

970
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PUNJAB

THE
Punjab Legislative Council
Debates.

July 31st, 1922, to March 23rd, 1923.

Vol. IV.

OFFICIAL REPORT.



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1923.

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

President.

The Hon'ble Mr. H. A. CASSON, C.S.I., I.C.S.

Deputy President.

MANOHAR LAL, Esq., M.A., Bar-at-Law.

Secretary to the Council—Sardar ABNASHA SINGH.

Assistant Secretary to the Council—HAKIM AHMAD SHUJAA.

PUNJAB LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A.

- Abdul Hamid Khan, Khan Bahadur Diwan (Nominated Non-Official).
Abbott, Mr. E. R. (Nominated Official).
Ahmad Yar Khan, Daultana, Mian [Multan East (Muhammadan), Rural].
Akbar Ali, Pir [Ferozepore (Muhammadan), Rural].
Ali Akbar, Chaudhri [Kangra-cum-Gurdaspur (Muhammadan), Rural].
Ali Haider Shah, Khan Sahib Pir Sayad [Rawalpindi (Muhammadan), Rural].
Allan Khan, Drishak Sardar [Dera Ghazi Khan (Muhammadan), Rural].
Amar Das, Lala [Rawalpindi Division and Lahore Division North (Non-Muhammadan), Rural].
Amir Khan, Khan Sahib [Lyallpur North (Muhammadan), Rural].
Ata Ullah Khan, Chaudhri [Gujranwala (Muhammadan), Rural].
Atma Ram, Lala [South-East Towns (Non-Muhammadan), Urban].
Anderson, Mr. G. (Nominated Official).

B.

- Bakhtwar Singh, Sardar [Hoshiarpur and Kangra (Sikh), Rural].
Balbir Singh, Rao Bahadur Lieutenant [Gurgaon (Non-Muhammadan), Rural].
Balwant Singh, Sardar [Jullundur (Sikh), Rural].
Bans Gopal, Chaudhri [Karnal (Non-Muhammadan), Rural].
Beazley, Mr. J. G. (Nominated Official).
Beli Ram, Mian [Hoshiarpur (Non-Muhammadan), Rural].
Boyd, Mr. D. J. (Nominated Official).

C.

- Clarke, Mr. Edward Ernest (Punjab Chamber of Commerce and Trades Association, Commerce).
Craig, Mr. H. D. (Nominated Official).

D.

- Dasaandha Singh, Sardar [Ludhiana (Sikh), Rural].
Daulat Ram, Kalra, Pandit [East and West Central Towns (Non-Muhammadan), Urban].
Dilbagh Singh, Sardar Sahib Risaldar [Lyallpur (Sikh), Rural].

ALPHABETICAL LIST OF MEMBERS.

F.

- Fazl Ali, Khan Bahadur Chaudhri [Gujrat West (Muhammadian), Rural].
 Fazl-i-Husain, the Hon'ble Khan Bahadur Mian (Minister, Muhammadian Landholders).
 Firoz Khan, Noon, Malik [Shahpur West (Muhammadian), Rural].
 Forster, Lt.-Col. W. C. H. (Nominated Official).

G.

- Ganga Ram, Rai Sahib Lala [Ambala-cum-Simla (Non-Muhammadian), Rural].
 Ganpat Rai, Mr. [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadian)].
 Ghasi Ram, Chaudhri [North-West Rohtak (Non-Muhammadian), Rural].
 Ghulam Muhammad, Chaudhri [Gujrat East (Muhammadian), Urban].
 Ghulam Muhammad Shah, Sayad [Shahpur East (Muhammadian), Rural].
 Gibson, Mr. A. J. (Nominated Official).
 Gopal Singh Labana, Sardar Bahadur (Nominated Non-Official).
 Gopal Singh, Captain, Sardar (Nominated Non-Official—Indian Army).

H.

- Hara Singh, Bedi, Bawa [Multan Division and Sheikhupura (Sikh), Rural].
 Harjit Singh, Bedi, Bawa (Sikh Landholders).
 Hari Chand, Rai Bahadur Lala [West Punjab Towns (Non-Muhammadian), Urban].
 Harkishan Lal, the Hon'ble Lala (Minister, Punjab Industries).
 Harnam Singh, Rai Sahib Sardar [Rawalpindi Division and Gujranwala (Sikh), Rural].
 Heard, Colonel R. (Nominated Official).
 Husain Shah, Sayad [Jhang (Muhammadian), Rural].

I.

- Irving, Mr. Miles (Nominated Official).

J.

- Jamal Khan, Sardar [Baloch Tumandar (Landholders)].

K.

- Karim Ullah Khan, Malik [Jhelum (Muhammadian), Rural].
 Kartar Singh, Sardar [Ferozepore (Sikh), Rural].
 Kesho Ram, Lala [Amritsar City (Non-Muhammadian)].
 Kharak Singh, Chaudhri [Amritsar-cum-Gurdaspur, Rural].
 King, Mr. C. M. (Nominated Official).

L.

- Lajpat Rai, Rai Sahib Chaudhri [Hissar (Non-Muhammadian), Rural].
 Lal Singh, Sodhi [(Sikh), Urban].
 Latif, Mr. A. (Nominated Official).

M.

- Macpherson, Mr. W. R. (Nominated Non-Official, Anglo-Indian).
 Maohar Lal, Mr. (Punjab University).
 Mehdi Shah, Khan Bahadur Sayal [Lyallpur South (Muhammadian), Rural].
 Mela Ram, Rai Sahib Misar [Jullundur-sam-Ludhiana (Non-Muhammadian), Rural].
 Milne, Mr. D. (Nominated Official).
 Moti Lal, Kaistha, Mr. [Kangra (Non-Muhammadian), Rural].
 Maynard, the Hon'ble Sir John (Member, Executive Council).
 Muhammad Abdullah Khan, Khan [Muzaffargarh (Muhammadian) Rural].
 Muhammad Akbar Khan, Khan Bahadur Raja [West Punjab (Towns (Muhammadian), Urban].
 Muhammad Amin, Chaudhri [Sialkot (Muhammadian), Rural].
 Muhammad Amin Khan, Khan Bahadur Malik [Attock (Muhammadian), Rural].
 Muhammad Hayat Khan, Chaudhri [Gurgaon-sam-Hissar (Muhammadian), Rural].
 Muhammad Husain, Sayad [Montgomery (Muhammadian), Rural].
 Muhammad Ishaq Ali Khan, Nawabzada [South-East Towns (Muhammadian), Urban].
 Muhammad Jamil Khan, Raja [Jullundur (Muhammadian), Rural].
 Muhammad Raza Shah, Gilani, Sayad [Multan West (Muhammadian), Rural].
 Muhammad Saif Ullah Khan, Khan [Mianwali (Muhammadian), Rural].
 Muhammad Shah Nawaz, Mian [Lahore (Muhammadian), Rural].
 Muharram Ali, Chishty, Maulvi [Lahore City (Muhammadian), Urban].

N.

- Nabi Bekhsh, Chaudhri [Amritsar (Muhammadian), Rural].
 Najabat Khan, Malik [Sheikhupura (Muhammadian), Rural].
 Narendra Nath, Diwan Bahadur Raja [Punjab Landholders (General)].
 Nawab Din, Murad, Mr. [East and West Central Towns (Muhammadian), Urban].

O.

- Owen, Dr. C. A. (Nominated Non-Official—Anglo-Indian).

P.

Panna Lal, Rai Bahadur Lala [North-East Towns (Non-Muhammadian), Urban].
Prenter, Mr. N. H. (Nominated Official).

R.

Raghubir Singh, Lieutenant Sardar [Amritsar (Sikh), Rural].
Raja Singh, Rai Sahib Chaudhri [Ambala Division (Sikh), Rural].
Rallia Ram, Mr. K. L. (Nominated Non-Official — Indian Christian)
Randhir Singh, Sardar [Sialkot-cum-Gurdaspur (Sikh), Rural].

S.

Sangat Singh, Sardar [Lahore (Sikh), Rural].
Sangster, Mr. W. P. (Nominated Official).
Sarup Singh, Rai Bahadur Risdar [South-East Rohtak (Non-Muhammadian), Rural].
Sewak Ram, Rai Bahadur Lala [Multan Division (Non-Muhammadian), Rural].
Shafi Ali Khan, Chaudhri [Ambala Division (North-East) (Muhammadian), Rural].
Sundar Singh, the Hon'ble Sardar Bahadur Sardar (Member, Executive Council).

T.

Thakar Das, Rai Sahib Lala [North-West Towns (Non-Muhammadian), Urban].

U.

Uttam Chand, Lala [Lahore City (Non-Muhammadian)].

W.

Wali Muhammad Khan, Khan Bahadur Rai [Hoshiarpur-cum-Ludhiana, Rural].

Y.

Yusaf Shah, Khan Bahadur Khwaja [Amritsar City (Muhammadian), Urban].

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PUNJAB LEGISLATIVE COUNCIL.

SIXTH SESSION.

Monday, 31st July 1922.

THE Council met at the Council Chamber at seven of the clock.

WARRANT OF APPOINTMENT OF THE PRESIDENT.

The Secretary read the following warrant of His Excellency the Governor nominating Herbert Alexander Casson of the Indian Civil Service, President of the Punjab Legislative Council :—

Under the provisions of section 72-C (1) of the Government of India Act, I, Edward Douglas MacLagan, Governor of the Punjab, hereby appoint Herbert Alexander Casson of the Indian Civil Service, President of the Punjab Legislative Council.

LAHORE :	}	E. D. MACLAGAN,
<i>May 10, 1922.</i>		<i>Governor of the Punjab.</i>

The President then took the chair.

OATH OF OFFICE.

The following members were then sworn in :—

C. M. King, Esquire, C.S.I., C.I.E.

H. D. Craik, Esquire.

Miles Irving, Esquire, O.B.E.,

A. J. Gibson, Esquire.

S. M. Jacob, Esquire.

Bai Sahib Chaudhri Lajpat Rai.

ANNOUNCEMENTS BY MR. PRESIDENT.

PANEL* OF CHAIRMEN—LIBRARY AND HOUSE COMMITTEES.

Mr. President : I have to announce to the Council that I have nominated as chairmen and as members of the library and house committees of the Council the same gentlemen as were appointed last session.

*See pages 311 and 434. Vol. II.

MESSAGE FROM MR. MONTAGU.

Mr. President: I have pleasure in reading out to the Council an extract from a letter from Mr. Montagu to Mr. Brown of the India Office which contains a message for this Council:—

"I should be very glad if Lord Peel will communicate to the Punjab Legislative Council my heartfelt thanks for the resolution which they forwarded to me through him, my appreciation of its terms and of the speeches delivered in its support, and my best wishes for the future."

ELECTION OF STANDING COMMITTEES AND PUBLIC ACCOUNTS COMMITTEE.

Mr. President: I have received an intimation from His Excellency the Governor that the Committee on Public Accounts, to be constituted under rule 33, will consist of 9 members, of whom 6 will be elected by the non-official members of the Council according to the principle of proportionate representation by means of the single transferable vote.

Fresh standing committees of the Council have also to be constituted under Standing Order 74-A. There are 12 standing committees with the following number of elected members:—

Finance	8	Local Self-Government	6
Canals	8	Public Health...	6
Jails	5	Agriculture ...	5
Industries	5	Education ...	8
Co-operative Societies ...	5	Land Revenue ...	7
Excise	5	Police	4

Nominations of candidates for each of these committees as well as for the Public Accounts Committee should be handed in at latest by 3-0 P.M. on Wednesday next. Nominations must be made in writing to the Secretary and be signed by not less than two members and the member nominated must signify his readiness to serve. Such elections as may be necessary will be held on Tuesday, the 8th of August.

I draw special attention to Standing Order 74-E. A member cannot be elected to serve on both the Finance and the Public Accounts Committees.

QUESTIONS AND ANSWERS.

LUDHIANA MUNICIPALITY.

1430. Rai Sahib Lala Panna Lal: Will the Government be pleased to say:—

(a) Why the election in last September 1921 of Mr. M. Abdul Hayi as a non-official president of the Ludhiana Municipality was not published as valid?

(b) Why the fresh election of Mr. M. Abdul Hayi as a member of the Ludhiana Municipal Committee was withheld from publication for about a month in the *Government Gazette*?

(c) What led to the request to the elected members of the Ludhiana Municipal Committee to vacate their seats a week after their election was gazetted?

(d) If it is a fact that Mr. M. Abdul Hayi expressed a verbal or formal regret to the Hon'ble the Minister for Education, Commissioner and the Deputy Commissioner regarding his political attitude?

(e) Why Hindu members of the Ludhiana Municipal Committee left the meeting, whereat Mr. M. Abdul Hayi was elected afterwards non official president in the month of February 1922? and

(f) If the Deputy Commissioner of Ludhiana acted legally in appointing a provisional president of the Ludhiana Municipal Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Rusain : (a) Under section 20 of the Municipal Act the election of a President of Ludhiana Municipality required the approval of the Commissioner. The question of approving the election of Mr. M. Abdul Hayi was under consideration from September to December 1921, in which latter month he and all the other elected members ceased to be members of the Committee.

(b) The election of Mr. M. Abdul Hayi as a member of the Ludhiana Municipal Committee was under section 24 of the Municipal Act withheld by the Commissioner from publication for about a month at the beginning of 1922, while the question whether it was desirable to veto the election under the proviso of section 24 of the Municipal Act was under consideration.

(c) No request was made by the elected members of the Ludhiana Municipal Committee to vacate their seats before or after their election was gazetted nor has any seat been vacated so far.

(d) The answer is in the negative.

(e) Some of the Hindu members left the meeting, but they did not communicate their reasons for doing so to Government. Subsequently they made representations that the meeting had not been regularly convened. The Commissioner heard the objections at length. They failed to convince him and he over-ruled them as they could not support their allegations by any provisions in the Municipal Law.

(f) No appointment of a Provisional President was made by the Deputy Commissioner. An order was passed by the Deputy Commissioner under section 233 of the Municipal Act to provide for the carrying out of the urgent and routine duties which are usually carried out by a President, until such time as a President should be duly elected. The objecting members were heard by the Commissioner who decided that the Deputy Commissioner's order was legal and, having been passed at the request of the objecting members, afforded the only possible solution of the deadlock.

1431. Cancelled.

1432. Cancelled.

VACANCY ON THE DISTRICT BOARD, SIALKOT.

1433. Sodhi Lal Singh : (a) Is it a fact that in the vacancy caused by the death of Sardar Harnam Singh on the District Board, Sialkot, Government has nominated a non-Sikh?

(b) Did the Deputy Commissioner, Sialkot, recommend a Sikh?

If so, will Government state reasons for making a decision against the recommendation of the Deputy Commissioner?

(c) Is it also a fact that the non-Sikh gentleman nominated by Government, as member of the Sialkot District Board is already a nominated member of the Sialkot Municipality?

(d) Is it also a fact that Rai Bahadur Gian Chand of Sialkot was made to resign his seat in the District Board owing to his being a member of the Sialkot Municipality? If so, was this rule not applicable in the case of the non Sikh gentleman referred to in (c) above?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) Government do not propose to fill this vacancy until the next elections as the alterations of the boundaries of the Sialkot District are likely to necessitate in the near future a re-distribution of the electoral circles and possibly also of the members of the District Board.

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

DISTRIBUTION OF WORK AMONG THE MEMBERS OF THE EXECUTIVE COUNCIL AND MINISTERS AND SECRETARIES, ETC.

1434. Lala Atma Ram: Will the Government be pleased to publish in the *Punjab Gazette* the distribution of work among the members of the Executive Council, the Ministers and the Secretaries of the different departments?

Mr. H. D. Craik: I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

PERSONS ARRESTED IN THE HISSAR DISTRICT.

1435. Rai Sahib Lala Paura Lal: Will Government be pleased to lay on the table a statement showing—

- (a) the total number of persons arrested in the Hissar District under section 117, Indian Penal Code, section 17 of Criminal Law Amendment Act and sections 107 and 108 of the Criminal Procedure Code, and
- (b) the names of the persons convicted under each with the sentences awarded to them?

The Hon'ble Sir John Maynard: A list, which gives all the information asked for by the hon'ble member is laid on the table.

List of persons arrested and convicted under sections 107, 108, Criminal Procedure Code, 117, Indian Penal Code, and 17, Criminal Law Amendment Act of 1908, in the Hissar District.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	Result.
1	Badri Parshad, son of Rama Nand, Brahmin, of Fatehabad.	107, C. P. C.	Convicted	12-12-21	Six months' simple imprisonment in default of security and personal bond of Rs. 2,000.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	Result.
2	Mehr Chand, son of Pehal Singh, of Hissar.	108, C. P. C.	Released on apology.	15-9-21	Case withdrawn on the accused tendering apology on 30th November 1921.
3	Mansa Ram, son of Shankar Lal, of village Nangal, Hissar.	108, C. P. C.	Convicted.	12-1-22	One year's rigorous imprisonment.
4	Gokal Chand, son of Chandu Lal, Mahajan, of Bhiwani.	117, I. P. C., 17 (1) 14 C. L.	Convicted.	9-1-22	Sentenced to three months' rigorous imprisonment and Rs. 100 fine, or in default one month's rigorous imprisonment in each case. Sentences to run concurrently.
5	Narain Das, son of Lal Chand, Arora, of Shikarpur, Sind.	Ditto	Ditto	15-1-22	Four months' rigorous imprisonment (to be sent to the Reformatory School, Delhi, for five years).
6	Kundan Lal, son of Dwarka Das, Mahajan, of Bhiwani.	Ditto	Ditto	15-1-22	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
7	Mela Ram, son of Ram Chander, Mahajan, of Bhiwani.	Ditto	Ditto	14-1-22	Three months' rigorous imprisonment in each case and sentences to run concurrently.
8	Lala Sham Lal, Pleader, son of Sattin Mal, Mahajan, of Sirsa.	Ditto	Ditto	14-1-22	Three months' rigorous imprisonment.
9	Ram Chaudar, son of Panna Lal, Mahajan, of Bhiwani.	117, I. P. C., 17 (1), 14 C. L. A.	...	14-2-22	Pending.
10	Mubammad Usman, son of Abbas Ali Khan, Pathan of Bhiwani.	Ditto	...	14-2-22	Ditto.
11	Ram Kanwar, son of Narinjan Nath, Brahman of Bhiwani.	Ditto	...	14-2-22	Ditto.
12	Ramji Lal, son of Sada Sukh, Brahman of Hissar.	17 (1) 14 C. L. A., of 1908.	...	19-12-21	Prosecution withdrawn on 23rd January 1922.
13	Ram Karan, son of Man Singh, Rajput, of Hissar.	Ditto	Convicted ...	19-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's rigorous imprisonment.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	Result.
14	Gokal, son of Phula, Mahajan, of Shiwan.	17 (1) 14 C. L. A., of 1908.	...	19-12-21	Three months' rigorous imprisonment, and Rs. 25 fine, or in default one months' rigorous imprisonment.
15	Sheo Ram, son of Budh Ram, Rajput of Hissar.	Ditto	...	19-12-21	Ditto.
16	Ghulam Nabi, son of R a k a n - u d - D i n, Sheikh, of Hissar.	Ditto	...	19-12-21	Prosecution withdrawn on 17th January 1922.
17	Abdul Hakim, son of Karim Bakhsh, Sheikh, of Hissar.	Ditto	...	19-12-21	Ditto.
18	Khuda Bakhsh, son of Maula Bakhsh Butcher of Hissar.	Ditto	...	19-12-21	Ditto.
19	Islam Din, son of Rahim Ali, Sheikh, of Hissar.	Ditto	...	19-12-21	Prosecution withdrawn on 24th January 1922.
20	Nanu, son of Phara, Mahajan, of Hissar.	Ditto	...	19-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's rigorous imprisonment.
21	Jagdish, son of Mathra Das, Mahajan, of Hissar.	Ditto	...	19-12-21	Prosecution withdrawn on 24th January 1922.
22	Ghulam Nabi, son of Ghulam Muhammad, Sheikh, of Hissar.	Ditto	...	19-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
23	Kheta, son of Binjha, Mall, of Hissar.	Ditto	...	29-12-21	Prosecution withdrawn on 9th January 1922.
24	Mumtaz Hussain, son of Imtiaz Hussain, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.
25	Nazirao, son of Khuda Bakhsh, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.
26	Amru, son of Faizu, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.
27	Hafiz-ad-din, son of Ali Muhammad, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	Result.
28	Ghanis, son of Iadr Din, Sheikh, of Hissar.	17 (1) 14 C. L. A. of 1908.	...	29-12-21	Prosecution withdrawn on 9th January 1922.
29	Abdul Shakur, son of Ramsan, Bhishti, of Hissar.	Ditto	...	29-12-21	Ditto.
30	Sharfu, son of Nizam-ud-din, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.
31	Karm Din, son of Rahm Ali, Sheikh, of Hissar.	Ditto	...	29-12-21	Ditto.
32	Kishan Lal, son of Ganga Ram, Mahajan, of Hissar.	Ditto	Convicted ...	29-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
33	Nadir, son of Nathu, Mahajan, of Hissar.	Ditto	Ditto	29-12-21	Ditto.
34	Sandal, son of Mus-salam, Biloch, of Hissar.	Ditto	...	29-12-21	Prosecution withdrawn on 31st December 1921. Re-arrested on 2nd January 1922, but the prosecution again withdrawn).
35	Ganga Ram, son of Man Chand, Jhinwar of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on 31st December 1921. (Re-arrested on 2nd January 1922, but the prosecution again withdrawn).
36	Basheeshir, son of Bhagat Ram, Mahajan, of Hissar.	Ditto	Convicted ...	30-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
37	Rama alias Ramu, alias Rara, son of Mangal, Ghumar, of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on 16th January 1922.
38	Wazir Beg, son of Inayat Beg, Moghal, of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on 17th January 1922.
39	Muhammad Umar, son of Hukam Din, Rajput, of Hissar.	Ditto	Convicted ...	30-12-21	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
40	Ismail, son of Gann, Sheikh of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on 17th January 1922.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	REMARKS.
41	Ghulam Rasul, son of Faujdar Khan, Kaimkhani, of Hissar.	17 (1) 14 C. L. A., of 1908.	...	30-12-21	Prosecution withdrawn on 17th January 1922.
42	Muhammad Yusuf, son of Shahzade, Butcher, of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on apology.
43	Allah Din, son of Jhunni, Goldsmith, of Hissar.	Ditto	...	30-12-21	Prosecution withdrawn on 31st December 1921. Re-arrested, but prosecution again withdrawn on 2nd January 1922.
44	Ibrahim, son of Jaimun, Sheikh, of Hissar.	Ditto	...	31-12-21	Prosecution withdrawn on 31st December 1921. Re-arrested, but prosecution again withdrawn on 23rd January 1922.
45	Rafi, son of Maula Bakhs, Sheikh, of Hissar.	Ditto	...	31-12-21	Prosecution withdrawn on 31st December 1921. Re-arrested on 2nd January 1922, but prosecution again withdrawn on 7th January 1922 on apology.
46	Mustakim, son of Isa, Dogar, of Hissar.	Ditto	...	31-12-21	Prosecution withdrawn on 31st December 1921.
47	Shanker, son of Kalu, Sheikh, of Hissar.	Ditto	...	31-12-21	Ditto.
48	Man Chand, son of Mohla, Mali, of Hissar.	Ditto	Convicted	31-12-21	Prosecution withdrawn on 31st December 1921. Re-arrested on 1st January 1922, and sentenced to 3 months' rigorous imprisonment and Rs. 25 fine, or in default one month's rigorous imprisonment on 12th January 1922.
49	Khumana, son of Jit Ram, Ghumar, of Hissar.	Ditto	...	31-12-21	Prosecution withdrawn on 31st December 1921.

No.	Name, parentage, etc.	Section under which arrested.	Convicted or released.	Date of arrest.	Result.
50	Islam-ud-Din, son of Baku Din, Sheikh, of Hissar.	17 (1) 14 C. L. A., of 1908.	Convicted	1-1-22	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
51	Wilayat Beg, son of Inayat Beg, Moghal, of Hissar.	Ditto	Ditto	1-1-22	Ditto.
52	Pst Ram, son of Sri Krishen, Brahman, of Hissar.	Ditto	Ditto	2-1-22	Ditto.
53	Hakim Ali, son of Ghulam Nabi, Butcher, of Hissar.	Ditto	...	2-1-22	Prosecution withdrawn on 17th January 1922.
54	Hem Raj, son of Khannu Barber, of Hissar.	Ditto	...	2-1-22	Prosecution withdrawn on 2nd January 1922.
55	Nann Kanan Das, son of Shao Pershad, Bania, of Bhiwani.	Ditto	...	4-1-22	Three months' rigorous imprisonment and Rs. 25 fine, or in default one month's further rigorous imprisonment.
56	Birdhi Chand, son of Harbilas Bai, Bania, of Hissar.	Ditto	...	4-1-22	Ditto.
57	Uma Das, son of Ram Datta, Brahman, of Hissar.	Ditto	...	4-1-22	Ditto.
58	Akhye Ram, son of Jeehanir Lall, Jat, of Bitha, Tahsil village, Hissar.	Ditto	...	9-1-22	Ditto.
59	Diwan Chaud, son of Khairati Ram, Brahman, of Bhiwani.	Ditto	...	9-1-22	Ditto.
60	Prem Nath, son of Bishamber Nath, Brahman, of Hissar.	Ditto	...	13-2-22	Result not known (Pending).
61	Khuda Bakht, son of Nabi But, Butcher, of Hissar.	Ditto	...	14-2-22	Pending.

DISPUTE OF MUSALMANS AND SIKHS OF RAJAJANG.

1436. **Malik Firoz Khan, Nun :** (a) Is it a fact that in the village of Rajajang, Tahsil Kasur, District Lahore, there are about 800 houses of *Musalmans*, about 300 houses of *Sikhs*, 160 houses of *Hindus* and 200 houses of *Christians*?

(b) Is it a fact that the *Sikhs* prevent the *Musalmans* from saying their call to prayers loudly?

(c) Is it a fact that recently there has been an attack on the mosque and the *Musalmans* for saying their call to prayers?

(d) What steps does the Government intend taking in the matter?

(e) Has any breach of law been committed in this case?

The Hon'ble Sir John Maynard : (a) The figures given in the question are not accurate. I give below the correct number of houses in the village of Rajajang, District Lahore:—

Religion.			No. of houses.	Occupied.	Unoccupied.
Muhammadians	...	...	865	780	85
Sikhs	...	...	600	532	138
Hindus	...	...	271	220	51
Christians	...	...	165	158	7
Others	...	...	5	4	1
Total	...	...	1,966	1,664	282

(b) Yes. It has been reported that the *Sikhs* have prevented the *Musalmans* from saying the *Azan* or call to prayers loudly. The *Sikhs* urge, and it is believed truthfully, that calling the *Azan* aloud is only a recent innovation in this village.

(c) So far as Government is aware there was no attack on the mosque, but a fight did take place between the *Muhammadians* and *Sikhs* over this affair.

(d) The parties have compromised the cases and it is hoped that there will be no further trouble.

(e) Yes. A breach of law was committed in that there was a fight in which some persons on both sides were injured, but the parties applied for and were granted permission to compromise the case.

As Chaudhri Khurak Singh was absent question No. 1437 was not put.

LALA RAM KISHEN, SUB-ASSISTANT SURGEON.

1438. Mr. Ganpat Rai: Arising out of the answer to question No. 998—

- (a) Will the Government be pleased to state in what particulars Lala Ram Kishan was found unsuitable and professionally or otherwise incapable?
- (b) Will Government be pleased to lay on the table a copy of the records, if any, regarding his unsuitability, etc.?
- (c) Will Government be pleased to state whether an enquiry on the charge of illegal gratification, etc., brought against him by Lala Muna Lal, Supervisor, Waryam, District Jhang, was completed or not? If completed, was he acquitted or declared guilty? If left incomplete, why so?
- (d) Is it a fact that Lala Ram Kishan, Sub-Assistant Surgeon, has since a long time been requesting the Government to supply him with copies of the records of the departmental enquiry of his case at Nurpur, District Shahpur? If so, will Government be pleased to state why the copies of the records were not given to him?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: While employed temporarily as a Sub-Assistant Surgeon at the Mayo Hospital, Lahore, in 1914, Lala Ram Kishan was reported to be quite useless for the work of House Surgeon, Military Wards "on account of general slackness and neglect of his duties." In the same year it was reported that he was "not very intelligent or efficient" and that "his professional knowledge and attainments were poor." At Nurpur (Shahpur District) in June 1915, he sent a written complaint by registered post to the Superintendent of Police against Lakhmi Das, Sub-Inspector of Police, stationed at Nurpur, of taking bribes and spoiling the case of rioting. The allegations contained in the complaint proved to be untrue on an enquiry by a Police Inspector. The explanation of Lala Ram Kishan was that the complaint which he sent to the Superintendent of Police against Lala Lakhmi Das, Sub-Inspector of Police, for bribe taking and spoiling a case of rioting was made owing to his ignorance and inexperience, thinking that such an information was useful to Government. Now that he has realised his legal responsibility he wishes that the matter may be hushed up as he is a new employee.

In August of the same year Lala Ram Kishan absented himself from the district without leave. Lala Ram Kishan's explanation for this in his own words was "that he had an urgent work so he went away on 3 days' leave informing the Civil Surgeon, hoping that it will be sanctioned, and that there will be some such rule. He will avoid this in future." The Civil Surgeon of Shahpur wrote about him as follows:—Though he is raw and inexperienced, he is of very ill balanced mind and fond of picking up rows. He seems to estimate himself much above his dignity and goes beyond his jurisdiction. The complaint he made against the Sub-Inspector was evidently intended to cause mischief and establish his authority among the people. The Deputy Commissioner says he is causing a lot of trouble at Nurpur. The Superintendent of Police urges that the Sub-Assistant Surgeon be prosecuted under section 182 of Indian

Penal Code, but the Deputy Commissioner thinks it better to remove the man from the district immediately than allowing the criminal prosecution to proceed. I entirely agree with the Deputy Commissioner. The Sub-Assistant Surgeon is totally unfit to hold an independent charge and would recommend his removal from the district immediately in the interests of administration, in addition to any other punishment he may have deserved."

After this Lala Ram Kishen was transferred to Waryam (Jhang District) where there was again trouble and the Civil Surgeon of Jhang wrote as follows:—"From what I saw and heard on the spot I came to the conclusion that there was considerable friction between the Sub-Assistant Surgeon and the Canal staff at Waryam and the people connected with the Canal staff at Waryam. It is therefore not advisable, in the interests of the Public Service, to permit the Sub-Assistant Surgeon to stay at Waryam any longer." In view of his previous record Lala Ram Kishen was now transferred to the Civil Hospital, Jhang, on general duty and given a month's notice.

(A) Verbatim extracts have been given above and no useful purpose can be served by laying them on the table.

(c) The enquiry into the charges brought against Lala Ram Kishen by Lala Munna Lal, officiating Canal Sub-Divisional Officer, Waryam, was not completed because the Civil Surgeon reported that in the course of the enquiry "the Sub-Assistant Surgeon apologised and the Sub-Divisional Officer accepted the apology and did not wish to press the case further and thus the case was compromised."

(d) The reply to the first part of the question is "Yes." No copies of the Nurpur proceedings were given as no findings were arrived at on the specific allegations.

DISBURSEMENTS OF THE AMOUNT PLACED AT THE DISPOSAL OF DEPUTY
INSPECTOR-GENERAL OF POLICE, CRIMINAL INVESTIGATION
DEPARTMENT.

1439. Mr. Ganpat Bai: (a) Will Government please state what annual total amount is placed at the disposal of Deputy Inspector-General of Police, Criminal Investigation Department, for which no detailed account is rendered to Accountant-General for purposes of audit, and what is the lump sum provided for the year 1922-23?

(b) Is any record of disbursements of that amount kept by the Government, and if so, has Government any objection to show it to the members of the Legislative Council subject to any conditions which Government may impose for keeping this information private?

(c) By what agency the amount is disbursed and are receipts taken from the persons to whom such disbursements are made?

(d) What are the objects of such disbursements and the special work for which money is paid without audit and proper receipts?

The Hon'ble Sir John Maynard: (a) The sum provided for in 1922-23 is Rs 45,000.

(b), (c), (d). A record is kept by Government of the disbursements, but it is undesirable to divulge any information because informants are likely to be the object of private attempts at vengeance. The questioner has been invited, together with another member of the Legislative Council, to come to the Police Office and to acquaint himself with the methods of working in the Criminal Investigation Department branch of that Office, in consultation with the Inspector-General of Police and the Deputy Inspector-General.

ROAD TO THE NEW SHALAMAR GARDEN.

1440. **Sodhi Lal Singh** : (a) Is it a fact that the new Shalamar Garden is frequented by many visitors, both Indians and Europeans ?

(b) Is it also a fact that the road from Nawankote village to the New Shalamar Garden is in a very bad condition and that inconvenience is caused thereby to visitors ?

(c) If the answers to the above are in the affirmative, will Government be pleased to take steps to improve the condition of the road ?

The Hon'ble Lala Harkishan Lal : I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

As Malik Karim Ullah Khan was absent question Nos. 1441—1456 were not put.

1457. *Cancelled.*

1458. *Cancelled.*

INTRODUCTION OF ELECTIVE SYSTEM IN SIMLA MUNICIPALITY.

1459. **Rai Sahib Lala Panna Lal** : Will the Government be pleased to state if a decision has now been arrived at on the subject referred to in my question No. 989,* dated 28th July 1921 ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The answer is the same as given to the hon'ble member's question No. 1297,† dated 2nd March 1922, and which runs as follows :—

A decision has not been reached. The matter is under consideration, and it is hoped that it will be decided during the course of the year.

1460. *Cancelled.*

ERECTION OF PLATFORMS BY JAGADHARI MUNICIPAL COMMITTEE.

