office, they have to keep Government papers in their houses at their own risk, they are not supplied with any office furniture and they are not given even money for stationery. These are my instructions which I

have got from a representative of the Patwaris' Association. Now, Sir, if these facts are correct, I submit that these patwaris have got a very genuine grievance.

Now, with regard to their pay. The pay that is allowed to them varies. The third grade patwari gets Rs. 20, second grade Rs. 23 and the first grade patwari gets Rs. 26. I ask in all seriousness whether it is possible for a man who is an educated person and who has to wear clean clothes, whether he can bring up a family of four or five children on Rs. 20. Is it possible for him to keep his position in the village, to feed his children, and to educate them on the paltry sum of Rs. 20 or Rs. 26 per month? Who is responsible if some of these patwaris sometimes take to illegal gratification? Who is responsible for this state of affairs? You cannot surely take so much work out of a man leaving him no time to do any other kind of work and then ask him to be honest, not to put the people to trouble and not to accept bribes, when you do not pay even bare subsistence allowance. I think to-day it is impossible for even one man to live on Rs. 20 a month. It may be said, well look at the chaprasis who get Rs. 15 or Rs. 18. It is no argument if the chaprasis are ill-paid, the patwaris should be ill-paid also, that they should be given Rs. 20 or Rs. 26 per month. Now, Sir, not only do you pay them very little you leave them no margin for saving something for their old age and that is the reason why I have placed before the Council this resolution that something should be done for them in the way of either giving them pension or if Government is thinking of having a provident fund for them then they should be given the benefit of a provident fund. Some time ago I asked certain questions with regard to these patwaris in this Council. You will find them printed in Volume IX, No. 25, page 1307 of Punjab Legislative Council Debates. Part (a) of question No. 3976 was with regard to their pay, but I will read out parts (b) to (e):

- (b) Will the Government please state whether it received any communication from the conference of patwaris putting forward certain proposals for bettering the prospects of the patwaris? If so, will the Government please lay a copy of their resolutions or petitions on the table?
- (c) Is it a fact that the patwaris are not allowed any pension after retirement?
- (d) Is there any provident fund for the patwaris?
- (e) Does the Government propose to go into the question of the grievances of the patwaris with a view to remove them?"

The reply to the question is well worth listening to. Here it is:

(b) (i) Government has from time to time received proposals regarding the prospect of patwaris from the conference of patwaris.

I asked that these papers should be laid on the table and Government's reply in part (b) (i) was: "Hardly seems necessary to do so". Government's reply to part (e) of my question was: "Government is not aware that patwaris have any grievances the removal of which is necessary".

The patwaris have from time to time been sending petitions and resolutions to Government. Government accepts this fact and yet Government says it hardly seems necessary to lay a copy of their resolutions or

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petitions on the table. When asked whether Government proposes to go into the question of the grievances of the patwaris with a view to remove them, Government says: "Government is not aware that patwaris have any grievances the removal of which is necessary." I do not know who framed the answer to the question, but with due respect for the man I submit that he was sleeping when he framed the reply. What he thought was that whatever patwaris have all along been doing,—i.e., asking the Government to remove their grievances—all that was merely imaginary and without any basis.

Sir, I have heard that there is a kind of local provident fund for these patwaris towards which the patwaris are required to pay out of their pay one anna per rupee.....

Mr. C. M. King : General Provident Fund.

Pandit Nanak Chand : But the Government makes no contribution towards that fund. Government asks the patwaris to pay one anna per rupee if any one wishes to join, but it does not contribute anything itself towards it. I am told, I do not know whether it is correct, but if it is correct, it is most unfair that even interest on these contributions made by the patwaris towards this general provident fund is not allowed. If it is correct it is most unjust that the patwaris should be contributing one anna per rupee out of their pay and at the time of retirement they should not get interest and compound interest on the amount paid by them.

Now, Sir, in the other Government departments, in most of them I believe, there is a kind of provident fund to which an employee contributes one anna per rupee and Government also contributes a similar amount and interest on these contributions is also allowed at the time of his retirement. Now, if Government is contemplating a provident fund of this kind for the patwaris at the time of their retirement, then I am prepared to withdraw my resolution and accept this assurance on the part of Government; but if Government resorts to this general provident fund where the patwari is to make a contribution and no contribution by Government is forthcoming then in that case I am not prepared to withdraw this resolution and I say that this question should be discussed by this Council.

Considering, as I have said, the importance of this officer, considering also that at this time many matriculates have to be enrolled as patwaris and as a matter of fact matriculates are now being taken into this department, I submit that their prospects should be bettered. I have not tabled any resolution with regard to their pay, but I shall have to do so some time later but at this time....

Sardar Tara Singh : If you are returned.

Pandit Nanak Chand : I mean the person in my place or somebody else in the Council.

The Honourable Mian Sir Fazl-i-Husain : They may not be interested in patwaris.

Pandit Nanak Chand : We will make them interested in patwaris. There are so many people who are interested in them and at least some of the members will be returned who will bring this matter to the notice of the Council till the Government accepts these resolutions.

This is the matter to which I wished to draw the attention of Government. I hope that the grievances of patwaris will be remedied and their petitions will receive favourable consideration at the hands of Government.

Mr. President : The resolution proposed runs :

"This Council recommends to the Government that the posts of patwaris and Girdawars be made pensionable."

The question is that, that resolution be adopted.

Mr. C. M. King (Financial Commissioner) : Sir, until I heard Pandit Nanak Chand's speech, I had the impression which has been on my mind ever since I joined this Council, because I have heard the statement made so frequently, that patwaris were a most unholy set of men and that they received very much more pay than they ought to and that if they were paid any more than they are, that would only increase the bribes that they take from people. I am glad to see that the patwaris are not all dishonest and that among the large number of patwaris assembled together at Hoshiarpur in 1920 there were some of them found honest enough to deprecate the taking of bribes and such other actions as they are usually accused of. In order to have a proper understanding of this question it is necessary to go back and see what patwaris are. In their origin patwaris are village servants. They are not Government servants and for many reasons they are not now treated as Government servants. Originally the patwari was the servant of the village and he could be appointed by the villagers in very much the same way as the chaurkidar is appointed.

That was the position 25 or 26 years ago. The patwaris were village servants exactly like chaurkidars and in order to pay them a special patwar cess used to be levied. Patwaris were all paid out of this patwar cess. The patwar cess varied from district to district and the pay of the patwaris also varied from village to village. Still they were entirely village servants. I think it was about 1901 that the Punjab Government decided to relieve the villagers and undertook to pay the patwaris itself after which the villagers were not required to pay the cess any longer. The mere fact that the Punjab Government at the time took over the payment of patwaris did not, I suggest convert the patwaris into Government servants. They still remain village servants and as far as I have been able to do so I have insisted on the fact that they are village servants. Therefore as regards pension scheme, etc., their position is entirely different from that of the ordinary Government officials.

There is another point to be considered. Government has undertaken to pay these patwaris and their pay before 1920 was very small being comparable to the pay of chaurkidars. Some patwaris got Rs. 8 a month and though most got Rs. 10 and I think the highest grade at that time was Rs. 13, possibly in some cases including allowances it might have been Rs. 15. Pandit Nanak Chand pointed out that the pay of patwaris was increased in 1920 and that it is now in three grades of Rs. 20, 23 and 26. But these facts, I wish to emphasise, do not make the patwari a Government servant. He is still a village servant. If we accept the attitude that he is a village servant, then and if he is to be given a pension surely that should be paid by the village and not by the Government. Government has already accepted a large liability by taking over the pay of the patwaris. This amounts to about 25 lakhs a year, a burden of which the rural population has been entirely relieved. If any further payment is to be made to patwaris, if this pension scheme is to be approved, that will come to about 5 or 6 lakhs a year and I suppose the villagers will have to bear that burden and not Government. When Government undertook to pay the patwaris it never contemplated any further liability such as pension. That is one point.

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But apart from all this I do not think that Pandit Nanak Chand has realised all that has been done for the patwaris or is being done or is hoped to be done in the future. To start with, patwaris are allowed to stay on in their employment very much longer than Government servants. Ordinarily Government servants have to retire at the age of 55 and only for special reasons can they stay on till 60. But a patwari can stay on as long as he likes and in many cases if he is unable to do the work himself he is allowed to get his work done by his son. These are special considerations shown to patwaris, because they happen to be village servants. An old and valuable village servant is not thrown into the street as possibly Pandit Nanak Chand may suspect. As a matter of fact the number of patwaris that die in harness is probably much greater than the number of persons who die in harness in any other branch of Government service, the reason being that they stay to a much longer age.

That is one point. There is another. In the case of patwaris whenever a vacancy arises, we always choose the son of patwari for the post. That is to say the son if available nearly always succeeds his father. Of course there have been cases where patwaris by their thrift and possibly otherwise have been able to earn and save enough money to send their sons to England to become barristers. There have been cases like that. In those cases the son is able to support the whole tabii of patwaris (Laughter). But in ordinary cases the son succeeds his father.

Besides this, there is a gratuity fund. When the patwaris get too old for work and can do nothing to earn their living they are given a small gratuity which amounts to about Rs. 200. This gratuity is paid out of the patwari fund, and though this amount may not be much, still it helps them a bit. Besides we are still doing something for the patwari. We are trying to establish some form of provident fund, not the provident fund to which Pandit Nanak Chand referred which is the General Provident Fund. A proposal is before the Government and it is being considered very closely. The new provident fund will enable patwaris on retirement to get a lump sum of money which will I am sure be more useful to them than a pension which they may enjoy only for a year or two.

Thus we have been doing all that we can in the interests of patwaris. But we do not think we can go further than this and make them pensionable Government servants. I think that the longer he is a village servant the better it will be. I am very strongly of opinion that any attempt to impose Government authority in a village through a patwari would be mistaken. I would much rather that the patwari remained a village servant at the beck and call of the villagers. Of course we may ask the patwari to do some miscellaneous work occasionally such as the preparation of voters' lists, but he gets special rewards for that. If you are going to give a pension to patwaris, that pension ought to come not from the Government but from the village itself in the form of a special cess levied for the purpose.

I notice that the honourable member moving the resolution has made no reference to girdawars. I suppose he has discovered that girdawars do get pensions and therefore he has omitted to refer to them.

Pandit Nanak Chand : Quite so.

Mr. C. M. King : I hope I have explained the position as clearly as possible and removed the misapprehensions which the honourable member had.

Sardar Tara Singh [Ferozepore (Sikh) Rural]: Sir, during the last three years I have been putting questions to Government on this point and it is a good fortune that the honourable member from Hoshiarpur has thought it advisable to move a resolution which I hope will meet with the approval of the whole House. The Honourable the Financial Commissioner has surprised me to-day by making a statement that the patwari is a village servant, because he draws his pay from the village cess. If this is correct, may I ask him whether the villagers have any hand in his appointment? (Hear, hear). May I ask him whether the people have any hand in his promotion? Have the villagers any hand in his transfer? The answer is no. It is absolutely in the hand of Government to appoint, promote, transfer or dismiss a patwari. Simply because he draws his pay from a certain cess he cannot be dubbed as a village servant. If this sense is to be accepted, may I ask if the Honourable the Financial Commissioner is prepared to agree that the Indian Civil Service men, the Provincial and Subordinate Service men are also village servants?

If the right of appointment, transfer and dismissal of patwaris is given to villagers, I will at once ask my honourable friend to withdraw his resolution. If the Financial Commissioner is not prepared to give that right, I can only say that he had been talking in the House only to catch votes. Otherwise to all intents and purposes the patwari is a Government servant. The Honourable the Financial Commissioner said that the pay of the patwaris was revised in 1920 and that they used to draw only Rs. 8 before that period. My submission is that the pay of patwaris was not revised as a special case. That was done when a general revision of the pay of all the services took place. Ten or 15 years back *atta* was selling at Re. 1 a maund whereas it now sells at Rs. 5 a maund. The prices of commodities have all gone up three or four times. If the Government has increased the pay of its servants by two times, it does not mean that it is sufficient to meet the rise in prices. With the so-called increase of emoluments that the Government has granted, it is not possible for patwaris even to make both ends meet. The Financial Commissioner has said that these patwaris have only to do very petty work, they have to keep records and they have to do some miscellaneous jobs. My submission is that but for the patwaris the whole fabric of British administration would crumble to pieces. The whole Indian Government depends on the patwari. If he misses certain papers, no revenue can be collected. If he does a little mischief, utter confusion would prevail. The patwari is not an ordinary individual. He is a man whose responsibility is vast. The entire collection of revenue depends upon him. Every official from top to bottom seeks his support. The Thanedar, the Tahsildar and the Deputy Commissioner seeks his support.

Mr. C. M. King: Even honourable members of the Council seek his support for their elections.

Sardar Tara Singh: Quite so. The members of this Council own lands and that qualifies them to vote in the elections. As landholders, the members of the Council have to seek the support of the patwaris in securing their voters. My point is that patwaris are not the class of people who do merely petty work. They have a very serious responsibility and their duties are very exacting. My honourable friend Pandit Nanak Chand has already pointed out that the patwaris have to do mutation work. The patwaris have often to go to the tahsil headquarters at the instance of the tahsildars or certain other revenue officers. I can quote one instance

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to this Council. In the month of September—I hope the Financial Commissioner is also aware of it—nearly all the patwaris have to go to the tahsil headquarters for preparing jamabandi accounts. May I ask whether they get any halting allowance?

Mr. C. M. King : They get travelling allowance.

Sardar Tara Singh : They have to stay for several weeks. Do they get any halting allowance during that period? My information is that they are shown as living at their headquarters and doing work there. In the month of September our Deputy Commissioner happened to pay a visit to the tahsil headquarters. All these patwaris were asked to shift and run away to their headquarters so that the Deputy Commissioner may not see them sitting in the tahsil compound and doing the work. That leads me to conclude that they are coming to the tahsil headquarters at their own expense? Would you think of a man who is getting Rs. 20 only running two establishments one at home and the other at the tahsil headquarters? When the Indian Civil Service and the Provincial Civil Service officers want twice or thrice the old rate of travelling allowance, how do you expect a patwari to live at the old rate of pay? The patwari is so poorly paid that he does not get sufficient recompense for the services he renders to the Government and the country. Therefore it is imperatively necessary that this resolution should be accepted. It is only fair and proper that the grievances of this useful class of servants should be looked into and remedied. They should be given either pension or they should be allowed to contribute to the general provident fund, the Government contributing a like sum to that fund on their behalf. The Financial Commissioner simply said that the Government are considering certain proposals, but he has not been pleased to say what those proposals are. If he had been kind enough to lay that proposal before the House, the House would have been in a position to discuss that and if it had been satisfied with the proposals, then the honourable mover would have been requested to withdraw his resolution. The proposal which is said to be before the Government has not been put before the House for its consideration. We are groping in the dark as to what this proposal is. We are absolutely unable to say whether that proposal would meet the wishes of the representatives of the people or not.

Let us see what the duties are which the patwaris have to perform. They have to do all political work, they have to give information to the officials about all political movement in their villages. They have to prepare the voters' lists and they have to do several other miscellaneous jobs. These hard worked servants need some encouragement at the hands of Government. They must be given pension or they must be given the benefit of provident funds. No doubt they have got this concession that they can work as long as they are physically able to do. Here I am reminded of the instance of a zamindar who yokes a pair of bullocks as long as they are strong and who, the moment the bullocks become unserviceable, let them off to go to the fields and get whatever fodder they are able to pick up. The result is that the owners of the fields where the bullocks go to graze beat them. In the same way Government takes as much work out of the patwari as he is capable of doing and then throws him overboard. Surely this ought not to be the case.

Then the second concession that he is supposed to enjoy is that his son taken into the service. If his son is not qualified for the post, would

he be taken as a patwari? It is only because he is a qualified person that he has got the right to inherit that post. Therefore that is really not a concession in the strict sense of the word. That argument therefore does not hold good.

In conclusion I request the Government to accept this resolution in the way moved by the honourable mover, namely either make this post pensionable or if it is not feasible at least to allow them the benefits of the provident fund scheme.

Pandit Nanak Chand [Hoshiarpur (Non-Muhammadan) Rural] : Sir, I was rather surprised at the attitude adopted by the honourable member who spoke on behalf of the Government. Before sitting down he appealed in eloquent terms that he does not want a patwari to be a servant of the Government but that he should continue to be the servant of the village. The Honourable the Financial Commissioner went into the history as to how this patwari was to be regarded as a village servant and how in olden times he was paid out of the village cess. I have also read something about the ancient village communities. The ancient village communities were a sort of republics in themselves. Each village was a sort of republic where the people managed their own affairs. They appointed their own servants, they looked after their own roads and they looked after their own sanitation. The result was that these villagers always thought that it was their primary duty to look after the health, comfort, happiness and convenience of the servants whom they employed. The villagers on all occasions made contributions in the shape of corn, grain and other necessities of life to these patwaris and other village servants. They had full authority to appoint these servants, to promote and to dismiss them. Then comes in the Government with its new proposals. The Government takes away the power of appointment, promotion and dismissal of the patwari from the villagers. At the same time as in justice bound the Government was also bound to pay the patwari out of its own funds (Hear, hear).

Mr. C. M. King : That is not what was done.

Pandit Nanak Chand : Justice was done at a very late stage. From the very beginning when the power of appointment, promotion and dismissal of patwari was taken away from the village people, the Government should have paid the patwari out of its own funds and ought not to have made the village people pay out of a cess specially levied for the purpose. It was only in 1901 or so that the Government recognised that they were dealing very unfairly and unjustly with the villagers. While the Government took over in its own hands the power of appointment and dismissal of the patwari it should also have paid his salary out of its own funds. This tardy act of justice was done to the villagers only as late as 1901. It is no use to call the patwari a village servant when he is not actually under the control of the village elders or residents of the village. The village panchayat has no voice in the appointment or dismissal of the patwari, the so-called village servant. Then how can he be called a village servant? He does all the duties which are required of a Government servant. He has to keep regular records, he has to prepare jamabandis, he has to attend to mutation proceedings and he has to maintain roznamecha to enter every kind of occurrences in the village. When he does all these duties, how can he be called merely a village servant? He is a necessary part of the Government machinery. Without him the Government machinery would

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not be complete. It is no use calling him a village servant. You may call him by whatever name you like. As a matter of fact according to the definition of our politicians, all Government servants are the servants of the people. In that sense, the patwari is the servant of the village; a district officer is a servant of the district in which he serves and a provincial Governor is the servant of the province over which he for the time being rules. In that sense you may call a patwari a servant of the village. Merely on this ground to refuse to give him what is legitimately due to him is very unfair and unjust. The Financial Commissioner went on recounting some of the privileges which these patwaris enjoy and which are not enjoyed by other people. One was that the patwari was allowed to stay in his office up to the very last minute. I do not regard this as a privilege at all. I cannot understand why I should be forced to work when my hands and brain refuse to work in my old age. It may be that the patwari is forced to work because he has no pension or provident fund to fall back upon in case he lays down his office. Human nature demands that after a service of 30 or 35 years, a man should be allowed to have proper rest in his old age and the Government should give him a decent pension so that he may spend his last days peacefully. It is unjust to allow a man to work in his old age.

Then the second privilege which is allowed to the patwari is that the son of the patwari is chosen to carry on the work. My friend who has spoken before me has very pertinently asked: what if the son is not competent enough? Then is he to be employed? As a rule we find he is employed whether he is competent or whether he is incompetent. In this way the administration suffers. This privilege, if it is one, should only be granted if the son is able to carry on the duties of the patwaris. This concession is not given only to the patwaris but it is given, I submit, to all Government servants. I find that if judicial appointments are to be made or some other appointments are to be made the service of parents of candidates is always taken into account and Government preferably chooses those whose parents have served Government in that department. It is no special concession which is allowed to the patwari alone.

Then with regard to gratuity, the Financial Commissioner was compelled to admit that Rs. 200 after a hard service of 30 or 40 years was not a very great amount to be given to a patwari. A gratuity of Rs. 200 may have been of great value twenty or twenty five years ago, but it has no value now. Rs. 200 is not a very large sum and it cannot make up for the convenience and for the comfort which a patwari or any other servant were to draw from pension which would keep him in his old days.

Mr. King said that patwaris' widows sometimes get an allowance. I do not know whether it is a general rule

Mr. C. M. King : Gratuity; lump sum.

Pandit Nanak Chand : Do you pay something to the widows of all patwaris?

Mr. C. M. King : In special cases.

Pandit Nanak Chand : Well, Sir, so I am submitting that it is no concession, but when it is allowed in special cases. Government cannot be proud of the fact that this useful servant—let him be called the servant of the

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village—should be treated in this way. The servant of the village has also got some right on the public funds. I would have very gladly withdrawn my resolution had the Financial Commissioner given me some indication as to what this provident fund is going to be which he is proposing for the patwaris in future. He said that Government is going to have a sort of provident fund for the patwaris. What is the sum that the Government is going to contribute? Is it going to contribute one anna per rupee and ask the patwaris to contribute one anna? If that is the proposal, then I think it is reasonable and I shall very gladly accept it. Otherwise I am afraid I will not withdraw the resolution.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, the honourable member has very ably put before the Council the case for the patwaris. He has in an excellent speech established that patwaris have very good reasons to expect some consideration at the hands of this Council. I am not at all interested in controverting the arguments that the honourable member has put forward, but the position is something like this. Only recently the pay of the patwaris was revised on the understanding that they were not going to have any pension. Therefore when fixing their grades of pay, Government assumed that those grades were of those servants who were not entitled to any pension. Had the Government decided to give them pension at that time, the grades of pay of the patwaris would in all probability not have been those that at present prevail but probably less favourable to the patwaris.

The second thing is that after discussing this matter at great length, Government arrived at the decision that the best way to meet the claims of patwaris was not to give them pension but to give them bonus at the close of their service. The honourable member says that if I now tell him that it has been decided to give them bonus of an anna in the rupee, the patwari contributing the same amount, he will feel satisfied and not press the resolution. . . .

Pandit Nanak Chand : I said provident fund.

The Honourable Mian Sir Fazl-i-Husain : I meant that. Well, Sir, the honourable member, an eminent lawyer like him, cannot help realising that the Financial Commissioner or for the matter of that the Revenue Member of the Punjab Government however mighty personages they may be, have really very limited powers and as a matter of fact the Punjab Government also is not yet autonomous. It is not within our power to tell the honourable member that we hereby declare that this provident fund shall be instituted for the patwaris. This thing really has not only to secure the approval of the Government of India but there is a still higher authority, the Secretary of State, who has to agree to it.

Pandit Nanak Chand : I thought he was a servant of the village.

The Honourable Mian Sir Fazl-i-Husain : Undoubtedly he is a servant of the village, but when the servant of the village has to be paid by the provincial Government from the provincial funds as against the village funds it is there that the difficulty arises and the Punjab Government cannot possibly on its own account agree to give him this amount without obtaining the previous assent of the Government of India and of the Secretary of State for India. I am in a position to say that proposals have been initiated by the Punjab Government. They have passed our hands but we have not yet re-

Hon. Sir Fazl-i-Husain.]

ceived any reply from the higher authorities. That is the reason why I cannot give that sort of definite assurance which the honourable member has asked for. I have not the slightest doubt that the debate in this Council limited though it was to the two honourable members in support of this resolution will undoubtedly be duly weighed by Government and that is all the assurance that I can give to the honourable member. Beyond that I cannot go. But I might assure the Council that we are not convinced that a case has been made out to such an extent as to make us change our former recommendation on this fund and move in favour of pension. I believe the honourable member himself realises that the proposal that the Punjab Government has made in this direction is quite satisfactory.

Pandit Nanak Chand: I do not know the proposal.

The Honourable Mian Sir Fazl-i-Husain: The proposal is something on the lines suggested by the honourable member himself. Sir, as I said before I see no advantage in entering into a lengthy discussion on this matter. If what I am in a position to say satisfies the honourable member, well and good. If it does not, then I very much regret I am not in a position to say any more nor can I accept the resolution.

Pandit Nanak Chand: Sir, in view of the fact that the Honourable the Revenue Member has said that the Government's proposals are something on the lines suggested by me, I beg to withdraw by resolution.

The resolution was by leave withdrawn.

The Council then adjourned till 2 P.M. on Saturday the 23rd October 1926.

PUNJAB LEGISLATIVE COUNCIL.

9th SESSION OF THE 2ND PUNJAB LEGISLATIVE COUNCIL.

Saturday, the 23rd October 1926.

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

OATH OF OFFICE.

The following member was sworn in :—

Khan Bahadur Nawab Muzaffar Khan (Official nominated).

QUESTIONS AND ANSWERS.

OCTROI DUTY IN SMALL TOWNS COMMITTEE, DASUHA.

3567. **Chaudhri Afzal Haq :** (a) Will the Government be pleased to state if it is a fact that Small Town Committee, Dasuha, District Hoshiarpur, passed a resolution four months ago that an octroi tax be levied in that town?

(b) Is it a fact that that resolution was unanimously passed by the members of the committee?

(c) Is it a fact that since the year 1887 up to 1907 octroi tax had been successfully levied in this town?

(d) Is it a fact that in 1907 the Municipal Committee in this town was dissolved by the orders of the Government?

(e) Is it a fact that the Commissioner of Jullundur does not now approve of the octroi tax?

(f) Will the Government be pleased to state if they have now decided to allow the small town Dasuha to levy octroi tax in accordance with their resolution?

The Honourable Rai Sahib Chaudhri Chhotu Ram :

(a) The resolution in question was passed in February 1926.

(b) Yes.

(c) It is not definitely known when octroi was first imposed, but it was abolished in 1908.

(d) In 1908 the area comprised in the municipality of Dasuha was withdrawn from the operation of the Punjab Municipal Act, 1891 and formed into a notified area.

[Hon. R. S. Ch. Chhotu Ram.]

(e) Yes.

(f) No reference was made to Government on the subject as the town committee withdrew the proposal to impose octroi.

RIGHTS OF ZAMINDARS IN ILAQA BEIT, LUDHIANA DISTRICT, IN
CONNECTION WITH FISHERIES ACT.

3568. Chaudhri Afzal Haq: With reference to my question No. 2545* put on 1st March 1928 and the answer thereto, will the Government be pleased to state, whether before bringing into operation the Fisheries Act in Ludhiana Beit, the Deputy Commissioner ever consulted the zamindars of Ilaqa Beit, District Ludhiana? Is it not a fact that in spite of the repeated protests by the zamindars of Beit circle who are also the owners of the bed of Budha Nalah, Government did not withdraw the operations of the Fisheries Act from that place? If so, will the Government be pleased to state whether they now propose to consider the objection of the zamindars of that Ilaqa?

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

DESTRUCTION OF CROPS IN DASUHA BY INSECTS.

3569. Chaudhri Afzal Haq: Will the Government be pleased to state if they are aware of the fact that most of the crops in the suburb of Dasuha town in the Hoshiarpur District have been destroyed by insects? If so, will they be pleased to state whether any agricultural officer inspected the affected area and suggested remedies to the zamindars of the ilaqa?

The Honourable Sardar Jogendra Singh: The staff of the Agricultural Department noticed that damage was being caused to the crops near Dasuha by an insect called "Kutra" (Hairy caterpillar).

The Agricultural Assistant, Hoshiarpur, an Entomological Assistant, and the Extra Assistant Director of Agriculture, Jullundur, visited the affected places and started extermination operations, which were very successful. The method of *kutra* eradication employed was explained in detail to the people, and magic lantern lectures on the subject of the pest were also given at each of the affected places.

APPLICANTS FOR THE FOREST DEPARTMENT.

3570. Chaudhri Afzal Haq: (a) With reference to my question No. 2543 put† on the 1st March 1928 and the answer thereto, will the Government be pleased to state the number of applicants communitywise who offered themselves as candidates for Forest Department since the year 1920?

(b) Is Government aware of the complaint of Muhammadans that even their qualified young men are not accepted in this department?

*Volume IX-A, page 281.

†Volume IX-A, page 280.

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

EDUCATION IN MUKERIAN, DISTRICT HOSHIARPUR.

3571. Chaudhri Afzal Haq : (a) Will the Government be pleased to state if it is a fact—

(a) that there is no Government High or Middle School in sub-tahsil Mukerian, district Hoshiarpur, and

(b) that there is no District Board High School throughout Dasuha Tahsil?

(ii) If the answers to above are in the affirmative, will the Government be pleased to state why that *ilaga* is neglected with regard to education?

The Honourable Rai Sahib Chaudhri Chhotu Ram :

(a) Yes.

(b) Yes.

(ii) Government cannot engage to maintain a High or Anglo-Vernacular Middle School in every tahsil and sub-tahsil.

DEATH OF BULLOCKS, ETC., IN ILAQA BEIT OF HOSHIARPUR AND LUDHIANA.

3572. Chaudhri Afzal Haq : (a) Has the attention of Government been ever invited to the fact that in both the *ilagas* Beits of districts Hoshiarpur and Ludhiana bullocks and buffaloes generally die after one year?

(b) Is it not a fact that on account of the death of their animals the zamindars of these *ilagas* are in economic distress?

(c) If so, will the Government be pleased to state what steps they are taking to remedy the state of affairs that exist in Beit of both districts?

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

SANITARY CONDITION OF RURAL AREAS IN THE PROVINCE.

3573. Chaudhri Afzal Haq : (a) Is the Government aware that the sanitary condition in the rural areas of the province is deplorable?

(b) Is it also aware that heaps of refuse are generally collected in or near the villages?

(c) Is it a fact that no sanitary staff has been appointed by Government or district board to propagate sanitation?

(d) Is it a fact that on account of the insanitary condition of the villages, the province is visited by various diseases?

[Ch. Afzal Haq.]

(a) If so, will it be pleased to state whether it is considering the desirability of appointing sanitary inspectors in each tahsil of the province?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) There is certainly room for improvement in various directions, for example, drainage, conservancy, water supply, sanitary dwellings, etc.

(b) Yes.

(c) No. A large staff of health officers and sanitary inspectors has been employed in the Punjab for measures conducive to improvement of public health. As regards propaganda, health officers are provided with materials for lantern and other lectures on sanitation. They regularly tour the rural areas and deliver such lectures.

(d) The province is frequently visited by various epidemics, but they are not all the direct result of the insanitary condition of villages.

(e) Government is not convinced of the necessity of appointing a sanitary inspector in each tahsil, as a vast amount of expenditure would have to be incurred which is not possible to justify in the present conditions. Government however has not been slow in appointing a sanitary inspector in each tahsil in the past, whenever necessity has been felt, for instance, in the Ambala Division owing to the epidemic of plague.

CORRUPTION IN THE POLICE DEPARTMENT.

3574. Chaudhri Afzal Haq: (a) Has it come to the notice of the Government that the Superintendent of Police, Jullundur, has successfully eradicated the evil of corruption amongst his subordinates?

(b) If so, will the Government be pleased to state what measures this district officer took to put down corruption in so short a tenure of his office?

(c) Will the Government please state why in other districts this evil of corruption continues to exist?

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

ESTABLISHMENT OF PANCHAYATS IN VILLAGES IN THE LUDHIANA DISTRICT.

3575. Chaudhri Afzal Haq: Will the Government be pleased to state whether it is a fact that one hundred villages in the Ludhiana district applied for the establishment of panchayats in the villages under the Punjab Village Panchayat Act, 1921? If so, is the Government considering the desirability of establishing panchayats in these villages as desired?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Applications were received up to the 11th October 1926 from inhabitants of about 50 villages.

As regards the second part of the question the report of local officers is awaited.

VILLAGE PANCHAYATS IN THE LUDHIANA DISTRICT.

3576. Chaudhri Afzal Haq: Will the Government be pleased to state—

- (a) if it is a fact that local officers when enquiring into the application for the establishment of panchayats in Ludhiana district asked the applicants whether lambardars and zaildars agree to these panchayats or not; and, if so,
- (b) whether the agreement of zaildars and lambardars is at all necessary before the establishment of the panchayats in the villages?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) No. Zaildars and lambardars are only asked about the existence or otherwise of serious factions in the village.

(b) No.

SUB-DISTRICT BOARDS IN THE PROVINCE.

3577. Chaudhri Afzal Haq: (a) Will the Government be pleased to state the number of sub-district boards or unions in the province?

(b) If there is none, will the Government be pleased to state whether they are now considering the desirability of establishing sub-district boards in each important tahsil of the province?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) It is not understood what is meant by "sub-district boards" or "unions."

(b) Does not arise.

PATWARIS AND REPORT OF POLITICAL MEETINGS.

3578. Chaudhri Afzal Haq: (i) Will the Government be pleased to state—

(a) if it is a fact that patwaris of the province have been instructed to send regular diaries of the proceedings of the political meetings in their *ilqas*, and

(b) if it is a fact that patwaris of the province protested against this instruction?

(ii) If the answer to above be in the affirmative, will the Government be pleased to state whether they are considering the desirability of withdrawing that instruction?

The Honourable Mian Sir Fazl-i-Husain: (i) (a) and (b) No.

(ii) Does not arise.

PATWARKHANAS.

3579. Chaudhri Afzal Haq : (i) Will the Government be pleased to state—

- (a) if it is a fact that in the year 1921 Government intimated their intention to build *patwarkhanas* at their own expense ; and
- (b) if it is a fact that they have now given up their scheme of building *patwarkhanas* ?

(ii) If the answers to above are in the affirmative, will the Government be pleased to state the reason for giving up the scheme ?

The Honourable Mian Sir Fazl-i-Husain : (i) (a) and (b). Yes.

(ii) At the time the intentions of Government were announced, it was also stated that there would be difficulty in providing funds. This difficulty proved even greater than anticipated, a capital sum of about 25 lakhs being required.

The intention to construct new *patwarkhanas* was, therefore, abandoned.

GRANT OF LEAVE TO PATWARIS.

3580. Chaudhri Afzal Haq : (a) Is it a fact that in February 1921 Government intimated their intention to grant fifteen days' leave every year to patwaris ?

(b) Is it a fact that Government also intimated their intention to grant one year's leave on half-pay to patwaris for ten years' service ?

(c) If so, will the Government be pleased to say when they propose to give effect to their intentions ?

The Honourable Mian Sir Fazl-i-Husain : (a) The Collector is authorised to grant patwaris casual leave for a few days at a time, and this authority is ordinarily delegated to the tahsildar. The total period of such leave is limited to a maximum of 15 working days in one year.

(b) Patwaris who have completed 10 years' service are entitled to a year's furlough on half-pay, which can be taken as required, but not less than three months can be enjoyed at a time.

(c) Rules on the subject are already in force.

UNEMPLOYMENT OF THE EDUCATED CLASSES.

3581. Rai Sahib Lala Ganga Ram : (a) Is it a fact that in August last the Government of India desired the Local Government to consider the question of unemployment of the educated classes in the province ?

(b) If so, will the Government please say as to what action has been taken or the Government intends to take in the matter.

Mr. B. H. Dobson : (a) The Government of India drew the attention of the Local Government in May last to the debate that took place in the Legislative Assembly on the 28th January 1926 on the subject of unemployment and asked that the matter be given careful consideration.

(b) Before receipt of this communication from the Government of India, the Local Government had already decided to appoint a Committee to enquire into unemployment, and in the Juns session of the Punjab Legislative Council obtained the vote of the House to an additional non-recurring grant of Rs. 4,500 for this purpose. The memorandum explaining the necessity for the demand explained that this Committee would not commence its investigation till early in January 1927, as by then it was hoped that some valuable information would be available as a result of a similar enquiry which is being conducted independently by the Board of Economic Inquiry Committee.

DEPRESSED CLASSES.

3582. Rai Sahib Lala Gauga Ram : (a) Is it a fact that the depressed classes of the Punjab submitted any representation to the Government a few months ago?

(b) If so, will the Government please lay a copy of the representation on the table and also state what steps the Government intends to take on the said representation?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) A copy of the representation is placed on the table. The matter is under consideration.

From

Lala RAM DAS, B.A., B.T., Principal, D. A. V. College, Hoshiarpur, and Secretary,
Dayanand Dalit Udhār Mandal, Punjab, Hoshiarpur.

To

The Punjab Government, Simla.

SIR,

I HAVE the honour to submit below a copy of the resolutions passed in an open Conference held under the auspices of the Dayanand Dalit Udhār Mandal, Punjab, Hoshiarpur, on its last anniversary on the 17th July, 1926 for your favourable consideration and necessary action,

" This Conference respectfully requests the Government of the Punjab to provide the following facilities to the depressed classes in order to ameliorate their condition :—

(1) The Punjab Education Department has issued a circular to the effect that boys of the depressed classes should be freely admitted to all Government, District Board or Municipal Board Schools. It instructs the teachers concerned and the Inspecting staff to see that all impediments to their unrestricted admission to schools are removed. This Conference humbly begs to suggest that the department may kindly from time to time call reports to see how far its instructions have been carried out or its orders complied with.

(2) This Conference further begs to submit that like the Madras Government, the Punjab Government too should kindly pay a handsome honorarium to those teachers who admit boys of the depressed classes to their schools and coach them; and that the Government should grant scholarships to such boys of the depressed classes as go up for higher education and order for the free admission of those boys to schools.

[Hon. R. S. Ch. Chhotu Ram.]

- (3) [This Conference humbly begs to submit that deserving young men from the depressed classes be given posts in the Civil and Police departments; and that in the army some regiments should be exclusively recruited from amongst the depressed classes so that these down-trodden people might have an opportunity of showing their loyalty to His Gracious Majesty the King Emperor of India.]

I have the honour to be,

SIR,

Your most obedient servant,

RAM DAS,

Secretary.

INDUSTRIAL SCHOOLS.

3583. Rai Sahib Lala Ganga Ram : (a) Will the Government please lay on the table a list of the Industrial Schools in the province with the nature of education imparted in these schools and the total amount spent on these schools ?

(b) Will the Government please state if more Industrial Schools are going to be opened during this or the next year ? If so, in what places ?

The Honourable Sardar Jogendra Singh : The honourable member is referred to pages 342 to 346 of the Budget for 1926-27.

MEDICAL EXAMINATION.

3584. Rai Sahib Lala Ganga Ram : Has the Government considered the desirability of introducing Medical Examination of pupils in schools with a view to improving their health ? If not, does it propose to do now ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The answer to the first part of the question is, yes. A copy of Punjab Government letter No. 27198 (Home—Medical), dated the 7th December 1925, is laid on the table. The second part does not arise.

No. 27198 (H.—Medl.), dated Lahore, the 7th December 1925.

From—J. G. BRAZLEY, Esq., I.C.S., Secretary to Government, Punjab, Transferred Departments.

To—The Director of Public Instruction, Punjab.

SUBJECT :—*Medical Inspection of School Children.*

I AM directed by the Punjab Government (Ministry of Education) to refer to Mr. Richey's C. M. No. 5336, dated 23rd September 1915, addressed to all Inspectors of Schools, which inaugurated a scheme for the medical examination of school pupils and inspection of the sanitary conditions of school buildings and premises. Owing to the war and for other reasons into which it is unnecessary to enter, this scheme had not been continuously in operation since its inception, but sufficient experience has been gained from its working to enable an opinion to be formed of its merits.

2. The scheme was professedly limited in its scope. Only six medical inspectors were appointed for the whole province and their inspections were confined to secondary schools: they were required to examine and report on the health of pupils and to advise as to the treatment needed, but no arrangements were made to ensure that their advice as to the treatment was followed. They were also required to report on the sanitary conditions of school buildings and premises though they were not in possession of public health qualifications and were therefore not in a position to give expert advice in this connection. These defects of the scheme became apparent with its working, and for some time the departments of Public Instruction, Medicine and Public Health have been in consultation with a view to evolving a more satisfactory system. A decision has now been reached, and in the following paragraphs are set forth the proposals which have been accepted by the Punjab Government (Ministry of Education).

3. In the first place it has been decided that inspections should not be confined to secondary schools, but should be extended both to primary schools and to colleges within a radius of three miles of a hospital or dispensary. On the other hand, it is not intended that all the boys in these institutions should be examined each year, but that examination should be limited to boys of classes 1, 5, 7, 9 and 11 together with boys newly admitted to school since the last examination, boys adversely reported on at the last examination and such other boys as the school authorities may consider to require examination. Ordinarily only one examination of the pupils of each school will be carried out each year, but in the case of schools where a spleen census is carried out at present twice a year a second examination will be carried out for the purpose only of the spleen census. The first examination should ordinarily take place in November.

4. Secondly, it has been decided that instead of having a separate staff of medical inspectors, who inspect and pass on without being able to ensure that their advice as to treatment is followed, the examination of the pupils should be carried out by the existing medical staff of hospitals and dispensaries, to whom boys found to require treatment will come in the ordinary course. On the other hand, the inspection of the school buildings and premises will be carried out by the District or Municipal Medical Officer of Health or the District Health Officer, as the case may be, under the supervision of the Director and Assistant Director of Public Health. These officers of the Public Health Department will also supervise the work of the medical examiners, which will be conducted in the school or college premises by the hospital and dispensary staff; and they will also take steps to see that the treatment of pupils then recommended is carried out and recorded by a scrutiny of the "treatment cards" and statistics. Supervision of the treatment given at hospitals and dispensaries will, as at present, rest with Civil Surgeons and the Inspector-General of Civil Hospitals. It will, however, of course be open to parents to send their children to private medical practitioners for treatment.

5. The work which will thus be thrown upon the medical staff of hospitals and dispensaries will be outside the scope of their ordinary duties, and it has therefore been decided that payments shall be made to inspecting officers at the rate of Rs. 8 per 100 boys examined. In cases of schools where a spleen census is already being taken this fee of Rs. 8 will be held to cover one of the two spleen census inspections, and an additional payment at the rate of Rs. 4 per 100 boys will be made for the second spleen census inspection.

[Hon. R. S. Ch. Chhotu Ram.]

tion. The charges for the general examination will be borne by the Department of Public Instruction and examining officers will have to submit bills in a form, which shall be prescribed for the purpose, through the District Health Officer or District or Municipal Officer of Health to the Divisional Inspector of Schools for countersignature. The Divisional Inspector will forward the countersigned bills to the Director of Public Instruction who will order payment at the local treasury. If the District Health Officer or the District or Municipal Officer of Health or the Divisional Inspector of Schools is of opinion that the work of any examining medical officer has been so unsatisfactory as to justify a reduction of the fees payable, he will communicate his decision to the Civil Surgeon, and if the Civil Surgeon is not in agreement with this decision it will be open to him to represent the matter to the Director of Public Health who will pass orders in consultation with the Inspector-General of Civil Hospitals. The charges for the second spleen census inspection will be borne as at present by the Department of Public Health.

6. Payment for treatment at Government medical institutions and the institutions of local bodies will be regulated according to the existing rules of the institution, but special arrangements will have to be made for the provision of medical appliances, spectacles, etc., for poor boys.

7. The appointment of particular medical officers as medical examiners of particular schools will rest with the Civil Surgeon, in consultation with whom also the yearly programme of medical examinations will be drawn up by the Divisional Inspector of Schools, copies of the approved programme being sent to District Inspector of Schools and the District Health Officer or District or Municipal Medical Officer of Health. Similar programmes as regards the inspection to be made by officers of the Public Health Department should also be drawn up.

8. It would be possible to bring this scheme into force at once all over the province, but the Punjab Government (Ministry of Education) consider that it would be advisable to limit its scope in the first instance to a few selected districts, so that the working of the system may more easily be watched and any defects which appear in its operation may be removed before its scope is extended. It has, therefore, been decided that the scheme should be introduced for the present only in the districts of Gurgaon, Jullundur, Sialkot, Shahpur and Multan, and I am to request that steps may be taken to put it into operation as soon as possible. It is estimated that the cost in the current financial year on account of fees and forms and registers will amount to about Rs. 5,000, and it is understood that you are able to find the necessary funds by re-appropriation from the provision under the head 31-C (c)—Education—Primary—Grant to local bodies for primary education.

9. The actual forms to be used and statistical tables to be compiled should be arranged in consultation with the Inspector-General of Civil Hospitals and the Director of Public Health, and copies of the forms and tables prescribed should be forwarded to Government.

10. You will no doubt issue more detailed instructions to the officers of your department with regard to the working of the scheme, and I am to request that you will forward copies of any such instructions as you may issue to Government to the Inspector-General of Civil Hospitals, the Director of Public Health and to all Commissioners and Deputy Commissioners.

No. 27199 (H.—Medl.).

A copy, with 30 spare copies, is forwarded to the ^{Inspector-General of Civil Hospitals,} Director of Public Health, Punjab, with the request that he will communicate these orders to the officers of his department concerned and will issue to them such supplementary instructions as may be necessary with regard to the detailed working of the scheme. Copies of the instructions issued should be forwarded to Government, to the Director of Public Instruction, and to all Commissioners and Deputy Commissioners.

No. 27200 (H.—Medl.).

COPIES are forwarded to all Commissioners and Deputy Commissioners for information and guidance and communication to local bodies within their respective jurisdictions. It has not been considered necessary to obtain the previous approval of local bodies to the application of the scheme to institutions under their charge as the entire cost of the measures will be borne by Government, but local bodies should be invited to accord their approval by formal resolution.

DISTRIBUTION OF LANDS TO PEOPLE OF KAMALIA.

3585. Rai Bahadur Lala Sewak Ram : With reference to the recent speech of His Excellency the Governor at Kamalia that large areas of land will be brought under cultivation by extension of Irrigation Schemes, will Government be pleased to state —

- (a) if they intend to distribute these lands to the people of Kamalia and the neighbourhood in preference to others ; and
- (b) to Hindus of Kamalia on the population basis ?

The Honourable Mian Sir Fazl-i-Husain : (a) and (b). In colonizing the area referred to due regard will be paid, as in the Nili Bar, to the claims of local Janglis and Hitharis. But so far no definite colonization scheme has been prepared by Government for these areas.

Rai Bahadur Lala Sewak Ram : Part (b) of my question has not been answered.

The Honourable Mian Sir Fazl-i-Husain : I should have thought that if the answer I have just read were carefully perused it will be found that the answer is there.

Rai Bahadur Lala Sewak Ram : No reference has been made to the communities there.

Mr. President : Order, order. I cannot allow a discussion. No discussion can be allowed on questions or their answers. If the Government member has not chosen to answer a question he is within his rights, but if he contends that the answer is there, I think that contention should be accepted unless the honourable member is able to point out clearly that his question has not really been answered.

Rai Bahadur Lala Sewak Ram : I have clearly pointed out that part (b) has not been answered.

The Honourable Mian Sir Fazl-i-Husain : It is obvious, Sir, from the reply given that so far no definite colonisation scheme has been prepared by Government for the areas, and so there is nothing to be said. I do not see how the honourable member expects me on the spur of the moment, because he is anxious to have a reply to his query, to frame a scheme. I cannot do it.

PRICE OF PROPRIETARY RIGHT OF SHOPKEEPERS IN LYALLPUR DISTRICT.

3586. Rai Bahadur Lala Sewak Ram : (a) Arising out of the answer to my question No. 3223* asked on the 29th June 1926, has the Government received representations that the price demanded by them from the shopkeepers in the Lyallpur district for obtaining proprietary rights is too high?

(b) Is the Government aware that the price at the rate of Rs. 30 per marla works out to nearly 1½ lakhs per square?

(c) If so, is Government prepared to reconsider their decision and reduce the high price?

The Honourable Mian Sir Fazl-i-Husain : (a) and (b) Yes.

(c) Why, tenants need not purchase.

Rai Bahadur Lala Sewak Ram : Part (c) of my question remains unanswered. I asked whether the Government is prepared to reconsider their decision. There is no answer to that.

The Honourable Mian Sir Fazl-i-Husain : The answer says 'why,' meaning that Government does not see any justification for reconsidering the matter, and a further explanation is given that if it does not suit the tenants they need not buy.

APPLICATION OF SECTION 34 OF THE POLICE ACT TO SMALL TOWNS OF RANGPUR AND SITPUR.

3587. Rai Bahadur Lala Sewak Ram : With reference to the answer to question No. 3231† asked on 29th June 1926, will Government be pleased to state whether the hardship and corruption resulting from the application of section 34 of the Police Act to Small Towns of Rangpur and Sitpur have since come to the notice of Government? If so, does Government propose to withdraw the notification applying the said section to the places referred to?

The Honourable Sir Geoffrey de Montmorency : The answer to both parts of this question is in the negative.

SUBORDINATE AGRICULTURAL SERVICE.

3588. Rai Bahadur Lala Sewak Ram : (a) Will Government be pleased to state how many appointments in the selection grade of the Subordinate Agricultural Service have been made this year?

(b) Is it a fact that an unqualified agricultural assistant, who is not even matric and has not passed any examination in agriculture, has been allowed to supersede some ten other agricultural assistants? If so, will Government please state the reasons for this supersession?

(c) Will Government be pleased to state the date of confirmation of this gentleman as an agricultural assistant and also the dates of confirmation of these agricultural assistants whom he has superseded?

The Honourable Sardar Jogendra Singh : (a) One.

(b) The man appointed went through a course of specialised study in Soil Bacteriology and Soil Protozoology at the Imperial College of Science, London, and at Rothamsted Agricultural Station, and did research of outstanding merit there. Also he has been of outstanding assistance to the Agricultural Department. He has therefore better qualifications than any of the other claimants, of whom about five men were eligible for consideration.

(c) As regards his seniority he was originally appointed as a Lecture Table Assistant in the Chemical Section of the Punjab Agricultural College, Lyallpur. In May 1911 in the grade of Rs. 40--3--70, which was then identical with, but not included in, the cadre of Agricultural Assistants. He was transferred to the cadre of Agricultural Assistants on 1st April 1920. The most senior of the men eligible for consideration for this post joined Government service only in 1914 and the others were appointed to Government service in 1915, 1916, 1917 and 1918, respectively.

Rai Bahadur Lala Sewak Ram : Will the Honourable Minister please state whether the man is a qualified licentiate in Agriculture?

The Honourable Sardar Jogendra Singh : Yes, he has gone through a very special course of study and has acquired long experience?

INSPECTOR OF SCHOOLS IN THE MULTAN DIVISION.

3589. **Rai Bahadur Lala Sewak Ram :** Arising out of the answer to my question No. 3268* put on the 30th June, is Government now prepared to try a Hindu Inspector of Schools in the Multan Division?

The Honourable Rai Sahib Chaudhri Chhotu Ram : When a permanent vacancy arises, Government will do its best to appoint the most suitable Inspector.

EMPLOYMENT OF A SUB-JUDGE AT THE HEADQUARTERS OF EACH TAHSIL.

3590. **Rai Bahadur Lala Sewak Ram :** (a) Arising out of my question No. 3222† asked on the 29th June 1926, re the employment of a sub-judge at the headquarters of each tahsil, will Government be pleased to lay on the table a statement showing the tahsils which are situated at a distance of about 40 miles or so from the headquarters of the district to which it belongs?

(b) Has Government any objection to establish sub-courts at such distant tahsils from the headquarters of the districts?

The Honourable Sir Geoffrey de Montmorency : (a) The information asked for may be obtained by reference to a standard map of the Punjab.

*Page 1183 ante.

†Page 1063 ante.

Hon. Sir Geoffrey deMontmorency.]

(b) Government have nothing to add to the answer given to Council question No. 3222*.

3590. Rai Bahadur Lala Sewak Ram : I wanted to know whether the Government will consider the advisability of bringing to the notice of the High Court that Sub-Judges should be appointed at distances of 40 miles from headquarters of the districts.

Mr. President : Supplementary questions should be confined strictly to matters arising out of the answers given.

Rai Bahadur Lala Sewak Ram : Can they not arise from questions asked ?

Mr. President : No. Article 41 clearly says—

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

INTRODUCTION OF FREE AND COMPULSORY PRIMARY EDUCATION WITHIN LUDHIANA MUNICIPAL LIMITS.