1461. **Rai Sahib Lala Panna Lal** : (a) Will the Government be pleased to state whether it is a fact that the Jagadhari Municipal Committee erected platforms in bazar *Sabzi Mandi*, Jagadhari, against the wishes of the people ?

(b) Is it a fact that, in consequence of the above, the vegetable sellers at Jagadhari went on strike for two months continuously, and that the whole public was put to great inconveniences ?

(c) Is it a fact that these platforms were demolished in part on account of the orders of the Deputy Commissioner of Ambala, and that the Jagadhari Municipal Committee is proposing to erect another set of platforms ?

* P. 121, volume II, Punjab Debates.

† P. 191, volume III, Punjab Debates (the question was not put.)

(d) Will the Government be pleased to state the monthly income derived from the erection of such platforms as well as the expenditure incurred in making and demolishing them.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) The erection of the platforms was opposed by the shopkeepers who had misappropriated the land on which the platforms were built. It was a matter of little interest to other people.

(b) It is a fact that the vegetable-sellers refused to pay rent for the platforms, or to ply their trade within Municipal limits for two months. They set up their stalls outside one of the gates, and inconvenience was thereby caused to residents of the more distant parts of the town.

(c) On the advice of the Deputy Commissioner the design of three of the platforms was altered in order to increase the width of the passage between them and the neighbouring shops.

(d) The total expenditure on the platforms was Rs. 482-15-0. The income for the year ending the 31st March 1922 amounted to Rs. 155.

GRANT-IN-AID RULES.

1462. Rai Sahib Lala Panna Lal: (a) Has the Government received any representation from the controlling bodies of the Government aided schools that the existing Grant-in-aid Rules require to be liberalised?

(b) If so, does the Government intend to take any action in the matter; and will the Government associate representatives of aided schools in any measures taken for the purpose?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain:

(a) Yes.

(b) The matter is under consideration. The hon'ble member's suggestion will be borne in mind.

SPECIAL GRANT FOR STARTING SCHOOL LEAVING CERTIFICATE CLASSES IN AIDED SCHOOLS.

1463. Rai Sahib Lala Panna Lal: (a) Is it a fact that consideration of applications for special grant for purchase of machines and appliances, etc., for the starting of School Leaving Certificate classes in the aided schools is being postponed from year to year?

(b) Is it a fact that the Director of Public Instruction, Punjab, gave a definite assurance that such grant will be made at the time of recommending the starting of School Leaving Certificate classes in such schools?

(c) If so, will the Government be pleased to state the reasons for not giving the grant in time, and will it now take steps to do the same?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) Government has been obliged, by the lack of funds, to postpone the consideration of a number of applications for furniture grants, and these have included several relating to the purchase of equipment for teaching clerical and commercial subjects.

(b) No. Government, however, in its resolution on the proceedings of the Conference of Inspecting Officers held in April 1921 stated that it had no desire to discourage private effort in this direction and was willing, subject to conditions, to offer grants towards initial equipment for this purpose in cases where there was no Government centre for the teaching of clerical subjects. The availability of funds is a necessary condition of such grants.

(c) As already stated, the chief reason for the postponement of the grants has been the lack of funds. Government has also been influenced by the consideration that Government centres for the teaching of these subjects would be more economical as well as more effective than the distribution of grants to a large number of schools. Arrangements are now being made to open some of these centres. With regard to the payment of grants the policy of Government remains as laid down in the circular referred to.

VOCATIONAL TRAINING IN THE PROVINCE.

1464. Rai Sahib Lala Panna Lal: Will the Government be pleased to state—

- (a) What efforts it has made so far to provide for vocational training in the province?
- (b) Whether any applications have been received from individual schools for special grant to provide for such training in those schools, and if so, what action has been taken by Government upon them?
- (c) Whether Government proposes to encourage such training in individual schools by special grants?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) The necessary information is laid on the table. The statement shows the actual provision (or contemplated provision) of vocational training in all its branches in each Division.

(b) Yes.

(c) At a Conference recently held in Simla, it was decided that, in view of the expensiveness of the accommodation and equipment required for vocational training, and in view of the special qualifications required from the teachers, the better course would be to encourage industrial centres rather than to give grants in-aid to individual schools. By this means, Government hope to be able to make provision for vocational training for large numbers of pupils in the most efficient and economical manner. By this means also, provision will be made for those students who desire to combine vocational and general education.

Statement showing present and contemplated location of Vocational Training in the Punjab.

Agriculture	Manual Training Centres.	Industrial Training.	Commercial Training Centres.
<p>Agriculture is being taught in most of the High School and small farms are attached to the Rai Khalsa High School, and the Zamindar Islamia High School, Dera, in the Lyallpur District. No High School centres have been yet organised.</p> <p>Sectons</p> <p>Kurramwalla</p> <p>Chaya (1919 J. E.)</p> <p>Main Dewali</p> <p>Almadpur Syal</p> <p>Bot Shahr</p> <p>Lahen</p> <p>Gugars Sahi</p> <p>Jadrala</p> <p>Mahid</p> <p>Qadirpur Rao</p> <p>Lyallpur District</p>	<p>Multan at the Government High School.</p> <p>Lyallpur at the Normal School.</p> <p>Dera Ghazi Khan</p> <p>Chindhi</p>	<p>Muzean Drymora.</p> <p>Leial Bhikari High School</p> <p>(Every Training)</p> <p>Multan</p>	<p>D. A. V. High School, Multan.</p> <p>The class has recently been converted into a commercial centre for other Malian Schools.</p> <p>Thang.</p> <p>Lyallpur.</p>
<p>Thang District</p>			

Kot Sultan	Muzaffargarh				
Jail					
Fazilyur	Dera Ghazi Khan				
Chott					
Ambala	High School Centres	Shuja	AMBALA DIVISION.	Ambala	
• Rohak		Government High School, Karnal		Gur. Dharma School, Rohak	
Quadrangle		(a) Hissar		Anglo-Sanskrit High School, Pundri	
Pati Kalayna	Karnal District			Government High School, Karnal	
Khatir					
Narsingah	Ambala Dist. of	Patilpat, Karnal District		M. H. School, Kailash	
Manimang					
Kamshanda					
Kurthali	Rohak District	East, Rohak District		Hindu-Muhammadan School, Ambala	
Madina					
				D. B. High School, Ambala Cantonment	
				D. A. V. High School, Hissar	
				Lat. Hissar Memorial School, Rohak	

* Proposals under consideration.

(a) Likely to be granted in the near future.

Statement showing present and contemplated location of Vocational Training in the Punjab—continued.

Agriculture.	Manual Training Centres.	Industrial Training.	Commercial Training Centres.
Kissal, Hissar District. Nah } Punjabis } Gurgaon District. Patli, Lahore District. Ajala, Amritsar District.	Rohiak District. ... Central Model School Lahore. Dyal Singh High School, Lahore. Rang Mahal High School, Lahore. Khalsa College, Amritsar.	... ... Beja Sand Vermaenlar Middle, (Amritsar District). D. R. High, Akalgarh, (Gujranwala District). (Six other centres are under consideration).	Government Commercial Centres. Ambala. Simla. Central Model School, Lahore. D. A. V. High School, Lahore. Ishanda High School, Lahore, No. 1. Ishania High School, Lahore, No. 2. Khales " " " Saranton Dharan High School, Lahore. Mission High School, Lahore. Government High, D. A. V., Mission, M. A. O., Hindu Sabha Schools, Amritsar. G. T. B., Khales High School, Baba Bakala.
Kalasur } Kot Vahi } Sujanpur } Gurdaspur District. Harchowal }	Government High School, Gujranwala. (Three other centres are under consideration).		
Gathar } Nandera } Virkan } Gujranwala District.			

<p>T. T. High School, Gaden. Swish Mission High School, Shakot. Khatia High School, Gopitnawala. (Two centres are under consideration)</p>		
<p>Jullundur Hoshiarpur Jodhpur Ferozepur Government Commercial College Jalandhar Hoshiarpur Moga</p>	<p>Industries Division Ludhiana Arya High School and A. O. High School, Dharamkot. (Wakrifu) A. S. Middle School, Multanis Moga Mission School Kain Middle School Palampur Weaving School, for women idias Sir Louis Doss Weaving School, Ludhiana Khatia Mission (Weaving) Ferozepur Orphanage D. H. Industrial School, Ludhiana D. V. Industrial School, Ferozepur</p>	<p>Jullundur High School. Jullundur High Schools, and Pachhot chet High School. Mahipat, Hariana. Mukhtar. Zira. Dharamkot. Kot Abdul Khatia</p>
<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>
<p>Peroys Chetala Mahipat Kot Abdul Khatia Jullundur Nawanshar Reddown Swadhi Moga Mission Jalandhar Bulder Rafiq Ali Singh</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>
<p>A. V. Middle School, Palam- pur</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>
<p>Rafiq Ali Singh</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>	<p>Indians, Ferozepur, Jullundur and Hoshiarpur (High School Centre).</p>

* Proposals under consideration.

Statement showing present and contemplated location of Vocational Training in the Punjab—concluded.

Locations	Agriculture	Manual Training Centres	Industrial Training	Commercial Training Centres
Mianwali	High School Centres	Rawalpindi Gujrat	Surgodha District, Chiefly pro- posed to teach Carpentry, Tailoring and Weaving	Government High School, Rawalpindi (Separate centre Government- ed)
Sargodha	District Attock	Training classes at Govern- ment High School, Mian- wali	Faisalabad District, Mianwali	D. A. V. High School, Rawalpindi Khalas
Shahpur	Mianwali	D. R. Verma's Middle School, Dera Khil, District Mianwali	Primary Industrial School already in ex- istence. It is suggested that this should be raised to the middle class.	Sri A. N. D. High School, Gujrat (a) Faisalabad (b) Jhelum (c) Mianwali
Gujrat	District Shabpur	Gujrat		
Gujrat	District Attock	Gujrat		
Karnal	District Shabpur	Gujrat		
Chah No. 10-S. B.	District Shabpur	Gujrat		
Punjab	District Shabpur	Gujrat		
Ajala	District Shabpur	Gujrat		
Mianwali	District Shabpur	Gujrat		
Cuttana	District Shabpur	Gujrat		
Daulat Nagar	District Shabpur	Gujrat		
Mid Rangha	District Shabpur	Gujrat		
Mianwali	District Shabpur	Gujrat		
Phalia	District Shabpur	Gujrat		
Sanghal	District Shabpur	Gujrat		

*Proposals under consideration.

(a) Likely to be opened in the near future.

Industrial and Technical Schools in the Punjab.

Serial No.	Name of School.	Locality.
1	Mayo School of Arts	Lahore.
2	Railway Technical School	Do.
3	Zenana School	Do.
4	Dyeing School	Do.
5	Victoria Diamond Jubilee Hindu Technical Institute...	Do.
6	District Board Industrial School	Kasur.
7	Ditto ditto	Lyallpore.
8	Ditto ditto	Ludhiana.
9	Ditto ditto	Ferozepur.
10	Ditto ditto	Dera Ghazi Khan.
11	Ditto ditto	Echtak.
12	Municipal Board Industrial School	Amritsar.
13	Ditto ditto	Multan.
14	Ditto ditto	Delhi.
15	Central Weaving School	Amritsar.
16	Weaving School	Multan.
17	Ditto	Sialkot.
18	Ditto	Sham Charsai.
19	Ditto	Jalalpur Jattan.

CHARGES OF BRIBERY AGAINST L. KHAN CHAND, ZILLADAR.

1465. **Malik Firoz Khan, Noon :** Will Government be pleased to state if it is a fact—

- that several charges of bribery were alleged against Lala Khan Chand, Zilla-lar;
- that Mr. H. H. Jenkyns, Deputy, Commissioner, Shahpur, deputed Chaudhri Muhammad Ismail, Extra Assistant Commissioner, to make an enquiry and that the latter reported no less than sixteen bribery cases against the Zilladar;
- that Mr. Jenkyns directed Shaikh Abdul Ghani, Pleader, Sargodha, to prosecute Lala Khan Chand, and that the latter was actually prosecuted for three offences of bribery;
- that the case fell through on the technical grounds that the sanction of the Government had not been obtained before the prosecution;
- that the gentleman in question is still in Government service;
- if answers to the above are in the affirmative, what steps does the Government intend taking in this matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia :—

- (a) } The replies are in the affirmative.
- (b) }
- (c) }
- (d) The reply is in the affirmative. The case was quashed by the High Court.
- (e) The reply is in the affirmative. The Zilladar is under suspension.

(1) Government has the matter under consideration.

SALE OF PROPRIETARY RIGHTS IN SARGODHA COLONY.

1466. **Malik Firoz Khan, Noon :** Does the Government intend taking any steps towards the sale of proprietary rights in the horse-breeding grants in the Sargodha Colony? If so, what and when?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia : The colonization scheme of the Lower Jhelum Colony was worked out under the orders of the Government of India, who finally sanctioned colonization on horse-breeding conditions and it is they who have the final say in the matter.

The Local Government has put the case for sale before the Government of India with its recommendations. No answer has yet been received but it is understood that the Government of India absolutely decline to agree to the abolition of compulsory horse-breeding on the lower Jhelum Colony which is a condition precedent to the sale of proprietary rights in this Colony.

TRIALS OF PERSONS POSSESSING OR MANUFACTURING KIRPANS.

1467. **Rai Sahib Lala Thakar Das :** Will the Government be pleased to state—

(a) the limitations and restrictions subject to which the *kirpan* has been exempted from the application of the provisions of Arms Act;

(b) the number of persons who have been arrested, prosecuted and convicted under the Arms Act during the last 12 months, for keeping, selling or manufacturing *kirpans*?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia :
(a) The hon'ble member is referred to article 3 (vi) of Schedule II of the Arms Act. When a weapon is *prima facie* a sword it rests upon the accused to prove that it is a *kirpan*. Weapons possessed or carried in the manner disapproved of by the Sromani Prabandhak Committee in their circular of 10th March 1922 are treated as swords. The manufacture of *kirpans* has been treated as subject to the provisions of the law applicable to swords, but doubt has been raised as to the applicability of these provisions to *kirpans* manufactured by Sikhs and the Government is taking steps to obtain a judicial decision on the point.

(b) In the beginning of June when the information asked for by the hon'ble member was collected there had been 68 persons arrested, 66 brought to trial and 40 convicted during the previous twelve months for keeping, selling or manufacturing *kirpans* or weapons passing as such. Eighteen persons were still under trial.

COMPULSORY PRIMARY EDUCATION.

1468. **Rai Sahib Lala Thakar Das :** Will the Government be pleased to state—

(a) the names of the municipalities which have introduced compulsory primary education in their respective jurisdictions;

(b) the number of primary schools maintained by each of them and the number of students attending those schools;

(c) the special grants made by Government to such municipalities for primary education ; and

(d) the number of prosecutions and convictions, if any, in each of these municipalities for not sending boys of school-going age to the primary schools ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) Lahore and Multan.

(b) Lahore Municipality maintains 42 primary schools with 3,710 pupils and the Multan Municipality 21 schools with 2,364 pupils.

(c) Multan Municipality has been given a special Government grant of Rs. 6,934 and the case of a similar grant to the Lahore Municipality is under consideration.

(d) None.

ACCOMMODATION IN JAILS.

1469. Rai Sahib Lala Thakur Das : (a) Will the Government be pleased to lay on the table a statement showing—

(1) the Central, District and other jails in the Province ;

(2) the maximum number of prisoners which each of these jails is ordinarily meant to accommodate under the Jails Regulations ;

(3) the number of convicted and under-trial prisoners accommodated in each jail on the 15th April 1920, the 15th April 1921 and the 15th April 1922 ;

(b) Are the jails in the province overcrowded by a large influx of political prisoners during the preceding six months ;

(c) If the answer to part (b) of the question is in the affirmative, what steps, if any, has the Government taken or proposes to take to remove the present state of congestion ?

The Hon'ble Sir John Maynard : (a) (1) (2) and (3). The information given in Statement A of the Punjab Jails Report for 1921 and in the statement attached to this reply will probably be sufficient for the purposes of the hon'ble member.

(b) The jails in the province are overcrowded so far as the building accommodation is concerned, but there is ample space for all prisoners in tents within the walls.

(c) Government has opened an emergency jail at Montgomery to accommodate four or five hundred prisoners. A new sub-jail has been opened at Sheikhpura. The cases of prisoners who have served two-thirds of their sentences are being examined with a view to release those whose conduct in jail has been good and who can be released without serious danger to the community. Over 100 releases have been ordered up to date in consequence of these proceedings.

Serial No.	Jails.	CONVICTS.			UNDERTRIALS.			Number of prisoners who could be accommodated on the 31st December 1921.
		15th April 1920.	15th April 1921.	15th April 1922.	15th April 1920.	15th April 1921.	15th April 1922.	
1	Lahore Central ...	2,081	1,886	2,051	88	187	357	1,428
2	Montgomery Central ...	1,864	1,744	2,024	44	97	141	1,687
3	Multan Central ...	1,632	1,408	1,786	...	...	...	1,486
4	Lahore Borstal Institution ...	1,459	1,393	1,523	...	80	17	1,609
	Total ...	7,006	6,401	7,384	127	364	515	6,180
5	Rawalpindi District ...	576	595	763	31	82	85	807
6	Ambala District ...	77	111	389	41	32	44	1,014
7	Multan District ...	826	841	894	128	126	154	693
	Total ...	1,479	1,547	2,046	200	240	283	2,514
8	Sialkot District ...	350	322	403	39	23	201	478
9	Ferozepore District ...	353	291	246	110	128	277	498
10	Gujranwala District ...	212	239	353	78	81	106	357
11	Lahore Female ...	227	193	230	2	2	3	313
12	Lyalpur District ...	241	262	373	113	130	131	349
13	Jullundur District ...	233	197	275	23	22	133	349
14	Jhelum District ...	48	287	400	36	44	47	350
15	Dera Ghazi Khan District ...	95	104	148	108	99	126	197
16	Ludhiana District ...	248	323	316	75	91	146	320
	Total ...	2,002	2,167	2,744	534	620	1,170	3,091
17	Mianwali District ...	80	200	385	68	33	49	293
18	Gurdaspur District ...	185	203	155	35	67	165	287
19	Shahpur Tubewell ...	284	262	283	...	...	...	275
20	Hissar District ...	177	183	225	34	63	46	234
21	Campbellpur District ...	90	148	143	21	122	72	223
22	Rohtak District ...	19	127	155	44	38	72	251
23	Jhang District ...	50	186	282	24	78	44	351
24	Khewra Camp ...	280	191	206	...	...	...	...
	Total ...	1,175	1,560	1,799	226	497	448	1,914
	SUB-JAILS.							
1	Amritsar ...	38	60	49	98	186	314	...
2	Gujrat ...	27	35	20	83	34	90	...
3	Hoshiarpur ...	16	28	44	26	67	122	...
4	Sargodha ...	28	26	51	29	71	145	...
5	Karawal ...	47	86	81	76	60	59	...
6	Dharmasala ...	18	22	21	11	11	6	...
7	Muzaffargarh ...	18	27	27	19	36	27	...
8	Bajapur ...	37	83	54	36	28	29	...
9	Gurvaon ...	26	17	21	29	24	65	...
10	Sheikhpura ...	...	...	...	...	...	...	...
	Total ...	255	284	318	407	455	857	...
	GRAND TOTAL.							
		11,977	11,699	14,291	1,514	2,066	3,333	...
1	Delhi District ...	329	389	561	36	80	189	...

PROSECUTIONS FOR POLITICAL OFFENCES.

1470. Rai Sahib Lala Thakar Das : Will the Government be pleased to lay on the table a statement, arranged according to the several districts and tahsils of the province, giving—

- (a) the names of the persons (1) arrested, (2) prosecuted, and (3) convicted for political offences [*viz.*, offences under the Prevention of Seditious Meetings Act, the Criminal Law Amendment Act, Chapter VI (offences against the State) of the Indian Penal Code, Chapter VIII (offences against the public tranquillity) of the Indian Penal Code and Chapter VIII (security provisions) of the Criminal Procedure Code] during the 12 months from the 16th April 1921 to the 15th April 1922 ;
- (b) the respective dates on which such persons were arrested, prosecuted and convicted ;
- (c) the sentences passed as well as the offence in each case of conviction ; and
- (d) the fact whether the person convicted is being treated in jail as an ordinary prisoner, and if so, the reasons for his not being treated as a special class prisoner under the rules recently framed under section 60 of the Prisons Act, 1894.

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

CO-OPERATIVE BANKS IN KHUSHAB TAHSIL.

1471. Malik Firoz Khan. Noon : Is it a fact that the people of the Thal, *i.e.*, Khushab Tahsil, owe large amounts of money to village shopkeepers ?

If so, will the Government kindly take immediate steps to open co-operative banks in Mitha Tiwana and Nurpur in the Khushab Tahsil ?

The Hon'ble Lala Harkishan Lal : Government is informed that the indebtedness of the people of the Thal in the Khushab Tahsil to village shopkeepers does not present any abnormal features.

2. The hon'ble member is advised to refer the matter to the Assistant Registrar in charge of the Khushab Tahsil who must be convinced that the people of the two villages are keen to start co-operative societies.

GRANT TO MIANWALI DISTRICT BOARD.

1472. Khan Muhammad Saifullah Khan : (a) Is it a fact that the District Board of Mianwali is financially the poorest (except one) in the province ?

(b) If so, will the Government please make some substantial grant to the above board during the current year ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The income of the Mianwali District Board in the year 1920-21 was considerably less than that of any other District Board in the Province, except that of Simla.

(b) In view of the financial difficulties of District Boards and to allow of individual cases receiving careful consideration Government decided that the consolidated grants to District Boards in the current year 1922-23 should be increased by 25 per cent. per division, and it will be open to the Commissioner of Rawalpindi to allot such a proportion of this increase to Mianwali as may accord with the needs of that district, without being unfair to the other districts of his division.

SUPPLY OF COUNCIL DEBATES TO LIBRARIES.

1473. Khan Muhammad Saifullah Khan : (a) Do the Government supply any library in the Punjab with the official report of Debates in the Punjab Legislative Council?

(b) If not, will the Government please do so in future and supply copies free of charge to selected libraries?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) Yes. List of such libraries which are being supplied with copies of Debates is laid on the table.

(b) This question does not arise.

List showing the names of Libraries and Reading Rooms in the Punjab to be supplied with copies of the Debates of the Punjab Legislative Council.

Serial No.	Name of Libraries and Reading Rooms.	REMARKS.
AMBALA DIVISION.		
1	The Municipal Library, Jagadhari (Ambala District).	
2	" Municipal Library, Rupar (" ").	
3	" Municipal Library, Sadhawra (" ").	
4	Imamia Reading Room, Ambala.	
5	Hindu Muhammadan Reading Room, Ambala.	
6	" Sri Atma Nand Jain Public Reading Room, Ambala.	
7	" Station Library, Simla.	
8	" Union Library, Simla.	
9	" United Service Institute, Simla.	
10	" Municipal Public Library, Rohtak.	
11	" Elliott Library, Gurgaon.	
12	" Tek Chand Club, Rewari (Gurgaon).	
13	" Public Library, Palwal (Gurgaon).	
14	" Victoria Municipal Library, Panipat (Karnal).	
15	" Victoria Jubilee Library, (Karnal).	

List showing the names of Libraries and Reading Rooms in the Punjab to be supplied with copies of the Debates of the Punjab Legislative Council—continued.

Serial No.	Names of Libraries and Reading Rooms.	REMARKS.
JULLUNDUR DIVISION.		
16	The Salig Ram Library, Jullundur City.	
17	" Town Library, Nakodar (Jullundur District).	
18	" Town Library Phillaur (" ").	
19	" Public Library, Hoshiarpur.	
20	" Municipal Library, Ludhiana.	
21	" Municipal Library, Jagraon (Ludhiana District).	
22	" Municipal Library, Ferozepore.	
23	" Municipal Library, Moga (Ferozepore District).	
24	" Municipal Library, Muktsar, (" ").	
25	" Municipal Library, Fazilka (" ").	
LAHORE DIVISION.		
26	The Dayal Singh Library, Lahore.	
27	" Reading Room at City Water Works, Lahore.	
28	" Reading Room, Delhi Gate, Lahore.	
29	" Reading Room outside Lohari Gate, between Lohari and Mori Gate Gardens, Lahore.	
29 (a)	Punjab Public Library, Lahore.	
29 (b)	Punjab University Library, Lahore.	
30	The Reading Room, Mozang, Lahore.	
31	" Municipal Library, Chunian (Lahore District).	
32	" Barkat Ali Muhammadan Hall Library, Lahore.	
33	" Gymkhana Library, Lahore.	
34	" Public Library, Town Hall, Amritsar.	
35	" Ram Bagh Library, Amritsar.	
36	" Municipal Reading Room, Lohgarh Gate, Amritsar.	
37	" Municipal Reading Room, Namak Mandi, Amritsar.	
38	" Municipal Reading Room, Tarn Taran, Amritsar.	
39	" Elliott Library, Gurdaspur.	
40	" Montgomery Library, Sialkot.	
41	" Public Library, Gujranwala.	
42	" Municipal Library at Wazirabad (Gujranwala District).	
RAWALPINDI DIVISION.		
43	The Municipal Public Library, Rawalpindi City.	
44	" Edward Public Library, Rawalpindi City.	
45	" Mission Library, Rawalpindi City.	
46	" Jain Library, Bhabra Bazar, Rawalpindi City.	
47	" Commodor Dhanjiboy Library, Massy Gate, Rawalpindi.	

List showing the names of Libraries and Reading Rooms in the Punjab to be supplied with copies of the Debates of the Punjab Legislative Council—concluded.

Serial No.	Names of Libraries and Reading Rooms.	REMARKS.
RAWALPINDI DIVISION—concl'd.		
48	The Public Library, Lukhno, Tahsil Gujar Khan, Rawalpindi District.	
49	„ Municipal Library, Gujrat.	
50	„ Sardar Gujar Singh Library, Sargodha.	
51	„ Sri Guru Nanak Library, Shahpur City.	
52	„ Sri Guru Nanak Library, Firuka (Shahpur District).	
53	„ Sri Guru Nanak Library, Nausahra (Shahpur District).	
54	„ Sri Guru Nanak Library, Khushab (Shahpur District).	
55	„ Arya Samaj Library, Sargodha.	
56	„ Mission Library, Sargodha.	
57	„ Rudkin Library, Sargodha.	
58	„ Sanatan Dharam Sabha Library, Sargodha.	
59	„ Public Notified Area Public Library, Campbellpur.	
60	„ Municipal Library, Mianwali.	
61	„ Municipal Library, Bhakkar (Mianwali District).	
MULTAN DIVISION.		
62	The Lokman Tilak Library, Montgomery.	
63	„ Tilak Reading Room at Kamalia (Montgomery District).	
64	„ Municipal Library at Kamalia (Montgomery District).	
65	„ Coronation Library, Lyallpur.	
66	„ Municipal Public Library, Jhang.	
67	„ Multan City Reading Room and Library, Multan City.	
68	„ Municipal Public Library, Muzaffargarh.	
69	„ Municipal Library, Dera Ghazi Khan.	

LEPER ASYLUMS.

1474. Khan Muhammad Saifullah Khan : (a) Will the Government please give the names, if any, of those bodies that have asylums for lepers in the province ?

(b) Do these bodies, if any, get any financial help from the Government, if so, how much ?

(c) Are the Government prepared to make arrangements for such asylums within the areas of all first class municipalities in the Punjab.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The Mission to Lepers is the only body at present which has asylums for lepers in the province.

(b) Government pays the maintenance expenses of lepers in these asylums and in addition meets one-third the cost of all constructional additions and improvements, the balance being met by the Mission. Budget provision to the extent of Rs. 60,600 was made last year on account of maintenance expenses of lepers and Rs. 77,160 have been provided in the budget for 1922-23.

(c) Government will freely give the necessary sanction under section 52 2) (1) of the Punjab Municipalities Act to all municipalities that may desire to set up such asylums and will also give them such help as finances may allow.

SUPERINTENDENTS OF COMMISSIONERS' OFFICES.

1475. Khan Muhammad Saifullah Khan: (a) What is the total number of Indians working as Superintendents in Commissioners' offices in the Punjab?

(b) Is it a fact that in almost all the divisions such posts are occupied by Anglo-Indians?

(c) Will the Government please remove this distinction and promote senior Indians to the above posts whenever there is a vacancy?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: (a) Nil.

(b) If Europeans are included in the term Anglo-Indians the answer is in the affirmative.

(c) The post of a Superintendent of a Commissioner's office is not reserved for Anglo-Indians or Europeans. The claims of Indians will be considered as vacancies occur.

CRIMINAL INVESTIGATION DEPARTMENT.

1476. Khan Muhammad Saifullah Khan: (a) Will the Government be pleased to state the educational qualifications of officers above the rank of Head Constables now working in the Criminal Investigation Department of this province?

(b) Has anyone of them received special training in the art of detection of crime, and, if so where?

The Hon'ble Sir John Maynard: It is understood that this question is intended to apply to Inspectors and Sub-Inspectors in the C.I.D. branch of the Police, outside of the Finger Print Bureau. There are fifteen such officers having experience which varies from 7 to 30 years. Only one of them is a graduate, nine have passed the Matriculation Standard. The education of all of them is the education of practical experience rather than of the schools and colleges. They are selected from the District Police Force on account of their natural aptitude and capacity.

At the Phillaur School efforts are made to train the powers of observation, but the only means of training Police officers in the art of detection is practical experience in the actual working out of cases. This is the training which these officers have received.

DETECTION OF CRIME BY PRIVATE MEN.

1477. **Khan Muhammad Saifullah Khan :** Are the Government prepared to encourage the detection of crime by private men of position and integrity ?

The Hon'ble Sir John Maynard : Government has always welcomed the co-operation of the public with the Police in dealing with crime, and the readiness of the public to give information and evidence is an essential condition of success in this matter. Such work always has been, and always will be encouraged, and there are many recent instances of gratifying results attained by co-operation, in such matters as the capture of dacoits. Private persons of position and integrity are particularly well able to assist by co-operation with the Police.

DETECTIVE WORK DONE BY OFFICERS OF THE PUNJAB C. I. D.

1478. **Khan Muhammad Saifullah Khan :** Will the Government please give detailed information with regard to detective work done by some of the superior officers of the Punjab C. I. D. in connection with the detection of criminals who committed murders and dacoities and of smugglers and regular swindlers, etc. ?

Mr. J. Wilson-Johnston : Two members of the Legislative Council have recently been invited to see the work done in the C. I. D. and one of them has accepted the invitation. The Inspector-General of Police will be very happy to show the work to the questioner also if he would like to see it.

Particulars of some of the cases detected by the officers of the C. I. D. were given by Sir John Maynard in answer to amendments to the demand for the Police Services in the last Budget Session of the Council.

PUBLIC PROSECUTORS.

1479. **Khan Muhammad Saifullah Khan :** (a) Is a Public Prosecutor a Government Servant ?

(b) Is his post a pensionable one ?

(c) If the replies to (a) and (b) are in the negative, will Government lay on the table rules under which the Public Prosecutors are entertained for an unlimited number of years ?

(d) Will Government consider the advisability of making these appointments annual or biennial ?

(e) What qualifications entitle a lawyer to become a Public Prosecutor ?

The Hon'ble Sir John Maynard : (a) and (b) No.

(c) A copy of the Law Department Manual is laid upon the table.

(d) It is not desirable to make these appointments for one or two years only because a capable lawyer would not be willing to give up his private practice unless he had reason to believe that the post of Public Prosecutor would remain to him for a longer period so long as his work was satisfactory.

(e) A lawyer is proposed for the post of Public Prosecutor by the Deputy Commissioner or Commissioner, after consultation with the District and Sessions Judge. His qualifications are scrutinised by the Legal Remembrancer and orders are passed by Government after consideration of the latter's report. The qualifications may be briefly described as being professional capacity, as manifested in private practice and integrity.

PENSIONS AND PROMOTIONS OF CIVIL ASSISTANT SURGEONS.

1480. Khan Muhammad Saifullah Khan: Is it a fact that temporary service rendered by Sub-Assistant Surgeons (Civil) in continuation of permanent service is counted for purposes of promotion and pension?

(b) Is it also a fact that the temporary service of Civil Assistant Surgeons who served in the Military Department during the great war is not counted for purposes of pension and promotion?

(c) Will Government be pleased so to arrange that the temporary service in the Military Department of Civil Assistant Surgeons be counted for purposes of pension and promotion?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) This part of the hon'ble member's question is not clear. If he means to ask whether the service rendered by a person, without a substantive appointment in Government service but officiating in a temporarily created post of Sub-Assistant Surgeon is counted for promotion and pension, when such person is subsequently confirmed in a permanent and separate post of Sub-Assistant Surgeon, the reply is in the negative. As a matter of fact there are no temporarily created posts of Sub Assistant Surgeons.

(b) and (c). The matter is under consideration.

PERMANENT REVISION OF THE SALARIES OF ASSISTANT SURGEONS.

1481. Khan Muhammad Saifullah Khan: Is it a fact that the scale of pay of the Civil Assistant Surgeons has been provisionally revised pending the decisions on the report of the Medical Services Committee? If so, will Government be pleased to take early steps to revise permanently the scale of pay of this service?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The present scale of pay was fixed under orders passed by the Secretary of State as a temporary measure pending a decision on the report of the Medical Services Committee. The Government of India are being asked when that decision may be expected to reach this Government and on receipt of their reply it will be decided whether this Government should now take steps to introduce a permanent scale, which may or may not be the same as that now in force.

NAMMAL DAM.