3591. Lala Mohan Lal : (a) Will the Government be pleased to state if it is a fact that the Municipality of Ludhiana passed a resolution in July 1919 for the introduction of free and compulsory primary education within Ludhiana municipal limits and made a provision in its budget for the same ?

(b) Is it also a fact that the committee has not, however, given effect to the resolution so far ?

(c) If the reply to the above be in the affirmative, does the Government propose to direct the committee to carry the resolution into effect ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) In December, 1919.

(b) Yes.

(c) The matter is under consideration.

SUPRESESSION OF THE LUDHIANA MUNICIPALITY.

3592. Lala Mohan Lal : Will the Government be pleased to state the reason in full for the supersession of the Ludhiana municipality ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The municipal committee of Ludhiana was superseded, as it was found incompetent to perform the duties imposed on it by the Punjab Municipal Act, 1911.

ADMINISTRATION OF MUNICIPALITIES IN THE PUNJAB.

3593. Lala Mohan Lal : Will the Government be pleased to state if it is a fact that there are some municipalities in the Punjab whose admin-

stration is not satisfactory? If the reply be in the affirmative, will the Government be pleased to state if it proposes to appoint a committee to go into the question and suggest remedies?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The answer to the first part is "yes". The question is already engaging the attention of Government, and a few officials and non-officials interested in local self-Government problems have been invited to a meeting in the middle of November to consider the general defects in municipal administration.

GOVERNMENT HOSPITAL AT NAROWAL.

3594. Khan Muhammad Abdullah Khan : (a) Is it a fact that no Government hospital or dispensary exists at Narowal in the Sialkot district? If so, will the Government please state why Narowal has been without a Government hospital for such a long time?

(b) Does Government propose to examine the desirability of opening a Government hospital there at an early date?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes, as there are two separate Mission hospitals at Narowal, one for men and the other for women.

(b) The question of establishing a Government hospital at Narowal in connection with the scheme for the provincialisation of tahsil headquarter hospitals in the Punjab will be duly considered.

JOINING TIME TO ASSISTANT SURGEONS.

3595. Khan Muhammad Abdullah Khan : (a) Is it a fact that in several cases the Assistant Surgeons when transferred from one hospital to another are not allowed joining time?

(b) If so, will Government kindly state why joining time is not allowed to them?

(c) Is the Government aware that this causes a good deal of inconvenience to them in making preparations to start for their new posts at short notice? Does the Government propose to issue instructions to the effect that joining time must invariably be allowed to each and every Assistant Surgeon on transfer?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) No; full joining time is ordinarily allowed. The exceptions are those cases in which it is imperative that a transfer should in the interests of the public service be effected immediately.

(b) } Do not arise.
(c) }

THEFT OF A HEN BELONGING TO AHMED KHAN OF KASUR AND CONDUCT OF THE SUB-INSPECTOR OF POLICE, KASUR.

3596. Maulvi Mazhar Ali, Azhar : (a) Is it a fact that about six months ago a hen belonging to one Ahmed Khan of Kasur City Police Station was said to have been stolen?

[M. Mazhar Ali Azhar.]

(b) Is it a fact that a report was made against the unmarried daughters of one Imam Din and the local Sub-Inspector asked Imam Din to pay him Rs. 150, otherwise his daughters would be called to the station and action taken against them?

(c) Is it a fact that Rs. 150 were paid to the Sub-Inspector? Has any inquiry been made in the matter? If so, has any action been taken in the matter?

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

EXTENSION OF SERVICE OF THE STAFF IN THE DEPUTY COMMISSIONER'S OFFICE, AMRITSAR.

3597. Maulvi Mazhar Ali, Azhar: Does the Government propose to consider the claims and redress the grievances of the Muslims in respect of matters referred to in questions* 3552, 3553 and 3554?

The Honourable Mian Sir Fazl-i-Husain: The appointments in question are made by local officers. Government have no reason to believe that the claims of Muslims were not duly considered.

PROTECTION OF KHIZARABAD FROM DACOITS AND THIEVES.

3598. Bai Sahib Lala Ganga Ram: (a) Is it a fact that the nearest police station is sixteen miles from Khizarabad, and that there have been a number of dacoities in the said town?

(b) Is it a fact that punitive police was posted for a year in the town and during that period no theft, etc., took place?

(c) If the answers to the above are in the affirmative, does the Government intend making suitable arrangements for the protection of this town from dacoits and thieves?

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

INCOME FROM RESIN IN SHAMILAT FORESTS IN THE KANGRA DISTRICT.

3599. Chaudhri Ram Singh: (a) With reference to the answer to question No. 3282† put on the 30th June 1926, will Government please state if it possesses any document executed by the owners of shamilat forests in the Kangra district, giving the Government the right of receiving the income from resin? If the answer to the above be in the affirmative, will it please lay a copy of the document on the table?

*Pages 1694-96 ante.

†Page 1136-37 ante.

(b) If the answer to the above be in the negative, will it please state the reasons why the owners are not allowed to Profit by the resin?

The Honourable Mian Sir Fazl-i-Husain: This is not a matter in which controversy can be usefully carried on by Council interpellations.

Chandhri Ram Singh: Will the Government please say, yes or no in reply to my question?

Mr. President: I am afraid that cannot be allowed as a supplementary question.

ACQUISITION OF LAND FOR RAILWAYS IN CONNECTION WITH MANDI
HYDRO-ELECTRIC SCHEME.

3600. Chaudhri Ram Singh: (a) Will Government please state if it is a fact that more land than is immediately necessary is being acquired for constructing the railway line in the Kangra District, in connection with the Mandi Hydro-Electric Scheme?

(b) Is it a fact that Kangra is a hilly district and the people own small stretches of lands?

(c) If so, has the Government any objection to limit the acquisition to only so much land as is absolutely necessary as is done in the case of other hilly districts?

The Honourable Mian Sir Fazl-i-Husain: (a) Government has had no information to that effect.

(b) Yes.

(c) Does not arise.

RAILWAY STATION IN VILLAGE THAL.

3601. Chaudhri Ram Singh: (a) Is it a fact that the inhabitants of village Thal, Tahsil Dehra, have petitioned to the Government that the proposed railway station may not be built near their dwellings?

(b) If the answer to the above be in the affirmative, does the Government propose to take any steps in the matter in view of the *pardanashin* habits of the Rajput women, living in these dwellings?

The Honourable Mian Sir Fazl-i-Husain: (a) Government has no information on the point.

(b) Does not arise.

RESOLUTIONS PASSED BY BAR ASSOCIATIONS AGAINST PUBLIC SERVANTS.

3602. Chaudhri Afzal Haq: Will the Government be pleased to state for the last ten years the names of those districts where the District or Tahsil Bar Associations passed resolutions against any public servant, and the action taken by Government on those resolutions?

The Honourable Sir Geoffrey deMontmorency : It is regretted that Government have no information on the subject.

Chaudhri Afzal Haq : Is information being collected ?

The Honourable Sir Geoffrey deMontmorency : No enquiries were made at the headquarters of Government and no such cases could be traced.

LUDHIANA MUNICIPAL COMMITTEE.

3803. Chaudhri Afzal Haq : (a) Is it a fact that Ludhiana Municipal Committee have been dissolved very recently by the order of the Government ?

(b) Is it a fact that Government intends to decrease the elected element and increase the nominated members of the Committee ?

(c) If so, will the Government be pleased to state whether they are aware of the fact that the public looks with dismay the increase in the number of nominated members ?

(d) Will the Government please say whether they propose to reconsider the question with a view to not altering the constitution of the committee ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Attention is invited to Punjab Government notification No. 3417-S., dated the 18th August 1926. The elected element on the committee has not been decreased ; the number of appointed members has, however, been increased.

(c) Except in a very limited circle the increase in the number of nominated members is for the present looked upon either with indifference or approbation.

(d) It is not proposed to reconsider the question at present.

RE-ARREST OF S. HARI SINGH OF JULLUNDUR.

3804. Chaudhri Afzal Haq : (i) Will the Government be pleased to state—

(a) whether it is a fact that Sardar Hari Singh of Jullundur who was recently released from Lahore Jail along with other Akali leaders has again been arrested ; and

(b) whether it is a fact that since 1921 he has been kept in Jail ?

(ii) Will the Government please state for what offence Sardar Hari Singh has now been arrested ?

(iii) Is it a fact that that offence was committed two years ago ?

(iv) If the answer to (iii) above is in the affirmative, will the Government be pleased to state why the case was not taken up so long ?

The Honourable Sir Geoffrey deMontmorency : 1. (a) Yes, but he has since been released as the case has been withdrawn.

(b) No, he has been an under-trial prisoner since October 1923.

2. He was arrested under section 216, Indian Penal Code for harbouring Kishen Singh Gargaj, an absconder, under section 124-A, Indian Penal Code who was concerned in the Babbar Akali cases.

3. Yes, the offence was committed more than two years ago.

4. It was not taken up earlier because Hari Singh was under trial in the Akali Leaders Conspiracy Case.

GRINDING WORK IN JAILS.

3605. **Chandhri Afzal Haq:** (a) Is Government aware that the work of grinding is still being given to prisoners in the jails of the province?

(b) Is it a fact that the Governor in Council do not approve of this kind of labour?

(c) Is the Government aware that the existence of this kind of labour in jails is the chief cause of corruption prevalent in jails?

(d) Is it a fact that the Punjab Jails Commission disapproved of this labour of grinding?

(e) If the answers to the above are in the affirmative, will the Government be pleased to state whether they have now decided to stop this labour in the jails of the province?

The Honourable Sir Geoffrey deMontmorency: (a) Yes.

(b) No.

(c) No.

(d) No, *vide* paragraph 45 of the report.

(e) No, but Government have issued orders that the task of "grinding" given to convicted prisoners passed fit for hard labour during quarantine shall be fixed at one-half of the scale laid down under the sub-head "Hard" of the head "Classification of Labour" in paragraph 680 of the Punjab Jail Manual.

COMMITTEE TO INQUIRE INTO THE RIOTS AT REWARI.

3606. **Chandhri Sahib Dad Khan:** (a) Is it a fact that the Muslims of Rewari complained to the Government, when the last case of rioting was under investigation, as to the *ex-parte* nature of the proceedings against the Muslims?

(b) Is it also a fact that the Muslims of Rewari were dissatisfied not only when the investigation was going on, but are dissatisfied even now when the case has finished and have been craving the Government to appoint an independent committee to enquire into the causes of the recent riots and to suggest remedial measures?

(c) If so, does the Government propose to appoint such a committee for this purpose?

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

OPENING OF A HIGH SCHOOL AT FATEHABAD.

3607. Chaudhri Sahib Dad Khan : (a) Is it a fact that there is no high school at Fatehabad, the headquarters of a tahsil in the Hissar district ?

(b) If so, does the Government intend opening a high school at Fatehabad at an early date ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Government cannot engage to maintain a High School in every tahsil.

RAILWAY COMMUNICATION TO FATEHABAD.

3608. Chaudhri Sahib Dad Khan : (a) Is it a fact that the Bombay, Baroda and Central India Railway authorities are considering the extension of railway line from Bhattu to Ratia and Fatehabad, and that this proposal has been strongly recommended by the Deputy Commissioner, Hissar ?

(b) If so, does the Government propose to urge the railway authorities concerned to undertake the extension as early as possible ?

(c) In case the Bombay, Baroda and Central India Railway Company is not prepared to undertake the extension contemplated soon, will the Government ask the railway authorities concerned to take steps to extend the railway line from Jakhal to Fatehabad or from Hissar to Fatehabad whichever is considered more convenient and profitable ?

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

MOSQUE IN THE GARDEN ATTACHED TO THE HISSAR JAIL.

3609. Chaudhri Sahib Dad Khan : (a) Is it a fact that there is an old mosque in the garden attached to the Hissar Jail which is used for tethering jail cattle and storing fodder ?

(b) Is it a fact that several years ago on the application of the Muslims the practice of tethering cattle and storing fodder in that mosque was discontinued ?

(c) Is it a fact that the mosque is an ancient building and such buildings in the Hissar town are protected under the Ancient Monuments Preservation Act ?

(d) If so, has the Government any objection to take steps to protect this mosque under the above said Act and also to see that the Jail authorities do not use the mosque for the purposes of tethering cattle or storing fodder or such other purposes ?

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

WATER-SUPPLY TO VILLAGES BHURTANA, ETC.

3610. Chaudhri Sahib Dad Khan : (a) With reference to the answer to question No. 2704* asked on the 8th March 1926, will the Government please state whether they have come to a decision as to the feasibility of bringing water to the villages from the Jamalpur wells ?

(b) Has the Government any objection to construct a large pucca pond at village Bhurtana in the Hansi Tahsil for storing rain water to be used in summer for drinking purposes ?

(c) Is it a fact that the District Board has expressed its willingness to maintain the watercourse, if dug, for supplying canal water for drinking purposes to villages Bhurtana, Kirawar and Alakpura from the Durjanpur Minor on the Petwar Rajbaba ?

(d) If so, have the canal authorities any objection to supply canal water for drinking purposes to the above villages ?

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

SUPPLY OF CANAL WATER FOR IRRIGATION PURPOSES TO VILLAGE DAULATPUR AND NAYAGAON.

3611. Chaudhri Sahib Dad Khan : With reference to the answer to question No. 2705† asked on the 8th March 1926, will the Government please say how the canal authorities propose to make up the deficiency in the supply of canal water for irrigation purposes to village Daulatpur and Nayagaon in the Hissar Tahsil on Sirsa Branch ?

The Honourable Mian Sir Fazl-i-Husain : The actual area irrigated in the villages Daulatpur and Nayagaon has been steadily increasing since 1923-24 and the outlet of Daulatpur has already been enlarged in 1924. If the Zamindars make the best use of the water the irrigation will probably approach the permissible figure shortly and so no special action is immediately necessary.

GOVERNMENT DYEING AND TANNING FACTORY, SHAHDARA.

3612. Rai Bahadur Lala Dhanpat Rai : (a) Will the Government be pleased to state—

(a) the total amount of investment up to-date against block and stock of the Government Dyeing and Tanning Factory, Shahdara; and

(b) whether the factory has been running at a loss or profit, and if at a loss, how much has been the loss up to date ?

*Vol. IX-A, page 435.

†Vol. IX-A, pages 435-36.

[B. B. Lala Dhanpat Rai.]

(ii) (a) Is the Government considering the advisability of leasing out the factory to some private individuals or a joint stock company ?

(b) If Government has any such intention, will the matter be settled by private negotiation or will public tenders be called for ?

(c) Will the Government consult the members of the Industries Standing Committee of the Legislative Council before it decides to lease out the factory ?

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

STUDENTS LEARNING WORK AT THE GOVERNMENT DYING AND TANNING FACTORY.

3613. Rai Bahadur Lala Dhanpat Rai: Will the Government be pleased to state the number of students learning work at the Government Dyeing and Tanning Factory and the cost to Government per head of such students ?

The Honourable Sardar Jogendra Singh: The number of students receiving training in the Government Institute of Dyeing and Calico Printing is 54 and in the Government Tanning Factory 39. The cost per head to Government in the former is Rs. 27 per month and in the latter Rs. 40 per month.

ADMISSION TO GOVERNMENT COLLEGE AND MEDICAL COLLEGE, LAHORE.

3614. Diwan Bahadur Raja Narendra Nath: (a) Will the Honourable Minister for Education be pleased to state whether the rule of communal proportions, *vis.* (40 per cent. for Muhammadans, 20 per cent. for Sikhs and 40 per cent. for Hindus and others) for admission to the 1st and 3rd year classes of Government College and to the Medical College still continues in force ?

(b) If so, how is discrimination made *in terse* between Hindus, Muhammadans and Sikhs, respectively ?

(c) Will the Honourable Minister for Education be pleased to state whether amongst Hindu students, 1st division men, in the Arts and Science groups have been rejected to make room for 2nd division men in the same groups for admission to the 1st year and 3rd year classes of the Government College ?

(d) Will the Honourable Minister be pleased to lay on the table a list of Hindu students admitted into the 1st and 3rd year classes and also of those rejected stating in the case of each 1st division candidate rejected and in case of each 2nd division candidate admitted why the one was rejected and the other admitted ?

(e) (i) How many Hindus who passed in the 1st division were rejected and how many students other than Hindus who passed in the 3rd division were admitted in the 1st and 3rd year classes of the Government College ?

(ii) How is fitness for games judged and how is deficiency in them adjusted with efficiency in previous examinations?

(iii) Are marks assigned for efficiency in games and added to marks obtained in examinations?

(iv) If not, will the Principal be directed to adopt this system?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Yes.

(b), (c), (d) and (e). The collection of the information asked for is not practicable during the term of this Council.

MALARIA IN HANSI.

3615. Lala Banke Rai: Is the Government aware that in the Hansi town on account of water-logging there is a severe outbreak of malaria?

(b) If the answer to (a) is in the affirmative, has Government taken any action to drain off the water and save the town from malaria in future? If not, does the Government propose to take any action in the matter and if so, what action does it propose to take?

The Honourable Rai Sahib Chaudhri Chhotu Ram: The rainfall throughout the Hissar District this year was very greatly in excess of normal and in the Malaria Forecast issued by the Director of Public Health at the end of August a severe outbreak of Malaria was predicted for the whole district. At the same time the District Health Officer was instructed to take steps to deal with the anticipated outbreak.

From the reports received up to the week ending 9th October it is apparent that deaths from Malaria in Hansi town are steadily increasing. At present Government has no information to connect this Malaria with the sub-soil water level but the matter will be brought to the notice of the Rural Sanitary Board.

HISSAR DISTRICT BOARD ELECTION.

3616. Lala Banke Rai: (a) Is it a fact that the next Hissar District Board election takes place in February 1927?

(b) Is it also a fact that every person who pays Rs. 4 Hasnajat Tax is entitled to a vote in the said election?

(c) Is it a fact that the Deputy Commissioner, Hissar district, has issued a letter to the Tahsildars of the various tahsils of the district to include such persons in the list of voters to be prepared shortly?

(d) Is it a fact that the district board authorities do not agree to allow the right of vote to such persons on the ground that assessment for the year 1926-27 has not taken place, and that therefore they are not entitled to any vote?

(e) Is it also a fact that a reference on this point has been made to the Government by the Deputy Commissioner, Hissar?

(f) If the answer to (e) is in the affirmative, will the Government please state whether it has passed any orders on the reference and if so, what orders have been passed?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a), (b), (c), (d) and (e) Yes.

(f) The matter is under consideration.

INDIAN WORKMEN'S COMPENSATION ACT.

*3617. Dr. Gokul Chand, Narang : (a) Will the Government please state what efforts have been made during the period 1st July 1924, to 1st July 1926 by the Publicity Bureau or other agencies to make the provisions of the Indian Workmen's Compensation Act, VIII of 1923, widely known among workmen and labourers ?

(b) Has the Government issued instructions to its Executive Officers and the Police, to frequently inform the workmen of the names of the labour commissioners, etc., of the area and the procedure for claiming compensation ? If not has it any objection to do so now ?

(c) Will the Government please lay on the table a statement for the period 1st July 1924 to 1st July 1926 of every accident to workmen throughout the Punjab Province in factories, railways, mines, etc., showing the following particulars :—

- (i) Date of the accident resulting in injury or death ;
- (ii) Name and designation of the injured workmen ;
- (iii) Amount of compensation paid ;
- (iv) Date on which compensation was paid ;
- (v) Amount spent by the employer as hospital expenses for the injured workman and for the immediate relief of his dependants ;
- (vi) In case of death the date on which amount of compensation was deposited with the Labour Commissioner of the area ;
- (vii) Date on which the amount was paid by the Commissioner to the dependants ?

(d) Considering the poverty, hardships and ignorance of dependants of the injured or dead workmen, what instructions do Government propose to issue to employers for taking measures for the immediate relief of the workmen ?

(e) Will the Government please state why, while statements of accident and compensations paid to labourers in railway factories and workshops in the Punjab have been included in the report on the working of the Indian Workmen's Compensation Act, similar information has not been given in the report relating to other workmen in the railways in the province who also come under the said Act ? Is there any objection to supply the omission referred to above by giving the information in the form of a supplement ?

The Honourable Mian Sir Fazl-i-Husain : (a) and (b). The dissemination of information regarding the provisions of the Workmen's Compensation Act is one of the duties discharged by the Factory Inspection staff of Government.

*This question was put by Pandit Nanak Chand on behalf of Dr. Gokul Chand Narang who was absent.

(c) Government regrets that it is unable to lay on the table the statement for which the honourable member asks. The preparation of this statement would involve a disproportionate amount of labour. A return of accidents which occurred in the Punjab in premises subject to the operation of the Indian Factories Act, and in Mines, during the last six months of the year 1924 and during 1925, together with the amount of compensation paid in each case, will however be found in the Annual Reports on the working of the Act in the Punjab.

(d) Government has no authority to issue instructions of the nature suggested.

(e) The statistics in the Report referred to are confined to Factories under the operation of the Indian Factories Act and to mines coming under the Indian Mines Act. Particulars of accidents involving workmen working on railway lines or on trains are given in the reports issued by the various Railway Administrations, and by the Railway Board, and need not be repeated here.

REVENUE AND CANAL PATWARIS.

3618. **Rana Firoz-ud-Din Khan :** (a) Is it a fact that orders contained in the Punjab Government letter No. 5244-Rev., dated 16th February 1922, have been applied to revenue patwaris alone, and that they have not been extended to canal patwaris also ?

(b) Is the Government prepared to make those orders equally applicable to canal patwaris also who in other respects enjoy the same rights and privileges as the revenue patwaris ? If not, will the Government please state the reasons for differentiating between two branches of the same service ?

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

PUNITIVE POLICE POST AT CHANDI.

3619. **Rana Firoz-ud-Din Khan :** (a) Is it a fact that a punitive police post was located at village Chandi, Gohana tahsil, Rohtak district in 1923 at an annual cost of Rs. 4,260 ?

(b) Is it a fact that since then no person belonging to the village was prosecuted for any offence against property ?

(c) Is the Government aware that Chandi is a small village containing about 250 houses and that out of the small population about 300 persons died of plague last year, and many a villager including village artisans have left the village owing to the imposition of the punitive police tax, with the result that entire tax has fallen on a much reduced number of inhabitants, and agricultural operations are suffering by migration of artisans ?

(d) Is it further a fact that the people are very poor and that the tax has to be realised by attachment of property and that a portion of the tax for the year 1924-25 still remains unrecovered ?

(e) If so, has the Government any objection to consider the desirability of relieving the poor inhabitants of village Chandi, by ordering the abolition of the Punitive Police Post ?

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

TRANSFER OF POLICE OFFICERS.

3620. Rana Firoz-ud-Din Khan : (a) Will the Government please state if there are any rules to guide and regulate the transfer of Police officers of and above the rank of Sub-Inspector ?

(b) Is it a fact that usually such Police officers are not allowed to stay at one place for more than 3 years ?

(c) Will the Government please give a statement showing the names and ranks of such officers in the Ambala Division, who have been allowed to remain at one place longer than the usual period and also give reasons for the same ?

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

KATHAL MUNICIPAL COMMITTEE.

3621. Rana Firoz-ud-Din Khan : (a) Is it a fact that in municipal committees where the principle of separate communal representation has been applied the allotment of seats to Muslims and non-Muslims is regulated by the population and voting strength taken together ?

(b) Is it a fact that in the municipal town of Kathal, Karnal district, the populations of Muslims and non-Muslims are equal, while the voting strength of Muslims is slightly greater than that of non-Muslims ?

(c) Is it further a fact that out of nine elected seats in the Kathal municipal committee four are allotted to Muslims and five to non-Muslims ?

(d) Will Government please state the reasons for this unequal distribution of seats ?

(e) Does Government propose to take early steps to revise the constitution of the Kathal municipal committee with a view to give Muslims their due share of representation in the committee ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) No. The figures are as follows :—

	Population.	Voters.
Muslims	7,287	1,443
Non-Muslims	8,191	1,434

(c) Yes.

(d) The distribution is made on the basis of the formula quoted by the honourable member himself in part (a) of the question.

(e) If the honourable member means that Muslims should get the share of representation due to them on the basis of the formula, they have already got it.

PANCHAYATS.

3622. Rana Firoz-ud-Din Khan : (a) Will the Government please lay on the table a statement showing the panchayats established in the Jullundur division since the passing of the Village Panchayat Act and the work done by each of them ?

(b) Is it a fact that the panchayat system has made a very slow progress in the Province ? If so, will the Government please state the reasons therefor ?

(c) What steps does the Government propose to take with a view to popularising and pushing the panchayat system in the Province ?

The Honourable Rai Sahib Chandhri Chhotu Ram : (a) Attention is invited to the statements attached to the proceedings of the Punjab Government (Ministry of Education) in the Local Self-Government (Panchayats) department No. 27944, dated 16th December 1925, a copy of which will be found in the Council Library.

(b) Yes. The main causes appear to be the apathy of the people and party feeling in villages.

(c) Government have already decided to convene a conference to consider the question in the middle of November.

PUBLIC PROSECUTORS.

3623. Khan Muhammad Abdullah Khan : (a) Will Government kindly state how many appointments or re-appointments of Public Prosecutors took place during the period of three years ending with the 31st of August 1926 ?

(b) How many of these so appointed were Hindus, Sikhs and Musalmans ?

(c) Are Public Prosecutors liable to transfer from one district to another ? If so, after what period ?

(d) Is it a fact that there is not a single Musalman Public Prosecutor in the Multan division ?

(e) Is Government also aware of the fact that suitable Musalmans are available in every district of the division for employment as Public Prosecutors ?

(f) Is it a fact that the Public Prosecutorship of the Hoshiarpur district has fallen vacant owing to the sad death of the incumbent of the post there ?

[Khan Muhammad Abdullah Khan.]

(g) Has Government any objection to transfer one of the Public Prosecutors in the Multan division to Hoshiarpur and to appoint a suitable Mussalman in his place?