1482. Khan Muhammad Saifullah Khan: Will Government be pleased to state if it is a fact—

(a) that at times the water of the Nammal Dam, situated in the Mianwali District, exceeds the estimated flood-level, overflows and causes damage to the neighbouring lands;

(b) that it has damaged an old mosque attached to a *khangah* (shrine) and that the *khangah* itself is in danger of being washed away at any time;

- (c) that in spite of arrangements being made against the highest expected flood-level, the mosque, the *khanqah* and attached lands recently remained for a long time under water ;
- (d) will the Government be pleased to make arrangements for the utilization of this water for irrigation purposes ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) The Nammal lake was designed to retain water up to the reduced level of 1,175' and Government acquired the area under the lake as far as reduced level 1,160'. The attached graphical table will show that since the construction of the Dam in 1914-15 the water in the lake has only four times risen above the reduced level 1,160'. The table shows the times of the year when this has occurred. So far from having damaged the adjoining lands, it would appear that owing to the deposit of silt in the flood season the adjoining lands have benefited and in any case they derive advantage from the soaking which they get after flood. The flood generally occurs in the rains and the land is clear of water by the time the Rabi sowings begin. The only damage that would occur is to crops happening to be standing on the land. In December 1921 owing to the unusual winter rains the water in the lake rose to R.L. 1,161', but was immediately reduced to R.L. 1,160', proposals for compensating the owners whose crops were damaged by this sudden rise are under consideration.

(b) The old shrine known as Khanqah Hafiz Ji Sahib with the Pukka Mosque is situated on the bank of the lake at a level between 1,160' and 1,163' R. L. The mosque has collapsed and the shrine remained under water whenever it rose above reduced level 1,160'.

(c) The water in the lake rose above the R. L. of 1,160' in July last and remained so till the beginning of November last. In December again it rose to R. L. 1,161', but was reduced to R. L. 1,160' at once, i.e., in a couple of days. Some mistakes were however committed in the acquisition of land for the lake, which have only recently come to notice, i.e., some of the fields belonging to private individuals lie below the R. L. of 1,160' while some of the Government land lies above the R. L. of 1,160'.

(d) The water in the lake is always used for irrigation purposes at the earliest possible opportunity. As however the aim of the lake is to supply irrigation for the Rabi by conserving surplus rain water, water is held up till required. In the event of good rains it is naturally not required till comparatively late in the season. But as may be seen from the table the water is only rarely above the level of 1,160'.

TAHSILDARS AND NAIB-TAHSILDARS, ISA KHEL.

1433. Khan Muhammad Saifullah Khan : How many changes have taken place among the Tahsildars and Naib-Tahsildars in the Isa Khel Tahsil of the Mianwali District during the past three years ?

(b) Will Government be pleased to take steps to insure longer stay of these officers in the Tahsil ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) A statement giving the required information is laid upon the table.

(5) Steps are being taken to ensure a longer stay by Tahsildars and Naib-Tahsildars in the Isa Kbel Tahsil.

Tahsildars and Naib-Tahsildars at Isa Kbel.

Name.	From	To	REMARKS.
<i>Tahsildars.</i>			
1. S. Nazir-ud-Din ...	17th February 1919	10th November 1919	Proceeded on leave.
2. M. Muhammad Afzal Khan, Offg.	10th November 1919	9th January 1920	Reverted.
3. S. Nazir-ud-Din ...	9th January 1920	17th January 1920	Transferred to Murree.
4. M. Muhammad Afzal Khan, Offg.	17th January 1920	15th April 1920	Transferred to Bhakkar.
5. Pir Haider Shah ...	15th April 1920	10th August 1920	Proceeded on leave.
6. M. Ata Muhammad Khan.	10th August 1920	23rd September 1920	Iditto.
7. Lala Diwan Chand Nayyar Offg.	23rd September 1920	8th March 1921	Reverted.
8. S. Nazir-ud-Din ...	8th March 1921	6th August 1921	Transferred to Bhakkar
9. M. Muhammad Said ...	6th August 1921	30th November 1921	Transferred to Sargodha Settlement.
10. M. Sultan Jahua Khan	6th December 1921	Still working.	
<i>Naib-Tahsildars.</i>			
I.—1. M. Aurangzeb Khan	10th March 1919	11th May 1920	Transferred to Jhelum.
2. Lala Lekh Raj, Offg.	11th May 1920	10th June 1920	Reverted.
3. Lala Behari Lal ...	10th June 1920	3rd November 1920	Transferred to Muzaffargarh Settlement.
4. M. Sher Muhammad, Offg.	3rd November 1920	30th May 1921	Reverted.
5. Lala Diwan Chand Pari.	30th May 1921	Still working.	
II.—1. Chaudhri Khushi Muhammad.	28th March 1919	12th March 1920	Proceeded on leave.
2. M. Fatah Chand, Offg.	12th March 1920	21st June 1920	Reverted.
3. M. Abdul Rahman	21st June 1920	6th December 1920	Transferred to Muzaffargarh Settlement.
4. M. Taj-ud-Din ...	2nd January 1921	6th August 1921	Appointed H. V. C.
5. M. Zulfiqar Ali Shah, Offg.	6th August 1921	23rd August 1921	Reverted.
6. Lala Lekh Raj, Offg.	23rd August 1921	1st November 1921	Do.
7. M. Taj-ud-din ...	1st November 1921	2nd December 1921	Transferred to Sargodha Settlement.
8. Chaudhri Aurangzeb Khan.	8th December 1921	Still working.	

GRANT OF HORSE-RUNS ON THE LOWER BARI DOAB CANAL.

1484. Bawa Hardit Singh, Bedi: Will the Government be pleased to state—

- (a) the terms on which the studs and farms were granted on the Lower Bari Doab Canal in the Montgomery District ;
- (b) the object of such farms and studs ;
- (c) the results which have accrued so far from the grant of such farms and studs ; and
- (d) the results expected in the future from the same ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) and (b) The question presumably refers to the horse-runs granted to certain Silladar Cavalry Regiments. Briefly the terms were that the regiments should pay the land revenue, malikana and occupiers' rates in force in the Colony from time to time. The land remained the property of Government and could not be alienated. The land was to be used for maturing young stock and any profits derived from agriculture were to be devoted to the maintenance of the horse-runs and towards reducing the cost of the production of horses.

(c) and (d) The Local Government have not full information as to the results which have accrued, but as the horse-runs with one exception have been discontinued, the matter is no longer of sufficient importance to justify further enquiry. The one exception is the horse-run of the XI Lancers of which the proprietary right was acquired by the regiment.

STATEMENT *re* GURDWARA LEGISLATION.

The Hon'ble Sir John Maynard (Finance Member) : On the 10th of November, 1921, I announced to this Council that the Sikh Gurdwaras and Shrines Bill lapsed under the rules of business, because the Sikh members of the Council did not recommend the acceptance of certain proposals which, it had been hoped, would have furnished a basis for agreement. I added that the Government had been making inquiries from those most closely concerned, and would be prepared to introduce a fresh Bill, if agreement could be secured among the Sikh members to a measure, to which the other interests represented in this Council would be likely to accord substantial acquiescence.

Since that time the Government has continued to give its earnest attention to this question, in the desire of finding a solution which would be likely to give reasonable satisfaction to all interests. A project of law, on lines differing fundamentally from the Bill which lapsed in November last, was prepared in consultation with the Sikh members of this Council. It never reached the stage of publication, and I need not, therefore, trouble the Council with the details of its provisions. We had every reason to believe that a Bill on the lines proposed would meet with the support of the Sikh members, but these members have recently expressed the desire to revert to the plan, embodied in the former Bill, of enquiry by a Commission into the circumstances of disputed Gurdwaras and shrines, and their management by the Commission during a limited period defined by the Bill.

The former Bill lapsed and cannot be revived, under the standing orders of this House. It will be necessary to introduce a fresh Bill, after obtaining fresh sanction from the Government of India under section 80-A of the Government of India Act. But Government has decided, subject to this sanction, to introduce during the November session a Bill on the lines of the Bill which lapsed, with such modifications as may be found necessary in order to make it an equitable enactment.

In the meanwhile Government continues, and will continue, to do all that it can do, without fresh legislation, to relieve the tension between the incumbents of Gurdwaras and shrines and those who seek to alter the existing state of affairs in them. In February last, Deputy Commissioners were instructed to examine the Revenue Records respecting all these institutions of provincial importance: to ascertain whether the landed property and assignment of land revenue attached to each are entered in the name of the Mahant or in that of the shrine; and, in the former class of cases to ask the Mahant whether he will agree to the entry being changed in favour of the shrine. It was explained that this was done with the object of seeing the Gurdwara question satisfactorily settled; and because—when this can be done without infringing existing rights—Government approves of the property in such cases being definitely assigned to the shrine and not to the incumbent. The result, which has recently been reported, is to show that in more than 40 such shrines the property and assignments already stand in the name of the shrines. And in response to the mediation of the Deputy Commissioners, the Mahants of fifteen other shrines, where the entries are in favour of the Mahants, have now agreed to mutation of the names in favour of the shrines.

It is hoped that it will be possible to carry this process of conciliatory settlement on the same lines still further.

THE PUNJAB COURT FEES BILL.

The Hon'ble Sir John Maynard (Finance Member): Sir, I beg to move.—

"That leave be granted to introduce the Punjab Court Fees Bill for amending the Court Fees Act, 1870, as amended subsequently by the Punjab Court Act 1918."

On July 17th and July 21st the new Bill was published in the *Punjab Government Gazette*, and copies have been in the hands of the Members of this Council for some days now. I may explain here that it has been ascertained from the Government of India that their previous sanction under section 80-A (8) of the Government of India Act is not necessary to this Bill. As to the origin of the Bill, I may explain that it was contemplated sometime back, and, in the days of the Council which preceded the present Council, certain non-official members themselves pressed the Government to introduce the measure for purposes of increasing the revenue of the Province. The question of the amendment of the Court Fees Bill was discussed by a Committee, which included both officials and non-officials, in the autumn of 1920. The members will thus see that there is nothing new about it. It has emanated from the public, and it has been a subject of more or less public discussion between officials and non-officials for nearly two years past. There is, therefore, nothing at all new about it, but the financial stringency which the last budget revealed has made the matter an urgent one, and the Bill is thus only to follow in the course which has already been taken

[Sir John Maynard]

by certain other Provinces, such as Bengal, Assam and Bombay. These are the circumstances in which the Bill for amending the Court Fees Act is now brought before this Council.

The object of the Bill is primarily a fiscal one, and its fiscal advantages may be stated in this form that when the Bill is in operation for a full year the results should add something like 25 lakhs to the revenues of the province. On the other hand, if it is delayed it means a loss of 2 lakhs of rupees for every month's delay approximately. As regards the justification of this measure, it is, of course, primarily that great financial stringency with which the members of this House are already too familiar, but it is desirable that I should make it quite plain to the House that the changes which the Bill proposes to make are changes in a measure which has virtually remained unaltered in all its important aspects since the year 1870 when it was first passed into law. When I say no changes in its important particulars, I mean to say that although there have been various amending Acts, the bases of statutory charges have remained unchanged for 52 years in spite of the great changes in the value of money and other matters which have taken place, and the scale of fees is in all important respects the same to-day as it was in the year 1870.

This Bill proposes a 50 per cent. rise in *ad valorem* charges on plaints and memoranda of appeal, and proposes to abolish the maximum charge of Rs. 3,000 which at present stands as part of the schedule on the subject of *ad valorem* charges.

It also proposes to raise the fee on general petitions from 1 anna to 2 annas, and on petitions of complaint in non-cognizable cases, on Mukhtar-namas, Vakalatnamas and bail bonds from 3 annas to 1 rupee. There are other changes about which I need not trouble the House at present, and for the purposes of the introduction of the Bill it is only necessary to explain what the general character of the measure is. The Bill does not propose any change in the basis of the valuation of the revenue-paying land, although it is as low as 10 times the land revenue. The actual value of the land was 171 times the land revenue in 1917-18 and 127 times in 1918-19. In 1920-21, the latest year for which complete figures are available, it is 245 times.

Mr. President : The question is —

“ That leave be granted to introduce the Punjab Court Fees Bill for amending the Court Fees Act, 1870, as amended subsequently by the Punjab Courts Act, 1918.”

Sayad Muhammad Husain : On a point of order. Am I to understand that this is for leave to introduce the Bill or that the Bill has been introduced already?

Mr. President : The Hon'ble the Finance Member has chosen to ask for leave to introduce the Bill. He would have been within his rights in introducing the Bill without asking for leave because it has already been published.

Sayad Muhammad Husain [Montgomery (Muhammadan), (Rural)]
(Urdu) : Sir, I am really very sorry that I have to oppose to-day the introduction of the Bill which has just been brought forward by my friend the

Hon'ble Finance Member. By means of this Bill it is sought to raise about two times, more or less, in various proportions the court-fees stamps above their previous value. It has been said, Sir, that it is just intended to cover a deficit of about 25 lakhs in our deficit budget. The Hon'ble the Finance Member has further said that the Pre-Reform Council, the predecessor of this Council, had under consideration the question of increasing the revenues by raising the court-fees stamps rather than by enhancing the land assessments. I may be permitted to remark that the undertakings and commitments of our predecessors are in no way binding upon us, much less in the circumstances when the former could by no stretch of imagination be styled representatives of the people, which the latter has the privilege to be.

According to my calculations the proposed enhancement in the court-fees will bring in a revenue of not less than 50 to 60 lakhs and not 25 lakhs as stated by the Hon'ble the Mover.

Mr. President: I think the hon'ble member is rather speaking on the next question, which is that the matter should be referred to a Select Committee. At this stage he is only entitled to make a few remarks on the Bill. If he has really got to say anything serious, such as whether it should be referred to a Select Committee or anything of that sort, he should do so later on.

Sayad Muhammad Hussain—(continued).

I have been called upon by the Hon'ble the President to be very brief in my remarks at the present stage of the Bill. I bow to the ruling.

A Bill of this kind was introduced in the Central Provinces and it was not allowed to pass into law by the Council concerned. This Bill will hit the poor litigants very hard. The proposed increase would adversely affect the indebted agriculturists in the shape of decrees with increased costs passed in favour of creditors. Take the case of a poor widow who will be required to pay twice, or may be four times, the court fees which she is required to pay at the present rates for getting back her property. There is not a country I know of on the face of this earth where justice is so much taxed, where its administration is so expensive. There are no court fees in most of the Western countries. In the Hindu Shashtra Law of Mann there is no such charge leviable, nor is there any court fee prescribed in the Islamic law. In Maharaja Ranjit Singh's times justice was administered free of cost. These are critical times: there is a demand for cheap and quick justice, and to meet this demand, I suppose, the Panchayat Act was passed into law. But to-day we are face to face with a proposal whereby justice will have to be obtained at an exorbitant price. I cannot account for this anomaly. The non-co-operation movement was at its last gasp, but Government appears to be giving it a new lease of life by this additional taxation on justice. The great Western minds have evolved theories of uniformity of taxation.

Mr. President: I shall not allow the member to speak at this stage for much longer.

Sayad Muhammad Hussain—(continued).

I am afraid, Sir, the Government expectation regarding the increase in revenue by this means may not materialise and instead Government may see their receipts decreasing under this head. The people may not come to the courts for their final settlements for fear of losing heavily both ways.

Mr. President : I must ask the hon'ble member to resume his seat.

The question is--

"That leave be granted to introduce the Punjab Court Fees Bill."

The motion was carried.

The Hon'ble Sir John Maynard : Sir, I now introduce the Punjab Court Fees Bill.

The Hon'ble Sir John Maynard : I now move that the Punjab Court Fees Bill be referred to a Select Committee consisting of Rai Bahadur Lala Sewak Ram, Pir Akbar Ali. . . .

Mr. President : Before you move the motion I may point out that under Standing Order No. 41 the President is responsible for nominating either the Deputy President or one of the panel of Chairmen to every Select Committee. I see that Mr. Manohar Lal's name is on the list. I should like the mover to omit his name. Otherwise if the Deputy President is named as a member of the Select Committee, the discretion of the President under the standing order would be unduly fettered.

The Hon'ble Sir John Maynard : Very well. Sir, I beg to move--

"That the Punjab Court Fees Bill be referred to a Select Committee consisting of :--

Mr. W. R. Macpherson,

Rai Bahadur Lala Sewak Ram,

Pir Akbar Ali,

Mr. Nawab Din, Murad,

Mr. N. H. Prenter and

the mover ;

and that the Select Committee be directed to send in its report by the 7th August 1922."

Mr. Ganpat Rai : [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadian)] Sir,--

"That the Punjab Court Fees Bill be circulated for the purpose of eliciting opinion thereon by 1st October 1922,"

My amendment is very simple and reasonable, and I hope it will appeal to the hon'ble members present and to the Hon'ble Finance Member. The hon'ble member said that the Bill has been published twice in the

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Punjab Gazette, but may I ask him, Sir, if he has seen to it that it has been translated into Urdu and when it was translated. This fact alone will convince him that he should not be in a hurry that the matter should be referred to a Select Committee and passed in haste. The people who are concerned and who will suffer most by paying more court fees have no information at all about the Bill. I had occasion to go out at the end of last week in the country and whenever I talked to people, and some of them were educated men, I found that they knew nothing about it. Therefore I should appeal to the sense of justice, for which Sir John Maynard is well known in this Province, that he should not hurry with the Bill and that he should give an opportunity to people who are actually affected to consider it. I find from the agenda that the report of the Select Committee will be presented on the 7th of October. Now, it has been said that this Bill has been before the Council for the last two years. Our memories are short,

and I may confess, and I think many of us will confess, that we had forgotten all about it till we saw the Bill published in the *Punjab Gazette*. This is a very vital question, and an important question whereby justice is to be sold now, according to the Bill, at 50 per cent. more than before. I do not think I need say much. Ultimately the burden of this falls on the judgment-debtor, the person against whom the decree is passed and therefore this matter requires further consideration. No doubt the Hon'ble Finance Member will find a way to recoup the deficiency. The only argument for this is that if the Bill is passed now it will bring 25 lakhs of rupees, otherwise it will mean a loss of 2 lakhs every month. I do not think this is the time for me to go into the detail of this deficiency that has been brought about, and whether this Council is responsible for it. When this Council assembled in 1921 it was shown to the Council that there was an opening balance of one crore and thirty-nine lakhs. Whether this was intentional or unintentional I am not in a position to say, but if this figure had been before this Council, I do not think this Council would have gone at such rapid pace in the matter of spending as it has on the understanding that there was a surplus of Rs. 1,39,00,000. When the budget for this year was presented it came to light that the figure was wrong, that there was no surplus at all, and it is since then that the Council has taken the present attitude and the Government has been pleased to appoint a Retrenchment Committee. Would not the Hon'ble Member wait and see whether the deficiency can be met from the current expenditure, whether the waste which has occurred in certain departments can be checked or not, and the deficiency cannot be met without levying this extra fee?

Then what is the outcome to the suitors? I have been going through some papers of the High Court and the Chief Court this morning and I find that of the total amount for which they file suits not more than 24 per cent. is actually recovered by them, but the amount of court fee spent by them is on the total amount for which they put in claims. Three-fourths of the amount actually recovered by the claimants is paid by them as court fee.

Now, the period which I have asked should be given for eliciting public opinion so that the people may know what the law is, is only till 1st October, that is to say, two months. It is only a matter of two months, and therefore it means only four lakhs, but, as I have heard the Council is meeting in November, then it will mean three months, and in that case the amount lost will come to six lakhs. For these seasons I appeal to the Hon'ble Member that the motion that the Bill should be circulated for public opinion should be accepted, and therefore I move this amendment.

Mr. Miles Irving (Financial Secretary): Sir, the Hon'ble Member suggested in his speech that the showing of a surplus balance of Rs. 1,39,00,000 by Government when there was no surplus balance at all was intentional. This statement appears to be a slur on Government.

Mr. Ganpat Rai: Sir, I did not mean to say that it was intentional. I did not mean to cast any slur.

Mr. President: If the Hon'ble Member did say words which were open to that interpretation, though I do not hear them myself, I think he should withdraw them.

Mr. Ganpat Rai: I withdraw, Sir. I did not mean any slur.

Diwan Bahadur Raja Narendera Nath (Punjab Landholders General): Sir, I have much pleasure in supporting the amendment which

[D. R. Raja Narendra Nath.]

has been moved by Mr. Ganpat Rai. There is no doubt that the raising of court fee has been under the consideration of Government for some time. I think it was in the winter of 1920 or in the winter of 1919-20 that a Committee was appointed to go into that question. I had the honour of being a member of it. We submitted certain proposals, but as far as I am aware those proposals were not published. At that time I was of opinion that such enhancements as had been proposed should not be introduced at the time, and although much water has flowed under the bridge since then the changes that have taken place make me still more cautious. I understand that there is a decrease in institutions of civil suits. When the cost of litigation increases decrease in institutions will become still more marked.

Therefore it is doubtful whether the raising of fees will bring in the fiscal advantages aimed at by Government. In any case the increase in income may be very small or insignificant. I do not think that the Bill has drawn the attention of the public. It was published in the Gazette 8 or 10 days ago, but I have seen no comment on it in any of the newspapers. I think it is necessary that time should be given for eliciting public opinion. The date fixed by the Hon'ble Member who has moved the amendment is a suitable one. Within that time the report of the Retrenchment Committee will be before the Council and we will be able to gauge how much retrenchment it is possible to effect, and what is the amount of deficit that is to be met, and to what extent it is necessary to resort to taxation. That is an additional advantage that can be gained by postponing this Bill, and I support for that reason the motion that has been made.

The Hon'ble Sir John Maynard : Sir, I do not wish to oppose the amendment.

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

"That the Punjab Court-Fees Bill be referred to a Select Committee, consisting of :—

Mr. W. B. Muirpherson,

Rai Bahadur Lala Sewak Ram,

Pir Akbar Ali,

Mr. Nawab Din, Murad,

Mr. N. H. Prenter, and

the Mover;

and that the Select Committee be directed to send in its report by the 7th August 1922.

To this an amendment has been moved by Mr. Ganpat Rai :—

"That the Punjab Court-Fees Bill be circulated for the purpose of eliciting opinion thereon by 1st October 1922."

The amendment was carried.

Mr. President : The question now is —

"That the Punjab Court-Fees Bill be circulated for the purpose of eliciting opinion thereon by the 1st October 1922."

The motion was carried.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE ON THE PUNJAB TOWN IMPROVEMENT BILL.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I beg to present this Report of the Select Committee on the Punjab Town Improvement Bill. In doing so, it is, I think, necessary just to briefly mention the changes which have been effected in the Bill by the Select Committee. I think it is also worth while mentioning that since the Select Committee was appointed by this Council a circular letter was issued to the Members of this Council inviting suggestions from them for the necessary amendments to be made in the Bill. These suggestions were considered by the Select Committee and some additional suggestions were also made in the course of the numerous sittings which they held. The important changes which have been effected are these:—

In clause 1 (3) where originally the enforcement of the Bill was left entirely to the Local Government, now, after amendment, the Local Government can enforce it unless it is resolved by the Municipal Committee concerned by a majority of two-thirds that it should not be so applied.

The second important change is in clause 4 (1). Originally the constitution of the Trust included the President of the Municipal Committee as *ex-officio* Trustee. Now that *ex-officio* President of the Municipality is changed into an elected Member.

The third change is in clause 10. It has been extensively redrafted and brought into line with section 16.

Clause 25 is an addition. It complies with the request of the Government of India based on the representation of the Hague Convention to take particular care as to the housing of the Industrial labour.

The next important addition is in clause 27. It provides for residential houses for those who may be affected under the scheme.

The next change—an important change I believe—consist in certain limitations being placed on the powers, in clause 50, of the Trust in the matter of draining, lighting, waterworks and so on and the powers of the Municipality with reference to these measures.

There is an important addition to clause 68, whereby Government is to be the arbitrator if there is a dispute between the Municipality and the Trust.

With these remarks, Sir, I beg to present the report of the Select Committee.

THE PUNJAB PURCHASE OF LAND BILL.

Mr. E. R. Abbott (Financial Commissioner): At a late hour of a meeting of the last session of this Council I had the honour to introduce a Bill, a copy of which is among the papers which members will find on their tables, to facilitate the purchase of land for industrial purposes, and at that time I asked the Council to refer it to a Select Committee. An amendment, however, was agreed to that the Bill should be circulated for opinion to private gentlemen, Municipal Committees, District Boards and Deputy Commissioners. The replies which have been received in some cases indicate

[Mr. E. R. Abbott.]

entire ignorance of the purposes of the Bill and the opinions based upon that ignorance are naturally against the Bill, but on the other hand there is a large body of people who are of the opinion that a Bill of this description is, in the present circumstances of the Province, becoming extremely necessary. I admit that the opinions received are not entirely favourable to the Bill. Some, but not all of the District Boards of the Province, are indeed opposed to the Bill, but some have given an opinion in favour of it. A large majority of Municipal Committees have given an opinion strongly in favour of the Bill. Others have given an opinion against it. Similarly, some Deputy Commissioners have given their opinions against the Bill and a majority in favour of it, some making suggestions for alterations to be made by the Select Committee.

As regards the Commissioners whose opinions were also obtained, I believe four are in favour of the Bill and one is opposed to it. Of the private persons who have been consulted (it would be unreasonable to expect that all private persons whose opinion would be of value could be consulted), a large number are in favour of the Bill and a certain number are against it.

The opposition is based on a grave misconception of the principle of the Bill which provides that, only in cases where land is required for industrial purposes and the owner and the intending purchaser can come to terms as to the price, the law shall facilitate the completion of the voluntary purchase and remove the pitfalls which the present law of this Province places before the purchaser.

This is the result of the reference for public opinion. It only remains for me to move—

“That the Punjab Purchase of Land Bill be referred to a Select Committee consisting of—

- (1) The Hon'ble Minister for Agriculture.
- (2) Mian Beli Ram.
- (3) Sardar Kartar Singh.
- (4) Mian Muhammad Shah Nawaz.
- (5) Sayad Muhammad Husain.
- (6) Mr. N. H. Prenter, Legal Remembrancer.
- (7) The Mover and a member to be nominated, Sir, Under rule 41 by yourself.

Malik Firoz Khan, Noon [Shahpur west (Muhammadan), Rural] Sir, I just want to say one thing before the Bill is referred to the Select Committee. I was the person who tried to oppose the Bill at its introduction and I shall try to oppose it at every opportunity that I can get. But at this time I do not want to say much against it, because it is to be referred to a Select Committee. But I wish to make one suggestion for the members of Government who may be in charge of this Bill and for the members of the Select Committee. It is a Bill which tries to take away the vested rights of the zamindars. If this Bill is to be acceptable to the zamindars of the Punjab at large or the zamindar members of this Council a provision should be made in it to the effect that if the industrial purposes for which the land is acquired are not carried out within six months from the time the land is acquired, then the vendees shall not be entitled to the benefits of this Bill. Unless and until some such provision is made in the Bill the misgivings that this Bill has created in the zamindars will never be removed and it will lead to a good deal of discussion in the Council.

I therefore take this opportunity of suggesting it to the members in charge of the Bill.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture): I on behalf of Government am quite prepared to accept the suggestion that there should be some provision in the Bill that the land reverts to the original owner if it is not used for industrial purposes; but that it should be within six months, nine or twelve months, I am not prepared to accept.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan), Rural] (Urdu): Sir, this Bill will prove most burdensome to the zamindars as it will supersede all the laws concerning landed property. Ancestral rights will be lost sight of. The Bill is a precursor of disgrace and will do away with the privacy of our homes. It does not seem desirable that the zamindar class should be ruined to benefit the general public. I endorse the views of Malik Feroz Khan.

Mr. President: I put the question in two parts. The first question is that—

"The Punjab Purchase of Land Bill be referred to a Select Committee."

The motion was carried.

Mr. President: As regards the latter portion of the motion, I wish to point out that under Standing Order 41 a member of Government has to be on the Select Committee. I suppose the Hon'ble Mover considers that he himself is a member of the Government. But I think the intention is that the Member who is in charge of the Department concerned must be on the Select Committee.

The Hon'ble Lala Harkishan Lal: If it is necessary, I have no objection to be a member of the Select Committee.

Mr. President: If you have no objection, an amendment may be made in the list of members of the Select Committee. I wish also as President of the Council to nominate the Deputy President, Mr. Manohar Lal, as a member of the Select Committee.

Mr. Ganpat Rai: I see none of the agricultural community on the Select Committee, except the Deputy President. An experienced man should therefore be added to the list. I think the rules permit it.

Mr. President: I have no objection to your making an amendment to the list of members to serve on the Committee. But if there is any body who objects to the addition being made that objection will have to be upheld.

The Hon'ble Lala Harkishan Lal: I have no objection.

Mr. Ganpat Rai: I suggest the name of Rai Sahib Lala Panna Lal.

Chaudhri Ali Akbar (Urdu): Objected to the nomination.

Mr. President: If the hon'ble member presses his objection, I must uphold it. I think it, however, an unreasonable objection. I could not hear exactly what the hon'ble member said, but I understand that his point is that there should not be more urban members on the Select Committee than rural.

The objection was not pressed.

Mr. President : The motion before the Council is—

“ That The Hon'ble Lala Harkishan Lal,
Mian Beli Ram,
Sardar Kartar Singh,
Mian Muhammad Shah Nawaz,
Sayad Muhammad Hussain,
Mr. E. R. Abbott,
Mr. N. H. Prenter,
Rai Sahib Lala Ianna Lal, and
Mr. Nanchar Lal,

constitute the Select Committee for the Punjab Purchase of Land Bill.”

The motion was carried.

THE PUNJAB VILLAGE PANCHAYAT ACT (MENDMENT) BILL.

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

“ That leave be granted to introduce the Punjab Village Panchayat Act (Amendment) Bill.”

Sir, the Punjab Village Panchayat Act was passed by this Council, I believe it was the first of its kind. At that time there was a great deal of discussion whether in those cases wherein the panches differed as to the hearing of the cases there should not be a re-hearing of the case by that or by another panchayat. At that time I promised that the amending Bill will include a provision dealing with this subject and that it will be placed before the Council at an early date. I am now seeking permission to introduce this Bill with the object of redeeming that promise. At the same time there was a provision about the limitation of suits that had to be dropped because of a technical defect in the drafting. At the time I said that the amending Bill will include this provision as well. These are the two points which are involved in this Panchayat Bill. Now, Sir, I beg to ask that leave be granted to introduce the Bill.

Mr. President : The motion before the Council is—

“ That leave be granted to introduce the Punjab Village Panchayat Act (Amendment) Bill.”

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : Sir, I now introduce the Punjab Village Panchayat Act (Amendment) Bill.

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

“ That the Punjab Village Panchayat Act (Amendment) Bill be referred to a Select Committee consisting of—

Sayad Muhammad Hussain,
Chaudhri Muhammad Amin,
Mian Beli Ram,
Sardar Dassandha Singh,
Mr. A. Latif,
Mr. N. H. Prenter and
the Mover.”

It will be noticed, Sir, that I have not included the name of Mr. Manohar Lal in my motion although his name is included in the motion as put on the list of business. I understand that he has to be nominated by the Hon'ble President. It is not necessary for me to say much in support of this motion. The two measures which are included in this Bill were discussed at great length when the original Panchayat Bill was discussed in this Council. The members are familiar with the points involved which can be threshed out, if necessary, in the Select Committee.

Maulvi Moharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu : Sir, I have already offered opposition to this Act, but I am not opposed to the Bill being referred to the Select Committee. To my mind, Government has realized the mistakes which the Bill contained. This is commendable. All that I desire is that the Bill should be corrected by the Select Committee once for all by removing every flaw which may be discovered therein. Let us hope that the Bill will now come out flawless from the hands of the Select Committee and we shall be spared the trouble of making estimates of repairs as happens in the case of Public Works Department buildings, sometimes, almost as soon as the building is put up.

Mr. President : The motion before the Council is—

"That the Punjab Village Panchayat Act (Amendment) Bill be referred to a Select Committee consisting of—

Sayed Muhammad Husain,
Chaudhri Muhammad Amin,
Mian Beli Ram,
Sardar Deaundha Singh,
Mr. A. L. Giff,
Mr. N. H. Prenter,
The Mayor,
and Mr. Manohar Lal (nominated by the President)."

The motion was carried.

THE PUNJAB DISTRICT BOARDS ACT (AMENDMENT) BILL.

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

"That leave be granted to introduce the Punjab District Boards Act (Amendment) Bill."

It will be remembered that the Government of India Resolution of 1916 made certain suggestions with a view to make local self-government real in rural areas. Since then the subject was under the consideration of the Punjab Government. Suggestions were invited from Commissioners and Deputy Commissioners and from local bodies on the subject. They were duly considered and discussed by various officers. When I took over charge last year of this Department I thought it was necessary to invite the Members of this Council to make suggestions for improving the District Board Act which was admittedly an old one. Several members gave me most helpful advice on the subject and their suggestions were considered and as far as possible incorporated in the draft. Improvement in the local self-government

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

of districts can be effected in three different ways, (1) by legislation, (2) by notifications and Government orders and (3) by modifying the practice in vogue.

This Bill deals with the first part, that is to say, with legislation. If I may say so, Sir, a great deal has been done during the last month or so in the way of Government notifications and orders on the subject of reconstruction of district boards and I trust that when the subject becomes widely known it will be realised generally that the administration has been made more democratic, and more real, and it now rests entirely with the local bodies in the districts to come up to the expectations of those interested in them. This legislation consists in omissions, additions and amendments. The omissions are given in clauses 3, 14 and 15 of the Bill omitting sections 4, 65 and 66 of the old Bill. Additions consist in clause 13 (2). Clause 13 (2) makes provision for rule-making power to prevent corrupt practices in or intimidation at elections. Clause 8 is a necessary addition in view of the Panchayat Act. As for amendments so far as functions go, clauses 4 and 12 deal give enlarged powers of taxation. So far as constitution goes the number of official members has been reduced. As a matter of fact it is reduced to such an extent that I believe it cannot be reduced any further. The number of official members will be half the number of nominated members or six whichever is less. There could be only one Vice-President in each district board. We have brought this provision of the District Board Act in conformity with the Municipal law. In clause 9 provision is made to delegate certain powers to Civil Surgeons. This has been done to enable district boards, if they so desire to delegate certain powers to Civil Surgeons which they under executive orders now actually exercise. In clause 10 we have made the appointment of Secretary to the District Board subject to the approval of the Local Government. Section 11 makes a small change so that the district board may give gratuity to persons in their employ receiving Rs. 20 and less. It will be seen, Sir, that this measure is a simple one, and does not contain any objectionable provisions. With these remarks I beg that permission be granted to introduce the Bill.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu): Sir, I welcome the Bill which will certainly prove useful to some extent.