The Honourable Sir Geoffrey de Montmorency :

(a) 13.

(b) Hindus	...	...	6
Muhammadans	...	...	4
Sikhs	...	...	2
Christian	..	...	1
			—
Total	...	...	13

(c) Yes—at any time.

(d) Yes.

(e) The names of some Mussalman candidates are on the list of candidates for the districts of the Multan division.

(f) Yes, but the vacancy has been filled up.

(g) Government sees no good reason to take any such step at present.

CANDIDATES FOR THE POST OF PUBLIC PROSECUTORS.

3624. Khan Muhammad Abdullah Khan : (a) Will Government kindly state if they maintain a register of candidates for the post of Public Prosecutors?

(b) If the answer to (a) is in the affirmative, will the Government please state how many of these registered candidates are Hindus, Muslims and Sikhs, respectively?

The Honourable Sir Geoffrey de Montmorency :

(a) Yes.

(b) Hindus	...	...	96
Muhammadans	...	...	89
Sikhs	...	...	28

PRINTING OF FARE, ETC., IN GURMUKHI IN TICKETS ISSUED BY RAILWAYS.

3625. Sardar Jodh Singh : Will the Government please lay on the table the answer to question No. 707* asked on 7th August 1924?

The Honourable Mian Sir Fazl-i-Husain : A copy of the answer already given to the Council Question No. 707 is laid on the table.

As regards the matter said to be under consideration in paragraph (c) of this answer, the Railway authorities have again been addressed to report the result of their consideration.

The Honourable Mian Sir Fazl-i-Husain : (a) The North-Western Railway had decided to print in Gurmukhi characters the name of the "station to" and the fare on 3rd class tickets.

(b) Yes.

(c) The North-Western Railway have the matter under consideration.

GRANTS TO MUNICIPAL COMMITTEES.

3626. Chaudhri Afzal Haq : Will the Government be pleased to state the total grant which each of the different municipal committees was given by the Government since the year 1910 ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : The information is available in the annual reports on the working of municipalities in the Punjab.

SHAH CHARAGH MOSQUE.

3627. Chaudhri Afzal Haq : (a) With reference to the answer to question No. 2514* asked on 12th January 1926, is the Government aware that according to Muhammadan law a *wakf* property cannot be sold and cannot be used for purpose other than that for which it was originally intended ?

(b) Did the Government in purchasing Shah Charagh mosque in the year 1860 consider the *shariat* point of view ?

(c) Has the Government decided to relinquish the Shah Charagh mosque ?

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

ARTILLERY PRACTICE AND EVACUATION OF VILLAGES IN ILAQA KANDHI.

3628. Chaudhri Afzal Haq : (a) Will the Government be pleased to state if it is a fact that the inhabitants of several villages in ilaqa Kandhi, district Hoshiarpur, very often protested to Government against the artillery practices which take place every year in their vicinity ?

(b) If so, will the Government also please state whether it is in correspondence with the military authorities with a view to finally stop the artillery practices there ?

(c) Will the Government be pleased to state—

(a) the number and names of the villages which were evacuated in the year 1925 in ilaqa Kandhi, district Hoshiarpur, for purposes of artillery practice ;

(b) the amount of compensations paid and the rate at which it was assessed ; and

[Ch. Afzal Haq.]

(c) whether any force was used at the time of payment of compensation?

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

OPENING OF AN ENGINEERING COLLEGE IN THE PUNJAB.

3629. Chaudhri Afzal Haq: With reference to the answer to question No. 1727* put on the 1st May 1925, will the Government be pleased to state whether they have since decided to open an Engineering College in the Punjab?

The Honourable Sardar Jogendra Singh: The matter is still under consideration and no decision has yet been arrived at.

APPOINTMENT OF INDIANS AS FINANCIAL COMMISSIONERS.

3630. Chaudhri Afzal Haq: (a) Is it a fact that no Indian has hitherto been appointed as a Financial Commissioner in this province?

(b) Is it a fact that several Indians have been made Commissioners and that they have held the office for years with success?

(c) If so, will the Government be pleased to state whether they are taking necessary steps to appoint an Indian as a Financial Commissioner?

Mr. B. H. Dobson: (a) Yes.

(b) Yes.

(c) There is no post of Financial Commissioner vacant.

Chaudhri Afzal Haq: Am I to understand that whenever this post falls vacant an Indian Financial Commissioner will be appointed?

Mr. B. H. Dobson: It is not possible to answer this question.

Pandit Nanak Chand: Why not?

Mr. B. H. Dobson: Because it is a hypothetical question and the situation has not yet arisen.

REPRESENTATION OF MUHAMMADANS IN THE LUDHIANA DISTRICT BOARD.

3631. Chaudhri Afzal Haq: (c) Will the Government be pleased to state—

(a) if it is a fact that the number of Muhammadan members of the district board, Ludhiana, is less than that of non-Muslim members; and

(b) if it is a fact that the *ilagas* in the district have been so arranged that at the next elections to the district board the number of Muhammadan members will decrease?

(ii) If the answers to the above are in the affirmative, will the Government be pleased to state whether they are taking steps to see that the number of Muhamadan members of the district board, Ludhiana, does not decrease?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) A revision of electoral circles was necessary owing to the abolition of one Zail. Government is not aware that as a result of the revision the number of Muslim members would decrease.

(c) Does not arise. But a report would be called for, and the matter would be considered.

RAILWAY FROM NAROWAL TO ZAFARWAL.

3632. Khan Muhammad Abdullah Khan : (a) Is it a fact that the Government has received a representation from the inhabitants of the towns of Sankhatra, etc., in the Sialkot district, to the effect that a railway line be opened from Narowal to Zafarwal instead of from Kila Sobha Singh to Zafarwal, district Sialkot, and that the Deputy Commissioner, Sialkot, has also made recommendations to the effect that the line must pass through Sankhatra, etc.?

(b) While recommending the construction of the railway line from Kila Sobha Singh to Zafarwal, did Government take into consideration the fact that the line from Narowal to Zafarwal would pass through more important towns which are trade centres than the line from Kila Sobha Singh to Zafarwal, which will pass through very unimportant and minor villages and will always be in danger of being washed away by the action of the Dek Nullah? If the answer is in the negative, has Government any objection to reconsider the question now to see whether it is not desirable to recommend the construction at an early date of a railway line from Narowal instead of from Kila Sobha Singh?

The Honourable Mian Sir Fazl-i-Husain : (a) No.

(b) Information on the subject is being obtained from the Agent, North-Western Railway, and will be supplied to the honourable member when received.

LOSS OF MONEY FROM TRANSACTION OF TAKKAVI IN ROHTAK DISTRICT.

***3633. Dr. Gokul Chand, Narang :** (a) Will the Government be pleased to state the particulars of the loss of Rs. 7,000 resulting from a transaction of takkavi in kind in Rohtak district?

(b) Will the Government be pleased to say whether the loss was due to negligence or dishonesty of a Revenue Accountant?

(c) Is it a fact that a Hindu Revenue Accountant who discovered the loss has been punished while the Accountant who was really responsible has been let off?

(d) Is it a fact that reports against the latter Accountant were made to the Commissioner for embezzling Government money?

*This question was put by Pandit Nansah Chaud on behalf of Dr. Gokul Chand Narang who was absent.

[Dr. Gokul Chand, Narang.]

(e) Will the Government be pleased to state the name of the Revenue Accountant and the action taken by the Commissioner in these two cases ?

(f) Is it a fact that the same Revenue Accountant has now been recommended to the Financial Commissioner for promotion to the post of Tahsildar ?

The Honourable Mian Sir Fazl-i-Husain : The attention of the honourable member is drawn to the answer given to question No. 3558.*

EXTRA ASSISTANT COMMISSIONERS.

3634. Rao Pohap Singh : (a) How many inhabitants of the Gurgaon district have been taken as Extra Assistant Commissioners during the last thirty years and how many of them are agriculturists ?

(b) Is the Government aware of the distinguished services of the inhabitants of Gurgaon district during the war ?

(c) Does the Government propose to take a greater number of suitable candidates from amongst the agricultural tribes of the Gurgaon district as Extra Assistant Commissioners in consideration of the services rendered by the inhabitants of the Gurgaon district during the war ?

Mr. B. H. Dobson : (a) Statistics are not available ; the advisability of recruiting from all parts of the province is borne in mind, but the principle cannot be pushed to extremes.

(b) Yes.

(c) The claims of candidates from the Gurgaon district will be considered on their merits, which include war services.

PATHAR AND KANKAR DUES.

3635. Rao Pohap Singh : Is the Government aware that—

(i) prior to 1923, a due on *pathar* (stone) was levied in the Gurgaon district ?

(ii) that this due was held as illegal by courts ; and

(iii) that the levying of this due was discontinued in 1924 as being illegal and unfair ?

(b) How much was realised from this due during the fifty years preceding 1924 ?

(c) Is any *kankar* due levied in the Gurgaon district ?

(d) If so, does the Government propose to remit the *kankar* due for a period of thirty years in order to compensate the inhabitants of the Gurgaon district against the illegal charge of *pathar* due realised ?

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

IRRIGATION OF LANDS IN THE BALLABGARH TAHSIL.

3636. Rao Pohap Singh : (a) (i) Is the Government aware that a canal passes through the Ballabgarh tahsil of the Gurgaon district; and

(ii) that the Ballabgarh tahsil is not supplied with any water for irrigation from this canal?

(b) Is there any proposal in contemplation of the Government to irrigate the land in the Ballabgarh tahsil by means of lifts?

(c) How far has the scheme advanced?

(d) What steps has the Government taken to expedite the scheme?

The Honourable Mian Sir Fazl-i-Husain :—(a), (i) and (ii). Yes.

(b), (c) and (d). There was such a proposal but the cost of lift was found to be so great that the Deputy Commissioner did not think it worthwhile to suggest the scheme to the people. Consequently and also because the authorities who control the canal are not in a position to agree to any extension of irrigation in the Ballabgarh tahsil, no further action has been taken in the matter.

It has been ascertained that flow irrigation cannot be extended to this area.

DEPUTY SUPERINTENDENTS AND INSPECTORS OF POLICE.

3637. Rao Pohap Singh : (a) (i) How many inhabitants of the Gurgaon district have been taken as Deputy Superintendents of Police and Inspectors of Police, and (ii) how many of them are agriculturists?

(b) Does the Government propose to consider the desirability of taking greater number of suitable candidates for these posts from amongst the agriculturists of the Gurgaon district?

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

PUBLIC PROSECUTORS.

3638. Rao Pohap Singh : (a) Has any legal practitioner who is an inhabitant of the Gurgaon district been ever taken as Public Prosecutor?

(b) If none has been taken till now, has the Government any objection to consider the claims of a suitable person belonging to Gurgaon district for employment as a Public Prosecutor?

The Honourable Sir Geoffrey deMontmerency : (a) Government is not in a position to answer this question.

(b) The claims of a suitable candidate from Gurgaon will certainly be considered.

RECTANGLES HELD BY THE INHABITANTS OF GURGAON DISTRICT.

3639. Rao Pohap Singh: How many rectangles are held by the inhabitants of Gurgaon district in the canal colonies?

The Honourable Mian Sir Fazl-i-Husain: The information asked for is not available.

GRANT OF RECTANGLES TO AGRICULTURISTS OF THE GURGAON DISTRICT.

3640. Rao Pohap Singh: (a) Have any representations been recently made by the agriculturists of the Gurgaon district for the grant of rectangles in the Crown colonies?

(b) Does the Government propose to consider the claims of the people of the Gurgaon district for allotment to them of a sufficient number of rectangles in the colonies in various forms of tenures in recognition of their war services and in consideration of their poverty and their industrious habits?

The Honourable Mian Sir Fazl-i-Hussain: (a) Yes.

(b) Claims of Gurgaon Zamindars to peasant grants in the Nili Bar will not be overlooked in the colonisation scheme.

HISSAR BULLS.

3641. Rao Pohap Singh: (a) How many Hissar bulls have been supplied by the Hissar Farm to the various districts of the Panjab during the last four years and how many of them were purchased by the Gurgaon district alone?

(b) Is the Government aware that Hissar is not able to supply the full demand of bulls made by the Gurgaon district?

(c) If so, does the Government propose to consider the problem of increasing the output of bulls in the Hissar Farm?

The Honourable Sardar Jogendra Singh: (a) The following bulls have been supplied to district boards in the Panjab during the last 8 years:—

		Gurgaon district.	All other districts combined.	Total.
1923-24	...	110	116	226
1924-25	...	110	174	284
1925-26	...	100	306	406

(b) Yes, but the demand from Gurgaon for cattle exceeds the board's capacity to pay for these at the usual rates charged to other boards.

(c) Yes, the question of increasing the output of bulls in the Hissar Farm is under consideration.

CO-OPERATIVE CREDIT SOCIETIES IN THE GURGAON DISTRICT.

3642. Rao Pohap Singh : (a) How many co-operative credit societies are there in the Gurgaon district ?

(b) What place does it hold in the province as regards the number of these societies ?

The Honourable Sardar Jogendra Singh : (a) Two Central Banks, one Banking union and 645 credit societies.

(c) Fifth.

GURGAON DISTRICT DEVELOPMENT SCHEME.

3643. Rao Pohap Singh : (a) Has the Gurgaon district development scheme reached the Government ?

(b) If so, what action has the Government taken thereon ? If it has not yet been finally approved, does the Government propose to give effect to each part of it as soon as that part is approved ?

The Honourable Sardar Jogendra Singh : (a) A general outline of a scheme for the development of the Gurgaon district has been seen by Government.

(b) Effect has already been given to certain of the recommendations contained therein, and others are under the consideration of Government. Each portion of the scheme will have to be considered on its merits separately and in detail.

HEAD-MASTER, GOVERNMENT HIGH SCHOOL, KASUR.

3644. Maulvi Mazhar Ali Azhar : With reference to the answer to question No. 1812* asked on the 5th May 1925, will the Government be pleased to state if there is any prospect of a Muslim being appointed as Head-master in the near future ?

The Honourable Rai Sahib Chaudhri Chhotu Ram : There is no vacancy in the post of Head Master, Government High School, Kasur. The question does not, therefore, arise.

COMPLAINT AGAINST THE SUPERINTENDENT OF THE GREY CANALS.

3645. Maulvi Mazhar Ali Azhar : (a) Is it a fact that an official of the Grey canal department at Ferozepore made a complaint containing very serious charges against the Superintendent of the Grey canals ?

(b) Is it also a fact—

(i) that the complainant was called upon to substantiate his allegations ; and

(ii) that the person complained against was also called upon to disprove the charges ?

M. Aszhar Ali Azhar.]

(c) If the allegations were found to be incorrect and false, was any action taken against the complainant, and if they were found to be true, was any action taken against the person complained against? What was the action taken in either case?

The Honourable Mian Sir Fazl-i-Husain: (a) Yes.

(b) and (c). The matter is under investigation.

INDIGENOUS SYSTEM OF MEDICINE.

3646. Chaudhri Afzal Haq: (i) Will the Government be pleased to state—

(a) whether it is a fact that the Standing Committee on Public Health met to consider the means of encouraging the Indigenous system of medicine;

(b) whether that committee considered suggestions and proposals made by the non-official members of that committee; and

(c) whether the Government is aware that in the budget session of 1925, Government promised to sympathetically consider the proposal made by the members of the council?

(ii) If the answers to the above are in the affirmative, will the Government be pleased to state what steps it has so far taken to give effect to the proposals made by the non-official members of the Public Health Committee which was held three months ago at Simla?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (i) (a) Yes.

(b) Yes.

(c) Government has always been ready to give due consideration to any proposals made by the members of the Council.

(ii) The proposals were published in the *Punjab Gazette*. The question of giving effect to them could be considered only if and when applications for grants-in-aid were received by Government, but no such application has been received up till now.

PUNJAB POLICE COMMISSION'S REPORT.

3647. Chaudhri Afzal Haq: (a) Is it a fact that the Punjab Police Commission was appointed during this year?

(b) Is it a fact that this Commission has submitted its report to Government?

(c) (i) If the answers to the above are in the affirmative, will the Government be pleased to state why that report has not yet been published;

(ii) when does Government propose to publish that report for public information;

(iii) while examining the report of this Commission, will the Government also take into consideration the recommendations of all the other committees that might have been appointed before either by the local Government or the Government of India?

The Honourable Sir Geoffrey deMontmorency : (a) Yes.

(b) Yes.

(c) (i) & (ii) Copious extracts from the report have been published.

(iii) Reference will be made to the more recent of these documents before coming to final conclusions.

COMMUNAL REPRESENTATION IN RAWALPINDI MUNICIPAL COMMITTEE.

3648. Chaudhri Afzal Haq : (a) Is it a fact that communal representation has not been introduced in the municipal committee of Rawalpindi?

(b) Is it a fact that the Muhammadan population in that city repeatedly requested the Government to give them separate representation?

(c) If so, will the Government be pleased to state whether they are considering the advisability of giving the Muhammadans separate representation?

The Honourable Rai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) A representation was received in 1922.

(c) Government see no reason for introducing communal representation in the municipality of Rawalpindi.

NON-OFFICIAL VISITORS OF HOSHIARPUR SUB-JAIL.

3649. Chaudhri Afzal Haq : Will the Government be pleased to state—

(a) the names of the non-official visitors of the Hoshiarpur sub-jail in 1924 and their educational qualifications;

(b) the names of the non-official visitors of the Hoshiarpur sub-jail in 1926 and their educational qualifications?

(c) Is it a fact that persons of high educational qualification have not been appointed as visitors of the sub-jail? If so, why?

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

DR. HARBHAJAN SINGH, ASSISTANT SURGEON.

3650. Chaudhri Afzal Haq : (a) Is it a fact that Dr. Harbhajan Singh is posted as Assistant Surgeon in Una dispensary, district Hoshiarpur?

(b) Is it a fact that he is an eye-specialist, and that people flock to him for treatment?

(c) Is it also a fact that the Una dispensary cannot accommodate all the patients that go to him for treatment?

[Ch. Afzal Haq.]

(d) Is it a fact that a great number of patients find it difficult to travel the hilly tracts of Una ?

(e) If so, has the Government any objection to post Sardar Harbhajan Singh to Garhsankar or Hoshiarpur or to any other central place of the Province so that all patients can have the benefit of his treatment ?

The Honourable Bai Sahib Chaudhri Chhotu Ram : (a) Yes.

(b) Yes.

(c) Yes ; but the question of increasing the accommodation is under consideration.

(d) The difficulty, if it exists, has never been brought to the notice of Government. Una is accessible by a motor car and also other vehicles.

(e) Does not arise.

COMMUNAL REPRESENTATION IN DISTRICT BOARD OFFICES.

3651. Chaudhri Afzal Haq : (a) Is it a fact that the district board Karnal, last year resolved to give district board appointments to different communities on population basis ?

(b) Is it a fact that Muhammadans form one-fourth of the population in the Karnal district ?

(c) Will Government please state whether any other district board likewise resolved to give appointments in this manner ?

The Honourable Bai Sahib Chaudhri Chhotu Ram : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

TRIAL OF REVENUE CASES IN CAMP.

3652. Chaudhri Afzal Haq : With reference to the answer to my question No. 1952* put on the 6th July 1925, will the Government be pleased to state whether they are aware of the fact that Revenue Officers still continue to take up revenue cases in camp thus causing inconvenience to the parties ? If so, what action does Government propose to take in the matter ?

The Honourable Mian Sir Fazl-i-Husain : No. Government is not aware that Revenue Officers take up revenue cases in camp otherwise than in compliance with the undertaking given in the answer cited.

EXEMPTION OF SWORD FROM THE OPERATION OF THE ARMS ACT.

3653. Chaudhri Afzal Haq : Will the Government please state whether they have since decided to take steps to get the sword exempted from the operations of the Arms Act in conformity with the wishes expressed by the non-official members of this Council.

The Honourable Mian Sir Fazl-i-Husain : Strained inter-communal feeling and unfortunate inter-communal rioting has prevented Government from proceeding further with the case.

IMPROVEMENT OF RURAL SANITATION AND EDUCATION.

3654. Chaudhri Afzal Haq: Will the Government be pleased to state if it is a fact that the Deputy Commissioner, Gurgaon, appointed a committee of influential members of the Bar and zamindars to devise means for the improvement of rural sanitation and rural education in the district?

If so, does the Government propose to instruct all the Deputy Commissioners in the Province to similarly appoint district committees on the lines of the Gurgaon committee?

The Honourable Rai Sahib Chaudhri Chhotu Ram: Government have no information as regards the measures adopted in the district of Gurgaon, but a report has been called for.

As for part 2 of the question, local officers may be expected to adopt the best measures suitable to their own districts.

SOCIAL UPLIFT OF PEOPLE.

3655. Chaudhri Afzal Haq: (a) Is it a fact that the district board, Gurgaon, publishes a weekly journal under the guidance of the Deputy Commissioner for the social uplift of the people?

(b) If so, does the Government propose to suggest to all the other district boards to take similar measures for the same purpose?

The Honourable Rai Sahib Chaudhri Chhotu Ram: (a) Yes.

(b) This is a matter which in the opinion of Government, should be left to the discretion and initiative of district boards.

CRIMINAL TRIBES NEAR GARHSHANKAR.

3656. Chaudhri Afzal Haq: (a) Is it a fact that several people of the criminal tribes inhabit near the town of Garhshankar?

(b) Is it a fact that these criminal tribesmen are suspected of committing different offences in that *ilaga*, and that eight of them have been served with a notice to show cause why they should not be sent to criminal settlements?

(c) Is it a fact that the zamindars of Garhshankar sent a representation to the Government that these tribesmen steal and damage the crops, and that all of them should be sent to criminal settlements?

(d) If so, will the Government be pleased to state what steps they have taken on the representation?

The Honourable Mian Sir Fazl-i-Husain: (a) Eleven restricted Sansis reside in village Dinwal near Garhshankar.

(b) In May last the local Sub-Inspector of Police reported that 8 of them were addicted to offences relating to property and recommended their transfer to the Reformatory Settlement at Amritsar. On this the District

[Hon. Sir Fazl-i-Husain.]

Magistrate, Hoshiarpur, ordered an inquiry under Rule 28 of the rules framed under Section 20 of Act VI of 1924. In August last while the enquiry was proceeding Jiwan Khan one of the land-owners of the village also complained against these men. Further action will depend on result of these enquiries which is still awaited.

(c) No such representation has been received by Government.

(d) Does not arise.

GRANT OF LAND FOR HORSE, CAMEL AND CATTLE-BREEDING.

3657. Chaudhri Afzal Haq : Will the Government be pleased to state the number of persons in the province who have been granted squares of land for horse, camel and cattle breeding and the names of those among them whose squares have been confiscated and the cause of their confiscation ?

The Honourable Mian Sir Fazl-i-Husain : The number of persons to whom such grants have been made and the names of the persons whose grants have been confiscated are not available. Confiscation is only resorted to in the case of serious breaches of the conditions on which the various grants were made.

MANAGERS OF COURTS OF WARDS.

3658. Chaudhri Afzal Haq : Will the Government be pleased to state—

(a) the number of agriculturist and non-agriculturist managers of Courts of Wards in the province; and

(b) whether any of them has agricultural training ?

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

GRANT OF LAND FOR SOCIAL AND EDUCATIONAL SERVICES.

3659. Chaudhri Afzal Haq : (a) Is it a fact that before 1924 no grant of land was awarded to people for their social and educational services.

(b) Is it a fact that Government have now considered the advisability of granting land for such services ?

(c) If so, will the Government be pleased to state whether they have given crown lands to any person for rendering social and educational services in the years 1925 and 1926 ?

The Honourable Mian Sir Fazl-i-Husain : (a) Services of all kinds which are rendered to Government are taken into account when and if grants of land are made.

(b) It is not clear what the honourable member means by 'social and educational' services as distinct from other services, and so it is scarcely possible to give a definite reply.

(c) No such grants have been made in 1925-26.

RESOLUTION RE REMOVAL OF CERTAIN DISQUALIFICATIONS FOR ELECTIONS 1769
TO LOCAL BODIES.

RESOLUTIONS.

RESOLUTION RE REMOVAL OF CERTAIN DISQUALIFICATIONS FOR ELECTIONS
TO LOCAL BODIES.

Rana Firoz-ud-Din Khan [South East Towns, (Muhammadan),
Urban] (Urdu) : Sir, I beg to move the resolution that stands in my name.
It reads :—

"This Council recommends to the Government that rules of election to District Boards, Municipal Committees and Small Towns be revised so as to remove the disqualification for election to these bodies on the score of imprisonment for offences not involving moral turpitude or on account of orders requiring security for political activities."

Sir, it seeks to remove all restrictions imposed upon the election to local bodies of persons convicted of offences other than those involving moral turpitude and of those who have been asked to furnish security for their political activities. It recommends that the election of only those persons to these bodies should be stopped who are of bad moral character. In commending my resolution to your consideration, I would draw your attention to the rules for election to the Provincial as well as Central Legislatures. These rules stand against the election of a person convicted only for an offence punishable with imprisonment for more than a year, and there is no restriction against his election if he has only been asked to furnish security. The election rules for election to the local boards as published in the Gazette of the 13th August, 1926 state :—

"No such person shall be eligible to stand as a candidate within the five years preceding the date of election who has been sentenced or subjected by any court to imprisonment for a period exceeding three months or been ordered by any court to execute a bond for his good behaviour for a period exceeding three months."

Now, Sir, this means that unmindful of the nature of the offence for which he has been convicted a man shall be disqualified for election if he has been sentenced to imprisonment for a period of more than three months. The same is the case with the person who has been ordered to furnish security for more than three months. It is really very surprising that election to Council and Assembly are not so restricted as those to the local bodies. A person may be a member of the Punjab Council. He can become a member of the Assembly or even the Council of State where more responsible work is done where laws are framed and the affairs of the whole country are administered but he cannot become a member of a municipal committee, where he has only to look to the lighting and sanitation of a town. He is unfit to be the custodian of the people's civic rights if he has been ordered to furnish security for good behaviour. It is immaterial whether he has transgressed any law or not. The very fact of his having been ordered to furnish security is enough to brand him as a person unfit for the discharge of civic rights. Sir, these security proceedings are only preventive measures, and unless a man violates a law we cannot call him a criminal. Generally security for good behaviour is demanded under sections 108, 109 and 110. Section 109 is applicable to loafers and persons with no ostensible means of livelihood. Now, there is no harm if we stop such men from being elected because they can be voters of no local board. But section 108 is applied to political workers alone. Such people are victimised only for their political

[Rana Firoz-ud-Din Khan.]

opinions. They are neither thieves nor robbers. How far are you right in penalising them only for their creed? Hundreds of our educated youngmen were sent to jail in 1921-22. Most of them were asked to furnish security under section 108. And this rule lends colour to the belief that this is meant to put a discount on political activities. If it is not for that purpose there is no reason why this should not be cancelled. The Reforms Scheme came into operation in 1921 and the Municipal Act was passed in 1911. The Rule about municipal elections in 1921 was :—

"That no person shall be eligible for election as a member of the Municipal Committee who has been convicted of any offence or subjected by criminal courts to any such order as implies in the opinion of the Government a defect of character which unfits him to be a member."

Now, Sir, after six years of working of the Reforms Scheme we ought to have progressed but we find that we have gone back in 1926. And the amendments made disqualify even a person who on very grave provocation happens to hit a man. Now, Sir, take the case of a man a very respectable man he is, who under some provocation hits his own servant and the servant lodges a complaint at the instigation of a person inimically disposed towards the master and the master gets convicted; he is unable to seek election to local boards even though he be the most honourable, educated and influential man with abundance of philanthropy in him. Not only that. Often there are riots and an innocent person gets convicted. He never took any part in the riot. He never meant to take any part in it. But only because he had the misfortune to pass that locality at that particular time, he is arrested and convicted and is consequently debarred from election to local boards. Now, Sir, that man may be the most desirable candidate but because he has been convicted under some circumstances he cannot be elected. Sir, I have my suspicions that this rule is intended to stop those men who have political inclinations from entering into these bodies. We know that several such men as were convicted under the Criminal Law Amendment Act were debarred from election. Now, Sir, this rule does not apply to elections to Assembly or Councils. Nor does it apply to Village Panchayat Act passed in 1921. It is written there that :—

"Provided that no such person shall be eligible for election as a Panch if he has been convicted of any such offence or subjected by Criminal Courts to any such order as applies in the opinion of the Deputy Commissioner a defect of character which unfits him to be a Panch or if he has been....."

Thus, Sir, he can be a Panch who has to do judicial work, try cases and even punish men, but he cannot become a member of the local boards. He can be a member of the Council and Assembly, he can be a Panch. He can enter the highest legislature of the country, he can sit in the lowest of these but he cannot be a member of the intermediate ones. Even if you do not want to allow them into these bodies for sometime the period of five years is too long. This means they cannot stand for two elections. If during that period they are again convicted for more than three months they are again debarred for five years. So, I submit that this principle is wrong and nobody should be debarred unless he is guilty of any offence involving moral turpitude. With these words I commend my resolution to the Council.

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TO LOCAL BODIES.

Mr. President : The resolution proposed runs:—

"This Council recommends to the Government that rules of election to District Boards, Municipal Committees and Small Towns be revised so as to remove the disqualification for election to these bodies on the score of imprisonment for offences not involving moral turpitude or on account of orders requiring security for political activities."

The question is that that resolution be adopted.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadian) Urban] : Sir, only two days ago one of the Honourable Ministers was speaking about the merits of dyarchy. Now, Sir, here is the first proof of the contradiction of what he said. Here is a Minister representing the popular side, an elected Minister, not a nominated member of this Council, a member who has been elected by the people of the Punjab and representing those people in this Council, and of course ruling in this province as a Minister because he has the support of a majority in the Council who cannot do a thing simply because he is at the same time a member of the Government which is not responsible to this Council. We know that the Minister is a very liberal minded person, but in politics he is as helpless as a baby and it is not possible for him to please both sides at the same time. He cannot please two masters. It is impossible. He has to make a choice between the Government of which he is a member and the people whom he represents in this Council. Being a member of the Government he is supposed to vote solidly with the Government whether his conviction is on the one side or the other. That is why he has had to maintain this obnoxious rule for such a long time. As soon as the conditions under which this rule was framed ceased to exist, namely when the non-co-operation movement came to a dead stop, the first thing that the Minister should have done was to remove this obnoxious rule. But what do we find? Those people whom the law debar from entering the municipalities or district boards are in no way worse than the Sikhs who fought for their community. But these Sikhs have been released and the hand of fellowship has been extended to them and His Excellency said that he is going to remove all disqualifications against them. Why should a different treatment be meted out to these people from that meted out to those who agitated for a national cause? In those days we were within reach of home rule in six months or one year, but we failed. (Laughter). It does not mean that for this the Government should wreak vengeance on these people. Does it mean that the Honourable Minister for Education at the dictation of Government is wreaking vengeance on the people of the Punjab simply because some years back they took some part in the fight for national cause? I am sure, even the Honourable Mian Sir Fazl-i-Husain was a leader of the Congress party some years back. No doubt he left the Congress when it was ahead of him. Still he was at one time a member and a head of the Congress party and he said at a Provincial Conference that the Government servants should not become masters. Did he not say that? (Laughter). That was the mentality of the Revenue Member then. This was sedition in those days, because after all everything is relative. In those days even to become members of the Congress was considered sedition. According to that standard the Honourable Mian Sir Fazl-i-Husain was as much guilty as anybody else. It is not clear why when a person who is imprisoned for less than one year can seek election to this Council but he cannot seek election to a local body if he has been convicted and imprisoned for three months. It is an insult

[Sh. Muhammad Sadiq.]

to this Council. Is it because they have done service to His Majesty in Jail for a smaller period that they should not be allowed to go to municipalities? It is a funny logic and I am sure the answer which the honourable Minister will give will also be funny. It would not be convincing. It cannot be convincing. Besides Government may have had justification three years back for making this prohibitory rule. But three years have passed and the cry of non-co-operation has ceased. In those days people were cursing the British Government and so the Government might have been right in framing this law. But the mentality of the Punjab has changed. Why should not the law also be correspondingly changed? Is it that the Government wishes to wreak vengeance? I am sure this Council is not going to rest here. It will be for the next Council to force the Minister to submit himself to popular voice. Unless and until the Minister promises to remove this disqualification the next Council will not support him. Certainly next year a party will be formed which would tell the Minister "You represent the transferred subjects. In these subjects you should not heed the behests of the Government. You should heed the popular behests." If he fails to accede to popular demand he will be voted against so that he will be obliged to resign his office. If he wants to remain in office there is only one way and that is the removal of this obnoxious restriction.

Now, Sir, security is taken against persons under section 108, 109 and 110. Lawyers know what this security is. We all know for what purpose it is taken and in what way it is taken. The lawyers know very well why security is taken. It is the ordinary law that no person should be held guilty unless he is proved guilty of some offence. Here is a beautiful law in this beautiful country that a person should be convicted even when the charges against him are not proved and this is done simply with a view to help the police. There are a certain section of criminals called the political criminals. These criminals are not ordinary criminals. They do not commit theft, they do not commit dacoities, they do not break houses, in fact they commit no offence. The honourable mover of the resolution has been careful enough to exclude people accused of having committed offences involving moral turpitude. If the Government thinks that *badmashes* will come into the municipalities, the honourable mover has removed that possibility altogether in his resolution. He wants only one class of people to be permitted to seek election for municipalities. The political offenders do not work against Government dishonestly. They work openly. As far as I know they do not want to go against the British Government, but they only want to change the system. Some of them may have acted foolishly while others may have acted wisely. But there is no doubt about one thing, that whatever they did, they did honestly. The Akalis acted honestly in their dealings with the Government. Why should the Government apply one set of rules in case of certain Akalis and a different set of rules in the case of others. Some of the Akalis who, if the cases brought against them had been continued to the very end would have had to undergo capital punishment were released. The Government was kind enough and sensible enough to withdraw the cases against the Akali Leaders although it took them more than three years to do that. My submission is that one

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election has passed and another is approaching soon, nearly in six months or thereabouts. My honourable friend's contention is that now that three years have passed, now that one election has passed and there is only six months more for a new election these political offenders as they are called should be allowed to seek election to the municipalities. Now it is only a question of six months. I think most of them will be able to stand after two years. But unfortunately these elections are coming within the next six months. Surely those people who will be allowed to be elected six months after the next election cannot be so bad as to be unfit to stand six months earlier. I specially appeal to the Honourable Minister that he should not consult his colleagues on this point but that he should consult his own conscience. It lies absolutely in his own hands. He should prevail on the Government to remove this disability which works harmfully to political workers. The Government should not take advantage of the fact that most of these debarred people did not defend themselves when they were brought before the court. In those days it was the fashion not to defend oneself in court. In many cases they were wrongly convicted. If only they had defended themselves, many of them would have been acquitted. These obnoxious rules should be taken away so that these political offenders may be able to stand for the municipalities. It is a slur on the fair name of the Punjab. I do not blame any party for that, nor any member has to be blamed. Probably the Government wanted to have as little trouble as possible in the municipal administration. Many of the municipalities have now got their own elected Presidents. Perhaps the Government was afraid that if these people were allowed to come into the municipalities, they will do some mischief and will be the cause of trouble to the deputy commissioners or tahsildars. But this fear is absolutely groundless. Within the last three or four years we are having elected presidents for municipalities and this privilege of having elected presidents is being extended to many municipalities and district boards day after day. There is nothing left except a little *sid*. I think the Government being the custodians and guardians of the rights of people should not deprive the people from coming into the municipalities. The Government should rise above this narrow-mindedness which is quite unbecoming of a great nation such as the British.

Khan Bahadur Nawab Muzaffar Khan (Director, Information Bureau) (Urdu): Sir, my honourable friends have confused the grave question of 'moral turpitude' with

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that of the period of imprisonment necessary for disqualification. They have mixed up the significance of the period of disqualification and the question of moral turpitude. This term 'moral turpitude' is a very vast one and the example given by Rana Sahit has created an apprehension in my mind. He says that a crime committed under provocation should not be considered as involving moral turpitude. Now, Sir, what will you do if the same person who, as he related hit his servant under provocation were to be elected to a local board and were to lose his temper again and give a blow to a fellow member. I submit that not only should such a person be debarred, but even that person who by mere rash driving runs over a man should also be debarred. If I kill a man while shooting I see no reason why I should be exempt. Moral turpitude is a difficult term to define. Its conception varies with the circumstances and even with time. We have vegetarians (*Ghas* party) and non-vegetarians (*Mas* party) in the Arya Samajists and a thing, which may be offensive in the opinion of the former is not so in the opinion of the latter. I remember

[K. B. Nawab Muzaffar Khan]

a case in which a bad character addressed a young girl of 16 passing by in these words "*Sohnio kithe chalo*". The matter came to court and the magistrate who tried it was an Indian. He thought it such a heinous thing that he convicted the accused. But on appeal the same case went to a European Magistrate who asked those words to be translated. In plain English they meant:

"Where art thou going my pretty damsel"

which is a very inoffensive looking remark and the European Magistrate considered it only as a compliment and acquitted the accused. Now, Sir, a sentence which was considered so offensive and constituted an offence certainly involving moral turpitude by the Indian Magistrate was considered as a compliment by the European Magistrate. So, Sir, the term 'moral turpitude' is vague and there should be nothing vague in a recommendation like this. I therefore oppose the resolution for its vagueness.

Lala Mohan Lal [North-East Towns (Non-Muhammadan), Urban]: Sir, I rise to support the resolution. In so doing I wonder at the strange speech made by my honourable friend the Nawab Sahib. The argument advanced by him is too weak to be advanced by a member like him in this Honourable House. The term 'moral turpitude' is quite clear. A dacoit and an adulterer are guilty of moral turpitude. There is no question of *Ghas* party or *Mass* party. As my honourable friend the Rana Sahib stated there are certain people who are penalised for their political faith. They disobey certain laws which their conscience does not allow them to obey. To debar such men from entering into municipal boards is mere tyranny. A man can be a member of a Council or the Assembly even if he has been convicted for one year, but he cannot become a member of the local bodies. I think it is the duty of the Government to accept this resolution without much ado. There are often factions in a village and if one of these factions which has some influence with police succeeds in subjecting the opposite party to orders demanding security, do you think it is just to keep them out of these boards merely for that? I, therefore, submit that Government should gladly accept this resolution.

Professor Ruchi Ram, Sahni [Punjab University] (Urdu): Sir, I am really filled with wonder when I look at the strange rules framed by Government and at the same time the claim it makes about striving to make the Reforms a success. If you read Lord Ripon's resolution on local self-government you will see that the system of local self-government was introduced in India chiefly with a view to afford political training to the people of this country. I ask if the restrictions on the membership of local bodies to which reference has been made will be the means of promoting our political training. Those who have had some training in municipalities or local boards can realise their responsibilities as citizens better than those who have had no such training at all. If the professions of the Government that they want to work the Reforms successfully are true, then where is the justification for such a rule? I know that there is no such restriction in countries having real representative Government, and not the sort of Government we have here, or what the Honourable Minister of Agriculture described the other day in his speech. People can be elected to British Parliament without any such restrictions. I remember a short time ago, when the question of Ireland was settled and Irish representatives were invited to a conference, I remember seeing a photograph of the representatives and I found that there was not a

single person in the picture who had not been convicted to a long term of imprisonment for the sake of his country. Now, Sir, such men can go to the Parliament but our men cannot sit even in local bodies, if they have been imprisoned for a period of more than three months. A man collides against one's car just by chance and the driver or owner is convicted for that offence and sentenced to imprisonment for more than three months, although he never had any intention of running him down. He must not seek election to a local board. But the same man may enter the Legislative Council where important laws are made and passed.

I have heard with great surprise the speech of the honourable Nawab Sahib. He has treated us to a very ingenious definition of the term "moral turpitude," which I have heard for the first time. I never could dream of it before. I must say it was left only to the Director of Information Bureau to put such a meaning on the words. He has put such an interpretation because of the sort of atmosphere he lives in. He supports the view-point of those whom he represents. I am sure none of the gentlemen who sit opposite to me would put that interpretation on the words 'moral turpitude' outside this chamber. The only correct interpretation is that which the honourable mover has already put on it. I, therefore, see no reason why any one should be opposed to it. I support it whole-heartedly.

Mian Abdul Aziz [Lahore City (Mubammadan), Urban] (Urdu) : Sir the definition of the term "moral turpitude" as given by my honourable friend the Director of Information Bureau is so comprehensive that while discussing it, I am afraid lest I should be guilty of moral turpitude. But what surprises me most is that it was not long ago that the Nawab Sahib was discharging the duties of an office under which he had to decide what matters constituted moral turpitude? He was entrusted with both the criminal and civil powers. I do not know whether he is serious in so defining the term "moral turpitude". Of course he has said that he is unable to understand the true significance of this term. I do not know whether he does not really understand. I think he fully understands it, but his ignorance is simply due to the fact that he is sitting on the official benches. So far as the rule in force is concerned the Government has committed a blunder and for reasons of its own wants to stick to it. For municipal committees the disqualifying period of imprisonment is fixed at three months and for Legislative Council at one year. Perhaps for Parliament it may be fixed at five years. I am at a loss to understand on what logical grounds this distinction is based. It may have been thought that the more responsible and important a body is the more should be the punishment. When the Government is busy reforming the criminal tribes, I do not see any reason why, on the other hand, it wishes to exclude those persons from standing as candidates for local bodies who suffered imprisonment and who now wish to serve the country and the nation. In so excluding such persons from participating in the work of local self-government, it is striking at its roots when such persons join with the Government in taking interest in these local bodies. Moreover, Sir, the persons convicted in the days of non-co-operation produced no defence during their trials at all. Therefore it is quite inexpedient to debar such persons from standing as candidates for local bodies merely on the ground of conviction. Securities under section 107, Criminal Procedure Code, are demanded every now and then. The magistrates sometimes require both parties to give securities to keep the peace. If any party fails to do so he may be sentenced to three months'

[Mian Abdul Aziz]

imprisonment. He is then disqualified for election to local bodies. My honourable friend the Nawab Sahib has remarked that disqualified persons must not be admitted to local bodies, otherwise they would hamper the work and would come to blows with each other. As regards this assertion I would submit that if the members of municipal committees are so inclined they would certainly quarrel with each other even if you take all possible precautions in this connection. Supposing any man happens to quarrel with the Nawab Sahib or myself in a street on provocation or in self-defence and by chance he receives simple or grievous hurt on which he is convicted. Does this offence involve moral turpitude? Even in the Parliament last year the members came to blows with one another. Do make a rule for persons who are really ill-mannered and who possess bad character. Again it does not sound reasonable that for municipal committees the term of imprisonment should be fixed at three months while it is fixed at one year for Legislative Council.

If this is the first fruit of the appointment of Ministers from among us, I think in future we would be precluded from suggesting any new methods of local self-government. This is the beginning of Reforms, what would be the end? Do you not like to train the masses in the work of local self-government? This is a serious blunder. Do exclude those persons who are really guilty of moral turpitude, but if this restriction is not removed in the case of political workers of non-co-operation days, I would submit that the Government wants to avenge itself upon them. It is not proper to make rules in face of public disapproval. Does the Government want to bring into the local bodies only those persons who are *Ji Hazurts*. If so, why do you not include the use of abusive language in moral turpitude? If we hurt any one for the sake of our self-respect and consequently are convicted, we are debarred from standing as candidates for local bodies. It is a very harsh rule and based on no sound principle. Sir, it is the last day of this Council, let the Government by accepting the resolution show that it is not always averse to the public demands, let it cancel the rule in force and make a better rule in its stead.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) (Urdu) : Sir, I have attentively listened to the speeches delivered this afternoon by the honourable members of the House in connection with the resolution under consideration. Some of them while discussing it made references about me also. On the whole the debate has not shown that the speakers know the facts connected with the subject under discussion and that is most to be regretted. The proposition put before the Council for consideration by the honourable mover is that the rules of election to district boards, municipal committees and small towns should be revised so as to remove the disqualification for election to these bodies on the score of imprisonment for offences not involving moral turpitude or an account of orders requiring security for political activities. Sir, the speeches that have been delivered so far dealt with one or the other of the following matters. Some of the honourable members have remarked that the rules in force were intended to punish those persons who were responsible for the political agitation during the years 1921, 1922, and 1923. Some of them have also submitted that the reserved half of the Government has avenged itself upon these political workers through the Minister for Education. Others have urged that the oppressive rule now in force should be cancelled. Then, Sir, may I enquire of these members if they are really anxious to see this rule cancelled and the old rule revived? I put this question to the honourable mover of the resolution.

Rana Firoz-ud-Din Khan : In my opinion the old rule is as much objectionable as the rule now in force.

Mian Abdul Aziz : I hold the same opinion.

The Honourable Mian Sir Fazl-i-Husain (continued in Urdu) : Then obviously the rule under discussion cannot be said to have been devised to wreak vengeance on political opponents. It is to be regretted, Sir, that sometimes the honourable members press their propositions without carefully considering their results. When we thoroughly examine them, their vagueness comes to light. Now, Sir, let us see when and on what occasion the rule in question was made. The rules which were in force in 1921 were very old. The latest amendments effected in them were made in the year 1917. The rule that was in force in 1917 ran as follows :—

“ Any one who has been convicted of such offence or subjected by a criminal court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member provided that the Local Government may exempt any person or class of persons from the disqualification.”

Sir, this was the rule in force in those days when my honourable friend the member representing Lahore (Muslim Urban interests) used to be a member of the Hoshiarpur Municipal Committee. The rule was that if a man was convicted and fined Rs. 5 even 25 years back, he was disqualified for election to local bodies for ever unless he approached some Barrister and requested him to ask the Deputy Commissioner of the district to remove that disqualification. The matter did not end there. The papers were sent to the Commissioner who forwarded them to the Local Government. In the year 1921 on my being appointed Minister for Education I received many such papers. I was amazed to see that a fine of Rs. 2 or Rs. 4 not inflicted say within 3 months or 2 years but inflicted 25 years back could disqualify a person for ever unless the disqualification was removed by the Local Government. Sir, I have studied law and I can say that the term “moral turpitude” can be interpreted in a hundred and one ways. If a magistrate declared in his judgment that a certain offence involved moral turpitude it was moral turpitude no doubt. But, Sir, it is quite possible that the same offence may or may not involve moral turpitude, and it was not considered expedient to leave this matter to the discretion of an individual who may decide the question of moral turpitude according to his own sweet will and pleasure. With this object in view the rule in question was made. It runs thus :—

“ Has within five years preceding the date of election been sentenced or subjected by a court to imprisonment for a period exceeding three months or ordered by the court to execute a bond for his good behaviour for a period preceding three months.”

It means in the first place that the rule now in force takes no account of all those cases in which punishment inflicted extends to a period not exceeding three months. In the second place it does not apply to all those punishments which were inflicted five years ago. However I would submit that this objection is well taken that when in the case of municipal committees the period for disqualification is fixed at three months why it is fixed at one year for the Legislative Council. Sir, if the resolution under consideration aimed at extending this period of three months it would have

[Hon. Sir Fazl-i-Husain].
 possessed considerable force. But now as it stands the Government cannot see its way to accept it. In my opinion to leave the matter of interpreting the term "moral turpitude" to individual discretion is unsound. Now, Sir, I think I have fully explained the circumstances under which the rule in force was made. In my opinion the rule in force is far better than the rule it has superseded. It does not apply to convictions for periods not exceeding three months. Under this rule with the expiry of five years the disqualification on the ground of imprisonment is also gone. Moreover the person disqualified is no longer left at the mercy of Deputy Commissioners, Barristers and Ministers. I may also point out to the Council that my honourable friend the Chandhri Sahib (Minister for Education) is not responsible for making this rule. I am wholly responsible for it. I made the rule in 1923 or 1924. I do not say for a moment that the rule in question is perfect in itself; nay, it can be improved upon. Even this Council at its last day or the next Council can substitute a better rule for it.

One word more and I have done. It is not right to say that the rule was made in a hurry and without eliciting public opinion thereon. The well-wishers of the country and the champions of the national cause expressed their views regarding the rule through the *Tribune*, *Muslim Outlook* and other newspapers. Some gentlemen supported the rule, some opposed it but no one denied that the new rule was an improvement on the old. The rule was also published in the *Government Gazette* and opinions were invited and received. It was also, if I remember aright, discussed in this Council. Therefore to say that the rule was made in a hurry is far from truth. In short, the rule in force is really far superior to the one that has been superseded by it, though even this one can be improved upon. It is possible to place reasonable proposal before the House for consideration. The period of imprisonment may be extended if the honourable members so desire; but the resolution in its present form cannot be accepted.

Mr. President : Suggestion has been made that the resolution is couched in a very doubtful language. I want to know whether the honourable mover is prepared to consider the advisability of withdrawing this resolution.

Rana Firoz-ud-Din Khan : To my mind it is quite clear enough.

Khan Bahadur Chaudhri Fazl Ali [Gujrat East (Muhammadan), Urban] (Urdu) : Sir, I am not going to express any surprise though it is an occasion for some of us to do so. It is so because some of us hope to return to the

Council in the next elections and some have no hope to be returned to the Council. It has been remarked that the Government when it deems advisable appoints those persons as its Ministers who have undergone long imprisonment but in case of municipal committees it has made an absurd exception. This is true. Some persons approve of this attitude of the Government, while others condemn it as improper. Sir, what I want to say is this that those persons must be disqualified for election to local bodies who have committed offences involving moral turpitude. Most of the honourable members of this House understand the real significance of the term 'moral turpitude' but they, for some reasons of their own, want to use it in a specific sense so that the question may not apply to political workers of the years 1921 and 1922. The question is, what is the true significance of the resolution under consideration? I should say that it is one-sided. It talks of that alone which is legally immoral and not of that which is really immoral. The

honourable mover has given an instance of a *gunda* being beaten by a gentleman but if the said *gunda* gives a slap in return what would you say of that act of the *gunda* or again if you beat your servant who retaliates and breaks your head? Sir, we should not ignore one side of the picture; we should look to both sides of it. Sometimes section 302, Indian Penal Code, is changed into section 304 and at other times it is also changed into section 325 or even into section 323. If murder under section 302 cannot be proved it becomes culpable homicide or even under certain circumstances it is said to be a grievous hurt or if death occurs owing to rupture of the spleen it is only simple hurt. If the Rana Sahib recognises only the positive morality which comes under Chapters XII and XVII of the Indian Penal Code, I dare say that their conception of morality is legal. Moreover, much has been said about the instance given by my honourable friend the Nawab Sahib. In my opinion too the term "moral turpitude" is really vague and indefinite. Sometimes under Chapters XII and XVII securities for good behaviour are demanded and sometimes the police have to challan the parties. Do you consider, that all cases challaned under Chapters XII and XVII are always true? Absolutely not. There may be some persons who for no fault of their own are dragged into the courts of law. There are others who are really guilty. If a *gunda* places stolen property in the house of a gentleman, should we exempt him simply because he was one of the political workers? Among political workers there are good and bad persons. There are *gundas* among them also. Therefore, justice demands that there should be a general and definite rule on the subject under consideration. Moreover, while discussing the resolution you have lost sight of one important class of people. They are ignorant. They would easily come under Chapters XII and XVII. Generally speaking people think us devoid of morals. We have no lawyers. We cannot produce evidence while the other party can do anything and plead not guilty. Therefore, I would request the honourable mover to be merciful on this ignorant class of people and withdraw his resolution. Sir, crime is crime whether serious or ordinary. Let the honourable mover withdraw his resolution. He may as the Honourable the Revenue Member has remarked ask the House to extend the period of three months to six months or one year. We assure him of our support. In short I am prepared to support the resolution if it aims at an extension in the already fixed period of three months, but if its aim is to specify the offences involving moral turpitude, I cannot see my way to support it.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, while discussing the resolution under consideration the rule in force and the rule that has been superseded by it have been compared. The Honourable Revenue Member has tried to show that the rule in force is far superior to the rule it has superseded. He has also mentioned that the rule in question was made by him. Sir, from a limited point of view it may be said that the rule in force is better than the old rule, for it does not take account of fine and imprisonment for a term not exceeding three months. This may be said to be an improvement on the old rule. But in reality it is not so. The rule in force does not consider the nature of the offence but simply limits its operation to cases of imprisonment for a term exceeding three months. The Honourable Member for Revenue may take it as an improvement on the old rule but I do not agree

[M. Mazhar Ali Azhar].

with him. Now let us also consider another aspect of the rule in question. The rule runs as follows :—

"No person shall be eligible for election as a member of the municipal committee who has been convicted of any such offence or subjected by criminal court to any such order as implies in the opinion of the Government a defect of character which unfits him to be a member."