Mr. Manohar Lal: Sir, I rise to a point of order. The hon'ble member cannot speak as he is supporting the motion.

Mr. President: If you are opposing the introduction, then you are in order, but if you are merely supporting it you are not in order.

Maulvi Muharram Ali Chishti: I do not wish to oppose the motion.

Mr. President: Then you are out of order.

Mr. President: The question before the Council is—

"That leave be granted to introduce the Punjab District Boards Act (Amendment) Bill."

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: Sir, I beg to introduce the Punjab District Boards Act (Amendment) Bill.

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain : Sir, permission has been given to introduce the Bill and it has in fact been already introduced. Now, I beg to move—

"That the Punjab District Boards Act (A amendment) Bill be referred to a select committee consisting of—

1. Khan Bahadur Chaudhri Fazl Ali,
2. Pir Akbar Ali,
3. Khan Bahadur Sayad Mahdi Shab,
4. Sayad Muhammad Hussain,
5. Diwan Bahadur Raja Narendra Nath,
6. Mr. Ganpat Rai,
7. Mian Behi Ram,
8. Sardar Dasandha Singh,
9. Mr. A. Latif,
10. Mr. N. H. Prenter, and
11. the mover."

The object of the Bill is to foster administrative capacity in the members of the district boards and to make them fit to shoulder responsibility. Previous to this members of district boards were believed to be there merely to agree to what the officials placed before them. There is now an opportunity for them to think over proposals and to prove their fitness. With this object in view it was thought desirable to exclude several officers from the constitution to enable members to express their opinions freely. On looking at the list of official members in various district boards I found that there were in the district boards such officers as Tahsildars, Revenue Extra Assistant Commissioners Sub-Divisional Officers, and others. In the presence of such officers the Zamindar members of the district boards are said not to have the courage to speak freely or with a full conception of their responsibilities. When the Zamindar becomes fit to discharge his duties all the members will do their work admirably. Under the existing system there is a District Inspector of Schools who tries to be helpful and is not believed to be overbearing. The other official is the Civil Surgeon who has no time to spare so as to meddle with members in the discharge of their duties as members. It is hoped that under the altered conditions an officer of the Co-operative Credit Society will also be able to participate in the district board work. Officers of the Educational, Medical, Co-operative and Agricultural Departments let us hope will join to try to improve the conditions of the district. Some critics have raised the objection why other officers like Tahsildars, Extra Assistant Commissioners, Deputy Commissioners are going to be excluded when they can do excellent work. My contention is that under the shade of even a good fruit-bearing tree in the garden, small plants cannot grow up. Who will listen to the Zamindar when high officers are present? In the new district boards elective element will preponderate. Seventy-five per cent. of the members will be elected. Out of the remaining 25 per cent. one-half of the members will be nominated and one-half will be officials whose number of course will not exceed six. District boards should be given power regarding the local rate so that they may be able to manage it independently. They will thus be able to spend money after framing an estimate of expenditure. I am inclined to think that the Select Committee will not make many changes in the Bill, it is so good, though it will give its best consideration to the Bill. Section 6 I believe meets the approval of the representative of the Lahore City Muhammadans constituency. We had heard that the Government of Madras had passed a proposal to the effect that there should be a district board oath on the analogy of the Council oath of allegiance.

[The Hon'ble Khan Bahadur Mian Fazl-i-Husain.]

The hon'ble member from Lahore suggested that every candidate should take the oath. It is immaterial whether the clause relating to oath stands, or is deleted or substituted by another clause, or whether the oath takes place first or subsequently. It is open to members to make suggestions on the point. I see that the Bill be certainly referred to the Select Committee I have already named.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural (Urdu)]
Sir, The Hon'ble Minister for Education has shown that he has grafted a few flowers in the garden of the district board but I should say that there are still many flowers and plants to be grafted. We cannot assess local rate at more than ten pies per rupee of land revenue. The Hon'ble Minister for Education says that the words 'up to Rs. 10' should be omitted, so as to permit of enhancement of the local rate. He has pointed out that no difficulty will arise seeing that the board itself will make proposal. This is not desirable, I think. There is no clause in the Bill to show what will be the number of the elected members. No mention is to be found of election. We had hoped that all the members of the district boards would be elected but we do not find that this is the case. The Hon'ble Minister for Education has said that according to section 19 there will be two Deputy Chairmen instead of one, but he has not told us whether they will be elected or will be officials. I would draw attention to section 18 which should provide that one of the members of the district board will be the non-official Chairman. In my opinion the bill is not Based on the elective system and contains many shortcomings.

Mr. Ganpat Raj : I wish to draw the attention of the Hon'ble the President to Standing Order 31. At this stage the policy should be discussed and not the clauses as the hon'ble member is doing.

Malik Firoz Khan, Noon (continued) : I am not discussing the clauses. I am only discussing the general policy. I am bringing to the notice of the Hon'ble Member in charge what shortcomings there are in the general principle of this Amending Act. I am pointing out that at this moment there is no mention of election being introduced into the district boards. I think I am justified in bringing to the notice of the Council and of the hon'ble member in charge that there should have been some appearance of an elective element in the District Boards Act.

Mr. President : I think the hon'ble member is going a little too much into the details. He must stick to the principle.

Malik Firoz Khan, Noon : I only tried to point out the shortcomings. I won't say anything further.

Maulvi Muharram Ali Chishti (Urdu) : Sir, I welcome the Bill. I insisted on the practice of taking an oath so that the Municipal Committee may not become political platforms as their business is only to afford comfort to the people. I am glad that the Hon'ble Minister for Education thought of this. I commend this. I hope that he will enforce a similar practice in the case of Municipal Committees. The practice will be very suitable in the case of the district boards whose members will be the persons who will have taken an oath and who will safeguard their interests. I am not prepared to admit the contention of the Hon'ble Minister for Education that the Bill has been framed on democratic principles. Formerly the Secretary could be elected but this is not the case now. There is not much

in this Act for the good of the Zamindars but as the members will be all Zamindars they will be able to look after their interests. I hope that the Bill will come out of the Select Committee in a better shape.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] : I move—

"That the name of Rai Sahib Lala Thakar Das be added to the list of members of the Select Committee."

Rai Bahadur Lala Sewak Ram : I second it.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : I very much regret that I cannot agree to that. The number of members is already 12 and the addition of Lala Thakar Das leads to the number being raised to a figure which has always been considered inauspicious. However, if the Raja Sahib is willing to put him as a substitute for any body else in the list, I am prepared to consider it.

Diwan Bahadur Raja Narendra Nath : Thirteen is inauspicious only for dinner and not for official business. Number 13 is an odd number and it would enable the President to use his casting vote. I am not prepared to forego the honour that has been assigned to me on the Select Committee, but I am sorry that my proposal does not meet with the approval of the Hon'ble Minister; I am however not prepared to withdraw it.

Malik Firoz Khan, Noon : On a point of order. Sir, if the Raja Sahib is entitled to suggest names for the Committee are the other members also entitled to suggest other names?

Mr. President : Certainly. It may be put in the form of an amendment. But if any member objects to it on the ground that notice has not been given that objection must prevail.

Diwan Bahadur Raja Narendra Nath : Should the motion proposing the name of a member for the Select Committee be in the form of an amendment? Is that the ruling?

Mr. President : Yes. I shall be quite prepared to reconsider this later on.

Mr. Ganpat Rai (Lahore and Ferozepore-cum-Sheikhupura), (Non-Muhammadian) (Urdu) : Sir, I have been a member of the district board for twenty or twenty-five years and I am glad that the Hon'ble Minister for Education is making some improvements in the Bill. The Hon'ble Minister, however, has lost sight of one class of people in framing this Bill. I mean those people, who although they own land, are not fortunate enough to be called Zamindars. According to the ancient law and the law of Manu a Zamindar is the person who owns lands and not one who ploughs it. There is a large number of such people in every district. They have lands but they are not called Zamindars. Should they quit their lands and come to the cities? Will not the Hon'ble Minister for Education show some solicitude for these people. It was decided at the Lucknow Congress that the interests of the landowner minority should be safeguarded. I do hope that the Hon'ble Minister will be considerate towards this minority. The other matter is the question of the oath. I cannot concur in the view that political matters should not be discussed in the district boards. My view is that politics ought to be discussed in the district boards. Formerly the number of official members used to be thirteen but this will now not exceed six. This is good. Every Zamindar cannot freely express his opinion before the

[Mr. Ganpat Rai]

officials. In my opinion officials should be totally excluded from the district boards. The Bill, which is defective in this respect, should be modified.

Mian Beli Ram [Hoshiarpur Non-Muhammadan), Rural] (Urdu): Sir, I have been a member of the district board for two years, and I would like to say something in the light of that experience. Some of the hon'ble members have perhaps misunderstood the Bill and have therefore raised certain objections. As regards the right of election the Hon'ble Minister of Education has already said in his speech that the Government has agreed to it. I do not understand why this question was brought into discussion again. The second objection was against the absence of any provision for the representation of minorities. Well, Sir, I do not personally like that there should be communal representation in the district boards, for up till now there is a sort of union among the members of the district boards and it would be a mistake to introduce any idea of communal representation which will result in creating disunion among them. The third point was about an elected President. I am also in favour of having a President chosen from among the elected members. But at the same time he should be a capable man. This problem is a very delicate one and it is unwise to make it a law that the President should be one elected from among the elected members. Last of all comes the question about having the lambardars and the sufedposhes as members of the district board. Since they cannot express their opinion in the presence of their officers it is useless to keep them any longer. We must replace them by really capable men. We can dispense with Tahsildars also from the district board. But we cannot dispense with the District Inspector of Schools nor the Civil Surgeon.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural]: I want to make one little suggestion as regards the elected members of the district board. The other day the Small Towns Act was passed and it was decided that at least three-fourths of the members should be elected members. I beg to suggest to the hon'ble mover that a clause to this effect be put in the Bill to ensure that at least three-fourths of the members of the district board shall be elected members. As Mian Beli Ram suggested, this is at present a kind of custom, but I should like it explicitly stated in the Bill.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I rise to congratulate the Hon'ble Minister for Education on the introduction of the District Boards Act (Amendment) Bill. He has really done very great service to the country by introducing the Bill which will take the people nearer the goal of their destiny. I mean Local Self-Government. The district boards were meant to be the foundation stone of all democratic institutions, but unfortunately up till now members of district boards did not take much interest in the matter. Most of them spend their time either sleeping while meetings of the district board were going on or by not paying that proper attention which they ought to have paid to its affairs. I think that the Bill, as it will emerge from the Select Committee and as amended by this Council, will do a good deal to make the district boards a real success and truly representative democratic institutions. I entirely agree with my friend Rai Bahadur Lala Sewak Ram that at least three-fourths of the members of the district board should be elected, otherwise there is no use giving so much power and responsibility to members who are not elected. I know that distinction has been made in the case of

districts that are not backward, but I think that this invidious distinction must be removed at once and all districts must have at least three-fourths of the members elected.

As regards the objection raised by my friend Mr. Ganpat Rai, he need not be anxious about it. If the suggestion is accepted, and I hope it will be accepted, in due course there will be some among the one-fourth who will be nominated by Deputy Commissioners and they will represent the interests of the minority of the district. There is no distinction between a Hindu, a Muhammadan, a Zamindar and a non-zamindar. Everybody has a right to vote and to be elected a member.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu): Sir, If the hon'ble member for Sargodha had studied that clause of the Bill which relates to taxation he would have found that the members of the District Board have been given very wide powers in that connection. He would not have raised this objection if he had been aware of the various instructions which the Government of India has sent in this respect. The second objection is about the elected members. There are certain rules that are now in force for the formation of District Boards. There are at present 17 District Boards wherein members are returned by election, and there is only one District Board—Lyallpur—wherein members returned by election are all lambardars, as all the electors are lambardars. According to this Bill any person paying a local rate of Re. 1-8-0 shall have a right of voting. The objection of the hon'ble member for Lahore, who was apprehending that only the zamindars and not the non-zamindars will secure this right, is therefore useless. But the question of keeping a uniform percentage of elected members in all the District Boards cannot be accepted. There are at present 17 District Boards where members are returned by election. To them I have given a right to return 75 per cent. of their members by election. But in those District Boards which had no system of election and to which this system of returning members by election is going to be extended for the first time, a right of having in future 66 per cent. elected members, I think, is not free from danger. But in spite of all this I take the risk. There is yet a third kind—for example Attock, Mianwali, etc.,—which District Boards do not like at all to return members by election. Since the people of these places abhor the very idea of election, I would like that this system of election be introduced—slowly although—and I have provided in the Bill that 33 per cent. of the members of these District Boards be returned by election. It is therefore clear that we cannot keep a uniform percentage everywhere. The third objection was about having a non-official chairman. In this connection I would like to say that a chairman must possess two qualifications. He must be a capable man and he must have time to discharge the duties which this office entails. He must be one free from the anxiety that he is to earn his own livelihood. If such a man is available from among the elected members he would certainly be given preference to a Deputy Commissioner or a Tahsildar. In the other event it would be gross injustice that a chairman must necessarily be chosen from amongst the elected members. There is yet another question which demands some explanation. This question is about minorities. I agree that there should be a uniform system. In the Punjab in two divisions Moslems predominate, in two Hindus predominate, therefore it is impossible to make general regulations against any one community which will not work to the disadvantage of the other in the other divisions of the Province.

Mr. Ganpat Rai (Urdu) : Sir, I have not used the word religion at all.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (continued) : Sir, I have used the word religion because it brings into prominence the meaning of Mr. Ganpat Rai. Anyhow the question is how should the District Boards be formed? I have received memorials from the Hindu Sabha of a district which has asked for the Hindus a separate right of electing members of the District Board. In another district the Mussalmans too have made a similar demand while the Hindus as well as Muhammadans of a third district have demanded that they may be given separate rights for electing their own members. I have already said that there are three agencies which deal with the questions of District Boards.

10 A.M.

There is legislation, then notifications from the Government and lastly, usage. The new District Boards which will be formed according to the provisions of this Bill will work so well and will be based on such democratic principles that we shall be simply surprised at the success they achieve.

Mr. President : The question is—

“That the Punjab District Boards Act (Amendment) Bill be referred to a Select Committee consisting of—

1. Khan Bahadur Chandhri Fazl Ali,
2. Pir Akbar Ali,
3. Khan Bahadur Sayad Mehdi Shah,
4. Sayad Muhammad Husain,
5. Diwan Bahadur Raja Narendra Nath,
6. Mr. Ganpat Rai,
7. Mian Beli Ram,
8. Sardar Dasanudha Singh,
9. Mr. A. Latifi,
10. Mr. N. H. Prenter,
11. Mr. Manohar Lal, (nominated by the President), and
12. The Mover.”

The motion was carried.

Mr. Miles Irving (Financial Secretary) : I request your permission for the adjournment of the consideration of motion No. 12 till to-morrow.

Mr. President : Motion No. 12 will be taken up to-morrow.

GOVERNMENT'S SUPPLEMENTARY DEMANDS FOR GRANTS.

LAND REVENUE GRANT.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : I move—

“That a supplementary sum not exceeding Rs. 2,000 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of land revenue.”

The motion was carried.

IRRIGATION GRANT.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : I move—

“That a supplementary sum not exceeding Rs. 36,868 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of irrigation.”

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, my amendment is—

“that in item No. 14 of the supplementary estimates the demand for Rs. 36,363 be reduced to Rs. 18,000.

Our present circumstances necessitate that we should curtail our expenditure as much as possible. I therefore propose that Rs. 18,000 be paid this year and the remaining sum of Rs. 18,000 next year.

Diwan Bahadur Raja Narendra Nath : [Punjab Landholders (General)] (Urdu) : Sir, I would draw the attention of the hon'ble mover of the amendment to the fact that this sum of Rs. 36,000 has already been paid. I hope the amendment would be withdrawn after the hon'ble mover has heard the explanation.

Maulvi Muharram Ali Chishti (Urdu) : Sir, may I ask when was it paid and with whose sanction?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia, (Urdu) : Sir, if the hon'ble mover of the amendment will look at the bottom of page 2 of the Supplementary Estimates, 1922-23, he will be satisfied with the explanation given there. A tax was imposed upon the zamindars for silt clearance of the canals. But since a sum of Rs. 36,000 was realized in excess the Government had to pay it back to the zamindars. The Government has refunded it.

Maulvi Muharram Ali Chishti (Urdu) : Sir, I do not want to press the matter any farther. I want to know only, with whose sanction was this sum refunded?

Mr. Miles Irving (Financial Secretary) : I would like to explain that this and all other financial agenda have received the approval of the Standing Finance Committee. There is no item on the agenda that has not received the approval of the Finance Committee.

Maulvi Muharram Ali Chishti—All right, Sir, I wish to withdraw my amendment.

Mr. President : The hon'ble member asks leave to withdraw his amendment.

The amendment was by leave withdrawn.

Mr. President : The motion before the Council is—

“That a supplementary sum not exceeding Rs. 36,363 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of irrigation.”

The motion was carried.

GENERAL ADMINISTRATION GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 240 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of General Administration.”

I think it desirable that I should remind the members of this house that the Civil Contingencies Fund was created with the distinct understanding that it should be used in this manner, that is to say, for the payment of sums in advance on the sanction of the Finance Committee and that the Fund

[Sir John Maynard]

should be subsequently recouped by the sanction of the Legislative Council. This particular item of Rs. 240 has actually been incurred in consequence of that arrangement and it is now proposed to recoup the Civil Contingencies Fund by the grant of the amount necessary. The amount is for the appointment of a clerk for jails, the object being to diminish the jail population and to diminish the cost of the jail administration.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, I do not take exception to the sum demanded but there is a question of principle involved in it. The Government intends to release certain prisoners, except the so-called political prisoners, who have undergone two-thirds of their sentences. I think by excepting the political prisoners the Government is flouting public opinion. I therefore oppose the motion.

The Hon'ble Sir John Maynard : Sir, I rise to a point of order. Is it in order to discuss the question of the release of political prisoners on the proposal of the appointment of a clerk whose work is to scrutinise the cases of prisoners to enable the question of their release being considered ?

Maulvi Muharram Ali Chishti (Urdu) : Sir, I think I am perfectly right. If I am prevented from discussing this item it means the Government members have every right to discuss, while we have none whatsoever. If it is otherwise I should be given full liberty to speak. If the release of political prisoners is a menace to Government, the Government is responsible for the maintenance of peace and order. If the political prisoners are not to be released, such a favour should be denied to other prisoners as well.

The Hon'ble Sir John Maynard : I was not aware of the existence of the words "except so-called political prisoners" until my attention was drawn by the hon'ble member. As far as I am concerned I accept the omission of these words. It was never the Government's intention that there should be a differentiation between the two kinds of prisoners.

Diwan Bahadur Raja Narendra Nath : [Punjab Landholders (General)] : Is the Government prepared to give an assurance that the release of political prisoners will be gone into thoroughly, along with the release of ordinary prisoners ?

The Hon'ble Sir John Maynard : I would remove the words "except so-called political prisoners", putting political prisoners exactly on the same footing as other prisoners for purposes of this enquiry.

Mr. Ganpat Rai : [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan)] (Urdu) : Sir, although the Hon'ble Finance Member has been so generous as to remove all distinction between a political and non-political prisoners, still I would not like to vote for this grant. I, therefore, oppose the motion.

The Hon'ble Sir John Maynard : Sir, I rise to a point of order.

Mr. President : I think I must say something on the point of order raised by the Hon'ble Finance Member. I think you are getting beyond the scope of the discussion, and I shall be glad if hon'ble members will confine their remarks to the point at issue.

The Hon'ble Sir John Maynard : Sir, the position does not seem to be quite clear to hon'ble members. The dispute is over the examination of cases of political prisoners who have served two-thirds of their sentences.

The question is whether any difference would be made between political and other prisoners for purposes of internal arrangements. I now say that no such distinction will be made.

Mr. President : The question is :—

"That a supplementary sum not exceeding Rs. 240 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of General Administration."

The motion was carried.

ADMINISTRATION OF JUSTICE GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 8,665 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Administration of Justice."

The motion was carried.

JAILS AND CONVICT SETTLEMENTS GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 7,947 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Jails and Convict Settlements."

The motion was carried.

POLICE GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move that—

"That a supplementary sum not exceeding Rs. 20,363 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Police."

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

"That the demand of Rs. 20,363 under the head police be reduced to Rs. 10,000."

Since we are already on the verge of bankruptcy we should curtail our expenditure. We can avoid new taxation, which appears to all the hon'ble members to be so very appalling, only by saving something from our expenditure. I think if a sum of Rs. 1,656 be withheld from granting to the Criminal Tribes Department, it would not make any difference. As regards the other demand made for a police guard for the Montgomery Jail, I think the Finance Member remembers it perfectly well that this Council has already sanctioned a sufficient grant for police. To curtail the expenditure, therefore, I have moved this amendment.

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia (Revenue Member): I may explain that out of the grant now asked for of Rs. 20,363, a portion, namely, Rs. 1,656 is to be spent on the New Bauria Agricultural Settlement at Dhundi Estate in Dera Ghazi Khan District and this is a subject in my charge. Baurias are a criminal tribe, and Government endeavours to find them an honest means of livelihood, and if they have to be kept in the Settlement, we must find them a habitation. The Deputy Commissioner proposes to give them land to cultivate on the Dhundi Estate. The item of Rs. 1,656 consists of construction of (40) huts at the rate of Rs. 20 each, rough quarters for the Superintendent costing Rs. 200 and the Chaukidar's hut costing Rs. 20. It also includes recurring expenditure on account of a Supervisor on Rs. 40 and a Chaukidar on Rs. 13. As regards the other portion, the Hon'ble Finance Member, who is in charge, will give the necessary explanation.

The Hon'ble Sir John Maynard: As regards the other portion on account of the employment of Police Guard for the Emergency Jail at Montgomery, I would remind the House that we are talking of expenditure that has already been incurred from the Civil Contingencies Fund with the sanction of the Finance Committee, and which is now sought to be recouped, and it is, therefore, not possible to effect any economy at all. It is necessary that this police grant should be retained; and I regret, I sincerely regret, that it is not possible for me with due regard to security and peace to reduce the demand.

Mian Beli Ram [Hoshiarpur (Non-Muhammadian), Rural] (Urdu): Sir, what Maulvi Muharram Ali's amendment aims at is that in order to avoid new taxation we must save something by curtailing our expenditures. We have already voted large sums for police and I think the Government can meet the present demands from there. The strength of the police was increased when there was an apprehension that perhaps the Sikhs would forcibly take possession of the Gurdwaras. Still more police was recruited to meet the Akali menace. But this is no good ground for granting this demand that since the sum was expended with the assent of the Finance Committee, the Council also should also give its sanction. I therefore strongly support Maulvi Muharram Ali's amendment.

Mr. President: I would draw the attention of Maulvi Muharram Ali Chishti to the fact that he has got several amendments relating to items which have been put in formally and which have been passed by the authority of the Finance Sub-Committee. I am not quite sure whether he understands the position. I think I am right in saying that the Council at a previous session gave authority to the Finance Sub-Committee to reappropriate these sums. It seems to me therefore rather a waste of time to question the expenditure item by item. I think the hon'ble member will perhaps reconsider his proposed amendments. These are only formal motions brought before the House for making these grants. The House has to give only its formal consent.

Maulvi Muharram Ali Chishti: With due deference to your suggestion, Sir, I think, I am not at present in a position to accept it. Before I decide finally about my attitude in the matter, I beg to ask when that authority was given to the Finance Committee, at what meeting and what was the authority?

Of course I may be wrong, but I am not aware of any authority having been given by this Council to the Finance Sub-Committee. Another point is this. I do not make any difference between "formal" and informal consent. If this Council has the authority to reject a demand it can do so. To say that this Council has the authority to reject a demand and in the same breathe that the Council is bound to accept the demand, is a most inconsistent and illogical position, and I do not see any force in it. I do not wish the discussion to be prolonged, but I wish that there ought to be clear decision on the point whether the Council sitting here has the authority to reject any demand or not; or if the Finance Committee has made a recommendation or some suggestion on that point this Council is bound by the orders of the Finance Committee or its resolutions or its recommendations or whatever that may be called? I think the position ought to be made clear. Had the position been clear I do not think I would have troubled the House with all the amendments which I have made in the interests of the public good. After the position is cleared I shall decide whether I shall withdraw my amendments or not.

Mr. President: The hon'ble member has probably misunderstood me. I never intended to imply for a moment that this Council has not authority to decide questions of grants. All I wished to point out was that (as I understand is the case, I may be subject to correction), the Council did create a Civil Contingency Fund. The object was to facilitate transfers from one head to another in order to provide for small items which they thought could be settled by the Finance Sub-Committee. My point is that having given the authority to the Finance Sub-Committee it seems to me rather extraordinary now to turn round and question each item. I am not saying for a moment that this discussion would not be in order. I do not say that this Council having delegated authority to the Finance Sub-Committee cannot refuse to grant these demands. What I wish to be understood is this that having delegated authority to the Sub-Committee of this Council why question the exercise of that authority by the Sub-Committee.

The Hon'ble Sir John Maynard: I cannot immediately give the reference in the Councils proceedings but I shall do so to-morrow if it can be traced in the interval.

Maulvi Muhartram Ali Chishti: Well, I shall ask leave to withdraw my amendment on this motion, out of deference to the wishes of the President but as regards my remaining amendments to other grants, I shall wait until I am informed about the delegation of authority to the Finance Committee and then decide the matter.

Mr. President: The hon'ble member asks for leave to withdraw his amendment.

The amendment was by leave withdrawn.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 20,363 be granted to the Governor in Council, Punjab, by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Police."

The motion was carried.

Mr. President.—The Council will now adjourn. The first thing that will be taken up to-morrow after the questions are finished will be the supplementary grants. We shall then take up the consideration of item 12 in the Agenda. The Council now stands adjourned until 7 A. M. to-morrow morning, Tuesday, the 1st of August.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 1st August 1922.

THE Council met at the Council Chamber at seven of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

REMISSION OF LAND REVENUE AND WATER-TAX ON COTTON CROPS.

1485. Bawa Hardit Singh, Bedi: (a) Did the Government compare the yield of the cotton crop of 1921 of the following cotton-growing districts of the Punjab, viz., Lahore, Amritsar, Lyallpur, Montgomery and Multan, with the average yield of those of the last five years?

(b) If so, was the yield of the crop of 1921 below the minimum and was it also of such inferior quality as to make it impossible to pay the water-tax and land revenue assessed on it from its proceeds?

(c) If so, has the Government taken any steps towards the reduction and remission of the water-tax and the land revenue?

(d) If not, will the Government think it advisable to take steps towards the reduction and remission of the water-tax and the land revenue?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia:

(a) Yes.

(b) The fourth forecast of the cotton crop of 1921 (of which a copy is laid on the table) gives the required information.

(c) Remissions and reductions of land revenue and abiana are made in the districts mentioned in accordance with definite rules which were observed in the case of the cotton crop of 1921.

(d) Government does not consider that any further action is necessary.

WATER SUPPLY OF DAJAL IN DERA GHAZI KHAN.

1486. Rai Bahadur Lala Sewak Ram: (a) Will Government be pleased to state how far the scheme of improving the water supply of Dajal in Dera Ghazi Khan District has progressed?

(b) Will Government be pleased to take necessary steps for expediting the completion of the scheme?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) A scheme for improving the water supply of Dajal in the Dera Ghazi Khan District was prepared by the Sanitary Engineer to Government and sent to the Municipality in October 1921. The estimated cost of the scheme was Rs. 82,765.

The Municipality decided not to adopt the scheme and asked that an experimental boring should be undertaken with a view to a tube-well supply. The Sanitary Engineer informed the Municipality that a boring made at Dajal in 1916 showed that the soil was unsuitable for a tube-well supply, but that he would be glad to have another boring made if funds were provided.

No application for a grant-in-aid has yet reached the Sanitary Board either for the original scheme or the boring.

(b) Further action in the matter now rests with the Municipal Committee, Dajal.

PROFESSIONAL TAX IN DERA GHAZI KHAN AND MUZAFFARGARH DISTRICTS.

1487. Rai Bahadur Lala Sewak Ram: (a) Is it a fact that the District Boards of Dera Ghazi Khan and Muzaffargarh Districts have introduced professional tax in their respective areas?

(b) Are there any complaints against the imposition of this tax generally and against the method of its assessment and recovery in particular? If so, what steps does Government propose to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) It is a fact that the District Boards of the Dera Ghazi Khan and Muzaffargarh have imposed an annual tax called the "Haisyat Tax" on all persons who possess an annual income in excess of Rs. 200 derived from property which is not subject to local rate and is not live-stock or other agricultural produce owned by persons who are mainly dependent on agriculture for their livelihood.

(b) Only one general complaint against assessment of this tax has been received by Government and that purports to be from 25 shopkeepers of Jatoi in the Muzaffargarh District. That petition has been sent to the Commissioner for disposal. No complaints have reached Government against the methods of assessment and recovery of this tax; and Government have no intention of interfering with any lawful measures taken by District Boards for augmenting their revenues in order to meet their existing liabilities or to extend the scope of their beneficent activities.

MUNSIKS OF DERA GHAZI KHAN.

1488. Rai Bahadur Lala Sewak Ram: Is it a fact that there are three Munsifs stationed at Dera Ghazi Khan headquarters; if so, will Government consider the advisability of shifting the headquarters of one to Jampur?

Mr. H. D. Craik: Only two Munsifs are permanently stationed in Dera Ghazi Khan. Two additional munsifs have been posted to the District as a temporary measure to clear off arrears of work. The proposal to send a Munsif to Jampur is impracticable because *inter alia*, Jampur is liable to be cut off by floods and there is no accommodation for a Munsif there.

MUNSIKS OF MUZAFFARGARH.

1489. Rai Bahadur Lala Sewak Ram: Is it a fact that there are three Munsifs stationed at Muzaffargarh headquarters; if so, will Government consider the advisability of shifting the headquarters of one to Kot Adu?

Mr. H. D. Craik: The permanent sanctioned strength of the Muzaffargarh District consists of four Munsifs; two for Muzaffargarh, one for Alipur and one for Leiah. An additional Munsif has been posted to Muzaffargarh as a temporary measure to clear off arrears of work. The Government does not favour the proposal to transfer one of the Munsifs to Kot Adu as no suitable building for holding the court is available there.

CIVIL JUDGES, DERA GHAZI KHAN.

1490. Rai Bahadur Lala Sewak Ram: Will Government be pleased to state the number of illiterate Honorary Civil Judges in the Dera Ghazi Khan District? Will Government consider the advisability of replacing them by educated gentlemen at an early date?

The Hon'ble Sir John Maynard: It has been ascertained that none of the Honorary Civil Judges in the Dera Ghazi Khan District are illiterate. The latter portion of the question does not arise under the circumstances.

SAILABA RATES.

1491. Chaudhri Ghasi Ram: Will the Government be pleased to state—

- (a) whether the Canal Department in parts of the South Eastern Punjab levies what are technically known as *Sailaba rates*, i.e., rates which are charged on crops which have received no canal water, but are sown in lands which were irrigated in the immediately preceding harvest and are supposed to contain residuary moisture for the benefit of the next crop;
- (b) whether this practice is uniformly observed throughout the province;
- (c) whether there is any rule which warrants this practice?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: (a) If after an irrigated crop has been harvested in a certain field that field is ploughed up and sown with seed of another crop the said ploughing and sowing may be presumed to have been rendered possible by the last canal watering applied to the field and the crop sown on that field is chargeable as 'wadh' irrigation under the schedule of occupiers' rates sanctioned under the Canal Act, VIII of 1873, applicable to each canal.

(b) Yes on all perennial canals in the Province.

(c) Yes under the Canal Act, VIII of 1873, as stated in (a) above.

1492. Chaudhri Ghasi Ram: Is it a fact that when a zamindar waters for the purpose of sowing sugarcane a plot of land under a perfectly mature *barani rabi* crop ready to be reaped, the Canal Department charges water rates both for the *rabi* and the sugarcane crops?

If the answer to the Questions 1491 (a) and 1492 are in the affirmative, will the Government be pleased to prohibit the practice of charging double rates for the same supply of water?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : It may reasonably be presumed that a perfectly mature standing *barani rabi* crop would not be watered, and that when a standing *barani rabi* crop is watered it is with the intention of deriving benefit to that crop from the watering applied, even though sugarcane is subsequently sown on the same watering.

In these circumstances it is usual and necessary to charge water rates both for the rabi crop and the subsequent irrigated sugarcane crop, and Government sees no justification for departing from this practice or from that referred to in the answer to question No. 1491 (a).

CHAKI RATES ON PRIVATE WELLS.

1493. Chaudhri Ghasi Ram : Will the Government be pleased to state the principles on which *chaki rates* levied on lands irrigated by wells sunk by zamindars with their own capital and labour are sought to be justified ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The answer will be found in paragraphs 501 and 502, Settlement Manual. A copy of the rules for the exemption of improvements from assessment is laid on the table.

DISABLED SOLDIERS.

1494. Chaudhri Ghasi Ram : Will the Government be pleased to state --

(a) the number of disabled soldiers who have been trained at the Motor Training School at Lahore ;

(b) the number of those who have obtained employment after having finished their course of training ?