Sir, in the old rule, a sharp line of distinction was drawn between the offences involving defect of character and other offences. We insist that this line of distinction should be maintained. According to the old rule defect of character was the sole disqualification for election to local bodies. It did not matter if the punishment awarded was a fine of Rs. 5 or imprisonment for a term not exceeding three months. But the rule in force removes the distinction and appoints imprisonment for a term extending over three months or longer as the sole disqualification for election to local bodies. According to the old rule the political workers, even if they were sentenced to imprisonment for a term exceeding three months, were eligible for election to local bodies provided of course that they had not by their wrong-doing shown a defect of character. Sir, this is the improvement which is so proudly spoken of. But to my mind it does not appear to be any improvement. It is said that the Government is quite prepared to accept any useful amendments provided they are made on right lines. As to this, I would submit that the Government can itself do so and can make any suitable amendments in the rule in force. Moreover, it has been said that some such proposal should be placed before the Council as may be acceptable to all parties. This is quite impossible for members representing diverse interests cannot be at one. Sir, so far as the question of the term of imprisonment is concerned, the Government has admitted the objection to be reasonable. Let the Government so amend the rule in force as to treat the defect of character the primary consideration for disqualification for election to local bodies. The present attitude of the Government is not praiseworthy. It has also been remarked that the term "moral turpitude" cannot be properly defined. The same was said of the term "Swaraj" and while considering the Money-Lender's Bill it was said that the term money-lender could not be adequately defined. With the term "defect of character" the Government has run the administration of the country for years and therefore I cannot see any reason why the term "moral turpitude" should be objected to. To define specific words is a very difficult task. Who can define red and white? To say that because we cannot define the words red and white, we should not use them is absurd. Again, Sir, "matter" is a word which has never been defined by scientists of all ages, but it is still there and used by them. While discussing the resolution my honourable friend representing Gujrat (rural) has given us an instance of a bad character assaulting a gentleman, but he has ignored the other aspect of the question and that is this that if a wrongful act is wrongful it is so for all times. Does he mean to say that disgrace meted out by the said *gunda* is gone with the expiry of the five years? (Laughter)? I am sorry to remark that the honourable member representing Gujrat is always harping upon the same tune. He always supports the Government in season and out of season. Did he ever support any public measure? Perhaps he acts upon the good old saying :—

اگر شاه روزگار گریه شب استون
بیاید گفت از یک ماه و پوزین

Mir Maqbool Mahmood : Sir, I move—

“That the question be now put”.

The motion was carried.

Rana Firoz-ud-Din Khan [South East Towns (Muhammadan) Urban] (Urdu) : Sir, the Honourable Member for Revenue has tried to show that the rule now in force is far superior to that it has superseded. My honourable friend Maulvi Mazhar Ali Azhar has fully explained the fallacy of this argument. We admit that the present rule is an improvement on the old one so far as the period of imprisonment disqualifying an individual for election to the local bodies is concerned and also the length of time for which the disqualification remains in force. But in certain other respects the rule now in force is much worse than the old rule. But I say that is not the point under consideration. I respectfully submit that the Honourable Member for Revenue has wasted so much of his breath in comparing the present rule with that of the old because I had never raised that point. What I am concerned with and what I want is that the defects in the present rule be removed. My contention is that offences not involving moral turpitude should not be allowed to stand in the way of elections. There is no use discussing the period of imprisonment. I will not be satisfied with any change in that period. I want to have a clear distinction established between the offences involving moral turpitude and those not involving moral turpitude. I wish to have a clear line of demarcation drawn between the black and the white. They should not be treated alike. This is what I want and nothing else.

So far as I have been able to make out, my resolution has been opposed on this ground only that the words “moral turpitude” are too wide and vague and unless they are defined, the resolution cannot be accepted. I say and not without reasons that these words are quite clear and can be understood by anybody who possesses a little common sense. From the many rulings of the High Court we can see that the High Court has never felt any difficulty in the interpretation of these words. I do not understand what difficulty has now arisen which has made the interpretation of these words so impossible. They mean nothing more nor less than defect of character.

An objection was raised that the representatives of the public were not consulted when the present rule was framed and in reply to that objection it has been said that the rule, before being finally adopted, was published in the official gazette and in the local newspapers and that the public was thereby given full opportunity to offer its criticism. May I ask whether criticism in this way and consultation mean the same thing? I fail to understand why the Standing Committee of the Council was not taken into confidence with regard to this important matter? I recognise that the Government was not bound to consult that committee, but it would have been well advised if it had done so. In that case I am sure the Government would never have been offered this opposition. Either the present defects would not have been allowed to remain or if the members of that committee had concurred with the Government, the opposition would not have been so strong. It was further said that the rule in force was discussed by means of Council questions. But I ask, is discussion allowed on questions? So far as I know our President has never tolerated, and rightly too any, discussion on the Council questions.

[Rana Feroz-ud-Din Khan].

In opposing the resolution, the Honourable Member for Revenue said that the words "moral turpitude" are not present in the rules relating to the elections to the Provincial Councils and Assembly. That is so and my friend Maulvi Sahib has given a very good reply to this argument. My reply to it is that the rules referred to are not free from all defects. They cannot be said to be perfect and irreproachable and therefore we cannot take them as a standard for judging other rules. I should say that the honourable member has rather invited our attention to this defect in the Council and Assembly Rules which we should take steps to remove. And I may say that the day is not far off when a demand to have this defect removed will be made.

So much about convictions. Now I will touch in brief upon the question of security for political offences as a bar to election to local bodies about which Mian Sahib has very ingeniously avoided to say a word. I say that is only a preventive remedy and offence is not proved to have been committed in such cases. The security taken under section 108, Criminal Procedure Code, is taken on the ground of political activities. No question of morality arises under this section. Still persons required to furnish security under this section are debarred from becoming members of the local bodies although rioters and breakers of peace, who are required to give security under section 107 of the same Code, are allowed to seek election to the local bodies. It is a pity that men of high moral character should be asked to stand away from local bodies simply on the ground that they happen to entertain different political views. Chaudhri Fazal Ali who was so very eloquent on this subject should know that those who are likely to break the heads of the people and whom he wishes to avoid are allowed to become members of these local bodies.

I think I have sufficiently explained what I want. I will say one thing more and then I will have finished. It is a wonder of all wonders that while Sardar Kharak Singh can be elected to such a high office as the President of the Central Board which has under its management so many Sikh Gurdwaras scattered over the whole Province and crores of rupees to handle, he cannot seek election to the Sialkot Municipal Committee. While Lala Lajpat Rai can be a member of the Assembly, he cannot become a member of the Lahore Municipal Committee. Likewise Agba Safdar can be entrusted with the duties of a very responsible office in the Lahore Municipal Committee but he cannot be allowed to aspire to the position of a member of the Sialkot Municipal Committee. My friend Chaudhri Afzal Haq can do meritorious services to the public and the Government in the capacity of a member of this Council, but he cannot become a member of a small committee like that of Garhshankar. And this is all because of the rule of which the Government is so proud. I ask on what grounds can you allow this rule to remain in force any longer? What a funny rule it is! I would, therefore advise the Government to accede to the demand I have put forward. The public is keenly anxious to have this rule revised and I hope the Government will not turn a deaf ear to this very reasonable and universal demand.

The Honourable Rai Sahib Chaudhri Chhotu Ram (Minister for Education) (Urdu): Sir, every aspect of the question under consideration has been fully discussed and I will, therefore, not waste the time of the Council by repeating the arguments that have already been advanced by the various speakers. But I think it necessary to say a few words about one thing. The honourable mover and his supporters have alleged that

RESOLUTION RE. REMOVAL OF CERTAIN DISQUALIFICATIONS FOR 1783
ELECTIONS TO LOCAL BODIES.

everybody can very well understand what is meant by the words "moral turpitude," and therefore the argument that it is not an easy task to define these words with any exactness, carries no weight. No doubt in ordinary conversation it is not very difficult to understand what is meant by these words, but when these words are used in any rule or legislation, it is necessary that they should be clearly defined. I ask who does not know as to what is meant by theft or robbery in ordinary parlance? But is it not a fact that the words "theft" and "robbery" have been defined in the Indian Penal Code? May I know whether the honourable mover and his supporters, many of whom are lawyers, would have tolerated the absence of any definition of these words in the Indian Penal Code? The answer is quite clear that they would never have liked it and that is why I say that it is most essential to define the words "moral turpitude" if they are to be used in a particular rule.

Now it will have to be conceded that these words ought to be defined. But as pointed out before it is not an easy job to define them with such precision and clearness as would make it unlikely for any one to find fault with that definition. I leave that and for a moment I admit that these words can be defined with the desired precision and clearness. But I submit that there is no offence about which it can be said that it would involve no moral turpitude under any circumstances, nor are there many offences, which would necessarily involve moral turpitude under all circumstances. I take for example the offence under section 323 of the Indian Penal Code. Ordinarily it would appear to involve no moral turpitude. But cases under this section can arise in which moral turpitude would be involved. Supposing a man is intent upon committing murder and with that object in view makes an attack on the victim. Accidentally or by good luck the hurt actually caused is only a slight injury. Now I ask was the attack, by which it was intended to take the life of a human being, free from moral turpitude although under the law the offence amounted only to simple hurt? Now take the case of an offence which ordinarily involves moral turpitude. Supposing a naughty boy of eight or ten years removes a knife from the possession of his fellow without the latter's consent purely out of mischief. Now if this case were to be tried by a court of law on a purely legal and technical view, the boy would, in all probability, be convicted of theft which offence ordinarily involves moral turpitude. But really speaking and leaving aside the technicalities, the boy had no dishonest intentions. Would the honourable mover and his supporters suggest that such a boy, on coming of age, be debarred from seeking election to a local body although he had no dishonest intention in removing that knife or pen? This shows, how, in spite of a definition, an element of uncertainty is bound to creep in. In any case the interpretation of these words will have to be left to the discretion of executive officers. It is they who will have to examine and decide whether the offence of which a candidate was convicted did, under the particular circumstances of the case, involve moral turpitude or not. But I am sure no lover of freedom would like to be left to the whims and idiosyncrasies of individual executive officers. He should, on the other hand, much prefer the existing rule which, though it may not secure him all that he desires, is yet certain in its operation and does not involve attendance upon executive officers. Moreover the view of moral turpitude held by executive officers may not always coincide with that held by politicians

[Hon. R. S. Ch. Chhotu Ram.]

in whose interests this resolution has been moved. Contrary to the wishes and expectations of politicians an executive officer may, in some cases, hold that a person sentenced to two months' imprisonment or to a fine of Rs. 50 did not commit an offence involving moral turpitude and, in others, that a person, though only sentenced to a small fine, yet committed, under the circumstances of the case, an offence involving moral turpitude. On the ground explained the resolution under consideration is not acceptable to the Government.

Mr. V. F. Gray : Might I ask a question, Sir? Will Government be prepared to revise the rules so as to bring them into line with the Council Rules in every respect? I understand that that is more or less the attitude, they have offered to take up, but it does not seem very clear. The resolution will be withdrawn if that undertaking is given.

The Honourable Rai Sahib Chaudhri Chhotu Ram : If the resolution had been to that effect it would have been considered much more sympathetically and favourably.

Mr. President. The resolution proposed runs :—

"This Council recommends to the Government that rules of election to District Boards, Municipal Committees and Small Towns be revised so as to remove the disqualification for election to these bodies on the score of imprisonment for offences not involving moral turpitude or on account of orders requiring security for political activities.

The question is that that resolution be adopted.

The Council then divided : Ayes 13 : Noes 26.

AYES : 13.

Munshi Fazal Khan.
Chaudhri Saadulla Khan.
Maulvi Mazhar Ali, Azhar.
Chaudhri Afzal Haq.
Rana Firoz-ud-Din Khan.
Mr. V. F. Gray.
Sardar Partap Singh.

Sardar Dhira Singh.
Shaikh Muhammad Sadiq.
Pandit Nanak Chand.
Professor Ruchi Ram, Sahni.
Rai Bahadur Lala Dhanpat Rai.
Lala Mohan Lal.

NOES : 26.

Mr. W. P. Sangster.
Lieut.-Colonel W. H. C. Forster.
Mr. C. A. Barron.
Mr. C. M. King.
Khan Bahadur Nawab Muzaffar Khan.
Sir George Anderson.
Mr. A. R. Astbury.
Mr. H. W. Emerson.
The Hon'ble Sardar Jogendra Singh.
The Hon'ble Rai Sahib Chaudhri Chhotu Ram.
The Hon'ble Khan Bahadur Mian Sir Fazl-i-Husain.
The Honourable Sir Geoffrey de Montmerency.

Mr. Ram Chandra.
Mr. D. Milne.
Mr. B. H. Dobson.
Mr. H. W. Webb.
Mr. Owen Roberts.
Mr. M. V. Bhide.
Sardar Bahadur Sardar Jowahir Singh.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Nur Din.
Sardar Randhir Singh.
Lala Ram Chand.
Mr. E. Maya Das.
Chaudhri Dali Chand.
Chaudhri Gobind Ram.

The motion was lost.

RESOLUTION RE EXEMPTION OF CERTAIN CLASSES OF MEN IN 1735
THE MATTER OF KEEPING SWORDS.

RESOLUTION RE ACCEPTANCE OF MEDICAL CERTIFICATES GRANTED BY
INDIGENOUS MEDICAL PRACTITIONERS.

The following resolution standing in the name of Rai Sahib Lala Ganga Ram was not moved :

This Council recommends to the Government to take steps to see—

- (a) that medical certificates granted by the Diploma holders of the recognised indigenous medical institutions be accepted in all the Government offices and Courts of Justice; and
- (b) that their medical evidence be accepted in cases of Wills (*Wasiat Namas*).

RESOLUTION RE EXEMPTION OF CERTAIN CLASSES OF MEN IN THE MATTER
OF KEEPING SWORDS.

Lieutenant Sardar Raghubir Singh [Amritsar (Sikh), Rural] (Urdu) :
Sir, I beg to move that—

-5 P. M.

"This Council recommends to the Government to take necessary steps to exempt the following classes of men from the restrictions in the matter of keeping swords in the province :—

- (a) all jagirdars,
- (b) those who pay Rs. 50 as land revenue,
- (c) all income-tax payers,
- (d) title-holders,
- (e) Government servants drawing a salary of over Rs. 25 per mensem,
- (f) retired military men of and above the rank of Jamadar."

Sir, I understand that a resolution was passed by this Council some time back to the effect that swords should be made free. But it appears that for some reason, or other the Government has not found it possible to accede to the wishes of this House. Perhaps Government then apprehended that if all restrictions in the matter of keeping swords were removed, just as it has been done in other provinces, the life and property of the Punjabis would not be so secure. If that is so I must say that the Government was not well advised. Government, perhaps, is not aware that the persons, who commit various offences and who are liable to break the peace, all possess swords, rifles, pistols and what not. Now-a-days almost in all cases of theft rifles and pistols are used. Therefore if the Government had given effect to the resolution referred to, the lives and property of the people would have been more secure because persons attacked would have been able to defend themselves against thieves and dacoits. All the same it appears the Government is not prepared to reconsider its decision in that matter. I have, therefore, taken this opportunity to move a much more moderate resolution and I am sure Government will not hesitate to accept it. I can assure the Government that this concession will not be misused, if granted, as we know it has not been misused in the provinces in which it has already been granted.

Mr. President : The resolution proposed runs—

"This Council recommends to the Government to take necessary steps to exempt the following classes of men from the restrictions in the matter of keeping swords in the province :—

- (a) all jagirdars,
- (b) those who pay Rs. 50 as land revenue,
- (c) all income-tax payers,
- (d) title-holders,
- (e) Government servants drawing a salary of over Rs. 250 per mensem,
- (f) retired military men of and above the rank of Jamadar."

The question is that that resolution be adopted.

Shaikh Muhammad Sadiq [Amritsar City (Muhammadan), Urban] : Sir, probably the honourable member for the rural area of Amritsar has moved this proposition before this House thinking that the front benches are empty. But he must remember that those gentlemen of the official benches who are now temporarily absent are within easy reach of this hall and the ringing of the bell will fill the empty benches opposite. Therefore in a hopeless minority that we are. . . .

Mr. President : Order, order. I would request the honourable member to speak to the resolution before the House.

Shaikh Muhammad Sadiq : I make this remark simply to prove that being in a hopeless minority his is a hopeless task. I wanted to put courage in him and nothing else.

Mr. President : Courage of the honourable member is not before the House for discussion (Laughter).

Shaikh Muhammad Sadiq : It is courage to carry sword. I say keeping a sword and carrying it along is courage. After all to carry a heavy weapon and to know that it will not be snatched away from him requires some courage. It is rather funny that the mentality of the people of the Punjab should be so much at variance with the mentality of the officers of the Government in the country. It is funny that Government allows 33 lakhs of people to wear talwars or kirpans which are sometimes bigger and sometimes smaller than talwars. I am sure the ruling of the High Court regarding the talwars and kirpans are conflicting. You find that a certain section of the people in the Punjab who are as peaceful as the other section is not allowed to wear talwars. You find that all over India except in the Punjab people are allowed to wear swords. The people in the United Provinces, in Bombay, in Burma and even in the powerful province of Bengal are allowed the use of talwars or swords without any restriction. But here in this province which is the home of martial race whose praise has been sung from the Viceroy down to the district officers, the people are not allowed and they are not encouraged to increase their martial spirit by wearing talwars. I want to know when in this twentieth century the Government have got machine-guns, Krupp guns and aeroplanes, what harm can come if the people are allowed to wear swords? We know that more than 30 lakhs of Sikhs are using talwars. In spite of the fact that they wear kirpans, they have not used them for the purpose of attacking others. They would use chhavis instead of the kirpans. The chhavis are more dangerous than kirpans. If with a talwar you can attack from a distance of three yards, you can attack with a chhavi from a distance of 4 yards. These

facts conclusively prove that people will never use talwars for attacking others even if they wear them, but they would much rather use chhavis or other kinds of weapons. You must take a liberal view of the affair. If you take a percentage of the talwars that are in possession of the people and the percentage of crimes committed by those who wear them, there is no proportion at all. Does the Government think that with talwars, people will loot tabails and attack officers? What is the fear lurking in the minds of the Government that makes them refuse the use of talwars? Even in the heyday of Sikh agitation the talwars were of no use to the Sikhs and the talwars are no match against lathis. Some people use talwars as relics. If the Government want they can restrict the use of talwars to be confined in one's house. They can insist that talwars should not be used except on public occasions. Such a stringent rule can be passed and the Government can make the people strictly adhere to it. To say that the people in the Punjab should not wear talwars while the people in the other provinces are allowed to do so is insulting. What have the Punjabis done to merit this humiliation? The Arms Act was first passed and by and by even swords which are considered to be relics are prohibited from use, while our more fortunate brethren in other provinces do not suffer under such a restriction. If there is any fear in the mind of Government, let me ask plainly how many times talwars were used in revolutions, in dacoities and so on? If the Government should consider this a dangerous weapon, why should they allow it in the case of Sikhs alone? Is it necessary that the Musalmans also should say that their religion enjoins them to wear talwars before the Government would allow it in the case of Musalmans? When the Government finds that there is a majority against them and when they are afraid of the consequences, they at once granted the request of that class of people; on the other hand, if the Government find that a certain other class of people are not so menacing, they say that in the interest of peace, they cannot allow that request. This really means encouraging opposition to Government. What is the harm in relaxing the rule as to wearing arms in the case of members of the Council? Do you think that members of Council are not fit enough to wear talwar? I am sure the Honourable Minister would say that we cannot wholly exempt the members of the Council from this rule. This House is perfectly aware that one of its members was refused sometime ago even a revolver. That does not show that he was unfit, but it shows a strong bias in the mind of the Government against that particular individual for holding certain political ideas. It is really a political question that the Government are making. There is no danger to peace or law and order arising out of the use of talwars. Seeing that this resolution is brought by a gentleman who belongs to a premier family in the Punjab and who also is a magistrate of the first class and who has no political motives, I hope the Government would accept this resolution.

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir, the resolution moved by the honourable member has undoubtedly my sympathy quite as much as of any non-official member of this Council. The honourable member has no doubt framed the resolution in a spirit of commendable moderation and I can assure him that Government will be very pleased indeed to meet the wishes of this Council so far as it is possible for it to do, keeping in mind the necessity of protecting not itself but the people of the Punjab. If Government has hesitated to make swords free in the Punjab, I can assure you, Sir, that it is not so much to protect itself against the people as it is to prevent the possibility of a dangerous

[Hon. Sir Fazl-i-Husain.]

instrument being used in these unfortunate riots which give trouble to the communities and to the Government from time to time. We are looking forward to the time in the near future when all these troubles will abate. Then there will be no difficulty whatsoever to meet the wishes of this Council which have been expressed from time to time. Even now I feel that the resolution which has been framed in this spirit of moderation should have the approval of the Government and the Government is prepared to accept this resolution and support it and commend it for necessary action to the Government of India. While doing so, I would suggest to the honourable mover to agree to a little modification of the first clause, namely "all jagirdars." Jagirs are good things. But jagirs of ancient days have grown so small that at times they amount to a few rupees per year. Therefore I would move—

"That after the word 'jagirdars' in clause (a), the words 'with jagirs of Rs. 50 per annum or more' be added."

If the honourable mover agrees to this, and you, Sir, permit this small alteration being made in the resolution, the Government has no objection to accept the resolution as amended.

Lieutenant Sardar Raghbir Singh : Sir I accept the suggestion made by the Honourable the Revenue Member.

Mr. President : The original resolution was :—

"This Council recommends to the Government to take necessary steps to exempt the following classes of men from the restrictions in the matter of keeping swords in the province :—

- (a) all jagirdars,
- (b) those who pay Rs. 50 as land revenue,
- (c) all income-tax payers,
- (d) title-holders,
- (e) Government servants drawing a salary of over Rs. 250 per mensem,
- (f) retired military men of and above the rank of Jemadar."

Since which an amendment has been moved :

"That after the word 'jagirdars' in clause (a) the words 'with jagirs of Rs. 50 per annum or more' be added."

The question is that that amendment be made.

The motion was carried.

Mr. President : The amended resolution runs thus :—

"This Council recommends to the Government to take necessary steps to exempt the following classes of men from the restrictions in the matter of keeping swords in the province :—

- (a) all jagirdars, with jagirs of Rs. 50 per annum or more,
- (b) those who pay Rs. 50 as land revenue,
- (c) all income-tax payers,
- (d) title-holders,
- (e) Government servants drawing a salary of over Rs. 250 per mensem,
- (f) retired military men of and above the rank of Jemadar."

The question is that that resolution be adopted.

The motion was carried.

The following resolutions standing in the names of members noted against them were not moved :—

RESOLUTION RE SUPPLY OF DRINKING WATER TO SIRSA TAHSIL

Sardar Gurbakhsh Singh : This Council recommends to the Government that a scheme of supply of drinking water to the Sirsa Tahsil of the Hissar District be at once prepared at provincial expense and put into operation at as early a date as possible.

RESOLUTION RE ESTABLISHMENT OF AYURVEDIC AND UNANI COLLEGES.

Lala Mchan Lal : This Council recommends to the Government that an Ayurvedic and Unani College be established in the Punjab as early as possible.

**APPRECIATION OF THE SERVICES OF KHAN BAHADUR
CHAUDHRI SHAHAB-UD-DIN AS PRESIDENT.**

Mr. President : A number of honourable members of this Council have asked* my leave to make farewell speeches. Now they are welcome to make those speeches. As the business of the day is over, I have no objection to comply with the wishes of the honourable members.

The Honourable Sardar Jogendra Singh (Minister for Agriculture) : Sir, the sands of time are running fast and the life of the Council coming to a close. I consider it a great privilege to be here to-day to render my tribute to you, for the wonderful way in which you have conducted the business of this House. When I came to this Council I found that the Chair was occupied by you, Sir, an old friend. It is a friendship which dates back in age-long public service of which little is known. Many years ago when the colony question in the Punjab was a very warm one, you, Sir, composed a song and called it "*Zamindaran da Hara*" the lamentations of a zamindar. This song was sent to me by my friend the late Sardar Charan Singh in the United Provinces. I translated it into blank verse and sent it to the *Pioneer* and the *Pioneer* liked it so much that it arranged to publish it in the *Civil and Military Gazette* and wrote a leading article supporting the views so ably expressed by you. In fact in the leading article the *Pioneer* said that it was not a translation at all, but possibly it was composed first in English and then translated into Punjabi for propaganda purposes. Lord Minto told me that he sent it to the Secretary of State. The love of service and of poetry has again found us together to serve the Punjab. I can assure you, Sir, that during the short period that I have been here, I found you impartial with a vast legal knowledge which has enabled you to give your rulings a finality that never permit any questioning of the decision. You have won the confidence of all the members of the Council, both official and non-official, belonging to different communities by your even-handed rulings. Every member who got up caught your eye and allowed to express his opinion (Hear, hear). Indeed the Chaudhri Sahib has made an ideal President (Hear, hear), and it gives me very great pleasure to pay my tribute to him to-day, and I hope we shall have him here in this Chair (Applause).