The Hon'ble Sir John Maynard : (a) 211 disabled soldiers joined the Government School for training in motor and oil engine driving.

(b) Of these, 70 passed the motor driving test, 42 of these are known to be employed, 11 are still unemployed, while there is no information with regard to the remaining 17. 13 of those who failed to pass the test are also known to be employed as drivers.

Of the 26 who passed the oil engine driving test 10 are known to be employed, 5 are known to be unemployed, and there is no information available as to the remaining 11.

SALARIES OF SUB-REGISTRARS.

1495. Chaudhri Ghasi Ram : Will the Government be pleased to state whether the salaries of sub-registrars have been raised lately ; if not, will the Government kindly consider the advisability of revising the scale of their salaries ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The answer to the first part of the question is in the negative. In regard to the second portion the Hon'ble Member is referred to the reply given in part (c) to Council Question No. 1118 * put by Rai Sahib Lala Panna Lal in October last.

HARIANA BREED OF CATTLE.

1496. Chaudhri Ghasi Ram: Is it a fact that the Hariana breed of cattle is of superior quality? If so, will the Government be pleased to take definite steps to encourage the preservation and improvement of this breed?

The Hon'ble Lala Harkishan Lal: (a) The answer to the first part of the question is in the affirmative.

(b) A scheme for the encouragement of Hariana breed of bulls in the Rohtak and Gurgaon Districts has been prepared by the Superintendent of the Civil Veterinary Department with the cordial approval of the District Boards concerned. The scheme includes the appointment of a special Veterinary Inspector to supervise the work. Money, however, is not available this year, and all that Government has been able to do is to grant administrative approval to the scheme and to allow the young stock which the District Boards may be able to purchase, with their own resources, to be kept in the Government Cattle Farm, Hisar, free of charge till they mature. A grant of Rs. 10,000 to the two District Boards for next financial year should make the scheme a success.

SAFEGUARDING INTER-VILLAGE ROADS AGAINST ENCROACHMENTS.

1497. Chaudhri Ghasi Ram: Is it a fact that frequent encroachments are made on inter-village roads and paths other than those owned and managed by Government or District Boards? If so, will the Government be pleased to devise means for safeguarding such roads against encroachments?

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

With regard to the second part, reference is invited to section 133, Criminal Procedure Code, and section 150, Punjab Land Revenue Act, 1887.

DISPUTE ABOUT ABADI LANDS.

1498. Chaudhri Ghasi Ram: (a) Will the Government be pleased to call from District Officers for a report on the frequency or otherwise of riots and breaches of the peace resulting from disputes about abadi land?

(b) If the information disclosed by the report called for in (a) indicate a large volume of civil and criminal litigation, will the Government be pleased to direct the preparation of special authentic records of *abadi lands*?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: (a) Government has consulted certain executive officers and is satisfied that riots and breaches of the peace resulting from disputes about abadi land in villages are not of abnormal frequency.

(6) The Punjab Land Revenue Act, 1887, does not apply to abadi lands. Special legislation would be necessary for the preparation of an authentic record of rights in such lands. Government does not consider legislation to be called for in the circumstances.

EMPLOYMENT OF HINDU JATS IN THE PUBLIC SERVICES OF THE PROVINCE.

1499. **Chandhri Ghasi Ram :** Will the Government be pleased to state whether since the issue in 1915 of the Government notification favouring the increased employment of Hindu Jats in the public services of the Province any young man from this tribe has been accepted for the post of a Deputy Superintendent of Police, Inspector of Police, Munsif, Tahsildar, Extra Assistant Conservator of Forests, Veterinary Inspector, Excise Inspector or Sub-Inspector, Jailor or Assistant Jailor or for any post in the Civil Secretariat of the Province?

Mr. H. D. Craik : The answer is in the negative, except as regards appointments as Tahsildar, Excise Inspector, and Excise Sub-Inspector. As regards these three classes of appointment, information is being collected and will be supplied to the hon'ble member when received.

HINDU JATS AND IMPERIAL SERVICE.

1500. **Chandhri Ghasi Ram :** Will the Government be pleased to state whether it has recommended any young man from among the Hindu Jats for any branch of the Imperial Service?

Mr. H. D. Craik : The answer is in the negative, but the hon'ble member should understand that it is only in very exceptional circumstances that the Local Government recommends candidates for appointment to any of the All-India Services. In the case of most of these Services appointments are made by the Secretary of State in Council as the result of competitive examination.

REMOVAL OF RESTRICTIONS ON THE EXPORT OF WHEAT AND GRAM.

1501. **Chandhri Ghasi Ram :** Will the Government be pleased to state the prices of wheat and gram at the time of sowing and those prevailing now?

Will the Government, in view of the predominantly agricultural character of the province, be pleased to recommend to the Government of India to remove the restrictions on the export of wheat and gram?

Mr. E. R. Abbott : Wholesale prices of wheat and gram were as follows :—

October—November 1922.

On 7th June 1922.

(Lyallpur) wheat Rs. 8-13-0 to Rs. 10-6-4 a maund. Rs. 5-7-0.

September 1921.

(Ferozepore) gram Rs. 7-10-0 to Rs. 8-0-0 a maund. Rs. 4-14-0.

The question is engaging the attention of Government, which has to consider the interests both of the producer and of the consumer of wheat.

TRAVELLING ALLOWANCE DRAWN BY GOVERNMENT EMPLOYEES.

1502. Chaudhri Ghasi Ram : Will Government be pleased to state the total amount of travelling allowance drawn by Government employees in 1913-14 and that drawn in 1921-22 ?

The Hon'ble Sir John Maynard : The total amount of travelling allowance drawn by Government employees in 1913-14 was Rs. 18,77,042 and that drawn in 1921-22 was Rs. 46,74,871.

CODIFICATION OF PUNJAB CUSTOMS.

1503. Chaudhri Ghasi Ram : When does the Government propose to proceed with the codification of Punjab customs in pursuance of the recommendations of the Punjab Customs Codification Committee ?

The Hon'ble Sir John Maynard : The question of the codification of Punjab customs is one upon which there is understood to be some difference of opinion among those who are directly concerned. The Government has taken steps towards starting the work on the lines of the recommendations of the Committee of 1917 and is prepared to give every assistance in this work if it is decided to continue it, but prefers to await some definite indication of a desire in the Council for codification, before initiating definite proposals.

GRANT OF LAND, ETC., FOR WAR SERVICES TO HINDU JAT OFFICERS.

1504. Chaudhri Ghasi Ram : Will the Government be pleased to state whether any Hindu Jat officer has been granted land or special promotion on the score of recruiting or other war services.

The Hon'ble Sir John Maynard : Several grants of land have been made to Hindu Jat officers for war services.

The portion of this question regarding promotion cannot be answered by the Punjab Government as the matter is a military one.

PROFITS FROM CANALS.

1505. Chaudhri Ghasi Ram : Will the Government be pleased to state the gross profit per cent. on the capital outlay on the various canals in the province ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The net profit per cent. on the capital outlay on the various canals in the Punjab is given in the Annual Administration Report of the Irrigation Branch, which can be obtained from various agents for the sale of Government publications at Rs. 7-8-0 per copy.

The percentages of "gross profit" (which mean the percentages of the gross revenue without the deduction of working expenses and interest charges on the capital outlay) are not given in the Annual Administration Report as they serve no useful purpose, but all the figures necessary for obtaining the "gross profit" are given.

As Mr. Ganpat Rai was absent, Question No. 1506 was not put.

COMMUNAL REPRESENTATION IN JALLARPUR FIRWALA NOTIFIED AREA.

1507. **Rai Bahadur Lala Sewak Ram:** Arising out of the answer given to my Question No. 440,* dated 25th July 1921, with regard to the Jallarpur Firwala Notified Area in Multan District, will Government be pleased to consider the desirability of appointing another Hindu member to this Committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: This notified area will soon cease to exist and a Small Town Committee will be installed in its place, and in making nominations the hon'ble member's suggestion that the numerical strength of the Hindu population be taken into consideration will be borne in mind.

ADMISSION TO THE LYALLPUR AGRICULTURAL COLLEGE.

1508. **Rai Bahadur Lala Sewak Ram:** Will Government be pleased to state—

- (a) the total annual cost to Government of the Lyallpur Agricultural College;
- (b) the number of students who applied for admission this year and the number of students who have been admitted?

The Hon'ble Lala Harkishan Lal: (a) the total annual cost is Rs. 1,32,186;

- (b) the number of applicants for admission to the College this year was 220 out of which 52 were admitted, there being no accommodation for more new students.

1509. **Rai Bahadur Lala Sewak Ram:** Will Government be pleased to make arrangements for admitting as many students as apply for admission to the Lyallpur Agricultural College?

The Hon'ble Lala Harkishan Lal: If the hon'ble questioner would devise some means of making the buildings automatically, indefinitely and infinitely expandable and the teaching to be done by some gramophonic devices the Government would be prepared to admit all applicants into the Agricultural College at Lyallpur.

Rai Bahadur Lala Sewak Ram: I want to know whether Government is prepared to extend the buildings of the College.

The Hon'ble Lala Harkishan Lal: If the Council votes money.

MALTREATMENT OF PRISONERS IN LYALLPUR JAIL.

1510. **Rai Sahib Lala Thakar Das:** (a) Will the Government be pleased to state the number of prisoners who can be accommodated according to the Jail Regulations in the Lyallpur Jail.

(b) What was the maximum number of prisoners confined in the said jail in the month of April, 1922?

(c) Is it a fact that for a number of days in that month, a large number of political prisoners were kept in tents chained together; that about twelve prisoners were put under each tent and made to lie down at night in two parallel rows with their feet facing each other; that an iron ring was put round one leg of each of these prisoners and a chain passed through all these rings: a lock being fixed where the two ends of chain met; and that one chamber pot was put in the tent for each row, which the prisoners had to use during the night without the chain being untied and within the sight of their companions in the tent?

(d) Is it a fact that while this state of things was going on Pandit Madan Mohan Malaviya visited the Lyallpur Jail?

(e) Is it a fact that after his visit the prisoners concerned were transferred to dark dirty cells, which were full of mosquitoes and unfit to be used for sleeping during summer?

(f) Is it a fact that some of these prisoners in order to while away the night sang religious hymns as a result of which some sixteen of them were awarded heavy jail punishment? If so, of what offence or offences the prisoners were guilty and what were the punishments given to them?

The Hon'ble Sir John Maynard: (a) Building accommodation for 349 prisoners, tentage accommodation for 250 prisoners.

(b) 576.

(c) This part of the question is a description of what is known as bel-chaining and states the facts correctly except that only 10 prisoners were put in each tent. As most of the prisoners had 5 yard pagris which facilitate escape, belchaining was necessary. The chamber pots were actually not used as the regular latrine parades obviate their use in a dry climate.

(d) Yes.

(e) After Pandit Madan Mohan Malaviya's visit prisoners were transferred to cells which are well aired and sanitary. The available alternatives were first, confinement in tents, with belchaining to insure security, or confinement in cells: and when attention was drawn to the objections to the former alternative, recourse was had to the latter.

(f) The prisoners sang hymns but were not punished for that. Some of them have from their first admission to jail disobeyed orders, and, in spite of many warnings, have continued to raise inflammatory and seditious shouts. These shoutings were carried on until 11 P.M. on most nights and on one night (17th April) continued until 1-30 A.M. Constant alarms were sounded during this night. As a result the following punishments were awarded to 16 prisoners:—

11 Cross-bar Fetters for 10 days.

1 " " " 5 "

1 " " " 3 "

3 Standing Handcuffs for 7 days.

JUVENILE SMOKING ACT.

1511. Rai Sahib Lala Thakar Das : (a) Arising out of the answer given to Question No. 108 of the 5th March, 1921, is it not a fact that the Juvenile Smoking Act has so far practically remained a dead letter? If so, what are the reasons that have led to its not having been adequately used?

(b) Is it a fact that the habit of tobacco smoking is growing among the juveniles? Does Government contemplate modifying the provisions of the Act referred to or otherwise taking steps to make it a more effective weapon to check the said evil?

The Hon'ble Sir John Maynard : (a) So far as Government's information goes, the first portion of this part of the hon'ble member's question is correct and the reason would seem to be that the offence under the Act being a non-cognizable one the necessary zeal on the part of the public to institute cases is lacking.

(b) Government has no information on this point, and does not propose to take any further action, as the enforcement of the Act rests with the public.

ALLEGED ILL-TREATMENT OF POLITICAL PRISONERS.

1512. Rai Sahib Lala Thakar Das : (a) Is it a fact that numerous complaints of alleged ill-treatment of political prisoners have been published in the public Press during the last six months?

(b) Is it a fact that the Government declined to permit Pandit Madan Mohan Malviya to visit political prisoners in the jails at Montgomery and Dera Ghazi Khan with a view to personally inquiring into the alleged ill-treatment of these prisoners?

(c) If answers to (a) and (b) are in the affirmative, what steps, if any, has the Government taken to hold independent inquiries into the complaints so made of ill-treatment of political prisoners?

The Hon'ble Sir John Maynard : The answers to parts (a) and (b) of this question are in the affirmative.

(c) There is a regular machinery for ensuring independence in the ascertainment of conditions in jails. Non-official visitors are appointed for this purpose. Enquiry has been made under the orders of Government with regard to all allegations of ill-treatment of prisoners which have appeared in the Press. In many cases the reports of non-official visitors have been made the basis of the conclusion reached and in most cases the result has been published in a *communiqué*.

ILL-TREATMENT OF AN AKALI BY MR. PRANCE, ASSISTANT SUPERINTENDENT OF POLICE, KASUR.

1513. Rai Sahib Lala Thakar Das : (a) Is it a fact that on the 23rd March 1922, Mr. Prance, Assistant Superintendent of Police, Kasur, in the course of his statement on oath as a witness in the court of the Sub-Divisional Officer, Kasur, admitted that he had pulled the beard of an Akali to make him move?

(b) Is the Government aware that the Sikhs are enjoined by their religion to regard their Keshas as sacred.

(c) If so, does Government propose taking any notice of this action of Mr. Prance?

The Hon'ble Sir John Maynard: (a) Yes.

(b) and (c). The officer referred to, who is young and inexperienced, did not intend to injure or insult the Sikh in question; he has since been informed of the respect attached to beard and hair by a Sikh, and warned that for the future he should avoid touching them.

**EMPLOYMENT OF POLICE OR MILITARY FORCE FOR DISPERSAL OF ASSEMBLIES
IN PUBLIC PLACES.**

1514. Bai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement showing—

- (a) the dates on and localities where during the period of twelve months, beginning from 1st May 1921 and ending 30th April 1922, police or military force was employed to disperse assemblies in public places;
- (b) whether *lathis* or other weapons were used to disperse the assemblies concerned;
- (c) the illegal activities, if any, in which the persons composing these assemblies were actually engaged at the time they were dispersed;
- (d) whether the police or the military force employed to disperse such assemblies acted under orders of a magistrate present at the spot, or under the orders of their own officers?

The Hon'ble Sir John Maynard: (a) Government has no desire to withhold any information, but the labour involved in the provision of the figures asked for by the hon'ble member is so great that Government has regretfully decided that District officers should not be burdened with this additional work. All important cases have been noticed in the public press, military force has not been used to disperse any assembly during the period to which the question refers. In the few cases in which troops have been present, they have been held in reserve to assist the police, if necessary, and their actual intervention has not been called for.

(b) A copy of the instructions that have issued to the police with regard to the methods to be employed for dispersal of such assemblies as are illegal under the law is laid on the table.

(c) The illegal activities of the assemblies that have been dispersed were various, but the hon'ble member is referred to the provision of sections 127 and 128, Criminal Procedure Code. The directions of the law as detailed in these sections were in all cases carried out.

(d) If the hon'ble member will refer to section 127, Criminal Procedure Code, he will notice that the law empowers either a Magistrate or an officer in charge of a police station to act under this section, here also the provisions of the law were adhered to in all cases, military force, as already explained, has not been applied.

Instructions to Police for the dispersal of unlawful assemblies.

Before dispersing an unlawful assembly by the use of physical force, it is desirable to try the effect of making local men of influence or respectable passers-by to persuade the crowd to disperse.

When dispersing unlawful assemblies endeavours should be made to separate the real offenders from casual on-lookers.

When physical force becomes necessary for the dispersal of unlawful assemblies it has been found that a satisfactory method of procedure is to divide the police force employed into three portions, the first to be employed being armed with short light sticks, the second body, to be used in support of the first when necessary, being armed with *lathis* and the third body to be used only in case of emergency, being armed with muskets.

RULES GOVERNING THE INTERVIEWS IN JAIL OF UNDER-TRIAL PRISONERS.

1515. Rai Sahib Lala Thakar Das : (a) Is it a fact that Lala Shanti Narain, editor of the *Bande Mataram*, when an under-trial prisoner in the Lahore Central Jail, was not allowed to interview his friends or legal advisers in the jail? If so, will the Government be pleased to state the reasons for the prohibition?

(b) What are the rules governing the interviews in jail of under-trial prisoners with their friends and legal advisers?

The Hon'ble Sir John Maynard : (a) It is a fact that the interviews of Lala Shanti Narain with his relatives and friends while he was an under-trial prisoner in the Lahore Central Jail were stopped owing to an article which appeared in the *Bande Mataram* of the 29th March 1922 after his admission to jail. Interviews were, however, again permitted immediately Government was assured that the article in question was written by Shanti Narain before his admission to jail. Interviews with legal advisers were not stopped by Government.

(b) Under-trial prisoners, whose trial seems to the Superintendent of the jail concerned to cause popular excitement, are not allowed interviews with persons other than near relatives or one duly accredited legal adviser. If an interview with a relative is followed by a communication to the Press such interviews are stopped.

HON'BLE MEMBER, REVENUE, AND RELINQUISHMENT OF THE CHARGE OF THE JAILS DEPARTMENT.

1516. Rai Sahib Lala Thakar Das : (a) Is it a fact that the Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia, has been relieved of the charge of the Jails Department, and, if so, on what date he gave over charge of the said department.

(b) What were the circumstances which led to the above transfer of charge?

(c) Is it a fact that the hon'ble member resigned the charge as a protest against the manner in which some of the officials of the department treated his orders and because he was not allowed a free hand in the administration of the department.

Mr. H. D. Craik : (a) Yes. The transfer of the charge of the Department was made on the 4th of May 1922.

(b) The transfer of this portfolio was entirely a matter of administrative convenience.

(c) No.

DEVELOPMENT OF THE TOWN OF JATOI.

1517. **Rai Bahadur Lala Sewak Ram :** Is it a fact that the late Khan Kaura Khan of Jatoi, District Muzaffargarh, bequeathed property yielding a large annual income in trust to the District Board for the development of the town of Jatoi? If so, will Government be pleased to state whether the object of the trust has been fulfilled by the District Board; if not, will Government be pleased to take step for the fulfilment of the wishes of the donor?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : It is not a fact that the late Sardar Kaura Khan of Jatoi, District Muzaffargarh, bequeathed property in trust to the District Board specifically for the development of the town of Jatoi.

Other parts of the question therefore call for no answer.

Rai Bahadur Lala Sewak Ram : May I know, Sir, whether the property is for the use of the whole district?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : It was for the improvement of the district.

Rai Bahadur Lala Sewak Ram : Has all the money been used?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : As much of it as could be used.

GOVERNMENT AID TO ZAMINDARS OF AHMADPUR SIAL.

1518. **Rai Bahadur Lala Sewak Ram :** Is it a fact that the last *raab* crop at Ahmadpur Sial in Jhang District was considerably damaged by hail? If so, will Government kindly consider the desirability of (a) remitting land revenue on damaged crops; (b) granting *takavi* as a help to the zamindars?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The answer to the first part of the question is in the affirmative. Government has remitted Rs. 324 of land revenue and granted Rs. 665 as *takavi* in the village of Ahmadpur Sial.

As Mr. Ganpat Rai was absent. Question No. 1519 was not put.

THE LAHORE POLICE AND CONGRESS VOLUNTEERS.

1520. **Rai Sahib Lala Thakar Das :** (a) Is it a fact that on the 18th of April 1922 while a band of Congress volunteers was passing in front of the City Kotwali, Lahore, singing songs urging the boycott of foreign cloth, a police officer ordered them to disperse, and that on their refusal to do so they were beaten by the police with *lathis*; that the police forcibly took possession of the bundles of foreign cloth together with two handcarts, which the volunteers were taking to be burnt at the *Ravi*?

(b) If the answer to (a) is in the affirmative, will the Government be pleased to state the law under which the police dispersed the volunteers and took forcible possession of the property mentioned above?

(c) Is it a fact that the District Magistrate of Lahore refused to return the hand-carts and foreign clothes to the General Secretary of the Lahore Congress Committee on the plea that the said articles constitute "unclaimed property" under the Police Act?

The Hon'ble Sir John Maynard: (a) The first portion of the hon'ble member's question is answered by the Government *communiqué* of May 20th which is laid on the table.

(b) The volunteers were dispersed under sections 127 and 128, Criminal Procedure Code. The property mentioned in part (a) of this question was taken possession of by the police not forcibly, but when it was deserted in the dispersal of the crowd as unclaimed property under the provisions of section 25 of Act V of 1861.

(c) Yes, as the District Magistrate was not satisfied that the property in question was that of the claimant.

COMMUNIQUE.

An article in the *Bande Mataram* newspaper of the 22nd April referred to the dispersal of a crowd of volunteers outside the City Police Station, Lahore, on the 18th of April. The article alleged that a large number of policemen attacked five or six volunteers, snatched their property and gave them a severe beating. The actual facts are that the crowd consisted of between two and three hundred persons, many of whom wore the sashes of the National volunteers. They were carrying in procession a dummy figure with a blackened face dressed in European clothes and wearing an old British helmet. They had also two hand-carts on which were piled heaps of foreign clothing, etc. The crowd was wilfully obstructive in a place where the traffic was heavy. The procession and the accompanying crowd were asked by the Deputy Superintendent of Police to disperse, but refused. The Deputy Superintendent and the Inspector then personally took over from the procession all badges, standards, etc., and the mob was then dispersed by the Police. After dispersal the hand-carts and the dummy figure, which had been left behind, were taken over by the Police and made over to the District Magistrate, who subsequently issued an order calling on the owners of the hand-carts and clothing to claim their property.

Attested.

(Sd.) P. WOOD-COLLINS.

Senior Assistant Secretary to Government, Punjab.

Simla, the 29th May 1922.

RESTRICTIONS IMPOSED UPON PERSONS UNDER SECTION 144 OF THE CRIMINAL PROCEDURE CODE OR THE DEFENCE OF INDIA ACT.

1521. Rai Sahib Lala Thakar Das.—Will the Government be pleased to lay on the table a statement giving—

- (a) the names of persons on whom orders were served under section 144 of the Code of Criminal Procedure or the Defence of India Act (Consolidation) Rules, 1915, during the period of seventeen months with effect from the 1st January 1921 to the 31st of May 1922, directing them to refrain from taking part in public meetings or restricting their movements to certain areas ;

- (b) the dates on which those orders were issued ;
- (c) the substance of those orders ;
- (d) the names of the officers who issued the orders ; and
- (e) the grounds on which the orders were based ?

The Hon'ble Sir John Maynard.—I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

PUNITIVE POLICE IN THE PROVINCE.

1522. Rai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement showing the imposition of additional or punitive police, under section 15 of the Police Act, 1861, in the various parts of the province during the years 1920, 1921 and 1922 (upto the 31st May), giving—

- (a) the areas where such police was located ;
- (b) the cost of maintaining such police, and the male adult population of the area which was made to bear that cost ;
- (c) the number of the police force located ;
- (d) the period for which the additional police was quartered ; and
- (e) the reasons for the imposition of punitive police in the areas concerned ?

The Hon'ble Sir John Maynard: It is regretted that the answer is not yet ready, but it will be communicated to the hon'ble member in due course.

PUNJAB UNIVERSITY EXAMINATIONS.

1523. Rai Sahib Lala Thakar Das: Will the Government be pleased to lay on the table a statement showing—

- (a) the number of the Hindu, the Muhammadan and the Sikh candidates, respectively, that appeared at the various examinations of the Punjab University held in the year 1922 ;
- (b) the number of the Hindu, the Muhammadan and the Sikh candidates, respectively, that were declared successful in the various examinations classified according to classes or divisions in respect of the examinations where there are such classes or divisions ?

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

COMMUNAL REPRESENTATION AMONG STUDENTS ADMITTED TO GOVERNMENT COLLEGES.

1524. Rai Sahib Lala Thakar Das : (a) Is it a fact that the Hon'ble the Minister for Education has issued orders that fresh admissions to the first year classes of the Government Colleges in the province are to be made on a communal basis?

(b) If so, what proportions have been fixed for the different communities?

(c) Have these orders been carried out by the Principals of the colleges concerned while making admissions in the present year?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) and (b)—In regard to the Government College, Lahore, the hon'ble member's attention is invited to part (1) of my answer to Council Question No. 1176.*

No such instructions have so far been issued in the case of Government Colleges at Ludhiana and Multan.

(c) Yes.

ADMISSION TO THE GOVERNMENT COLLEGE, LAHORE.

1525. Rai Sahib Lala Thakar Das : Will the Government be pleased to lay on the table a statement showing—

(a) the number of the Hindu, Muhammadan and Sikh students, respectively, who applied for admission to the Government College, Lahore, in 1922, together with the marks obtained by each applicant in the matriculation examination ;

(b) the list of the applicants belonging to each of the three communities who were actually admitted ;

(c) the list of the applicants arranged according to the three above-mentioned communities who were refused admission, but who had obtained more marks at the last matriculation examination than some of the applicants actually admitted ?

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

INDIAN PRESS ACT.

1526. Rai Sahib Lala Thakar Das : Will the Government be pleased to lay on the table a statement showing—

(a) the names of the newspapers which were ordered to deposit security or whose security was forfeited under the Indian Press Act, 1910 ;

(b) the dates on which each order was passed ;

(c) whether the security asked for was actually deposited or not ?

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

DISTRIBUTION OF BAQAYA LAND AMONG YOUNGER SONS IN LOWER BARI DOAB CANAL.

1527. Sayad Muhammad Husain : (a) Is it a fact that owing to prevalence of primogeniture system in Sargodha Horse-breeding Colony, younger sons are deprived from succession ?

(b) Is it also a fact that the adult younger sons were granted land by the Government in Lower Bari Doab Canal on horse-breeding conditions ?

(c) Is it also a fact that some of the sons of the horse-breeders of Sargodha who were granted land in Lower Bari Doab Canal Colony are not given land on horse-breeding conditions and are only in possession of half a square holding ?

(d) If the answer to (a), (b) and (c) are in the affirmative, will the Government kindly increase their holdings by distributing among them the Baqaya land and thus bringing them on to the same level as their brothers who hold a square each ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia :

1. On the Lower Jhelum Canal horse-breeding grants only are subject to the rule of primogeniture, under which the whole grant descends to one heir. The area under such grants is about 3rd of the whole Colony.

2. Some adult younger sons of Lower Jhelum Canal horse-breeding grantees were given land on the Lower Bari Doab Colony.

3. If any son of a horse-breeding grantee on the Lower Jhelum Canal has been lucky enough to get a grant in the Lower Bari Doab Colony it by no means follows that he has also been selected for a horse-breeding rectangle under the system in force on that Canal and he may be in possession of half a rectangle only.

4. Government is not prepared to issue any general orders on the subject. Allotable land does not exist in every village and land might not be available for the purpose which the hon'ble member appears to have in view.

GRANT OF LAND TO JUNGLES OF MURDANI, TAHSIL OKARA.

1528. Sayad Muhammad Husain : (a) Is it a fact that there are about twenty families of deprived Junglies (Mireke, Kharls and others) in the village of Murdani, Tahsil Okara, District Montgomery, who were never given land in the colony ?

(b) Is it also a fact that these deprived Junglies had their *jhokes* (temporary habitations) in the village Chak No. 21-2—L, Tahsil Okara, then known as (Husainabad) where five or six families still live as tenants-at-will ?

(c) If the answers to (a) and (b) are in the affirmative, will the Government kindly consider their claims when the question of giving land to the deprived Junglies is taken up in the near future ?

GRANT OF LAND TO JUNGLES OF CERTAIN VILLAGES IN TAHSIL OKARA.

1529. Sayad Muhammad Husain : (a) Is it a fact that a large number of deprived Jungles belonging to Mireke, Fatnana and Dheeroke clans are still to be found in the villages of (1) Thatha Yaroka, (2) Thatha Bulhaka, (3) Thatha Baqerka, (4) Thatha Kheva, (5) Thatha Saleemka, (6) Thatha Kaku Sameka and (7) Thatha Pahar Sameka, all situated in the Tahsil of Okara, District Montgomery? If so, will the Government kindly consider their claims in conjunction with other Jungles and give them land when available.

GRANT OF LAND TO WATTUS OF TAHSIL OKARA AND MONTGOMERY.

1530. Sayad Muhammad Husain : (a) Is it a fact that there are a number of Wattu families in the villages of (1) Thatha Begka, (2) Chak Majra, (3) Shareen (4) Khairke, (5) Thatha Ismail and (6) Gulleke, situated in the tahsil of Okara and in the villages (1) Meeran, (2) Bakhshewala, and (3) Inayatke situated in the tahsil of Montgomery in the Lower Bari Doab Colony who either possess no land or own very little land?

(b) If so, will the Government consider their claims along with other deprived Jungles and grant them land?

GRANT OF LAND TO JUNGLES OF VILLAGE THATHA JAN MUHAMMAD, TAHSIL OKARA.

1531. Sayad Muhammad Husain : (a) Is it a fact that in the village Thatha Jan Muhammad contained in village Kaku, Tahsil Okara, District Montgomery, there are deprived Jungles belonging to Jura Bhatthi and Khari tribes of agriculturists who own no land whatsoever?

(b) If so, will the Government grant them land when available?

GRANT OF LAND TO JURAS AND KHARIS OF VILLAGE CHAK NO. 4, G. D.

1532. Sayad Muhammad Husain : (a) Is it a fact that in the village Chak No. 4, G. D., there are a number of agriculturist families belonging to Jura and Khari clans who own very small holdings on Chah Ghulam Rasul Wala included in the above-mentioned village?

(b) If so, will the Government consider their claims too?

GRANT OF LAND TO JUNGLES OF CERTAIN VILLAGES IN MONTGOMERY TAHSIL.

1533. Sayad Muhammad Husain : (a) Is it a fact that in the following villages (1) Kund Muhammad Mirza included in Sulanke Bagela, (2) Shah Sayad Musa near Kamalia, (3) Gulam Karela, (4) Thatha Nikka, (5) Koreke Vehniwal, (6) Sahibke Vehniwal, (7) Waryamke Vehniwal, (8) Khanke Vehniwal, (9) Bareke Vehniwal, (10) Goloke Vehniwal, (11) Alike Vehniwal and (12) Khushalke, all situated in the tahsil of Montgomery, there are a number of deprived Jungles belonging to Baghela and Vehniwal tribes of agriculturists?

(b) If the answer to (a) is in the affirmative, will the Government kindly consider their claims also in conjunction with other deprived Jungles and grant them land when available?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Government is not prepared to make inquiries in each individual case referred to in questions Nos. 1523-1533. As regard the treatment of Junglies generally in respect of grant of land the hon'ble member is referred to the answer to (f) and (g) in his question No. 159* put on March 2nd, 1921, which is being laid on the table in answer to the hon'ble member's question No. 1535.

LAND REVENUE ASSESSMENT IN DIPALPUR TAHSIL.

1534. Sayad Muhammad Husain : (a) Is it a fact that on the 28th of April 1922, a deputation of the zamindars of the Dipalpur Tahsil waited upon the Hon'ble Member, Revenue, and Mr. Casson, the Financial Commissioner, to impress upon them the severity of the land revenue assessment which the settlement officer proposes to impose upon the above-mentioned tahsil?

(b) If so, what action does the Government propose to take in the matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia :

(a) Yes.

(b) It is premature to give any reply as the matter is still under consideration of Government.

PROCEDURE ABOUT UNANSWERED QUESTIONS.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] : I want to have a ruling on one or two points. The first relates to the postponed answers. At present the procedure is that the postponed answers are sent only to the questioner. They are neither announced in the Council nor are they embodied in the proceedings of the Council. I think this deprives the public and the other members of the Council except the questioner of the advantage of perusing those answers. My first point is, Sir, what is your ruling on the point? Whether the answer when ready will be announced in the Council and whether it will be embodied in the proceedings of the Council. That is my first point.

Mr. President : In the case of questions put by the hon'ble members in the Legislative Council, answers to which are not ready in time Government gives an *ad interim* reply which generally runs as follows :—

- "I regret that the answer to this question is not yet ready; it will be communicated to the hon'ble member when ready."

If the answers to such questions are received by the Council office before the publication of the proceedings for the day on which they were put, then they are substituted in place of the *ad interim* reply; if not, then the answer as promised by the Government are sent to the questioners only, either direct by Government or through the Council office. A copy of such answers is invariably kept in the Council office and is accessible to all members. In this connection I would draw the attention of the hon'ble members to Standing Order 4 (1), under which all pending notices lapse on the termination

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of a session. A question which a member gives notice to ask at a session cannot again be put by him at the following session without fresh notice and hence the answer to such a question cannot be given during the following session nor incorporated in the proceedings of that session, because the question is not valid for that session. If a member desires to get incorporated in the proceedings the final answer to a question which received only an *ad interim* reply during the session in which it was asked he should give fresh notice asking for the final reply to be laid on the table.

INCORPORATION IN THE PROCEEDINGS OF PAPERS LAID ON THE TABLE.

Maulvi Muharram Ali Chishti : Another point, Sir, on which I want to ask for your ruling is as regards the papers laid on the table. Most of the papers laid on the table are not embodied in the proceedings. I admit that there may be some cases in which the papers for example, a report may be voluminous and so very difficult to embody in the proceedings of the Council but may I ask that all the papers that are laid on the table may be embodied in the proceedings of the Council. I think your order on this point will be most useful to the members who have not the advantage of seeing the answers on the table because they are not published.

Mr. President : With reference to the question of the incorporation in the proceedings of the Council of all papers laid on the table in answer to questions, it must be remembered, as the hon'ble member admits, that some of these are very voluminous documents, the incorporation of which in the proceedings would increase to a considerable degree the size of each volume of the debates. Moreover, in some cases, such documents are printed reports, etc., which are already public property, and I think hon'ble members will agree with me that it is not desirable to fix a hard and fast rule that all papers laid on the table should be incorporated in the printed reports of debates. I may inform the hon'ble members that so far the practice adopted in this matter has been to print all papers of public utility compatible with the interests of printing economy, but papers which are not printed are placed in the Council Library and are available to all members of Council at any time. I may also add that a somewhat similar procedure is followed in the Legislative Assembly.

Lengthy papers are not printed unless members in charge of Departments concerned consider that in the public interest they should be printed, and I should be ready to order the printing of such papers as may be desired by the Members or Ministers concerned.

DELEGATION OF POWERS TO FINANCE COMMITTEE.

Mr. President : The Council will now proceed to continue the discussion on supplementary or excess grants, but before we actually commence the discussion, I should like to say a few words regarding what I said yesterday on that matter. I find that there has been no formal delegation of powers to the Finance Sub-Committee or the Finance Member. This Council did sanction a sum of Rs. 1,50,000 for "Civil Contingencies Fund" as an item of the Budget for 1922-23 and if this fact is read along with the explanation regarding the purposes of the fund given at page 25 of the Budget it may be said that they did in fact delegate powers to make these payments. However, the

Hon'ble the Finance Member will make a statement which will clear the position and which must be taken as superseding anything I said yesterday. The discussions on the various amendments moved by Maulvi Muharram Ali Chishti have drawn attention to the fact that the wishes of the Council have not been expressed with all the formality which is desirable, and I think the Council owes him a debt for having thus brought the want of formality to the notice of the Council.

The Hon'ble Sir John Maynard (Finance Member): Sir, in view of the nature of the discussion which took place yesterday on certain supplementary grants, I wish to give notice of a motion which I propose to bring before this House at some future date of this session. The motion will run somewhat as follows:—

“That this Council permits the use of the Civil Contingent Fund subject to the following restrictions:—

- (1) No advance of a sum exceeding Rs. 5,000 shall be made without the previous approval of the Finance Committee.
- (2) An advance of a sum of Rs. 5,000 or less may be made in cases of great emergency by the Finance Member; provided that the advance will be reported to the Finance Committee at its next meeting.
- (3) Supplementary estimates to cover all advances from the fund will be laid before the Council at the first session after they are made.”

Sir, I think it is only necessary for me to explain in this connection that there are occasions—numerous occasions—on which it is absolutely essential that some authority should be given to the Finance Committee to incur certain expenditure in emergent cases, and I trust the House will accept this view for practical reasons and will agree to delegate the powers to the Finance Standing Committee and to the Finance Member subject to the safeguards and restrictions which have been suggested. I ought to explain that when a motion is made to the Council for recoupment of the Civil Contingencies Fund, the Council is only asked to make up something which is in the nature of a permanent advance. It is not reasonable to insist upon non-payment of the sums which have already been paid, though to doubt the Council has the power to decline to recoup if it considers that the discretionary power has been wrongly used.

Diwan Bahadur Raja Narendra Nath: Sir, the motion that has been put forward by the Hon'ble Finance Member needs some notice, as it contains some important matter.

Mr. President: I think the hon'ble member did not quite understand the Finance Member. His meaning was that he wished to give notice of a motion which he proposes to bring before the House at some future date of this session. It will, of course, be put on the list of business.

GOVERNMENTS' SUPPLEMENTARY DEMANDS FOR GRANTS. EDUCATION GRANT.

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

“That a supplementary sum not exceeding Rs. 30,310 be granted to the Punjab Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Education.”

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

"That the demand of Rs. 30,310 under the head Education be reduced to Rs. 15,000."

I am next to none in my desire to see every child of the province receiving education, but we must in the name of prudence examine our limited resources before we launch upon expenses on education on such liberal scale. It is doubtless, a pet theme for us all to harangue upon a pet subject, upon which one is tempted to spend extravagantly but I am afraid this blind love for education may lead us to bankruptcy some day. In order to meet the growing expenditure on education the Government must needs look for more money from the very people to whose extravagant needs it is pandering, but the difficulty here is that as soon as their pockets are touched, even though slightly, there is a hue and cry raised both inside and outside the Council. Government is not a juggler that it can increase and multiply money automatically, infinitely and indefinitely. In order therefore to save the people of the province from further taxation we should strictly scrutinize the demand and withhold our assent from this demand, in these straitened circumstances. Things have come to this now, that practically some of those demands in the budget which were partially or wholly reduced have again been brought to-day as supplementary grants most of which have been spent in anticipation of sanction of the Council. Thus hundreds of thousands are again being asked for of in the shape of such demands. Education is swallowing a very large portion of provincial revenues. This education is taxing the tax-payers exorbitantly and depleting the Government coffers. I have not the least desire to harass the Hon'ble Education Minister but I think it is my bounden duty to warn my colleagues in the Council that if they are to continue voting huge sums for demands such as this they cannot with any show of reasonableness withhold their support from further taxation which will have to be imposed in course of time. We as reasonable men should under our responsibilities, count all the cost and examine all the aspects of a demand before we vote for or against it. This demand in fact consists of two items; Rs. 7,925 are required for the employment of additional staff in the Director of Public Instruction's Office and secondly, Rs. 22,385 are required for opening a college for women at Lahore. As regards the first item there is hardly any doubt that work is increasing and will go on increasing and to me that appears to be no justification for adding eight posts to the existing staff. As regards the second item I do not think that there is an urgent need to open the Women's College. The educated girls are few and far between who are capable of undergoing college education and there is certainly not a clamorous need for a college on the proposed scale. If the expenditure is considered necessary at all it can be easily postponed for the remaining months of the year. I submit these few observations for the kind consideration of the Hon'ble Education Minister and I trust that with the graceful deference which is so characteristic of him he will not press this demand and will take pity on the tax-payers.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] : While quite sympathising with my friend in all that he said, I am unfortunately unable to agree with him. It is false economy that he is preaching. I agree with him that we must cut down expenditure. There are two different items in the amendment of my friend. The first is about not having fresh establishment in the office of the Director of Public Instruction. In

the Retrenchment Committee the Director presented a paper from which we came to know that he had effected economy to an extent beyond which no man can practise any further economy. (Hear, hear). We found him quite willing to co-operate with us to cut down any extra expenditure. In fact he has put in 70,000 pupils more into schools at a very meagre expenditure and it is a credit to him. If we are not going to give him the sum he requires for expenditure for the extra establishment that may be required, the result will be that we shall save the money at the expense of efficiency. As regards female education, Maulvi Sahib is well aware that a site has been bought and money has been spent in the purchase of it. Now that the site has been bought why should we spare a small sum to build the college. If this money is not granted the money that has already been spent will be a waste. Maulvi Sahib is well aware that a considerable economy has been effected by entertaining provincial service professors instead of Imperial Service men from England. Equipment is necessary for the school and the money that is applied for is therefore absolutely necessary. If we cut down this expenditure then we will give a set back to female education on which largely depends the welfare of our country. It is only on a necessity being felt in the city that a college was opened here now. When we have spent a large sum of money already if we cut down this small sum we will be practising false economy.

Mr. Ganpat Rai : [Lahore, Ferozepore-and-Sheikhupura (Non-Muhammadan).] (Urdu) : Sir, I cannot support the amendment of reduction moved by my friend Maulvi Muharram Ali Chishti. If I have understood him aright he was trying to prepare the ground for supporting the future proposals of taxation which may be brought forward before the Council by the Government for its sanction. It is strange that he has allowed to pass unchallenged the demands for additional police and temporary jails and has thought fit and stand up against a moderate demand which is popular from the peoples point of view and about whose necessity there can not be two opinions.

I take exception to some of my hon'ble friend's expressions and more particularly to that one, viz, "members will raise hue and cry" over the further taxation and "that they are pandering to the needs of Education Department with a lavish hand." If he would care to study the statistics he would find that at present it costs the tax-payers Rs. 10 a year for the education of each boy, which means less than a rupee a month. Can this cost be characterised as exorbitant with any show of reason.

As regards the demand for addition to the office staff of the Director of Public Instruction, the hon'ble mover need only know the circumstances of the case, and he would withdraw his opposition. The proposal was brought before the Finance Committee of the Council which rejected the same. The Director of Public Instruction drew up a long note detailing his necessities and needs and supporting them with facts and figures and it was again presented before the Finance Committee which after deliberation agreed to the proposed increase. The expenditure was not sanctioned out of consideration for the personality of the Director or the Hon'ble Education Minister. My hon'ble friend Maulvi Muharram Ali Chishti is not fond of female education. He bases his opposition on that sentimental objection.

Mr. President : It seems to me that the hon'ble member is imputing motives, which have not been admitted. He began by imputing certain

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motives but as the matter was not important I did not stop him. But when he says that a member is opposed to female education when he has not said so, he is distinctly out of order.

Mr. Ganpat Rai (*continued*) : At any rate this demand should be voted for it and should not be made a justification for supporting the Government's proposal for further taxation which may come in the future.

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

"That the question be now put."

The closure was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : Sir, the Hon'ble mover of the amendment who represents Lahore City had yesterday signified his disapproval of the procedure of recouping of contingency fund after having spent the money in anticipation of the Council sanction, and so his tirade against this demand was not unexpected. The hon'ble member in his onslaught on the Education Department has charged it with fitful extravagance. This expense was undertaken after a very careful and close scrutiny by the department concerned and the Finance Committee which accorded its sanction to the proposed expenditure. The college for women was opened in May last, in Lahore, which the hon'ble member represents and it is really strange that he should be ignorant or profess ignorance of its existence? I think the Council will consider it unreasonable that after the college has been started, expenses undertaken, a member should get up and oppose the expenditure. I would invite the *mofussil* members to go and see for themselves the institution which is now closed for the summer vacation and judge of its merits. To say that the department swallows up a large portion of the revenues is a travesty and distortion of facts. This institution and its equipment could appear extravagant only to those alone who had the privilege of being educated in a free institution of the old type.

I now invite the attention of the House to that strange biped known by the name of *Maqul Admi*, i.e., reasonable man, which abounds only in the benches contiguous to the one occupied by the hon'ble member and is extinct in the benches opposite to him. Those who have the audacity and misfortune of differing from the hon'ble mover of the amendment are of course unreasonable men. My hon'ble friend is not one of those who are fond of female education, and those again who are for it are not decent men. I am not an extremist out to upset the social system, nor I am particularly enamoured of female emancipation, on and out, but on the other hand, I do not feel the need of shutting up our women within four walls and shutting out even the smallest beam of light and breath of air. It is advisable to follow the middle course. Before I resume my seat I take this opportunity of recording my deep debt to the Director of Public Instruction who with unremitting devotion and unflinching sense of economy has scrutinised and cut down all the expenses to a minimum without impairing the efficiency or the expansion of education.

Mr. President : The original motion was :—

"That a supplementary sum not exceeding Rs. 30,310 be granted to the Panjat Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Education."

To this an amendment has been moved :—

"That the demand of Rs. 30,810 under the head Education be reduced to Rs. 15,000."

The amendment was lost.

Mr. President : The question now is—

"That a supplementary sum not exceeding Rs. 30,810 be granted to the Punjab Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Education."

The motion was carried.

MEDICAL GRANT.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir I beg to move :—

"That a supplementary sum not exceeding Rs. 18,741 be granted to the Punjab Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Medical."

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

"That the demand of Rs. 18,741 under the head Medical be reduced to Rs. 9,000."

The arguments advanced by me in moving reduction to the last demand hold good for this demand also. I frankly acknowledge the eloquence and debating qualities of the Hon'ble Minister for Education of which he gave us a highly delightful demonstration just a few minutes ago. This demonstration consisted of taunts and sarcastic personal attacks against me. I would not retort, but would swallow them, taking them to be the rebuff of the beloved and repeating the words of the great Persian poet Hafiz and content myself with the following line in reply :—

جواب تلخ ہے زبید لب لعل شکر خارا

"Bitter answers beset sweet lips."

As regards his remarks about my antiquated principles I need only say that the young entrants in the world with all the exuberance of their youthful impetuosity think that those who are their elders are to be reprimanded for the sin of being old and antiquated. However, there is difference of opinion on the other side held by the elders who think that want of experience and the wrong notion of accumulation of wisdom in the brains of youngsters is a great drawback in forming sane opinions. I may venture to quote on this occasion—

آنچه در آئینه جوان ببیند

بیر در خشت نام آن ببیند

"That which the young see in the mirror. The old see in an unbaked brick."

In my first speech I did not attack the reasonableness or the wisdom of anybody, but I thought it my duty to administer a warning as to what was coming ahead and still I was made the subject of harsh and unbecoming remarks.

Mr. President : I must ask the hon'ble member to confine himself to his amendment. He must not reply to arguments which have been put forward in respect of the last amendment.

Maulvi Muharram Ali Chishti (continued) : Very well, Sir, I abide by your ruling, but you will concede that I am perfectly within my right to ask what will be the result if this demand is sanctioned by the Council. I am laying much stress on the fact that it may lead to fresh taxation. As regards the amendment I need only say that in the demand the temporary allowances of the staff of Lunatic Asylum have been transmited into permanent increase in the shape of increments in salaries. If the Hon'ble Education Minister has special sympathy with the Lunatic Asylum staff I do not want to stand in his way if he brings the demand on some future date when it may be convenient to make increments. With that heavy deficit in the budget and with that threatening taxation it is not possible for Council to acquiesce in demand of this nature at present.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, I will make the matter quite clear. It is simplicity itself. I will not try to refute the general criticism. It deserves no notice. As regards the matter of promotion, on looking up the papers I found that the staff of the Lunatic Asylum have not received promotion up to this time. The existing arrangement will continue unless altered. Whether the man who is in receipt of Rs. 30 per mensem as his pay gets a temporary allowance of Rs. 5 or whether his pay is fixed at Rs. 35 so far as the year's budget is concerned in is immaterial. Although these are times of financial stringency and funds are lacking, the absolutely necessary expenses cannot be curtailed. Supposing a friend of mine has in his employ a few servants and has also to pay the rent of his house, and suppose his income in the year falls will he in that case reduce his rent and the pay of his servants, or refuse to meet his liabilities. Certainly not. Whether or not there is provision for this money in his budget he has to meet it. The Finance Committee has changed the description of the amount voted by us. The poor staff of the Lunatic Asylum has got nothing in the way of increase. Unless the members of this House desire that Government act unreasonably, and in a way to lose all credit, I think this demand should be sanctioned.

Mr. President : The original motion was—

"That a supplementary sum not exceeding Rs. 18,741 be granted to the Punjab Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Medical."

To this an amendment has been moved—

"That the demand be reduced to Rs. 9,000."

The question is that that amendment be made.

The amendment was lost.

Mr. President : Now, the question before the Council is—

"That a supplementary sum not exceeding Rs. 18,741 be granted to the Punjab Government (Ministry of Education) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Medical."

The motion was carried.

INDUSTRIES GRANT.

The Hon'ble Lala Harkishan Lal (Minister of Agriculture): Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 14,270 be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1928, in respect of Industries."

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

"That the demand of Rs. 14,270 under the head Industries be reduced to Rs. 7,000."

I oppose this item on the same ground on which I have opposed the other items. My submission is that the item is unnecessary and will prove a source of burden in these days of financial stringency.

The Hon'ble Lala Harkishan Lal (Minister of Agriculture) (Urdu): Sir, the way in which Maulvi Muharram Ali Chishti wants to deal with us and our proposals reminds me of the well-known adage 'Be Dad Raja Andher Nagri' (an unjust Raja only can rule a habitation which is sunk in darkness). Maulvi Muharram Ali, Chishti, has not taken into consideration the fact whether the expenditure is necessary or legitimate. Nevertheless, he wants to apply a uniform method in the case of all the items. He being a friend of mine I will be willing for the present to agree to a reduction to Rs. 10,870 giving up a sum Rs. 4,000, because the Principal of the Technical Institute will not join his appointment from the 1st of July, but from a later date.

Mr. Ganpat Rai [Lahore and Ferozepore and Sheikhupura Non-Muhammadan (,) (Urdu): Sir, a Technical College has been built at a cost of lakhs of rupees. The amount which is being curtailed represents the Principal's salary who will join later on.

I beg to move an amendment—

"That the item be reduced by Rs. 4,000 only."

Mr President: The question is—

"That a supplementary sum not exceeding Rs. 14,270 be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1928 in respect of Industries."

To this two amendments have been moved.

Maulvi Muharram Ali, Chishti: I beg to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. President: Now comes the amendment—

"That the grant be reduced by Rs. 4,000, from Rs. 14,270 to Rs. 10,270."

The question is that the amendment be made.

The amendment was carried.

Mr. President : I now put the original motion as amended which is—

"That a supplementary sum not exceeding Rs. 10,270 be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Industries."

The motion was carried.

CIVIL WORKS GRANT.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : I move —

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Civil Works."

Maulvi Muharram Ali, Chishti [Lahore City, (Muhammadan) Urban], (Urdu) : Sir, The amendment standing in my name is—

"That the item of Rs. 17,000 under the head be reduced to Rs. 8,000."

I have been trying to moderate every item of demand. I find, however, that my attitude has not been appreciated. After all, for what object is the item demanded? Police Barracks are to be constructed at Kaithu in Chota Simla, because accommodation is not available and the Health Officer has supported the proposal. Such expenditure cannot be said to fall under the category of 'emergency,' and it is, therefore, not absolutely necessary to incur it. I am merely sounding a note of warning. A curtailment in this case will be preferable.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura—Non-Muhammadan] (Urdu) : Sir, I support Maulvi Muharram Ali, Chishti. This item of expenditure is not of such a nature that it cannot stand over for one or two years. We can do without the barracks until such time as we have income. Simla is a cool place where commodious buildings are not required. We have done without barracks for all these years, and we might do without them now. A house could be taken at a cheap rental. I think the proposal should stand over for one or two years.

Sayad Muhammad Husain : I heartily support Maulvi Muharram Ali, Chishti. This is an item which may easily be postponed for a year or two. There is already very great deficiency in the budget and Maulvi Sahib is right in opposing this motion. For this expenditure now will mean fresh taxation. The whole Council should in my opinion whole-heartedly support Maulvi Muharram Ali, Chishti; and Government also should not insist on this grant being given.

The Hon'ble Lala Harkishan Lal (Urdu) : Sir, the house is under construction and the site has been purchased. If Maulvi Muharram Ali and Lala Ganpat Rai will vote the money it would be kind of them.

Mr. Ganpat Rai : May I say a word in regard to the new argument brought forward by the Minister for Agriculture. This was not stated when the application was made. (Continued in Urdu).

Sir, the Hon'ble Minister for Agriculture says that the houses have been built. It is surprising that a demand for money should now be made. This Council is not a plaything nor its members puppets that sanction to the demand should be asked for after the money has been spent. I think that this item of expenditure should be recovered from the departmental officers. If this practice is to continue where is the necessity for obtaining sanction. The Council might be as well dismissed. This is not the first time that this sort of thing has occurred.

The Hon'ble Lala Harkishan Lal (Urdu) : Sir, I beg to submit that the item has been sanctioned by the Finance Committee. Most of the gentlemen who are discussing the item are members of that Committee. Sanction might therefore be given this time and the practice will be altered for the future. The rule that will be laid down will be strictly followed. The item under notice is like the ten items that have already been sanctioned.

Mian Beli Ram [Hoshiarpur—Non-Muhammadan, Rural], (Urdu) : Sir, people who are opposed to the Councils taunt us that our voice carries no weight in the Council and that we dance like puppets in the hands of the Government. The practice is to be greatly deprecated. It is an insult to the members of this House. When the money has been already spent why is our sanction now asked for. There is a deficit of one crore and fifty lakhs in the budget and unnecessary expenditure should therefore be avoided.

Chaudhri Kharsk Singh [Amritsar—Gurdaspur, Rural] : I would like to put in an amendment that this expenditure be sanctioned, but it may be laid down that in future no expenditure of any kind be made unless the sanction of the Council has been obtained in the first place.

Mr. President : You are putting a very general proposition on a supplementary grant item, and I cannot allow that matter to be discussed. It will come up for discussion in a few days' time on the motion of which notice has been given by the Hon'ble the Finance Member. Your general question had better be discussed then.

The Hon'ble Sir John Maynard [Finance Member] : There is an impression among the members in this House that Government spend in the belief that the expenditure will be sanctioned and thereafter it will be too late for the House to stop the expenditure. I can show to the members that this impression is wholly wrong. Whenever an urgent need for expenditure occurs it is met from the Civil Contingencies Fund with the sanction of the Finance Committee. It is true that we have not been following a regularised procedure. In a few days' time we are going to regularise the procedure. Meanwhile the Council should not have the erroneous impression that its authority is in any way slighted by demands like this.

Mr. President : The motion before the Council is—

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Panjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March in respect of Civil Works."

"To this an amendment has been moved—

"That the demand of Rs. 17,000 under the head Civil Works be reduced to Rs. 8,000."

The Council then divided: Ayes 35 and Noes 35.

AYES—35.

Sardar Balwant Singh.
Sardar Randhir Singh.
Chandhri Bans Gopal.
Chandhri Ghulam Mubammad.
Sayad Ghulam Mubammad Shah.
Bawa Hardit Singh, Eedi.
Sayad Husain Shah.
Sardar Kartar Singh.
Chandhri Kharak Singh.
Mr. K. L. Rallia Ram.
Malik Najabat Khan.
Rai Sahib Chandhri Lajpat Rai.
Mr. Moti Lal, Kaistha.
Khan Muhammad Abdullah Khan.
Khan Bahadur Raja Muhammad Akbar Khan.
Chandhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Rana Muhammad Jamil Khan.

Khan Muhammad Saif Ullah Khan.
Mian Mubammad Shah Nawaz.
Chandhri Nabi Bakhsh.
Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra Nath.
Mian Beli Ram.
Mr. Gaurpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chandhri Raja Singh.
Mr. Manohar Lal.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Rai Bahadur Lala Sewak Ram.
Chandhri Shafi Ali Khan.
Rai Sahib Lala Thakar Das.
Lala Uttam Chand.

NOES.—35.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bhabadur Sardar Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. B. Abbott.
Colonel R. C. MacWatt.
Mr. W. P. Sangster.
Mr. D. J. Boyd.
Mr. S. M. Jacob.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Chandhri Daya Ram.

Mr. Nawab Din Murad.
Sodhi Lal Singh.
Khan Bahadur Diwan Abdul Hamid Khan.
Mian Ahmad Yar Khan, Daulatana.
Malik Firoz Khan, Noon.
Chandhri Ali Akbar.
Khan Sahib Pir Ali Haider Shah.
Chandhri Ata Ullah Khan.
Pandit Danlat Ram, Kalia.
Sardar Bahadur Gopal Singh, Labana.
Captain Sardar Gopal Singh.
Rai Sahib Misar Mela Ram.
Nawabzada Muhammad Irshad Ali Khan.
Khan Bahadur Khawaja Yusuf Shah.
Dr. C. A. Owen.
Mr. W. B. Macpherson.

Mr. President: As President of the Council it is my duty so to give my casting vote as to admit of the matter being further considered by the Council if that is desired. So I give my casting vote in favour of the amendment. It will be open to Government to bring up the matter again if it so wishes.

The amendment was carried.

Mr. President : The question now is—

“ That a supplementary sum not exceeding Rs. 8,000 be granted to the Punjab Government (Ministry of Agriculture) by way of recoupment of the Civil Contingencies Fund to defray the charges that will come in course of payment for the year ending the 31st day of March, 1923, in respect of Civil Works.”

The motion was carried.

EXCISE GRANT.

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

“ That a supplementary sum not exceeding Rs. 12,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March, 1923, in respect of Excise.”

Mr. Ganpat Rai : Sir, may I know if this sum has actually been spent?

The Hon'ble Lala Harkishan Lal : I have no knowledge of that.

The Hon'ble Sir John Maynard : I know that this sum has not been spent.

Mr. President : The question is—

“ That a supplementary sum not exceeding Rs. 12,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March, 1923, in respect of Excise.”

The motion was carried.

GENERAL ADMINISTRATION GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

“ That a supplementary sum not exceeding Rs. 4,380 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of General Administration.”

The motion was carried.

ADMINISTRATION OF JUSTICE GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

“ That a supplementary sum not exceeding Rs. 8,560 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1923, in respect of Administration of Justice.”

The motion was carried.

JAILS AND CONVICT SETTLEMENTS GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

“ That a supplementary sum not exceeding Rs. 6,174 be granted to the Governor in Council to defray the charges that will come in course of

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payment for the year ending the 31st of March, 1923, in respect of Jails and Convict Settlements."

The motion was carried.

POLICE GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 33,555 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March, 1923, in respect of Police."

Manvi Muharram Ali, Chishti [Lahore City—Muhammadan] (Urdu): Sir, my amendment is—

"That the demand of Rs. 33,555 under the head police be reduced to Rs. 18,000."

I have refrained as far as possible from totally disallowing any item. I believe in moderating items. This item falls under two heads. One item amounts to Rs. 18,555 and is required for the emergency police guard in the Montgomery Jail. The other item amounts to Rs. 15,000 and is required for furniture and Reformatory School. My point is that the sum of Rs. 15,000 having been already spent without the sanction of the Council it must be disallowed. Money which is given without our sanction must be disallowed. As the previous item was not sanctioned the sum now under notice should be refused. The other item Rs. 18,555 is, I think, legitimate as it is absolutely necessary to have police in the jails. Every one knows that in the past few months disturbances occurred in the jails. We only recently sanctioned a sum of rupees ten lakhs for the police. Is that inadequate? It is true that besides jail work the Police has to do other work also. At present there are a number of places at which punitive police posts are located, the cost of which is recovered from the inhabitants of those places. It seems to me that the system is a productive one. Some money should be saved out of the item. I do not desire any reduction in the number of the police but I would submit that there is a provision of rupees ten lakhs for the police, and some money could also be drawn from the cost of the punitive police posts. The situation in the province too is not so dangerous as it was some months ago. Economy should, therefore, be exercised. I do hope that the Council will accept my amendment, and will abide by its own decision and the Hon'ble Member for Finance too will not press for this item.

Mr. Ganpat Rai: Before I speak on the motion, I should like to have information on one point. Sometime ago we sanctioned a certain sum for what is called barbed wire on the understanding that this would serve the purpose of the police guard. I should like to know whether I am right.

The Hon'ble Sir John Maynard: The police is intended to supplement the barbed wire. If there is no police guard, the prisoners would run away.

Mr. Ganpat Rai: [Lahore and Feazepore-cum-Sheikhupura—Non Muhammadan] (Urdu): Sir, we are not play things that we should avoid incurring the displeasure of Government by playing second fiddle to it. We should express our opinion without any hesitation. I would make a suggestion regarding this item. The Hon'ble Member for Finance has at his disposal a

sum of Rs. ten lakhs for the Police Department. He can spend out of it and abandon the item under notice. I support Maulvi Muhammad Ali Chishti.

Mr. C. M. King : I wish to ask the hon'ble member who has just sat down to which grant he refers.

Mr. Ganpat Rai : I refer to the grant for the police. I am told that more than 10 lakhs is at its disposal. It can meet its expenditure out of the 10 lakhs and save us the criticisms from the public and our constituents. I am sorry to say so, but the Hon'ble the Finance Member knows perfectly well that whenever any reasonable proposal has been put by him we have very seldom disagreed with him; but if things go on like this, and if money is to be spent like this, I am sorry we cannot agree to it.

Chaudhri Ali Akbar [Kangra-cum-Gurdaspur (Muhammadan), Rural] (Urdu) : Sir, this question concerns the police and the administration and it is quite improper to attack it in season and out of season. In order to avoid playing second fiddle it is not necessary I think to oppose the item. The people living in the cities have no idea of the benefit that accrues to the people in rural areas from the police. During the past few months dacoities were committed, there was bloodshed and people were maltreated at their homes. The additional police has protected us from all these troubles. Before opposing the grant of money for the police we should not lose sight of the consequences. Unless the money is given the number of the police will be reduced and dacoits will commence their work. People have no experience of the troubles that arise for want of the police. We are no sycophants, but at the same time we should not join the agitators. I am totally opposed to the amendment.

Khan Bahadur Chaudhri Fazl Ali, [Gujrat West (Muhammadan), Rural] (Urdu) : Sir, I regret to say that the word 'plaything' is being repeated when it is a question of voting money for the police. This is very unhappy expression. If the money has been spent it is really improper to hold a departmental officer responsible. If expenditure is to be constantly disallowed how will the work be carried on. Now that an assurance is given that money will not be in future spent without the Council's permission we should see whether the demand under notice is fair. Supposing my servant spends on his own account some money for my protection should I be justified in deducting the money from his pay for the simple reason that he spent it without my sanction. Certainly not.

Sayad Muhammad Husain : Sir, there is considerable force in the argument of Maulvi Mubarram Ali, Chishti. The thing is this: the Council has already given a very large grant of Rs. 10 lakhs, and to demand anything more is quite unreasonable. We are on the verge of bankruptcy. We are on the verge of having a recourse to fresh taxation, and yet we are being asked to give more and more. The condition of the Province is not so disturbed as to demand more expenditure on police, and I have to say with much reluctance that the cause of the tranquility of the Province ought not to be attributed to the working of the additional police. I have come across some police officers, and whenever I have asked them whether it is due to the additional police or to the original police I have always been told that it is due to the original police and not the additional police. They do not hold a

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high opinion of the additional police. It is not the additional police that was responsible for capturing the Akalis but it was the original police that captured them. The additional police had no hand in detecting crime. They were only instrumental.

The Hon'ble Sir John Maynard: Sir, may I rise to a point of order. The question under discussion is Police guard for a particular jail.

Sayad Muhammad Husain (continued): I would not have touched this point but as Chaudhri Ali Akbar was allowed to speak on this point I want to answer his arguments. As they were allowed, I may be allowed to reply. Now as regards the allegations of my friend Chaudhri Fazal Ali, I am sorry that Mr. Ganpat Rai used rather strong language. It was not right on his part. Such language ought not to be used in the Council.

Mr. Ganpat Rai: Sir, I beg to withdraw my words.

Sayad Muhammad Husain (continued): As regards the other things I think he is mistaken. Sir John Maynard clearly admitted that the amount had not been spent, if I remember aright. On account of the rain, I could not catch the exact words.

The Hon'ble Sir John Maynard: This item is divided in two parts. One is police and one is buildings. As regards the police the money has not been spent.

Sayad Muhammad Husain (continued): A considerable part of the money was to be spent on buildings and that money has not been spent. I would ask Sir John Maynard kindly not to spend that sum. It was only recently that a sum of 9 or 10 lakhs was sanctioned by this Council for additional police and as I think that was quite sufficient no more grant should be given now.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural] (Urdu): Sir, the Police is the most expensive Department, and money is sanctioned for it in several ways. My request is that the Hon'ble Member for Finance, will reassure us by showing a saving in the Department. We can borrow men from other Departments for guarding purposes. The money should be saved somehow or other.

Diwan Bahadur Raja Narendra Nath [Punjab Landlords (General)], (Urdu): Sir the objection raised by the members is whether the sum of rupees eighteen thousand is wanted in addition to the sum of rupees ten lakhs already sanctioned? If it is a separate item I would ask whether the sum of ten lakhs has been used up and cannot this item be appropriated from that sum. We should be satisfied as to this. As regards the other item I would beg to ask why is sanction asked for when the money has been spent. Unless we are satisfied I consider that the item is unnecessary.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, the fact is that there were military barracks in the Montgomery District. A sum of Rs. 12,000 was obtained for providing barbed wires for those barracks. I think a sum of more than rupees ten lakhs has already been sanctioned for the Police. The political situation has greatly improved and the number of persons convicted of political offences has also decreased. The Hon'ble Finance Member told us that political prisoners would be released after they have served two-thirds of their sentence. Such being the case additional police is not needed and it is unnecessary to sanction money. I strongly support Maulvi Mubarram Ali Chishti.

The Hon'ble Sardar Fakadur Sardar Sundar Singh Majithia (Revenue Member): Mr. President, I have to deal with only a certain item of this demand which pertains to a department in my charge, i.e., the criminal tribes and the Reformatory which is in existence at Amritsar. Members may have noticed that last year a sum of Rs. 87,129 was sanctioned by this Council amongst other grants for purposes of building certain quarters for teachers and employees engaged in that Reformatory at Amritsar. If those quarters had been built by the Public Works Department the whole amount would have been spent—I do not say this with any disparagement to that Department—but the Deputy Commissioner of Criminal Tribes requested that he might be permitted to spend this sum himself and by means of economy effected in the construction of the quarters by eliminating the middleman's profits if a contractor had to carry out the work and by work taken from the members of the criminal tribes, he managed to complete the quarters at a cost of Rs. 45,000 thereby effecting a saving of Rs. 22,129. He then came forward for the sanction of certain other necessary additions that were absolutely essential for the needs of the Reformatory. He requested that something like Rs. 40,000 may be given to him for the construction of the extra accommodation. He was given sanction for this expenditure. Out of consideration for the great saving of Rs. 22,129 effected by him he was allowed to spend that money for this purpose. When once those buildings were started it was absolutely necessary that the work that was taken in hand should be finished. The matter was laid before the Finance Committee in Simla in which my friend Maulvi Muharram Ali Chishti who is one of the members of that Committee was present. My friend Mr. Ganpat Rai was also present and with their concurrence the work was taken in hand. I cannot therefore understand the charge of Government treating them as mere toys in this Council if expenditure is to be incurred without first obtaining sanction. We requested that this additional sum may be granted for the completion of these buildings which had been taken in hand. So for that purpose the approval of the Finance Committee was first obtained and the money was made available to the Deputy Commissioner of Criminal Tribes to complete those buildings which could not be left unfinished. I was expecting from my friend Maulvi Muharram Ali Chishti who put forward the amendment of not sanctioning Rs. 15,000 for this head that he would say something on the subject. But not a word was said about it. His argument instead was directed against the general administration of the Police. Sir, I was expecting that he would give me some reasons why he was making this reduction. I have not heard a single word from any member except that we spend money first and then come forward to this Council and say that we have spent it. I have explained to you how the saving of Rs. 22,129 was effected and how with the additional sum of Rs. 15,000 we finished all the buildings which were absolutely necessary for staff, etc., of the Reformatory in Amritsar. I hope that these explanations, so far as they concern the department under my charge, will be satisfactory and the demand will not be cut down.