* *Vide* page 1796 *infra*.

Pandit Nanak Chand. [Hoshiarpur (Non-Muhammadian), Rural]: Sir, I have been asked by the leader of my party to say a few words on this occasion in appreciation of the services rendered by you as President of this Council for over twelve months. Sir, every one of us recognises the impartial manner in which you have conducted the proceedings. A President has always to be alert and vigilant, not only to keep order amongst the various members who compose the assembly, but he has to take note of his own feelings and temper and rule it in such a manner that he may cause no offence to anybody. Judged from this standard, Sir, you have been an ideal President giving every latitude to every member who rose to address the House. There is not one of us who has got any cause of complaint against the manner in which you have discharged your onerous duties. (Hear, hear).

Sir, the method and the manner in which you have conducted these proceedings have filled us with a hope that if all of us desire to attain Swaraj or responsible self-government, we can, if we so desire, rise above communal, personal and racial feelings (Hear, hear). If Swaraj is to be attained, you have shown us that it can only be attained by mutual good-will, by trust and by confidence in one another and by mutual co-operation. You have been on various occasions called upon to tackle many difficult points of law and constitution, and one cannot but admire the prompt manner in which you have dealt with them. Let me express the hope, Sir, that when you go back to your constituency it shall be your earnest effort to create that spirit of mutual good-will and trust and the spirit of impartiality by which alone we can be worthy of Swaraj or responsible self-government, and that your example will be followed by every one of us who seeks to win the confidence of his constituency.

Mr. V. F. Gray (Punjab Chamber of Commerce and Trades Association, Commerce): Sir, I feel the greatness of the honour done to me in allowing me to convey the good wishes and associate myself with the remarks already made on behalf of my community.

There are three qualifications one should have to be a Speaker (or President as we call him in India) the first and greatest is impartiality; the second one is promptitude and confidence in giving decisions, and the third and very important one is to have the confidence of the members (Hear, hear), and I think that there is nobody here who will question the fact that in all those three qualifications you have shown yourself, I might say, an ideal of perfection. Certainly nobody questions your impartiality nor the confidence we all have in you. I have been told that it is comparatively easy to conduct a Legislative Council if one would follow very closely the procedure and rules of the Mother of Parliaments in Westminster. But how many of us know those rules and how many of us, barring yourself, could possibly quote the procedure of the House of Commons when suddenly a point of order was raised? There is no doubt that there have been many tricky decisions put to you, the replies to which you seem to have had absolutely at your finger tips, from the rulings at Westminster.

I will not take up more of the time of the Council. I consider that you have done splendidly. You have set a very high example that your successor will find it difficult to follow, although I hope that it will be some years before you have a successor. I wish to convey the thanks and gratitude of my community to your presidency.

Mir Maqbool Mahmood [Amritsar (Muhammadan), Rural]: Sir, I beg to associate myself with the tribute so deservedly paid by my preceding speakers. If it is no impertinence for the youngest member of this Council to sit in judgment on the President, I would submit that you have been a great President. Before your election, Sir, if you remember now, we had the privilege of claiming you as one of our party. You sat with us, you worked with us, you led us and your allegiance to our creed was unmistakable. But as soon as you were elected you told us that hereafter as President you belong to no party, that you belong to all parties, and I am sure the whole House will agree with me that as President you have proved that you belong to no party, you belong to all parties, and there can be no doubt that a better and fitter compliment paid to you than this that at the present time of electioneering when unfortunately personal, political and communal angularities become almost over-pronounced, all the parties in this House seem agreed in paying you a unanimous compliment for your work as President. That achievement, Sir, is a national asset of no mean value, and I beg to congratulate you on that.

You have by your impartiality, your ability, your tact, your knowledge and grasp of legal and constitutional practice made it possible for yourself to win the confidence of the House. These qualities of head and heart no doubt contributed towards making you a great President, and you have been rightly complimented on it. But, I think Sir, these qualities were already in you and possibly you could not help being fair and impartial and legally great. They required no effort, but surely the two aspects of your work as President which, I submit, required certain strain and certain new development, and it is there I would like to pay you a compliment. As pointed out once by a British Premier the greatest quality which a President can have, and which you possess, is that you have never slept in the presidential chair (laughter) and the second is that you have always been delightfully discreet, and your eye knew whom to catch. These are matters which I am sure must have put the greatest strain on you, but I am sure you will welcome a compliment on these points.

As Sir Frederick Whyte remarked the other day, the duties of the President of any of the Indian Legislatures in the present period of transition are particularly important. Their rulings make precedents and precedents make history. Judged from this view point, I am confident that your contribution will rank second to none in the galaxy of India's most constructive Presidents.

So far about you, Sir, as President, but I think I will be failing in my duty if I do not express my genuine appreciation of the cordial and valuable assistance we have received from your able and sympathetic Secretary and from that somewhat inexplicable spark of genius, your Assistant Secretary.

One word more and I have done. This may be, and it is in fact, the last day on which we are privileged to make speeches in the lifetime of the present Council, and I appeal to you and through you to the press and the country that in view of the demands and the interests of our common Motherland we should sink our differences and we should make an humble and genuine appeal to the Government to expedite the next step in constitutional advance, so that we may be able to work in a better spirit in the coming Council.

Professor Ruchi Ram, Sahni (Punjab University) : Sir, it gives me a very special pleasure to join the honourable members who have preceded me in offering you my tribute of admiration for the excellent manner in which you have discharged the onerous duties of your high office. Sir, I am specially pleased to offer you my hearty congratulations, because, I confess, I was one of those, unlike my honourable friend who has just spoken, who opposed your election to this high office. I am glad that the misapprehensions which I entertained at that time have been falsified (Hear, hear). My relations with you, Sir, are older than the relations which the honourable the Minister for Agriculture referred to in his own case. I have been intimately associated with you, I think, from the early nineties, and it was a painful thing for me to oppose your election. That, Sir, is all the more reason why I feel a very special pleasure, as I said, in revising my estimate of you and saying that we are all your admirers for the manner in which you have discharged your difficult duties. There is another and an impersonal reason also, Sir, why I am pleased that you were elected to this high office, and it is this. We all know the Province is riddled through and through by communal and party factions. I find to-day we have discovered in you and through the work you have done and the manner in which you have done it, we have been convinced that there is no greater antidote to communalism than responsibility. I hope that Government, as well as we ourselves, will realise the truth of the principle that responsibility is the greatest antidote to communalism. I associate myself whole-heartedly with what has been said about your work in the Council as President, and I hope and trust that you will come back to the Council to guide the deliberations of the Council in the manner in which you have been doing during the last twelve months or more.

Maulvi Mazhar Ali, Azhar [East and West Central Towns (Mubammadan) Urban] (Urdu) : Sir, like the Honourable Minister for Agriculture I cannot claim to have very old relations with you and the reason is simply that I came long after you in this world. However, since I stepped into the field of politics, my friends and I have been working, often in ranks opposite to those in which you have been working, and I feel no shame in admitting that very often I held quite different views from those of yourself. I may also say that when you were called upon to grace the Presidential chair, many of us had our doubts as to whether you would be able to keep intact the dignity of this high office. But I am very glad to say for myself and on behalf of my party that the past one year's experience has shown that all those doubts were unfounded and that our opinion about you, formed some time back, has undergone a radical change. Considering it my moral duty to speak out the truth, I say that you have discharged your onerous duties in an absolutely impartial manner. You have been working hard and with perseverance to prove equal to any occasion. You disposed of all questions, however difficult, that were referred to you promptly as if you were already prepared for them. I am inclined to think that on all occasions you were able to guess beforehand as to what difficulty will present itself in a particular matter. We have never found you negligent in any respect, and there is none of us who has any complaint to make against you. Your eye was ever vigilant and was running from one corner of the House to the other. I cannot but say that we have passed these eleven months in the Council Chamber very pleasantly. We never doubted the correctness of your rulings. I hope that this confidence in you will not abate even in future.

Sardar Tara Singh [Ferozepore (Sikh) Rural] : Sir, the office which it has been your privilege to occupy for the last 12 months is one which involves such serious responsibilities that those who seek election to it and those who support them have to think twice before they take any direct action. Twelve months back on the eve of your election to this office certain clouds of distrust were overhanging your head, but by your practical action and by your wisdom you have proved that all the apprehensions that were entertained about you were ill-founded ; and by your example you have proved that trust begets trust. No doubt people have their opinions, but when they see things with their own eyes they feel that what they have been hearing is not true. I had been hearing a lot against you before you came to this Council Chamber and what I have seen of you as a President has absolutely belied those rumours. The duties that the Speaker has to perform require not merely legal knowledge and learning, but it requires great tact to reconcile the warring sections of this House. By your statesmanship, Sir, you have been able to keep within limits the warring sections and have tried to maintain the dignity of this House. In your rulings you have been entirely impartial and you have not caused any offence to any single member of this House. By your ability you have shown that if an Indian is chosen for the highest office and is given the most responsible position he can discharge it as efficiently as any foreigner. It is easy, Sir, to prepare a speech at home and give it out in the Council Chamber, but if a question is put, it requires some time to think for an answer. But you have shown that you can answer any difficult question of procedure that may be put to you correctly, satisfactorily and impartially and even to the admiration of the opponents. Sir, I on behalf of myself and of the Sikh members of this Council heartily associate myself with the kind feelings and the complimentary expressions that have been uttered by previous speakers, and I wish wholeheartedly that you may be returned unopposed to occupy this coveted office.

Mr. E. Mayadas (Non-official, nominated) : Sir, it is a great pleasure to me to associate myself with what has been said about your quick judgment, your impartiality, your tact, patience, deep study and many qualities. I wish to say just one word more. To your care was committed the holding of the balance. I sincerely congratulate you on having held the balance so successfully.

I will say just one word more. It so happened that you once had to go to Moga and when you were there for a few days, one person met me and said :

"Is that the President of the Council?" I said, "yes."

He said, in Urdu اوروں کے سامنے دانی ہی گان کر دے

He was so impressed with your simplicity and was surprised that though you had become President yet you were so simple.

Rai Bahadur Lala Dhanpat Rai (Punjab Industries) : Sir, I wholeheartedly associate myself with the words of praise and appreciation which have been given expression to by my honourable friends who have preceded me. Allow me, Sir, to thank you for the courtesy shown by you to every member of this House. It is no exaggeration to say that you have discharged the onerous duties of the high office occupied by you with marked ability, absolute impartiality and sturdy independence. I know that the task

[Rai Bahadur Lala Dhanpat Rai.]

before you was attended by difficulties of unusual character, but you have been able to solve all those difficulties with tact and judgment. When intricate questions of law and procedure came up before you, you gave your rulings with promptness, courage and independence which have not only commanded the respect of the honourable members of this House but also of the public outside. I well remember your words when you were elevated to this high office that you had ceased to belong to any party. I am glad to say that you have demonstrated that those words were true to the very letter. Your knowledge of parliamentary law and procedure enabled you without any difficulty to give your rulings on the points raised before you and which I believe satisfied all the parties of the House. You have been able, Sir, to hold the scales even between the contending parties and have always tried your best to encourage free and full discussion of the topics before this House and have always tried to create conventions and to enlarge the privileges of this House in matters of bringing forward and discussing public matters. Allowing all these latitudes to honourable members you have not only been able to keep up the dignity of the Chair but have enhanced its prestige. In short, on all these grounds you deserve our best thanks and congratulations, and I hope and trust that your constituency will return you unopposed and our successors will unanimously elect you to this high office and thus keep up the parliamentary tradition (Cheers).

The Honourable Mian Sir Fazl-i-Husain (Revenue Member) : Sir on behalf of Government I gladly join the chorus of appreciation and admiration from every part of the House. When this House called upon you to discharge the duties of your exalted office it was by no means unanimous. It is indeed a matter of pride for you as well as for us all to see that now when the approaching dissolution of this Council makes it necessary for you to vacate your office there is complete unanimity in this House on the question of your impartiality, your unrivalled efficiency, your patience and your courtesy. All these have been commented upon. But there is one left for the last speaker, that is, myself. I very well remember, Sir, that stentorian thundering voice which used to sound from this corner of the House (pointing to the seat which the president used to occupy before) and which used to strike deaf the ears of the members in the remotest corners of the House and for the matter of that all over the compound of the Legislative Council Chamber and was said to be a jarring and unpleasant one. Most of us have not yet been able to discover how that harsh, strong stentorian thundering voice got transformed into a soft, mellow and pleasant little voice. (Laughter) Is it Sir, that you have controlled your voice, or is it that there is some virtue in that Chair which has worked this wonderful transformation.

Sir, the dignity of the House which was in the safe-keeping, from the very start, of the official president's hand it is a matter of pride for us that it has been equally safe in your hands. The Chair has not suffered in any way by being occupied by a non-official (Hear, hear), and if anything, you have added to the dignity of the Chair.

Sir, I understand that you are seeking re-election to this Council. We, Sir, on this side of the House wish you every success. On your return to this Council, knowing how impartial, how competent, how patient and how courteous you have been, if this House calls upon you to re-occupy this Chair, we on this side of the House and the Government will welcome it (Cheers).

Mr. President : Brother Members, I cannot find words to thank you sufficiently for your kind appreciation of my work as the President of this Council for the short period of 11 months. Your approbation of my humble services, as your elected President, is a matter of great pride and gratification to me, and I feel highly honoured by the glowing words and flattering expressions in which you have praised my work. I must say, however, that if I have succeeded at all in the discharge of my onerous duties, credit for that success is more due to you than to me, as without your help and co-operation it would have been impossible for me to do, what you say, I have done. All I can say is that I tried my level best to discharge my duties with absolute impartiality. I also tried to safeguard and protect very jealously the dignity and honour of the responsible office of the President, and I am grateful to say that I received throughout from the members of this House—official and non-official—great help, full support and whole-hearted co-operation;

I may add that I am equally grateful to Sardar Abnasha Singh, the Secretary of the Council, who assisted me throughout most loyally and faithfully. He is an officer of great ability and knows his work thoroughly well. He is as reliable as able and always gave me sound advice. Hakim Ahmad Shuja, his Assistant, is also an able and reliable officer, and I am thankful for the valuable assistance I received from him during the tenure of my office.

Before I conclude, gentlemen, I wish to repeat that the honour you have done me to-day by publicly appreciating my humble services as your President, is the highest distinction you have conferred upon me, and I shall always value it most highly.

Gentlemen, you are aware that His Excellency the Governor is going to address this Council at 11 a.m. on Monday, the 25th inst. I hope all of you will attend and hear his address which, I am sure, you will find most instructive and interesting.

I have another request to make, that is, on Monday, the 25th, the honourable members will not leave their seats till my return after seeing off His Excellency the Governor. The reason why I make this request is that in pursuance of the practice of the House of Commons, I wish to have the honour of shaking hands with every honourable member before we part.

The Council then adjourned *sine die*.

[Vide the announcement of Mr. President at page 1789 ante.]

Lahore, 22nd October 1928.

To

The Secretary, Punjab Legislative Council, Lahore;

Dear Sir,

THERE is a general feeling that the members would be grateful if the Honourable President would reserve the last half hour of to-morrow's time to give them an opportunity of expressing their appreciation of his services to

the Council and of taking leave of him. The undersigned members representing various shades of opinion of the House are signing this letter and request that it may be placed before the Honourable President.

Yours faithfully,

Mobindar Singh.
Mebdi Shah.
Randhir Singh.
Saadullah Khan.
Noor Din.
Ghulam Muhammad.
Raghubir Singh.
Mumtaz Muhammad.
Maqbool Mahmood.
Pohap Singh.
Dhira Singh.
H. W. Webb.
Mohan Lal.
Ganga Ram.
Sewak Ram.
Muhammad Shafi Ali Khan.
Ram Singh.
Muhammad Jamal Khan.
Sayad Muhammad Husain.
Ram Chand.

Sikandar Hayat Khan.
Jodh Singh.
Firoz-ud-Din Khan.
V. F. Gray.
Afzal Haq.
Mazhar Ali, Azhar.
Ruchi Ram, Sahni.
Owen Roberts.
E. Maya Das.
Dali Chand.
Nanak Chand, Pandit.
Tara Singh.
Fazal Ali.
Abdul Aziz.
S. M. Sadiq.
Dhanpat Rai.
Sahib Dad Khan.
Partap Singh.
Munshi Fazal Khan.
Narain Singh.

PUNJAB LEGISLATIVE COUNCIL.

Monday, the 25th October 1926.

ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

His Excellency the Governor arrived in procession with the officers of the Council and his personal staff at 11 A.M. and took his seat on the throne.

His Excellency the Governor addressed the Council as follows :—

I regret that my desire to meet you has delayed you here at a time when the claims of your canvass are so pressing ; but it was natural that I should seek an occasion to bid farewell to the Council on the conclusion of its three years' labours in this Chamber. The true assessment of the value of your labours lies with those who sent you here as their representatives ; but you must allow me, on behalf of Government, to thank you for the spirit in which you have approached your task, and for the attitude you have taken towards Government as a partner in that task. For I would feign think that, in the Punjab, we do not regard the Legislature and the administration as set in opposite and hostile camps, divided by distrust, and doomed for ever to dissension. Rather would I think of them as two agencies working to a single end, divided and indeed deeply divided at times by differences of view as to policy and method, but each prepared to yield at times to the other in order to achieve their common purpose, the welfare of a great province to whose progress both are vowed with an equal devotion. I have seen lately more than one criticism of our claim that the working of the Reforms has in the Punjab been marked by harmony and concord. We should need to take little notice of our critics if they had belonged only to that class whose political religion has but one article of faith, that agreement with Government at any time, under any condition, or in any circumstances is anathema. But our practice in the working of Reforms has been condemned by some of those who see nothing inherently wrong in co-operation with the administration ; and the precise ground of their criticism is therefore of importance. They hold that the harmony of which we boast is unreal ; that, such as it is, it has been secured only by our base truckling to communal ends, and by an unworthy betrayal of the cause of less favoured sections whose interests Government was equally bound to protect. The Governor in his selection of Ministers, and Government in lending its votes, have in order to smooth their own path, placed in power a party formed not on a basis of common economic or political interest, but combined merely for the attainment of purely communal ambitions. Now, I confess that I had not hitherto thought of my honoured predecessor as a Machiavelli, nor, conscious as I am of my own defects, am I prepared to admit precisely this form of impeachment in my own case. The duty of Government is clear. In the interests of the Reforms scheme, it is bound to secure, by any honest and proper means in its power, the efficacy of the Legislature as a working member of the constitution. To that end, Ministers must work together with something of a common policy, and if Government finds in the Council a body, whether constituted on communal or other lines, which appears sufficiently united to present on ordinary occasions a working majority in the House, it is proper that on questions relating to Ministerial action it should give reasonable support to that party. Its officers cannot serve Ministers loyally in their departments,

[His Excellency the Governor.]

and vote against them in the lobby. If Ministers develop policies which appear detrimental to the interests of the province, then action lies primarily with the Governor, and not with the representatives of Government in the Legislature. That is the principle on which we have acted in the Punjab, and I believe that it is the only principle which can secure unity of action in the administration and effective working in the Legislature. I will not admit that the application of the principle has either in the legislative or administrative sphere resulted in a communal bias so pronounced as genuinely to prejudice other sections or communities. I see nothing so far but one of the inevitable consequences of representative government, a reaction in the field of administration to the influence exercised by a majority party in the Legislature; and I believe that under any system of unrestricted representative government as applied to this province, the consequences would be far more dramatic. A day will come—and its coming is our most fervent prayer—when the communal interest which now forms such an unhappy line of cleavage, will yield place to interests representing more faithfully the needs of a progressive society. But when it comes, and parties are reconstituted on a new basis, it will still be the will of the majority which will prevail in that field of administration which the Ministers control.

You will forgive me this brief incursion into controversy; but it is controversy which affects the reputation and position of the Legislature no less than the good faith of Government. For the rest, let me only add, that the gratitude I have ventured to express is rendered not to one party alone, but to all the members of this Council; in rendering this acknowledgment I am far from any desire to draw any distinction between the majority party which we are alleged to have favoured, and other sections which have from time to time been opposed to them. It is during the lifetime of this Council that the Legislature secured its first non-official President, and under your guidance, Sir, and that of your distinguished predecessor, Shaikh Abdul Qadir, it has amply sustained the high traditions it had already formed. As for the legislative work achieved, I will not try to pass the whole in review, but there are some matters to which you will naturally expect me to refer. I believe that the Gurdwara Act will stand as a monument to the statesmanship of members of your Council, and an abiding proof that where issues of great gravity are at stake, party and communal views can merge in a spirit of conciliation and compromise. The Act is now coming into execution. There were elements among the Sikhs who professed that, unless they were satisfied on other points not directly connected with the management of the Gurdwaras, they would prevent the Act from coming into operation. I have never believed that these professions portended any danger to the working of the Act. It is an Act to secure for the community as a whole the management of its religious institutions. I never believed that the great body of Sikhs could be so intimidated by a small minority as deliberately to forego the opportunity which the Legislature had given them. If other questions exist—and I would remind you that the demand for the release of the few remaining prisoners is still accompanied in some quarters by the farcical demand for a reversal of the Nabha decision—they must stand on their own merits; whatever may be our desire, in the interests of the Sikhs themselves, to see the Act in full operation, we have not in the past and we cannot to-day allow that desire to become the primary consideration in the decision of these questions. There is no lack of goodwill on our part towards their

community; all that we have said in the past of our desire for a return to our old friendly relations is true, and true with increased force to-day; but the experience of the community itself should suggest to it the danger of postponing the interests of Gurdwara reform to other questions in which any of its sections may be interested. I take now a second topic, equally momentous perhaps in the record of this Council, I mean the Bill for the Regulation of Accounts. It aroused a keen controversy, and controversy which, you will permit me to say, proceeded so strongly on communal lines as to cloud discussion on the many points of complexity which its drafting involved. I wish at the outset to make clear the position of Government on the Bill. We have from the first been convinced of the necessity of some measure for securing the better keeping of accounts as between certain classes of creditors and debtors. We have been convinced again that the Legislature should intervene to guarantee to the debtor some means of ascertaining exactly how his account stands and how it is composed. But we have foreseen and indeed experienced the greatest difficulty in the actual drafting of a measure which would not result in interference with the ordinary methods of keeping trade and commercial accounts, or would not prove to be so lacking in precision of definition as to involve the increase of litigation or uncertainty in its result. Above all, we have been impressed with the danger of any measure which would so seriously affect the lender as to hamper the reasonable and legitimate grant of credit to the borrower. The Bill which the Council debated was a private measure. We assisted in the debate with a view to modifying what appeared some of its more defective provisions; the subject is one of such complexity, that no apology is needed if in the end the best efforts of Council and our own did not remove all its difficulties. Now that the Bill has passed the Council, I am charged as Governor with responsibility for giving or refusing assent, and notwithstanding any part I may have taken in the deliberations on the attitude of Government to the Bill, that responsibility remains my own. I have considered the question very anxiously, and I have finally come to the conclusion that, in its present form, the drafting of the Bill falls so far short of the requirements I have already described, that I could not conscientiously commend it for the final assent of the Governor-General. I have considered the question of drafting with friends better versed in legal matters than I can claim to be, and I have found that the changes involved were such as to preclude my returning it to the Council for reconsideration. I wish to give its supporters the assurance that we have not varied in our conviction that some measure is required for the regulation of accounts. It will remain for us to place before your successors in the form of a Government measure a Bill somewhat simpler, and possibly of more restricted scope, which will serve to secure the end in view without involving the dangers which I have apprehended in this measure.

And now, having dealt with some of the most important of the measures which stand on the records of your session, I might well respect the limits of your patience. But I must tax it further, indeed much further. I have spoken of the Legislature and the administration as partners in an effort to promote the welfare of the province; and I would ask you to allow me to detain you while I deal with the policy attempted and some of the achievements effected during your legislative lifetime in the sphere of administration. I use that term in its widest sense, for though we respect

[His Excellency the Governor.]

constitutional usages, our practical working does not draw a well-defined line between the transferred and reserved branches of Government. If I have any one aim in the review I propose to undertake, it may perhaps be described in the shortest terms as an attempt to supply an answer to that ever-insistent question of the taxpayer:—"What are you doing with our money?" Let me develop his point more fully. "Are you," he might ask, "using the improved resources of the provincial treasury, secured partly as the result of enhanced taxation, merely for that increase in establishment, that perfecting of administrative machinery, in which Governments delight? Will the figures of your expenditure really prove to us that you are devoting your energies and our money to the betterment of the province in the manner which we ourselves desire?" If I attempt to answer that question, I must touch briefly on the point of finance. I will not go back to the somewhat disastrous years of the first Council; it will suffice to say that in 1923-24 when you began your work, there were already signs of improvement in our position. By economy in expenditure, and the imposition of fresh taxation in Court-fees and Stamps, we converted our previous deficits into what, when our accounts were finally made up, eventually proved to be a surplus of 43 lakhs. In 1924-25 the water-rates were enhanced so as to yield in a full year an additional revenue of 56 lakhs, and resources were further improved by increasing the duty on urban transfers of property and taxes on motor vehicles. Distrustful of our position, or perhaps not fully realising that the tide had turned, we still kept a rigid hand on expenditure, and as a result of these measures secured a surplus which finally proved to be 112 lakhs. In 1925-26 the provincial contribution was remitted to the amount of 56 lakhs. We now realized that we were at length in a safe position to lift the embargo on financing measures required for our development; we increased our expenditure by 50 lakhs and were able at the same time to remit 20 lakhs of taxation. But even so, owing to an unusually favourable season, we realised a surplus of 112 lakhs. Part of these recurring surpluses went to meet the deficits incurred by us in the first three years of Reforms; but after adjusting these there remained a true revenue balance of about one crore. The existence of this balance at the beginning of the present financial year and a further remission of 28 lakhs in the provincial contribution, made it possible still again to reduce taxation to the extent of 17 lakhs, and to enter on a far more liberal scale of development expenditure. We look this year to an excess of 20 lakhs in expenditure over receipts, and nevertheless hope to begin next year with a true revenue balance of 74 lakhs. Since we foresee that the Sutlej Valley Project will shortly come to fruition, we may now regard our position as stabilized for some years to come. The bad times are past; and we can with confidence go forward on the alternative courses of reducing taxation or increasing expenditure on our development. I need not say on which side my own sympathies lie; and I claim that the facts and figures which I shall now give you will support the faith that is in me. Let me take you back to the questions which I assumed that our tax-payer was asking us; and I assume that the test he would apply would be the extent of our expenditure on what in the Punjab Council it is customary to call the beneficent departments; though I confess that I do not myself like the implications of the term. One can admit the importance of the branches of work confided to Ministers, without suggesting that the extension of irrigation is less beneficent than

the expansion of industries, or the impartial administration of justice less necessary than additions to our agricultural farms. It is true that in an earlier stage of our development, expenditure on civil administration, including in that head the administration of justice, the maintenance of police, and the activities grouped somewhat loosely and not very accurately under the head of the revenue department, occupied a somewhat prominent place in our budget. One could justify this; but it is not my immediate point; I am concerned rather with explaining to the tax-payer the use which the Council and the Executive have together made of the growing resources of the province in the last few years. The proportions of expenditure as between the beneficent and other departments have been variously calculated; the result depends on the items we decide to include in the former term; but I will leave the tax-payer to draw his own conclusions from the following simple figures. The total expenditure on our revenue account in 1926-27 will exceed by 189 lakhs or 19 per cent. that of 1923-24. The increase in the cost of the ten heads grouped as "Civil Administration" and "Miscellaneous" is 31 lakhs, or a percentage increase of 9 per cent.; the increase in what are commonly called beneficent departments is 189 lakhs, or a percentage increase of 70 per cent. To take some examples, the increase in education is 54 per cent., in medical and public health is 88, in agriculture is 107, in industries 44. But the bare statement of figures is not enough without some reference to the administrative facts of which these figures are only the corollary.