The Hon'ble Sir John Maynard: Sir, this discussion has been initiated by two errors. In the first place, it has not been understood that all I am asking for is money to employ warders to guard the jail. The use of the word 'Police' has misled members, some of whom think that this

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money is asked for adding to the existing police force in order to maintain law and order in the Province. As a matter of fact what I have asked for is a provision of warders, jail warders. That is the first error that has misled members completely in this matter. I would like to make it clear again that I am merely asking for warders to guard the gate, but I am asking for them in the form of Police.

In the second place, there is a fundamental error in that the hon'ble members think that because the Montgomery Jail has already been provided with barbed wire, there is no need to have special guards to watch the prisoners. Now, Sir, this shows a fundamental misconception regarding the nature of this jail. It is not an ordinary jail. It is an old barrack. It has not got round it high walls to prevent the escape of prisoners. It would be extraordinarily expensive to put up a high wall of the ordinary jail type round this jail, and, therefore, we have adopted the more economical method, a better method, of putting only barbed wire round it. Hon'ble Members will probably have very little difficulty in understanding that even high walls alone are not sufficient to ensure against prisoners escaping as unless there are additional safeguards prisoners do not find difficulty in getting over the walls and effecting a successful escape. It is, therefore, necessary not only to have high walls or barbed wire, but it is also necessary to have men present who would see that the prisoners do not run away. It is quite possible that some members, knowing that this Montgomery Jail contains political prisoners, may be under the impression that they are all high-minded persons who would not think of running away. But, unfortunately, our experience within the last few weeks has shown that this is by no means the case, and certain prisoners have actually escaped by crawling between the barbed wire and the jail drain. That is the way in which these high-minded persons have run away from this jail.

I am dealing with the question of jail warders for guarding the gate of the jail, and I ask this Council not to deny to me the means of providing men to prevent criminals from escaping. The prisoners who are confined in this emergency jail are prisoners of a very determined type, and it is necessary, absolutely necessary, to add a force of warders in the form of police. Some Hon'ble Members will perhaps say Oh, you have already got a grant of 10 lakhs for the purposes of additional police. But, Sir, there is a limit to everything. We have exercised economy as much as possible in all directions, and it is not possible to put a fresh burden on that particular item every time. In other words, it is not possible because if you have got one rupee in your pocket, it is not reasonable to say 'Well, you have got one rupee, go and spend two out of it.' Sir, I appeal to this Council that they have supported me before in these matter of importance, and I appeal to them again for similar support on this occasion.

Manvi Muharram Ali Chishti : I think I have a right of reply.

Mr. President : You have no right of reply.

Mian Beli Ram : I want to speak on the point.

Mr. President : I think the question has already been discussed at sufficient length. The question is that—

"A supplementary sum not exceeding Rs. 33,555 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Police."

To this an amendment has been moved :—

“That the demand of Rs. 33,555 be reduced to Rs. 18,000.”

The question is that the amendment be made.

The Council then divided : Ayes 17, Noes 43.

AYES.—17

Sayad Ghulam Muhammad Shah.
Chandhri Kharak Singh.
Malik Najabat Khan.
Mr. Moti Lal, Kaistha.
Khan Muhammad Abdullah Khan.
Chandhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Sayad Muhammad Reza Shah.
Mian Muhammad Shah Nawaz.

Maulvi Muharram Ali, Chishti.
Diwan Bahadur Raja Narendra
Nath.
Mian Beli Ram.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Sardar Sangat Singh.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakar Das.

NOES.—43

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadur Sardar
Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian
Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Colonel R. C. MacWatt.
Mr. W. P. Sangster.
Mr. D. J. Boyd.
Mr. S. M. Jacob.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Chandhri Daya Ram.
Mr. Nawab Din, Murad.
Sodhi Lal Singh.
Khan Bahadur Diwan Abdul Hamid
Khan.

Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Nun.
Chandhri Ali Akbar.
Chandhri Ata Ullah Khan.
Pandit Daulat Ram, Kalia.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muham-
mad Khan.
Khan Bahadur Chandhri Fazl Ali.
Chandhri Ghani Ram.
Sardar Bahadur Gopal Singh,
Labana.
Captain Sardar Gopal Singh.
Chandhri Ghulam Muhammad.
Bawa Hara Singh, Bedi.
Mr. K. L. Ralia Ram.
Rai Sahib Misar Mela Ram.
Nawabzada Muhammad Irshad Ali
Khan.
Khan Bahadur Raja Muhammad
Akbar Khan.
Mr. Manohar Lal.
Khan Bahadur Khawaja Yusuf Shah.
Dr. C. A. Owen.
Mr. W. R. Macpherson.

The amendment was lost.

The original motion was carried.

EDUCATION GRANT.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I move

“that a supplementary sum not exceeding Rs. 3,75,615 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 day of March 1923 in respect of Education.”

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, what I understand about these Supplementary Grants is that in order to meet certain emergencies that might have arisen recently and for which no provision was made in the Budget the Government is now demanding those petty sums in the form of Supplementary Grants. But I find here that the Hon'ble Minister of Education's present demand relates to subjects for which we have already made sufficient provision in the Budget. I would like that the officers in charge of the various departments and those to whom the task of preparing the Budget is assigned should prepare it so that nothing should remain unprovided for so as to necessitate the demand for these Supplementary Grants. The present demand amounts to Rs. 3,75,615. Was such an important item left unobserved at the time the Budget was introduced? According to this system the Budget will have to come before the Council at its every session. We have already sanctioned a huge sum for the proposed Government College for Women. Here we have again a fresh demand for Rs. 17,615 for the same. Such a system will prove very difficult. Again Rs. 15,000 more are demanded in order to restore a part of the lump deduction made by Finance Department. It means that what the Finance Department has deducted may be sanctioned again by this House. I would humbly tell the Hon'ble Minister that this system of asking for grants is most objectionable. The present demand involves a question of several lakhs of rupees. If the generosity of this House did not cease from granting these demands I do not know where these extravagant expenditures would lead us to. I would however respectfully ask the Hon'ble Minister of Education to reduce this sum as much as possible, otherwise we shall have to saddle the poor tax-payers with fresh burdens.

Mian Beli Ram (Hoshiarpur (non-Muhammadan), Rural) (Urdu) : Sir, I am not going to support Maulvi Muharram Ali except that I have failed to make out anything of the rough estimate drawn up on page 11 and which amounts to Rs. 40,000. I would therefore like to have an explanation about this item. Moreover, since there has been a deficit of one crore and 53 lakhs in our Revenue we should effect as much economy as possible. At the same time education is such a subject which cannot be neglected and we shall have to provide for all demands respecting it. I therefore oppose Maulvi Muharram Ali.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] : Sir, it is with a very heavy heart that I stand up to oppose my learned friend Maulvi Muharram Ali Chishti. Perhaps in his heart of hearts Maulvi Sahib has no room for the poor rural population which is deprived of even the primary education. Does he know that India is rotting in illiteracy, does he know that it is a disgrace for us, for India which claims to possess a civilization as ancient as any other country in the world, that in India more than 90 per cent. of the population is illiterate? Most of the people do not know how to write and read. Zamindars are the backbone of the nation upon whom all the taxes fall. They are sinking under a great burden and are deprived of all elementary education. Had he known the fact that this year about 70,000 men, due to the energies of Mr. Anderson and the Hon'ble Minister, have been admitted in primary schools, I think he would never have come forward to oppose this item. We spend only Rs. 10 per head on primary education. But evidently Maulvi Sahib is not acquainted with village life. He is not acquainted with the amount of poverty which is accentuated by illiteracy, otherwise so sympathetic a man as

Maulvi Muharram Ali Chishti would have never opposed the item. One of my official friends told me that unless the rural population is educated the Reforms will mean nothing to them. Reforms, he said, would be to them the rule of an oligarchy, and the rule of an oligarchy will be worse than that of bureaucracy. I agree with him. We must devote our attention to the education of the poor and to the expansion of education of the new generation that is coming up. It is to the rural population that we should devote our attention and not to men who are clustered in the city under happy conditions sitting under the electric fans. I am for the eighty per cent. and not for the twenty per cent. It is for their sake that I pleaded against further taxation yesterday. It is for their cause that I plead today. In these circumstances I hope my friend will condescend to withdraw and thus lay the whole public under a deep debt of obligation.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu): Sir, I was thinking how could this item remain overlooked by the hon'ble member for Lahore city when there were about twenty amendments standing in his name. I thought that perhaps the note appended to this item

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in the Supplementary Estimates might have impressed him and that he could not take exception to this item. But I was not aware that the debate which took place this morning has so affected him that instead of asking for a 50 per cent. reduction, which he has been demanding in his amendments, he has, so far as this item is concerned, taken exception to the whole sum. The hon'ble members will see in the Supplementary Estimates that this demand comprises three items. It has been said that several sums have been demanded for the Government College for Women at Lahore and that I have been perhaps deceiving the house thereby. But it appears that the hon'ble members who have raised this objection have not studied the details given in the books which are sent to them. I shall now explain the whole situation. Of the sum of Rs. 40,000, for which Mian Beli Ram has demanded an explanation, Rs. 22,385 have been advanced from the Civil Contingencies Fund and the remaining Rs. 17,615 is required as a supplementary grant. I do not understand why the hon'ble members have misunderstood this. I hope this explanation has removed all doubts about the sum of Rs. 40,000, which has been demanded only once, and the attack made on the capability of the Finance Department was quite unjustifiable. If this sum be expended on educating the children, I hope the Budget is so simple that they would easily understand it. A study of page 11, item (b), of the Supplementary Estimates will elucidate the whole thing. The Budget for the primary education which the Government prepares every year depends upon the Budgets of the District Boards and Municipalities, and unless they inform us of these Budgets in time (which may mean in the months of May and June) we cannot forecast how much we shall have to ask for from this Council. Since free compulsory education is being demanded we must expect an increased number of students coming to schools. We cannot refuse them admission on the plea that we have no provision for more sums in our Budget. We shall have to accommodate them and expend sums accordingly. Last year we had to expend an additional sum of Rs. 4,00,000 on primary education. The third item is for Rs. 15,000. If we look at page 12 we shall find that on the suggestion of the Education Department reduction was made in various items as the Council made a lump reduction of Rs. 1,60,000 from the Education Budget. This left a balance of Rs. 15,000 which it found itself unable to meet. The Finance Committee has advised

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

in favour of the submission of a supplementary demand for Rs. 15,000. I hope this explanation would be sufficient to satisfy the hon'ble members.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 3,75,815 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 day of March 1923, in respect of Education."

The motion was carried.

PUBLIC HEALTH GRANT.

Mr. C. M. King: Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 20,400 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 1923, in respect of Public Health."

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

"That the demand of Rs. 20,400 under the head Public Health be reduced to Rs. 10,000."

In this demand there is a large sum of Rs. 17,500 for the purchase of some scientific instruments. Since I do not understand for what purpose they are required I would like to hear an explanation. Perhaps the demand might be quite reasonable. I cannot understand what this word "contingencies" means, nor do I understand what the Hon'ble Member means by "sub-soil water phenomena." Perhaps the explanation might clear the whole thing and I might withdraw my amendment.

Mr. C. M. King, Financial Commissioner: Sir, I understand from what the hon'ble member has just said that his object in reducing the demand by half is really to obtain information as to the various items which make up this amount of Rs. 20,400. At page 12 on the Supplementary Estimates Statement, the items are roughly classified, but the classification does not seem to suffice for the hon'ble member. He wants more details. I will take the items, as they are classified on page 12 under Demand No. 16, and go through them one by one:—

(a) Waterproof lining of Canals, Lahore Cantonment storm water drainage scheme, and scientific instruments for the Punjab Drainage Circle ... Rs. 17,500

I think it is rather a pity that these various items have been lumped together. However, I can assure the hon'ble member that there is nothing extraordinary at all.

Waterproof lining of Canals: Members of this Council are probably aware that a very large area of land is damaged every year owing to seepage from canals. The area lost in the Gujranwala district and in other parts of the province on this account is about 10,000 acres. The loss to Government in Land Revenue is very great and the loss to the owners—the unfortunate owners—of the land is infinitely greater, we know that a large part of this loss is due to leakage from the canals. We have not as yet devised any scheme or method—any cheap method—which will make the beds and sides of canals waterproof so as to prevent this loss. It is not only that this water which leaks out of the canal does a great deal of damage, but if there is a wastage of water it reduces the supply available for areas which badly need irriga-

tion. As I already said we are trying to find some method and some material by which the beds and the sides of these canals can be rendered waterproof. If we had unlimited money to spend it would be very easy. But unfortunately we have not a great deal of money to spend and we have to look about for the cheapest method of doing it. We are experimenting to this end.

Of this sum of Rs. 17,500 we are asking for Rs. 10,000 to conduct one of these experiments. It is to line the bottom and the sides of the canal with bitumen. The material used is sack cloth, jute or gunny soaked in bitumen. The experiment was tried last year on a small scale when Rs. 3,000 was spent, but the result was not conclusive. It was, however, encouraging enough to warrant the Drainage Board recommending very strongly that further experiments should be made this year, and that those experiments are to be on a larger scale than last year. Last year the experiment tested the height of water to 9 feet only. Now the height of water is to be 12 feet. We cannot say whether the experiment is likely to be successful or not. We are hopeful that it will be successful and if it is successful the boon to the province will be incalculable. We will not only be able to save an enormous area of land from going out of cultivation but we will save a very large quantity of water which will be available for distribution in these dry parts where water is urgently needed. That accounts for Rs. 10,600 out of Rs. 17,500.

The next item is Rs. 6,500. I thought the explanation given in the statement was sufficient. The Council has already sanctioned this year Rs. 6,500 out of the total estimated expenditure of Rs. 13,000. There was also a provision of Rs. 6,500 last year. But last year owing to the fact that there was not sufficient establishment this work could not be started and it had to be postponed. That is why this year we are asking for Rs. 13,000. I may mention that this sum of Rs. 13,000 is one-third of the total estimated cost of the whole project of draining the Lahore cantonment and the Lahore city areas. Mr. Ganpat Rai will probably remember that some years ago this scheme came up before the District Board of Lahore. The idea was that one-third should be paid by the Municipal Committee, one-third by the Cantonment Committee and the remaining one-third by the Lahore District Board. But the Lahore District Board pointed out that it was not any concern of the District Board that this drain should be made and objected to the payment. Therefore the Government undertook the payment of the remaining one-third. This accounts for the Rs. 6,500. It is one-half of one-third of the whole cost of the project. The other half has already been sanctioned by the Council for the current year.

I now come to the question of instruments. A sum of Rs. 1,000 is asked for for this purpose for the Drainage Engineer's office. This sum represents only a bare minimum required for his drawing office. Hon'ble Members must be aware that these accurate scientific instruments are every expensive so that the sum of Rs. 1,000 is only the bare minimum required for the office of the Drainage Engineer and I hope the Council will not object to meet the demand. I may say here that the appointment of a Drainage Engineer is comparatively a new appointment, and that is the reason why we have come to the Council to ask for instrument for his office. We could not get the instruments from another office.

[Mr. C. M. King.]

There is an item of Rs. 400 for contingencies of the Drainage Board. This was originally put into the budget, but by a mistake, I think, of the Finance Department, it was cut out. We asked for Rs. 400 for the office of the Drainage Engineer and we also asked for the office of the Drainage Board. The Finance Department cut out the demand of Rs. 400 for the Drainage Board imagining that it was duplication. The office of the Drainage Engineer is totally different from the Drainage Board.

Then there is the question of the research scholarship for investigating the subsoil percolation of water. I have already told the Council that we are experimenting with a view to prevent seepage from canals. The experiments show that the seepage from the canal is due to the beds of the canal being not water proof and to water escaping from these canals. We are not at present aware why water-logging takes place not directly affected by canals. There are considerable areas in the province where for reasons which seem to be quite unaccountable the land becomes water-logged. The question has been investigated in a preliminary manner at the Lyallpur College by experts and on their advice it was decided to send to England one of their most promising students, Mr. Amar Nath, to work out the whole problem and for that purpose he was allowed a scholarship of £250. This scholar, Mr. Amar Nath, has been in England for some time and everything required for his work has been provided by the institute where he works and the £250 really is for his personal expenses. £250 is converted into rupees at Rs. 10 to the £. The loss in exchange is Rs. 75 and for that a separate demand will be made. Hon'ble members will find it at item 32 of the continuous list of Government business. This, Sir, is an account of the various items and I hope I have satisfied my friend Maulvi Muharram Ali Chishti.

Maulvi Muharram Ali Chishti : I ask leave to withdraw my amendment as the explanation has cleared the matter.

The amendment was by leave withdrawn.

Mr. President : I now put the original motion—The question is

"That a supplementary sum not exceeding Rs. 20,400 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 day of March 1923 in respect of Public Health."

The motion was carried.

AGRICULTURE GRANT.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : Sir, I move—

"That a supplementary sum not exceeding Rs. 12,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Agriculture."

The motion was carried.

INDUSTRIES GRANT.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) : Sir, I move—

"That a supplementary sum not exceeding Rs. 45,500 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Industries."

Maulvi Muharram Ali, Chishti : [Lahore city (Mohammadan) Urban] (Urdu) : Sir, I beg to move.

"That the demand of Rs. 45,500 under the head Industries be reduced to Rs. 2,000."

In item 31 a sum of Rs. 45,500 has been demanded. I beg to move an amendment for reducing this amount. Since the Hon'ble Minister of Agriculture is very gentle and free from prejudices I leave it to his discretion to reduce this amount as much as he can.

The Hon'ble Lala Harkishan Lal : (Urdu) : Sir, The hon'ble mover of the amendment will find on page 14 that this machinery is so necessary that it has been fully discussed by the Finance Committee where he was present himself. It is impossible to purchase this machinery piece-meal. I am therefore unable to reduce anything from this sum.

Maulvi Muharram Ali, Chishti : (Urdu) : Sir, I beg to withdraw my amendment.

Mr. President : The question is—

"That leave be given to withdraw the amendment."

The amendment was by leave withdrawn.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 45,500 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Industries."

The motion was carried.

EXCHANGE GRANT.

Mr. C. M. King (Financial Commissioner) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 750 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Exchange."

I have already explained that this Rs. 750 is meant to cover the loss owing to exchange for £250 for scholarship to the research scholar of the Drainage Board.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 750 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Exchange."

The motion was carried.

CIVIL WORKS GRANT.

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

"That a supplementary sum not exceeding Rs. 2,85,733 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923, in respect of Civil Works."

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

"That the demand of Rs. 2,35,733 under the head Civil Works be reduced to Rs. 1,00,000."

Sir, with respect to item No. 33, I move that the demand be reduced to Rs. 1,00,000. There is no doubt that this demand comprises some items which are useful, but I beg to say that they are not indispensable. There are some items about the erection of certain building. There is a weaving shed to be made. Filter tanks for water-supply for Border Military Police are also to be constructed. These works can be postponed for the present. The Military Police has been drinking water from some where; they can wait for a few months more. I do not like to waste any more time of this Council and I would leave it to the Hon'ble Minister's discretion if he can reduce any sum from this demand.

The Hon'ble Lala Harkishan Lal: Sir, the details of the items under "Civil Works" totalling Rs. 2,35,733 are given on page 15 of the Supplementary Estimates. So far as I am personally concerned the first item—Construction of a new weaving shed at the Central Weaving Institute, Amritsar, should be considered very important because it concerns me and the Industries and must be granted. As regards the other items constituting the total I might explain that the "Civil Works" do not always concern me directly, but I doubt very much if the other departments would leave me alone if I did not build the various buildings required for them and by them. One of the items in this demand is the construction of a barbed wire fence around certain buildings at Montgomery for use as a temporary emergency jail. We have discussed this emergency jail at great length already and on page 16 of the Supplementary Estimates you will find a note about this item. The money which had been sanctioned by this Council could not be paid up to the 31st March and therefore it lapsed. Now the work has been completed and the money has been paid. The work was started before the 31st of March 1922, but it could not be completed and as it was not completed the money was not drawn from the treasury. Now we have to pay this bill and I do not think much further discussion is required.

The second item is a very small item of water-supply for Border Military Police at Vehoa in Dera Ghazi Khan District. The explanation is given on page 18 under (e). I do not think we can really postpone the supply of water to the people who serve us in such an out-of-the-way place as Vehoa in Dera Ghazi Khan District in very trying circumstances and conditions.

The biggest item is Maternity Hospital Rs. 1,50,000. The hon'ble members will remember the long discussion we had on the subject before and it was then realised that this is really an institution of great importance and it cannot possibly be taken in hand unless a site is acquired. We have already sanctioned a big sum of money and unless we give this sum of Rs. 1,50,000 we cannot secure the site. I do not think that the payment for the site can be made by instalments, that is to say, that a part be paid now and the remaining afterwards or after building the institution. In this Council at the time of the passing of the annual Budget I was induced against the wishes of my colleagues to agree to a lump sum reduction in a grant, but when the reduction was made and we began to divide it among the different departments and items we did not know how to do it. As a matter of fact we tried

all possible sorts of ways and we failed. If by any chance I accept the suggestion of my hon'ble friend and divide the reduction between the Maternity Hospital, the Government High School, Karnal, the construction of a new weaving shed at Amritsar, and the Military Border Police at Vehoa and the construction of a barbed wire fence at Montgomery, I really do not know how I will do it. If the hon'ble gentleman had moved the leaving out of one of the items one might have considered whether that could be postponed or not; but as the amendment stands I am sorry I cannot accept it.

Mr. Ganpat Rai [Lahore and Ferozepore-*cum*-Sheikhupura (non-Muhammadan)]: Sir, I would like to have a little more explanation about the item of Rs. 10,181 because as will be seen on page 10 of the Supplementary Estimates we have already sanctioned Police Guard for this Emergency Jail. We were then told that there was a police guard required, and it was sanctioned and now we are told that barbed wire is required for this jail. Isn't police guard sufficient?

The Hon'ble Sir John Maynard: I had hoped that I had removed the misconception about the barbed wire and warders. You cannot do with one without having the other. Both are equally necessary to remove any possible chance of prisoners escaping from the jail.

Maulvi Muharram Ali Chishti: Sir, after the explanation we have just listened to, I am prepared to withdraw my amendment.

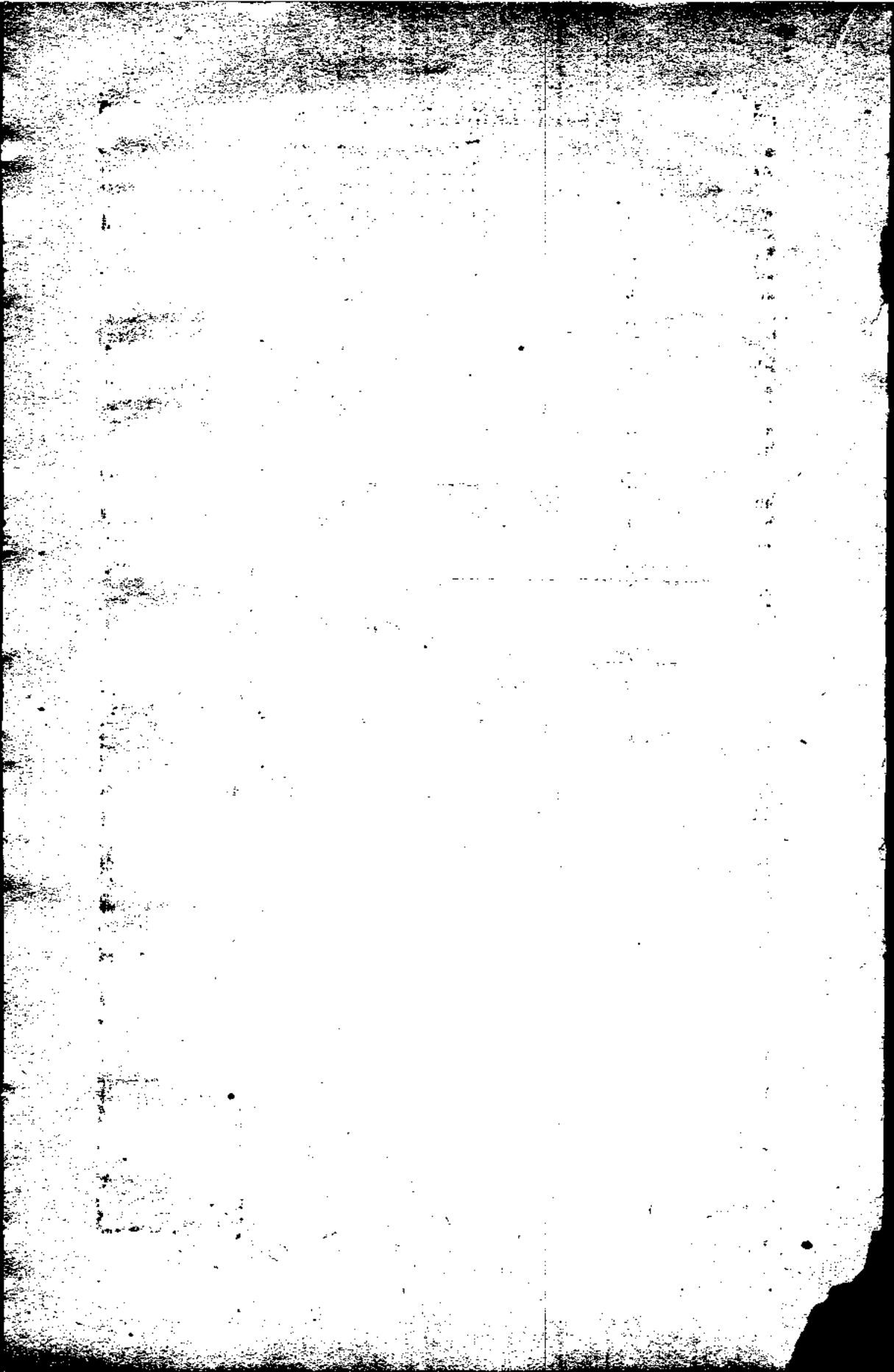
The amendment was by leave withdrawn.

Mr. President: The question is—

"That a supplementary sum not exceeding Rs. 2,35,733 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Civil Works."

The motion was carried.

The Council then adjourned till 7 A.M. on Wednesday, the 2nd August 1922.



PUNJAB LEGISLATIVE COUNCIL.

Wednesday, 2nd August 1922.

THE Council met at the Council Chamber at seven of the clock. Mr. President in the chair.

QUESTIONS AND ANSWERS.

GRANT OF LAND TO JUNGLES IN LOWER BARI DOAB CANAL.

1535. Sayad Muhammad Husain: Will Government be pleased to lay on the table the answer to question No. 159 * put by me on 2nd March 1921?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: A copy of the answer, which was apparently communicated to the hon'ble member on December 23rd, 1921, is laid on the table, and which runs as follows:—

A statement showing the information in connection with sub-heads (a), (b) and (c) of the question is placed on the table.

(d) The answer to first part of this sub-head is contained in column 7 of the statement referred to above. The unit grant to Junglis in the Lower Bari Doab Canal Colony is $\frac{1}{4}$ square per adult male member of the family. Thus a father with three grown up sons would get one square. Such grants (given average land) should be sufficient for a livelihood, but naturally if adult sons themselves have a large family, then the grants eventually become insufficient for the increased family. In the Lyallpur Colony such grants to Junglis were $\frac{1}{4}$ square per adult male member, but in the case of men of consequence such grants were larger. No reply has yet been received from the Deputy Commissioner, Shahpur, but the Financial Commissioner thinks that the unit grant there was the same as in the Lyallpur District, i.e. $\frac{1}{4}$ square per head. The answer to the latter portion of this sub-head is given below under sub-heads E to G.

(e) It is a fact that some of the Junglis have not yet been given land.

(f) Their comparative rights and qualifications are a matter of opinion. Their claims have been and will be considered as far as existing commitments, e.g., grant of land to returned soldiers admit.

(g) When Government can feel assured that the satisfaction in full of existing commitments is within sight, then the case of these men will be further considered, and the greatest possible consideration will be given to their claims.

Total area in C. L. B. D. by Government.	Area distributed.	Balance area with Government.	Landed gentry grants.	Steds, farms, etc.	Back grants.	Locals (Junglis).	Military rewards and reserves.	REMARKS.
Acres. 1,442,158 (allotable area is 1,366,395 acres).	Acres. 664,724	Acres. 496,941 (allotable area).	Acres. 51,724	Acres. 90,437 (includes land for special agricultural objects).	Acres. 305,180	Acres. 129,997	Acres. 207,000	

WATER-LOGGING IN WAZIRABAD, ETC.

1536. Sayad Muhammad Husain : Will Government be pleased to lay on the table the answer to question No. 1222* put by me on 13th January 1922 ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia :

(a) I.—*Wazirabad Tahsil*.—Of the Wazirabad Tahsil only a very small portion comes within the irrigation boundary of the Lower Chenab Canal. Of this small area, parts are affected by the efflorescence of salts, which, however, is not of recent occurrence, but was noticed twenty or more years ago.

The inhabitants of this tract have not only not complained recently about water-logging but have actually asked for more extensive irrigation.

Another part of this Tahsil, round Jhattanwali, is not irrigated from the Lower Chenab Canal, but used to suffer from water-logging ; however, two drains which have been constructed have cured this water-logging.

II.—*Hafizabad Tahsil*.—In certain areas of the Hafizabad Tahsil the ground is sodden due to a high spring level, but great improvement has been caused by remedial measures carried out by Government.

This improvement may be illustrated by the following facts :—

- (i) The owners of the land round Kauloo Tarar in a tract intersected by old river spill channels have lately been persistent in asking for irrigation.
- (ii) The irrigators on the Chak Chatta Distributary, who had in the past bitterly complained of the water-logged condition of their soil and had asked that their distributary might be converted from a perennial to a kharif channel, have recently asked for this distributary to be re-converted into a perennial one as the drains and other remedial measures had greatly improved their lands.
- (iii) The owners of lands bordering on the drains which have been constructed, particularly in the formerly water-logged tract near Sagar, Muradian, etc., have benefited so much from the remedial measures taken that they have recently complained of their difficulty in maturing their crops without extra water and have asked either for a restoration of canal water or for permission to lift water on to their lands from the drains. A recent inspection of this area has shewn that, except for a few bad places, the crops were generally in good condition.

III.—*Khangah Dogran Tahsil*.—Only some small patches in the Khangah Dogran Tahsil suffer from water-logging, the most important being the swamp near Thatta Raika. A drain was dug to relieve this area with marked beneficial results and this drain has been further improved during the last year.

(b) Government has spent over five lakhs of rupees in constructing drains in this tract, it has formed a special sub-division for improving, maintaining and extending the drains, and it is spending over Rs. 50,000 annually on the maintenance of these drains, exclusive of the cost of improvements and extensions. Moreover, the North-Western Railway has

recently constructed a bridge over the Hafizabad drain, thus reducing the marsh near Hafizabad town.

Other proposals for converting perennial into kharif channels, and for starting hydro-electric pumping, etc., are now under consideration.

This reply was sent direct to the member with letter No. 1968 N.I., dated the 28th March 1922, from the Chief Engineer, Irrigation Works, Punjab, who sent a copy also to the Secretary, Punjab Legislative Council, with his No. 1969-N.I., dated the 28th March 1922.

WATER-LOGGING IN KOT PANAH.

1537. Sayad Muhammad Husain: Will Government be pleased to lay on the table the answer to question No. 1223 * put by me on 13th January 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: (a) It has been ascertained that the total unculturable area in

1892-98 was 1,437 acres

1920-21 was 1,474 „

which means that there has been an increase of only 37 acres in the unculturable area since the Chenab Canal was made.

The subsoil water level is from 4 to 7 feet from the surface, but it is noteworthy that no wells have been thrown out of use during the past 30 years.

(b) It is understood that some land was offered in exchange but the people would not take it, apparently with the idea that better land would be offered.

(c) Steps are being taken to reduce canal irrigation to the regulation permissible percentage of 40 per cent. of the culturable area.

This reply was sent direct to the member with letter No. 2376-N. I., dated the 8th April 1922, from the Chief Engineer, Irrigation Works, Punjab, who sent a copy also to the Secretary, Punjab Legislative Council, with his No. 2377-N. I., dated the 8th April 1922.

WATER-LOGGING IN KOT JAN BAKHSI.

1538. Sayad Muhammad Husain: Will Government be pleased to lay on the table the answer to question No. 1224 † put by me on 13th January 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: It is a fact that there has been some damage to culturable land in the village of Kot Jan Bakhsh in Wazirabad Tahsil in consequence of the presence of "Kallar" in the soil which has been brought to the surface by the excessive cultivation of rice. In view of this steps are being taken to reduce the quantity of canal water in this land. It is not correct that any buildings have suffered damage from water-logging. The buildings are all reported to be in good condition except the mosque, which has cracks in its walls, but these are due not to water-logging, but to the

* Vol. III, page 130.