If I deal first with Education, it is because I know that there are many here who feel that no material advance which we can make, and no improvement in other aspects of life, can be of any avail, unless they are accompanied by an advance in the intellectual equipment of the generation which is to reap their benefits. The figures of the increase of boys in our schools in the last few years are no doubt known to you; they are sufficiently impressive and greatly to the credit of our Ministry. I will give them again, though (for reasons which I shall give you) I think that they must be used with some discretion. Reading from 1921-22 onwards, the increase year by year in the numbers of boys attending school, has been 69,000; 150,000; 65,000; 77,000 and 148,000. The net result is that whereas in 1920-21 we had half a million boys in our schools, we had last year just over one million; and the percentage of boys at school to the total population has gone up in the same period from just over 4 per cent. to 8½ per cent. The Educational Commissioner with the Government of India has calculated that at the present rate of expansion, it would take India 40 years to reach the goal of universal education for boys. The progress in the Punjab is in advance of that of the all-India figure, and we calculate that at our present rate it would take us about 11 years to reach this goal; if we accept the fact that universal education is in present circumstances somewhat of an unpractical ideal (since it would involve compulsion of a stringency for which we are not yet prepared), and assume the safer standard of 80 per cent., then we should, if we maintain our present advance, reach this in some six to seven years. But it is just here that I wish to indicate discretion in the use of these figures. Our real aim is not the mere bringing of boys into schools, but the removal of illiteracy; and there is for the moment a very depressing preponderance of boys in the most junior classes. The numbers dwindle distressingly as we go up the scale; 400,000 in the first class 140,000 in the second, 98,000 in the third, 73,000 in the fourth. It is dis-

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proportion of this nature which, to many minds, constitutes the real argument for a stringent measure of compulsory education which would secure attendance up to a suitable age. But pending this, I am at one with the Ministry in its efforts to meet this aspect of our development. Its policy has been to improve existing schools rather than to expand their numbers; the ineffective one-teacher schools have gone down from 2,754 in 1922 to 600 to-day. The branch school is taking the place of the one teacher school, and there has been a very wholesome process of converting primary into lower middle and lower middle into middle schools. I have compared our attendance at primary and middle schools with those of some other provinces; we have 358,000 in the former against 285,000 in the latter; and though the proportion is far from what one could wish, it compares well with the 921,000 and 57,000 respectively, of the United Provinces, and the 797,000 and 43,000 of Bihar and Orissa. But I press on Council the need for a vigorous prosecution of this policy; we have no reason to complain of the gross figures of expansion; but an expansion in high and middle school education, though less impressive in numbers, will in the end benefit the province far more than the most striking advance in pupils attending only lower primary classes.

There is a second aspect of educational policy, to my mind, of equal importance. I am touching here the fringe of controversy, but shall not plunge into it. If we make a reality of educating the Punjab, then we must for some years concentrate our chief efforts on the backward area. That is not, as some tell us, a consideration based on communal or sectional bias; it is certainly not so with me. It seems almost axiomatic; for the backward area will not only retard our intellectual progress as a whole; it may indeed drag down the whole. It is definitely for this reason that in assessing grants to district boards for vernacular education, certain boards have been given grants on a 90 per cent. basis as against a 50 per cent. basis elsewhere. We believe again that the employment of local teachers will prove more encouraging to the backward area than that of outsiders, and have started numerous teacher classes in local high schools; we have further sought to reduce the handicap on these areas, and to afford a stimulus to their educational progress, by a liberal provincialization of high schools at selected centres. In the last five years 50 high schools have been so provincialized; their total will be 57 by next January. But even secondary education is not complete without its coping stone, and it is in logical sequence of the policy of wiping out the backward area that we have developed the rural intermediate college; already we have opened seven of these institutions, and early next year hope to start three more. That process must inevitably continue, if we are to bring higher education nearer to the homes of the great mass of our people; it is to my mind a process essential to the equalization of intellectual opportunities in the province.

I believe that we are steering the right course here; I have every confidence that the result will justify us; but here I must make another of my cautionary points. We are making a vigorous attack on illiteracy; we are making some substantial advance in secondary education; but is that enough? There are many of us who feel that we need not only expansion, but some redirection of effort. Our people are anxious for more education; they have begun to grasp at the opportunities we give them; but do they get from it all the benefit for which they hope and which we desire to give them? Education seems at the moment almost an alien influence, outside the ordinary

lives of great numbers of the people, driving them from their ordinary occupations, not impelling them to improve the every-day conditions of life, but leading them to seek others which economic conditions in reality make impossible of attainment. The vitalizing of education is a grave problem; but it is one on which we have been forced to think gravely, and must think more gravely in the future. Our initial effort has been to attempt to remodel our Vernacular courses, so that they shall centre on rural science, embracing physical geography, agriculture, rural economics and the like. To this end we must begin with the teacher and end with the text-book, and I see in the schools for teachers at Ghakkār and Gurgaon the beginnings of what may become our revolution of the future. No less important in this process of vitalization are the village libraries (now 1,600 in number) under the charge of the village teacher; and the use of the teacher as the agent of our new Rural Community Board, with its programme of lectures and lanterns, carrying to the village the lessons of the Health, Agriculture and Co-operative Departments.

I have purposely chosen to dwell on these three impressive and important aspects of educational advance and policy, for they are matters which have received and will continue to demand the close attention of Council. With the many other problems before us, the substitution of definite compulsion for our present system of local option, the progress of vocational education, the education of women, above all the question of some remodelling of the University in respect both of its constitution and its academic functions, I must take some other opportunity to speak. As for our present Council, if it has been critical of some details of our policy, it has never hesitated to vote any proposals placed before it for the support of education. The annual expenditure which in 1923-24 was just over one crore now stands at one crore and three-quarters. The most recent obligation undertaken by the Council—and it is one on which I congratulate it—is the promise of assistance for founding a Commercial College; I am glad to find that the University has fallen in with the scheme propounded to it.

I take now a second topic, Communications. On that topic, I cannot say all to you that I could wish; but let me say this; I believe that our roads already compare favourably with those of our neighbours; nevertheless, they are very far from adequate to our needs. At the moment, we fail in our duty of providing the cultivator with sufficient means for bringing his produce to market; the absence of easy and rapid means of access to the village is equally detrimental to the trader; but above all, we need a liberal expansion of our road services if we are to give to the Punjab that facility of easy intercourse which is essential if we are to quicken its intellectual life and extend the sphere of its social and public interests. But I need not press these points; the Council has already shown by its votes the importance that it attaches to the improvement of our communications; and I can pass to notice the measures we have so far taken and those which we now contemplate. When the conference of 1923 sat, Government was maintaining from provincial funds about 1,200 miles of metalled road and 750 miles of unmetalled road, mainly in the hills; the cost of maintenance was 27 lakhs. All other roads were maintained from local funds. It was decided to reclassify our roads as arterial, main and 'other' roads; the province was to maintain the arterial roads and give some help to local bodies to maintain the main and 'other' roads. The immediate effect was that the province assumed charge

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of some 600 more miles of metalled roads (or 1,800 in all) and nearly 1,000 more miles of unmetalled roads. The cost of maintenance was raised to 35 lakhs; but this was for maintenance only; it was realized that large sums would be required for the very necessary process of metalling considerable lengths of the unmetalled roads. The programme was at the time confined to the metalling of 16 miles a year. Since then our ideas have grown and the Legislature has assisted the Ministry in its endeavours to quicken up the pace of conversion. We are providing this year for the metalling of 60 instead of 16 miles at the cost (including some work on quarries and provision of machinery) of 25 lakhs, this of course being extra to maintenance. The total provision for roads, which was 34½ lakhs in 1923-24 stands this year at 102½ lakhs. So much for the present. But we have further ambitions; we desire to revise our scheme of reclassification, and to take over to provincial care over 300 additional miles of metalled and over 700 miles of unmetalled road, making in all 2,104 miles of metalled and 2,523 miles of unmetalled road. If we succeed in gaining support for this scheme, the cost of maintenance will go up to 41½ lakhs yearly, and we hope to secure the necessary funds to convert the unmetalled roads at the rate of 100 miles a year. We have meanwhile revised on a liberal basis our scheme of assistance to district boards for the maintenance of their main roads; it stands this year at 7½ lakhs. So much for roads. Then as for railways, the long period of stagnation in the railway development of the province has been broken. Partly as a result of the increased funds available to the Railway Board under the new policy of railway finance, and partly as the first fruits of the policy under which the local Government guarantees railways in which it is interested, we are now making real and substantial progress. The Kangra Valley line of 103 miles, the Shahdara-Narowal line of 49 miles, the Amritsar-Narowal line of 40 miles, the Narowal-Shakargarh line of 26 miles, the Rohtak-Panipat line of 45 miles and the Lyallpur-Jaranwala line of 21 miles are all under construction, and some will be completed at an early date. The Sirhind-Rupar line (30 miles) is being taken up by the Patiala Durbar. That is a sufficiently interesting list, but I should be surprised if the next few months did not see important additions to it.

The next subject which I select is medical relief and the activities of the Health Department. In the first field, our chief achievement is perhaps the adoption in August 1925 of a five-year programme providing for the construction of rural dispensaries on a scale which, with those now existing, will give about one dispensary for every 100 square miles, or for every 80,000 of the population. This will involve the opening of 375 new dispensaries. By the end of the current year 154 of these will already have been opened, and the Ministry hopes to complete the whole programme within the period. The scheme further contemplates the provincialization of tahsil dispensaries with a view to bringing them up to a standard scale of accommodation and equipment, and the provision in each such dispensary of a female side under a Sub-Assistant Surgeon. Here progress has been less rapid, and we shall not have effected the necessary changes in more than six hospitals by the end of the year. In Public Health, we are proposing the provincialization of the Public Health School and of the service of Health Officers now engaged by district boards; this is one of the problems which will be placed before the new Council. I have seen something of the work of the department

during the disastrous plague epidemic of last spring; the best praise which I can give it—and it is high praise—is that it has won the co-operation and support of the people among whom it is working. It is no longer an experiment, and I hope that the Legislature will take a wise and liberal interest in its extension. I give the figures of its cost to you. We spent 12 lakhs on it in 1922-23, and the budget of the present year contains a provision of 31½ lakhs.

The fourth of my subjects is the work of the new Rural Sanitary Board; and I place this close to that of the Health Department, so vital it is to the health conditions of some of our rural areas. Its primary care at the moment is the regulation and improvement of our natural drainages, the congestion of which has been undoubtedly responsible for the high incidence of malaria in many of our districts. The Drainage Board was constituted in 1918, but its functions were mainly to investigate and advise. It will not assist those who believe that our perpetual effort is to discredit the Reforms Scheme, when they learn that in April 1925 we deliberately transferred this work to the care of a Minister and a Board containing a number of non-officials, that we have given it an executive instead of an advisory capacity, and have induced the Legislature to entrust important sums of money to its care. Under the advice of the Drainage Board, we had taken up the Hudaira and Sarusti drainages and the improvement of the Gurgaon bunds; the Rural Sanitary Board is now actually dealing with the drainages of the Hazro plain and the Dasuya Tahsil, the long and important drainages of the Rohtak and Karnal Districts, and the Palwal drainage in Gurgaon, and is preparing schemes for the improvement of the area drained by the Aik nullah. The budget provision of this year is 14½ lakhs. Lest there should be any misapprehension on the point, I must add that this is independent of the efforts made by the Irrigation Branch to counteract the effects of waterlogging in the neighbourhood of our canals. We have instituted a special Bureau for research into this subject, and yearly spend considerable sums on digging of drains and the like; the expenditure was 2½ lakhs in 1922-23 and will this year be 4½ lakhs.

I take a fifth subject, of unusual importance to this province, that of Agriculture. If the figures of our agricultural activities are not as impressive as, let us say, those of Education, it is not because there has been no progress; it is partly due to the fact that it is not so easy to show results in statistical form, but it must also be admitted that the department is now only just beginning to work up to that five-year programme which the Ministry has after careful deliberation drawn up for it. Its expenditure (and I include here the figures for Veterinary work) which was 41 lakhs in 1922-23 stands in this year's budget at just over 65 lakhs. The best figure which I can give of concrete results attained is that the area under improved wheat, which was 8 lakhs of acres in 1923, was 14½ lakhs in 1926; the area under the type of cotton which we know as American rose in the same period from 3½ to 9½ lakhs of acres. The actual development of the department in the period is largely a matter of detail. We have opened Circles at Rawalpindi and Jullundur, and are starting two experimental farms of 500 acres each at Multan and Sirsa, and demonstration farms of about 100 acres at Gurgaon, Ambala, Hoshiarpur, Ferozepore, Jhelum, Campbellpur and Jhang. The importance of the problem of improving lift irrigation has been recognised by the creation of a separate engineering section, and the number of well-boring plants has been increased from 20 to 76 with a separate boring staff. But for the moment, I think that

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our most important development lies in the recognition of the fact that the province has hitherto paid insufficient attention to cattle-breeding. It is possible that in comparison with some other provinces, we have done much; for many years we have maintained the Hissar Farm; we have given out considerable areas in grants for the maintenance of improved breeds of cattle; and we have placed some 2,000 bulls with district boards. But a radical and wholesale improvement in our breeds of cattle is a vital economic necessity for the province, and I am glad that the Ministry has accepted this fact without reserve. We have instituted a separate cattle-breeding branch; we are making preparations for instituting on a large scale, Government farms devoted to the improvement of the different breeds, and I have every confidence that we shall secure liberal assistance from the Council in a development which will mean so much to the province. For the rest, I hope that nothing will be allowed to stand in the way of the steady and consistent execution of the remainder of our five-year programme. The day of doubt is past. The cultivator no longer looks with suspicion on agricultural research, nor views with amusement or perhaps even resentment our attempts to bring new ideas into a science which he holds that his forefathers mastered centuries before the West obtruded on the East. The best justification of the activities of the department and the best case for its expansion lies in the fact that cultivators now complain of the insufficiency of its establishment and demand the presence of its officers in every tahsil.

As for that essential factor in agricultural advance—I mean Co-operative activity—it is perhaps sufficient that I should give the bare figures. In 1923 there were 8,800 Primary Agricultural Societies; there are now 12,600. Non-agricultural societies have increased from 444 to 1,800. The members of all societies have increased from 2½ lakhs to 4½ lakhs, and the capital employed from 472 lakhs to 930 lakhs. Our five-year programme contemplates the registration of new societies at the rate of about 2,000 per annum, of which about 1,200 should be Primary Agricultural Credit Societies. Consolidation procedure is now an established fact; in the last few years 60,000 acres have been consolidated, and we can claim that we have here set other provinces an example which they are glad to follow. I believe the Co-operative movement to be on healthy lines; to the best of our ability we maintain its independent and non-official character, and of this much I am certain, that of the many agencies which Government has fathered, there is none which holds greater promise either for the material improvement or the moral uplift of the people. It is, by the way, a notable and interesting fact that the members of the Primary Credit Societies are 62 per cent. Muslims, 18 per cent. Hindus, 16 per cent. Sikhs and 4 per cent. others, thus corresponding somewhat closely to the total Census figures of the population.

The last subject which I select of this type, is the Department of Industries. In discussing the development of this field of work, it must be remembered, that advance must be of a different type and achieved by different methods from those on which we rely, for instance, in the sphere of agriculture. There we already have what we may well call a vast and well-developed industry, with a very large supply of experienced labour; its technique no doubt is capable of immense improvement, its systems can be reorganized, its workers better educated in both a general and a special sense. But the established industry is there. Our Department of Industries has no such field to work in. We have, it is true, a number of workers in minor industries, some purely of an industrial type, others subsidiary to

agriculture ; but it is still open to question whether the province in its present state of development offers a field for the exploitation of those major undertakings which demand the presence of a large amount of free capital, high degree of technical organization, and very considerable numbers of industrial labourers. It is not enough to point out to us that the province contains many men of enterprise, is not deficient in capital, and has a distressingly large number of educated unemployed. Before we can envisage the extension of major scale industries in our province, we have to be assured that industry will be more attractive to our capitalists than the use of their resources in commerce or in financing operations connected with agriculture, and that labour will be forthcoming of a class and at a price which will enable large industrial undertakings to meet outside competition. I am not convinced that at the moment all these factors are in our favour. I suggest that for the present our efforts should be directed mainly to the reorganization of our minor industries, such as handloom weaving, hosiery, carpentry, iron work and the like ; that we should give liberal assistance to the education of the artisan, mechanic and foreman class, and do our best to stimulate home and cottage industries. This policy will do much to improve the poor conditions of the workers in our existing minor industries ; it will go some way, even though it may not be a very long way, to meet the problem of unemployment of the educated, and it will certainly result in the fostering of that industrial aptitude which is essential to the success of the major industries. The great bulk of the efforts of the Ministry tends in this direction. The department is now able to register some definite progress in the execution of its programme ; six of the local industrial schools have been provincialized and six provincial schools built, the total of such schools being now 22 ; it is beginning work on two metal working and one wood working institute ; a calico printing school is being added to the dyeing school at Shahdara ; a hosiery institute at Ludhiana, with the latest types of machinery, should go far to improve the conditions in the line of home and small factory work, and the power-loom factory to be started at Shahdara should teach handloom workers that, where power is available, there are new and profitable openings for their labour. We are also making a beginning in a very promising field of work, the organization of a Women's Home Industries Branch. The total expenditure of the department shows no very considerable increase ; it is only about 9½ lakhs, having risen by a lakh in the course of the three years ; but I hope that it will make increasing demands on the Council in the near future.

So much for activities of some of the departments controlled by our Ministers. I have already given you figures which prove that they absorb the bulk of our improved resources. That process must inevitably continue in the future ; though I am not certain that mature deliberation would approve of its continuing in exactly the same proportion. I do not suggest the alarming prospect of a wholesale increase in the establishments employed on other branches of Government work, or of general increases of pay ; my meaning will be clear if I refer to a few of the topics which have been engaging our attention on the reserved side. There is no need here to speak at length on Jail Reform, for the matter has recently been before Council, and it has seen no reason to cavil at the cost of the measures (high in itself, but of course small in proportion to what we are spending on the expansion of some other departments) which were deemed necessary for reorganization. I only pause to say, in justice to many of the officers in that department, that it would be interesting to see a report

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regarding the jails of other provinces drawn up by a committee constituted in the same manner as our committee, and conducting its enquiries in the same spirit ; for it admittedly gave the fullest latitude to complaints from prisoners, and paid far more attention to those complaints than to the views of officials. But I must pass on to some problems regarding law and order, and the administration of criminal justice, a matter not less important to the ordered progress of the province than advance in the beneficent departments. The five years which ended in 1920 were years of war, and for reasons which suggest themselves to every one, serious crime was unusually light. The five years which followed were, for reasons which again I need not particularise, years of exceptionally heavy crime : I am of course referring to crime of the type of murder, dacoity, robbery and burglary. There was fortunately some improvement in 1925 ; and the record of 1926, if maintained to the end of the year, will show a further recovery. Circumstances have relieved local authorities of some of the pre-occupations which interfered with this side of their work ; a vigorous and sustained campaign by both civil and police officers, with a non-official co-operation which testifies to the healthiness of the influence which those officers carry, has cleared the Central Punjab from the worst of the gangs which infested it. A special organization has been dealing with cattle theft, and we are improving the procedure for dealing with Criminal Tribes. But we are still far from our pre-war figures ; and if there is any reality in our general progress, we should not be content to accept pre-war figures as a standard. Six hundred and fifty seven murders, 100 dacoities, 18,000 burglaries ; those are the figures of 1925, and an immense improvement is necessary before we can claim that we are giving adequate protection to life and property. Now allowing for all the reduction of criminality which we may hope will some day result from the spread of education, and from that growth of public co-operation which we shall do our best to stimulate and secure, I nevertheless feel that direct action is needed on two lines. We must improve police administration, and we must secure a more prompt and effective disposal of work by our criminal courts. Uncertainty, delay or inefficiency in criminal justice is a positive incentive to crime. As for the first point, we have published the report of the Police Committee, and it will be for your successors to debate its proposals ; as for the second, I do not wish to depreciate either the industry or the many good qualities shown by our criminal magistracy ; but in the first place, their numbers are clearly inadequate for the prompt despatch of business. Though in 1925 they disposed of seven thousand more cases than they did ten years ago, yet at the end of the year there were 10,000 more persons under trial than there were at the close of 1915. In the second place, I consider that changes are needed in the method of recruitment and training, if we are to secure the best men that the province can now offer us for this work. You have already seen something of our proposals for securing such an increase in their numbers as will allow of magistrates giving uninterrupted attention to their criminal work ; but we shall bring the matter again before your successors. We shall before long publish the results of our discussion on other aspects of the question.

Lastly, before I leave this notice of matters relating to our general civil administration, there is one topic to which I must refer, a topic which concerns all departments and vitally affects the value of our administration to the people. An administration is judged in common estimation not entirely

by the principles it holds, the objects at which it aims, or even by the care it evinces to secure the assent of public opinion or the co-operation of public men in its operations. There is a great mass of people in whose eyes it stands or falls on the character of the officials whom it employs. It is a matter of doubt whether the insistent complaints which we receive of the growth of corruption among our officers are proof that corruption has actually increased, or whether they reflect the fact that the present generation, with an altered outlook on life and with the greater facilities for the expression of its views, is refusing to accept standards in the public services which aroused less acute resentment in the past. It is my personal belief that the great bulk of officers in the upper ranks of our provincial services are men of integrity; but there are some exceptions, and there is undoubtedly much corruption in the subordinate ranks. Our first task is to purge the upper ranks of offending members. We have lately taken action against several officers of the Provincial Civil Service, and have dismissed the offenders; had legal opinion held prosecution to be likely to succeed, I should have preferred to take this course. We are determined to take up every case in which complaints appear to be genuine, and are considering the advisability of a special agency for enquiring into such complaints. But it must be understood that we cannot act on vague or anonymous accusations; to make formal enquiry on such charges would, especially when communal feeling is as rife as at present, unjustly compromise the reputation of men whose honour we are bound to protect. On the other hand, I can promise this; that if responsible members of the public will personally bring to me, or to any member of Government, or to any head of department information of concrete cases of corruption sufficient to establish a *prima facie* case for enquiry, then full and thorough investigation will be made by Government. We are genuinely anxious to do our duty in the matter, if the public will do theirs.

My review has been long; but even so, I have only been able to select some aspects of our administration; others, perhaps not less important, I shall have to postpone. There is much that I should have liked to say about communal differences, on the vexed question of communal representation in our services, on the light which the conduct of our local bodies throws on the existence of a true sense of responsibility and public service, on the possibility of securing wider participation of the public in the work of administration by stimulating and extending action under provisions such as the Panchayat Act or the like. But these topics must wait another occasion. For the present, I can only bid you a friendly farewell. There will be many who will return to a fresh period of public service in this Chamber, to carry on in a new Council the traditions which they have already helped to establish; there are possibly others to whom the polls may deny that privilege. But they will have the proud knowledge, that they have during their life in Council borne their own part in shaping the destinies of this great province. They will, I hope, carry back with them into public life outside this Chamber, the consciousness of much good work achieved, the memory of debate which does not break friendship, of compromise which does not spell defeat. If so, then the public life of the Punjab will be the richer for the experiences they will bring to it. It is in no formal sense, but in all sincerity, that I express my faith not only in the value of a legislative institution such as yours, but in the value to individual

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members of association with its work. The area of political consciousness is rapidly growing, the depth of the sense of political responsibility is slowly deepening; and your Chamber has become the focus of great and sustained interest throughout the province. It is from association with its work that we look not only to the spread of that wider education in the problems of administration which is essential for the fuller political life and the extended powers of the constitution of the future, but to the growth of that "general consciousness of consent" by the people at large in the policy and actions of their government which is the one sure and stable basis of political well-being and content (cheers).

NOTE.—By a notification, dated the 27th October 1926, published in the *Punjab Government Gazette Extraordinary*, dated the 27th October 1926, the Council was dissolved.

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