† Vol. III, page 130.

building being made on ground and having its foundations nearly four feet higher than natural ground level.

Steps are being taken to improve the Kaluwala Drain to reduce surface efflorescence in this tract.

This reply was sent direct to the member with letter No. 0424 N. I., dated the 2nd June 1922, from the Chief Engineer, Irrigation Works, Punjab, who sent a copy also to the Secretary, Punjab Legislative Council, with his No. 0425-N. I., dated the 2nd June 1922.

ALLOTMENT OF LAND TO JUNGLES OF GUGERA.

1539. Sayad Muhammad Husain: Will Government be pleased to lay on the table the answer to question No. 1425 * put by me on 21st March 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The answer, which has been communicated to the hon'ble member, is laid on the table, and which runs as follows:—

- (a) Inquiry shows that 38 acres of privately-owned culturable land was taken up by Government in 1851 in Gugera village for the purpose of a district headquarters. The land was uncultivated. No compensation appears to have been paid. The rest of the land occupied for this purpose was already the property of Government.
- (b) Inquiry shows that no part of the land was cultivated.
- (c) Government has no information on the subject. 17½ rectangles on the Lower Bari Doab Canal have been given to inhabitants of Gugera, 82 other owners have been given land on the Lower Jhelum and Lower Chenab Canals.
- (d) Government is not prepared to allot any land in compensation for land acquired under the prevailing custom 71 years ago. The establishment of a district headquarters in this village was of material advantage to the people of Gugera.

ALLOTMENT OF LAND TO JUNGLES OF OKARA.

1540. Sayad Muhammad Husain: Will Government be pleased to lay on the table the answer to question No. 1426 † put by me on 21st March 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The answer which has been communicated to the hon'ble member is laid on the table, and which runs as follows:—

- (a) Yes.
- (b) Yes.
- (c) These people are tenants and it has not been the custom to allot land to tenants hitherto. Government is unable to make any promise on the subject.

* Vol. III, page 373.

† Vol. III, page 373.

PEASANT PROPRIETORS OF KOHLA, TAHSIL OKARA.

1541. Sayad Muhammad Husain : Will Government be pleased to lay on the table the answer to question No. 1427* put by me on 21st March 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The answer which has been communicated to the hon'ble member is laid on the table, and which runs as follows :—

(a) Yes.

(b) The majority of them already have land (which is irrigated) and their claims are inferior to those of other *Junglis* who have no land at all. The names of those with the strongest claims have however been noted and they will be provided with land, in order of merit, if, and when it becomes, available.

REWARDING THE SONS OF K. B. GHULAM MUHAMMAD KHAN.

1542. Sayad Muhammad Husain : Will Government be pleased to lay on the table the answer to question No. 1428† put by me on 21st March 1922?

Mr. H. D. Craik : Government are not prepared to lay the answer to the hon'ble member's question on the table. If, however, the hon'ble member will communicate with me I will be glad to convey to him the substance of the information that has been collected.

EJECTMENT OF TENANTS.

1543. Rai Bahadur Lala Sewak Ram : Will Government consider the desirability of altering the last date for service of notices of ejectment under section 45 of the Tenancy Act from the 15th day of November to the 15th day of January?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Government is not aware of any reason for altering the date fixed in section 45 (2) of the Punjab Tenancy Act, 1881, and does not propose to introduce legislation for the purpose of altering it.

A.-V. HIGH SCHOOLS IN CERTAIN TOWNS.

1544. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state—

(a) the number of recognised or unrecognised Anglo-Vernacular Middle and High Schools which exist in the area between the towns of Dera Ismail Khan and Dera Ghazi Khan, a distance of nearly 150 miles?

(b) when was the Sanghur A.-V. High School started at Taunsa in Dera Ghazi Khan District?

(c) when was the optional English class started in the D. B. Vernacular Middle School?

* Vol. III, page 374.

† Vol. III, page 374.

- (d) the reasons which led to the starting of the English class after the establishment of the Sanghur A.-V. High School ?
- (e) If this English class is self-supporting ; if not, is it a fact that it was started in contravention of the instructions contained in paragraph 4 of Mr. Richey's circular C. M. No. 1609, dated 27th February 1919 ?
- (f) If the answer to (e) is in the affirmative, will Government consider the desirability of closing the optional English class at the D. B. Vernacular School, and giving a suitable grant-in-aid to the existing Sanghur A.-V. High School ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) There are 4 High and 2 Anglo-Vernacular Middle Schools in the Dera Ghazi Khan District. On the Dera Ismail Khan side there is only the Taunsa school with optional English and a private unrecognised school. It may, however, be added that this part of the district is very thinly populated.

(b) Since the school is not recognised and has never been inspected, the exact date of its being started is not known.

(c) The English class was started in May, 1921.

(d) There was a demand for English education.

(e) The classes are almost self-supporting. They were not so last year, as there was only one English class. The attention of the Board will be drawn to the instructions contained in the circular referred to in the question.

(f) As the English classes meet a demand and as the Dera Ghazi Khan District is poorly supplied with such education, Government does not deem it advisable to interfere with the action of the Board. As the Sanghur Anglo-Vernacular School is not recognised, the question of a grant-in-aid does not arise.

Rai Bahadur Lala Sewak Ram : Sir, I want to ask a supplementary question. In view of the good reports of this school, will Government be pleased to recognise this school ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : No promise can be given.

ARRANGEMENTS FOR CROSSING THE INDUS.

1545. Rai Bahadur Lala Sewak Ram : Is it a fact that the responsibility for the present arrangement for crossing the Indus between Ghazi Ghat and Dera Ghazi Khan is shared by three departments—(1) The Railway, (2) The Civil District authorities, (3) The Public Works Department ?

Will Government be pleased to consider the advisability of putting the Public Works Department (Buildings and Roads) in charge of the whole arrangement ?

The Hon'ble Lala Harkishan Lal : The answer to the first part of the question is in the affirmative. As to the latter, Government will consider the advisability.

LAND REVENUE ASSESSMENT IN DIPALPUR AND PAKPATTAN TAHSILS.

1547. Maulvi Muharram Ali Chishti : Arising out of the answer to question No. 1221* asked by Sayad Muhammad Hussain on 13th January

1922, will the Government be pleased to state if it has considered the matter? If so, with what result?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : With regard to the assessment of the Pakpattan Tahsil the result of Government's consideration is embodied in the orders on the assessment report, a copy of which is laid on the table.

The assessment of the Dipalpur Tahsil is still under the consideration of the Financial Commissioner.

ACTION TAKEN ON THE REPORT OF THE INDIAN JAILS COMMITTEE.

1548. Maulvi Muharram Ali Chishti : Will the Government be pleased to state—

- (a) whether it has perused the report of the Indian Jails Committee (1919-20)?
- (b) If so, what reforms and improvements the Government has made in accordance with the recommendations made by the Committee?
- (c) Has the Government ascertained non-official or official opinion in the matter? If so, from whom and in what manner and with what result?
- (d) Does the Government intend to bring the matter before the Standing Jails Committee of this Council for advice?
- (e) With special reference to section V (religious and moral instruction and religious observances in prisons) on page 354 of the report, will the Government be pleased to state what action it has taken in accordance with paragraphs 221-227 (each paragraph separately)?

The Hon'ble Sir John Maynard : (a) Yes.

(b) The following are some of the improvements introduced as the result of the Report of the Indian Jails Committee—

- (i) Increase in pay of establishments.
- (ii) Removal of neck-rings and wrist-rings.
- (iii) „ „ cubicles.
- (iv) Revised rules for interviews and letters.
- (v) The issue to prisoners of two suits of clothing.
- (vi) The appointment of religious teachers for the Sharnpur Tuberculosis Jail.
- (vii) The revision of sentences as proposed in Chapter XVI of the Report and the appointment of a Revisory Board.
- (viii) Changes in dietary.
- (ix) Increased latrine accommodation.
- (x) The appointment of non-official visitors for all jails.
- (xi) Training of prisoners as dressers, etc.
- (xii) Concessions on religious grounds to all classes.
- (xiii) Partial stoppage of transportation.

- (xiv) Return of all female convicts from the Andamans.
- (xv) Rules regarding convict officials.
- (xvi) Steps to do away with belchaining.
- (xvii) Arrangements for female warders to accompany female prisoners when in transit.
- (xviii) The segregation of habituals in separate jails is in gradual process.
- (xix) The preparation of a programme of building of new jails on lines laid down in the Report.

(c) Non-official opinion has not been sought, but the Hon'ble Judges of the High Court, Sessions Judges, Commissioners and Deputy Commissioners, the Inspector-General of Civil Hospitals, Punjab, and the Inspector-General of Prisons, Punjab, have been consulted by letter. The results cannot be brought within the compass of an answer to a question in Council.

(d) If the hon'ble member will specify the matter to which he refers a reply will be given.

The subjects covered by the Report are very numerous.

- (e) Paragraph 221 Indian Jails Committee's Report. So far three paid religious teachers (Hindu, Muhammadan and Sikh) have been appointed to the Shahpur Tubercular Jail.

Do.	222	ditto	For financial reasons it has not so far been possible to carry out the suggestions made in this paragraph of the Report.
Do.	223	ditto	This suggestion has not been adopted.
Do.	224	ditto	Congregations are not allowed, but otherwise facilities are given to prisoners to perform their devotions.
Do.	225	ditto	The suggestions in this paragraph have been carried out.
Do.	226	ditto	Sikhs have been given these concessions.
Do.	227	ditto	This procedure is already observed.

STANDING JAILS COMMITTEE OF THE COUNCIL.

1549. **Maulvi Muharram Ali Chishti** : Will the Government be pleased to state—

- (a) the date on which the Standing Jails Committee of this Council was constituted?

- (b) the scope of the authority of the Jails Committee?
- (c) If it is a fact that up to this time no meeting of this Committee has been held?
- (d) If the answer to (c) is in the affirmative, what are the reasons which have led the Government to keep this Committee in abeyance?
- (e) Is it a fact that many important questions, such as engage the attention of the Government and the public, as regards the administration of jails have already arisen and are frequently cropping up?

The Hon'ble Sir John Maynard : (a) 9th January 1923.

(b) The Jails Committee was constituted for the purpose of advising the Government in such matters as may be referred to it for opinion.

(c) Yes.

(d) Government wished to hold a meeting in March, but it was not found possible to fix a date which would suit all members. A meeting was called for 8 p.m. on July 31st at Lahore.

(e) Yes.

LISTED POSTS.

1550. Maulvi Muharram Ali Chishti : (a) Is it a fact that the cadre of the Indian Civil Service has increased by the creation of three new posts, *viz.*, (1) membership of the Executive Council, (2) the Presidentship of the Council, and (3) an Additional Secretary in the Provincial Secretariat?

(b) If the answer to (a) be in the affirmative, what comparative addition or additions have been made to the "listed posts"? If none, what are the reasons?

Mr. H. D. Craik : (a) Neither the post of official member of the Executive Council nor the post of President of the Punjab Legislative Council are appointments reserved for members of the Indian Civil Service, but the former has, for purposes of calculating the numbers of recruits to be taken annually, been added to the cadre of the Punjab Commission. On the other hand, the appointment of Governor has been excluded from the cadre for purposes of recruitment. One temporary secretaryship to the Local Government has recently been made permanent and an additional post of Secretary has been created.

(b) The question of listing additional posts for the Punjab Civil Service is still the subject of correspondence between this Government and the Government of India.

CORRUPTION IN THE EXCISE DEPARTMENT.

1551. Maulvi Muharram Ali Chishti : (a) With reference to paragraph 11 of the Report of the Corruption Committee what steps have the Government taken to stop corruption in the Excise Department?

(b) With special reference to the last portion of the above-mentioned para., is the Government ready to take prompt action for removing the dual position of the Revenue Assistants, who after sanctioning the prosecution in excise cases, try those very cases themselves?

(c) Will the Government be pleased to issue a circular to the effect that any such cases now pending before the Revenue Assistants be at once transferred to the courts of other Magistrates?

The Hon'ble Lala Harkishan Lal : (a) The steps taken to eradicate corruption in the Excise Department are the same as those taken in other Departments, and for this the hon'ble member is referred to paragraph 10 of the Government Resolution No. 11269, dated the 31st March 1922, on the Corruption Committee's Report.

(b) Government agree that the officer sanctioning the prosecution should not try the case. A remedy against the practice complained of is provided by section 191 of the Criminal Procedure Code.

(c) Any accused person can, as it is, claim a transfer under the section of the Criminal Procedure Code cited.

Maulvi Muharram Ali Chishti : Sir, I want to ask a supplementary question. Is the Hon'ble Minister aware that the rulings under section 191 of the Criminal Procedure Code are conflicting, and that there is no certainty of getting such cases transferred under the provisions of that section? Will Government, therefore, take action to have the cases transferred?

The Hon'ble Lala Harkishan Lal : The Government in the Transferred Departments is not prepared to interfere with the easy flow of justice.

PAY OF CHAPRASSIS AND JAMADARS.

1552. **Maulvi Muharram Ali Chishti :** (a) Has the resolution* moved by Mr. Ganpat Rai and passed in the meeting of the Council held on the 11th January 1922, regarding pay of jamadars and chaprassis, been considered by the Government and with what result?

(b) Whether any representation has been received from the chaprassis and jamadars about their present insufficient pay;

(c) Whether it is a fact that since the passing of the said resolution there has been a reduction in the number of chaprassis and jamadars and that there has also been some reduction in their allowances? If so, to what extent and what are the reasons for the reduction;

(d) Whether they have any objection to referring the resolution for taking the advice of the Standing Finance Committee;

If so, on what grounds?

The Hon'ble Sir John Maynard : (a) The Resolution of the 11th January 1922 regarding the pay of jamadars and chaprassis has been considered by Government and it is expected that orders will issue shortly.

(b) Yes.

(c) There has been a reduction in the number of orderlies in personal attendance on certain Gazetted Officers. But there has been no reduction in

allowances except in the case of grain compensation allowance, which is admissible on rates varying with the prevailing prices of food-grains and has consequently fallen with the general fall in prices.

(d) Proposals are laid for advice before the Finance Committee only when they have the support of the Member of Government whose duty it is to deal on the administrative side with the particular head of expenditure which is concerned. Under the constitution the initiation of proposals for expenditure rests solely with Government and the function of the Finance Committee is to advise whether a proposal for expenditure, so initiated, should or should not be laid before the Council for the provision of funds.

POLITICAL OFFENCES.

1553. **Maulvi Muharram Ali, Chishti:** Will the Government be pleased to lay on the table—

- (a) a list of all the persons (with names and description) who have been convicted during the first six months of this year for the offences of civil disobedience, sedition and other political offences with details of the punishment awarded in each case;
- (b) a list of all the persons (with names and description) who have been ordered during the first six months of this year to furnish security under section 107 or 108 of the Criminal Procedure Code on account of their political activities;
- (c) a list of all the persons (with names and description) who have been arrested on account of political offences, but discharged or acquitted by the courts, during the last year and the first six months of this year;
- (d) a list of all the persons (with names and description) who have been arrested on account of political offences, but not shallaned by the police during the last year and the first six months of this year;
- (e) a list of all the persons (with names and description) who have been arrested during the last year and the first six months of this year and convicted on account of political offences, but subsequently discharged on their apologies or undertaking to behave properly in the future?

The Hon'ble Sir John Maynard: The labour which would be entailed by collecting the information which the hon'ble member seeks would be so great, and the delay so considerable, that Government is obliged to decline to supply the information. An important part of the objects which the hon'ble member has in view in asking the questions will, however, it is believed, be met by informing him that the total number of persons now in prison in the Punjab for offences ordinarily regarded as political, that is to say, under section 121-A, section 124-A, section 153-A, of the Indian Penal Code, under the Indian Criminal Law Amendment Act, 1908, and under the Prevention of Seditious Meetings Act, 1911, and in default of finding security, under section 108, Criminal Procedure Code, is seven hundred and nineteen.

The number of persons who have been convicted since the beginning of the year 1921 of offences of the above type, and have subsequently been released on apology or promise of good behaviour will be ascertained and communicated to the hon'ble member.

POLITICAL PRISONERS.

1554. **Maulvi Muharram Ali Chishti**: Will the Government be pleased to state if it is ready to release all or any of the political convicts if they give an undertaking to the satisfaction of the Government that they will not act illegally and will not break the law in the future?

The Hon'ble Sir John Maynard: Government is not prepared to make any general pronouncement on the subject, but is prepared to give full consideration to each case in which the convict expresses his regret for past action and gives a promise for future good behaviour. It has been customary in certain classes of such cases to suspend the sentence passed.

SEPARATION OF JUDICIAL AND EXECUTIVE DEPARTMENTS.

1555. **Maulvi Muharram Ali Chishti**: (a) Has the Committee appointed to report on the separation of Judicial and Executive Departments sent up their report to the Government? (b) If so, has the Government any objection to laying a copy of the report on the table? (c) If there is any objection, will the Government state the grounds? (d) Will the Government be pleased to give an approximate date after which practical steps will be taken for the separation of the Judicial and the Executive Departments?

The Hon'ble Sir John Maynard: (a) Yes. (b) and (c) Copy of the report is laid on the table. (d) The report has been referred to selected officials for consideration and it is not possible for Government to indicate the date on which orders will be passed owing to the financial and other questions involved which will require considered reflection.

No. 1778-G., dated Lahore, the 20th March 1922.

From—The Hon'ble Mr. Justice W. A. L. ROSSIGNOL, President, Judicial and Executive Functions Separation Committee,

To—The Home Secretary to Government, Panjab.

ADVERTING to Home Department Judicial Resolution No. 2363, dated the 24th January 1922, and to your letter No. 2896-Judicial, dated Lahore, the 27th January 1922, I have the honour to inform you that my Committee met for the consideration of the questions referred to them on the 9th and 16th of February 1922 and on the 20th of March 1922.

1. The first question referred to my Committee was as follows:—

“If the Deputy Commissioner in his capacity of District Magistrate, and the Sub-Divisional Officer in his capacity of Sub-Divisional Magistrate, cease to exercise control over the subordinate magistracy under section 17, Criminal Procedure Code, what arrangements should be made for that control? What will be the additional cost involved, and what will be the advantages and disadvantages of the change.”

My Committee is of the opinion that the control exercised over the subordinate magistracy by the District Magistrate should be transferred to an officer who might be styled the Senior Magistrate, and that the simplest and probably the best method of effecting the change would be to invest the Senior Sub-Judge in each district with those powers of control. My Committee consider it important that the chief executive officer of each district

should retain most of the preventive functions of District Magistrate, and think he should be styled the District Officer or Chief Executive Officer of the district. He would not be in any way subordinate to the Senior Magistrate and would retain all the powers with which he is invested by the Criminal Procedure Code for the preservation of law and order and for the promotion of enquiry into crime. Some members of my Committee expressed their apprehension lest the deprivation of the District Magistrate of his powers of control over the subordinate magistracy should paralyse his power to direct the movements of subordinate magistrates in emergency, but the answer to this is that it is the first duty not only of the District Magistrate but of each and every magistrate to maintain peace within his jurisdiction. This is a truth which in the past has not been sufficiently realised, having been obscured by the circumstances that the District Magistrate has been the officer primarily responsible for the preservation of law and order in his district. From the foregoing it follows that at all times each and every magistrate in the district no less than the District Magistrate is responsible for the preservation of law and order. In England a magistrate acts, as a matter of course, on information supplied to him by the police, and we take it that in time of stress the District Officer (in his capacity of chief of the police) must have power to direct the movements of the subordinate magistrates.

For this limited purpose of a purely executive nature the majority of my Committee consider that the chief executive officer must control the subordinate magistrates. Two of the members express dissent on this point and hold that such control should be exercised through the Senior Magistrate, but the objection to this is that in times of stress there should be one directing mind.

The advantages of the change will be, firstly and chiefly, the dispelling of the idea which now seems to prevail in certain quarters that the subordinate magistracy are afraid to acquit, in other words, that they are not impartial, bearing in mind the necessity that a tribunal should not only be impartial but should also enjoy the reputation of being impartial. My Committee regard this advantage of great value.

Another advantage is that the District Magistrate being freed from judicial duties will have more leisure to devote to his functions in the police prosecution, revenue and general administrative departments.

The disadvantages will be the creation of a more complicated system, an increase of cost in the administration and a loss of variety of task. The additional cost involved will be dealt with later.

2. The second question placed before my Committee runs as follows:—

“If the Deputy Commissioner ceases, as District Magistrate with first class magisterial powers and enhanced powers under section 30, Criminal Procedure Code, to try persons charged with offences, to deal with appellate work from 2nd and 3rd class Magistrates and to have revisional powers under Chapter 32, Criminal Procedure Code, what arrangements should be made for this work? What will be the additional cost involved, and what will be the advantages and the disadvantages of the change?”

Deputy Commissioners in their capacity of District Magistrate with 1st class magisterial powers and enhanced powers under section 30, Criminal

Procedure Code, in former times turned out a considerable volume of work which of late years has been reduced to an almost negligible quantity. Practically every district has a section 30 Magistrate; so that the change proposed will not under this head involve any dislocation. With regard to the appellate work from 2nd and 3rd class magistrates and the revisional work under chapter 32, Criminal Procedure Code, my Committee are of the opinion that the Senior Magistrate should dispose of this work.

8. The third question runs :—

“If officers in executive charge of sub-divisions and the members of Deputy Commissioners' staff at district and tahsil head-quarters who do executive work of any kind, cease to try or commit for trial persons charged with offences, what arrangements will be made for the work now done by them, what additions to staff will be necessary, what will be the additional cost involved, and what will be the advantages and disadvantages of the change?”

If officers in executive charge of sub-divisions are to be retained as such after being divested of their judicial functions, it follows that the criminal work now disposed of by such Sub-Divisional Officers will be a further burden to be discharged by the judicial establishment of the district, and, bearing in mind the fact that the Senior Magistrate, *i.e.*, the Sub-Judge, will have to perform a greater amount of criminal work than in the past, which will involve a proportionate diminution of his value as a Sub-Judge, we hold that it will be necessarily subject to what will follow to strengthen the cadre of each district by one 1st class Magistrate. Inasmuch also as under the Resolution of the Legislative Council Tahsildars and Naib-Tahsildars will cease to try persons charged with offences, some new agency must be established for the disposal of work hitherto done by those officers, and my Committee are of the opinion that the most economical plan will be to invest Munsifs with criminal powers. This would involve the appointment of two additional Munsifs per district, or, roughly, 58 for the whole Punjab.

The advantages of the proposed change would be those set forth in the reply to question No. (1). Further it is probable that the criminal work now entrusted to Tahsildars and Naib-Tahsildars would be more efficiently performed by Munsifs whose work would not be disturbed by the interruptions to which Tahsildars and Naib-Tahsildars are subject. Some members of my Committee were under the impression that Tahsildars and Naib-Tahsildars thus freed of judicial functions would find it hard to discover sufficient work. On the other hand, it was considered that the District Magistrate having fewer executive officers under his control would be able to employ his Tahsildars and Naib-Tahsildars more fully on executive work.

My Committee have had the advantage of hearing the views of Mr. Langley, Mr. Lumsden, Col. Buck, Col. Farrar and Mr. Zaman Mehdi Khan on the question of entertaining extra establishment as a result of the adoption of the Legislature's Resolution. All these gentlemen consider that at least one more 1st class Magistrate and two extra Munsifs per district will be essential.

The position which will result will be as follows :—

The District Magistrate, Treasury Officer, and Revenue Assistant will be relieved of all judicial work, and it is the opinion of my Committee that

in most districts the General Assistant, if relieved of executive functions, could dispose of the criminal work he now has, *plus* the small contributions hitherto made by the Treasury Officer and the Revenue Assistant to the district outturn of criminal judicial work, and that the Treasury Officer and the Revenue Assistant between them could dispose of the executive work now performed by the General Assistant.

The case of Sub-Divisional Officers, however, is more difficult to settle and can be better determined by Government after consultation with the districts concerned than by my Committee on the limited information before them. In districts where there is no Sub-Divisional Officer the adoption of the resolution may involve no extra establishment other than two Munsifs. Again if the Sub-Divisional Officers are retained as judicial officers and their executive duties can be entrusted to the Tahsildars relieved of judicial work no extra 1st class Magistrate will be necessary and the General Assistant, if any, may come under reduction.

It will be urged in reply that an extra burden of executive work will thereby fall on the Treasury Officer, Revenue Assistant, and the Deputy Commissioners, but it is suggested that much of this can be entrusted to the Tahsildars, and that the Deputy Commissioner, Revenue Assistant and Treasury Officer by reason of their exemption from judicial duties will have their whole time made available for executive and revenue work, and so will be able with the aid of the Tahsildars to do the executive work hitherto done by Sub-Divisional Officers. Until, however, the case of each district be considered in detail it will be impracticable to arrive at other than the rough result already indicated.

The position of the Sub-Judge remains to be considered. He will be burdened with the judicial and revisional work of the District Magistrate, but he will be relieved of executive duties and will be able to throw upon the Munsifs cases within the pecuniary jurisdiction of the Munsifs which he now disposes of in order to give himself a full task.

Some amendment of the Criminal Procedure Code will be necessitated; for instance, in chapters 4 to 7 powers of search and arrest should be given to both executive officers and magistrates. These proceedings form no part of a trial but are preliminary to a trial and the intervention of the executive officer will be no more open to objection than the intervention of the police.

With regard to proceedings under chapter 8, my Committee are strongly of the opinion that though the initiation of proceedings will of course be in the power of the executive the trial should be left to the judiciary who will be bound to deal at once with cases certified by the district officer to be urgent.

My Committee feel most strongly that the powers set forth in chapter 9 should be conferred on all executive officers as well as on all magistrates. These powers are obviously anything but judicial and my Committee's proposal involves no semblance of a breach of the principles laid down by the Legislature.

Chapter 10 gives authority to pass conditional orders in the case of nuisances, and we think that the issue of the initial orders should be confined to the executive and the final orders determined by the judiciary.

Chapters 11 and 12 confer power on a magistrate to act in cases of emergency. The magistrate's order is subject to adjustment by a civil court, and my Committee think these purely executive powers should be confined to executive officers if for no other reason than in order to avoid a clash of authority. For similar reasons my Committee think that the power to hold inquests under section 174 of the Code should be confined to executive officers.

My Committee has not had time to make a detailed survey of the Code, but consider that alterations other than those above indicated would probably not be numerous.

4. With regard to the fourth question which runs as follows :—

"If the officers of various executive departments, such as Canals, Forests, Salt, who now exercise magisterial functions, cease to exercise them, will any additional staff and any additional cost be thereby made necessary, and what will be the advantages and disadvantages of the change?"

My Committee are unanimous that if officers of various executive departments such as Canals, Forests, Salt, cease to exercise magisterial functions no additional staff will be thereby rendered necessary. The judicial outturn of such officers is even now a negligible quantity. The quality of the very few cases decided is extremely poor and the advantage of the change would be a more equitable administration of justice.

5. The fifth question is as follows :—

"Can the Committee suggest any changes in judicial procedure such as the abolition of the commitment procedure, which would diminish the addition to expenditure entailed by the other measures proposed?"

My Committee are not able to recommend the abolition of the commitment procedure, but they think that the proceedings in commitment should be curtailed. They consider that only the eye witnesses in cases in which there are eye witnesses, and in other cases, the principal witnesses only, should be examined before the Committing Magistrates, and that the less important and formal witnesses should be made to appear only at the time of trial in the Sessions Court.

A further suggestion was made that in doubtful cases where under the rulings of the High Court a Magistrate has no discretion to discharge, Public Prosecutors after consultation with the District Magistrate should make a more frequent use of their powers to enter a *nolle prosequi*.

Again, it is recommended that in the case of recaptured absconders no fresh detailed commitment proceedings should be undertaken.

It has been suggested also that the cost of the proposed change would be diminished by bringing under reduction the judicial establishment of the District Magistrate and his executive officers, e.g., District Magistrate's Reader, unless sufficient work can be found for them on the executive side.

6. With regard to the sixth question which is couched in the following terms:—

"If the changes indicated in paragraphs I, II, III and IV of the foregoing are recommended, how should the prosecuting agencies (both of Government Pleaders and of Court Inspectors) be strengthened in number and quality, in order that the case for the Crown may be properly put before all courts dealing with criminal trials, and what will be the expenditure involved?"

My Committee are of the opinion that Court Inspectors are useful officers, but that Naib Court Inspectors are unable at present to conduct prosecutions, and my Committee consider that one additional Court Inspector and one additional Court Sub-Inspector should be appointed to each district. Further that Court Inspectors and Court Sub-Inspectors should be placed in a separate cadre, which should include three posts of Deputy Superintendent of Police, should be well paid on an incremental scale, and should be appointed only after passing fairly severe tests of efficiency. They also recommend that when the Public Prosecutor has more pending cases than he can effectively deal with, Government briefs should be distributed among promising members of the Junior Bar, or preferably that an Assistant Government Pleader be retained when the cases are too important or complicated to be entrusted to a Court Inspector.

Any additional cost under this head should not, in my Committee's opinion, be debited to the proposed scheme as they feel that the present arrangements are inadequate even if no change be introduced.

The cost of the scheme based on the above indicated rough data works out to—

NON-RECURRING.

	Rs.
Initial cost of buildings	5,51,000
Furniture	38,880
Total	5,89,880

RECURRING CHARGES.

	Rs.
Twenty-nine Magistrates	6,78,600
Fifty-eight Munsifs	1,43,376
Establishment	8,21,976
Total	8,21,976

PUNITIVE POLICE.

1556. Maulvi Muharram Ali, Chishti: Will the Government be pleased to state the names of places in the province where punitive additional police (under section 15 of the Police Act) are posted at present, giving details of—

(a) the adult male population of each place;

- (b) the number of the Police Inspectors, Sub-Inspectors, Head Constables and Constables posted at each place ;
- (c) the total expenditure of the said additional police in each station ;
- (d) the amount which will be realized per head from the inhabitants of each of these places in order to meet the expenses of the additional police ;
- (e) the dates on which the said police were posted ?

The Hon'ble Sir John Maynard : It is regretted that the answer is not yet ready, but it will be communicated to the hon'ble member in due course.

Maulvi Muharram Ali, Chishti : Will the Government be pleased to give us an idea of the approximate date within which the answer may be ready ?

The Hon'ble Sir John Maynard : It is rather difficult to give this information. However, I do not think it will take more than two months.

1557. Maulvi Muharram Ali, Chishti : With reference to the previous question No. 1556, will the Government be pleased to state—

- (a) the details of the conduct of the inhabitants of each of the places which necessitated the posting of the additional punitive police, and also the fact whether the majority or the minority of population in those places has been guilty of illegal conduct together with the approximate proportion of the minority ;
- (b) the safeguards adopted by them in order to protect the loyal and innocent persons from being penalised ;
- (c) if there has been any improvement in the situation in each of the places since the posting of the additional police ?

The Hon'ble Sir John Maynard : It is regretted that the answer is not yet ready, but it will be communicated to the hon'ble member in due course.

Maulvi Muharram Ali, Chishti : Will the Government be pleased to give us an idea of the approximate time within which the answer will be ready ?

The Hon'ble Sir John Maynard : I do not think it will take more than two months.

1558. Maulvi Muharram Ali, Chishti : With reference to the two previous questions Nos. 1556 and 1557, will the Government be pleased to state if they have informed the leading men of those places that if they gave a reasonable undertaking to maintain law and order in the future, the punitive police will at once be withdrawn ? If so, with what results ?

The Hon'ble Sir John Maynard : No such statement has been made by Government.

COMMUNAL REPRESENTATION AMONG CLERKS AND HEAD CLERKS IN THE DERAJAT CIRCLE.

1559. Khan Muhammad Abdullah Khan : (a) Will the Government be pleased to state the number of Muhammadan and Hindu clerks (separately) both temporary and permanent employed in the Derajat Circle on 1st January 1920 and the number employed on 1st June 1922.

(b) If the number of Hindu clerks predominated on 1st January 1920, will the Government be pleased to state what steps were taken during the last two-and-a-half years to at least equalize the number of Hindu and Muhammadan clerks in the Derajat Circle which is chiefly a Muhammadan agriculturist circle?

(c) Will the Government be pleased to state the number of the posts of head clerks in the Derajat Circle, and the number which is filled by Muhammadans and Hindus, respectively?

Mr. H. D. Craik: I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

RELIGIOUS LIBERTY AND THE MENIAL STAFF OF THE CIVIL HOSPITALS.

1560. Khan Muhammad Saifullah Khan: (a) Is it by orders of Government that the menial staff of Civil Hospitals is forbidden from attending to their religious duties during the 24 hours.

(b) If not, will the Government be pleased to call for a copy of the remarks made by the Civil Surgeon while visiting the Bhera Dispensary, in the Shabpur District, on 23rd May 1922 and take necessary action in the matter?

(c) If in the opinion of the Government the remarks referred to are inconsistent with its policy, will Government consider the advisability of issuing general instruction that its officers should pay regard to the religious feelings of their subordinates?

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

(b) Yes.

(c) The matter is under consideration.

SEPARATION OF KHANEWAL TAHSIL FROM MULTAN DISTRICT.

1561. Mian Ahmad Yar Khan, Daultana: Has the Government received any representation from the zamindars of the Khanewal Tahsil (Multan District) protesting against the separation of Khanewal Tahsil from Multan District? If so, will the Government be pleased to reconsider the question of separation?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: Government has received representations from some zamindars of the Khanewal tahsil protesting against the separation of that tahsil from the Multan District. The matter is under consideration.

CASE OF JAGAT NARAIN CHOPRA.

1562. Rai Bahadur Lala Sewak Ram: (a) Is it a fact that one Jagat Narain, Chopra, B.A., son of Lakhmi Das of Lyallpur was convicted at Lahore on 14th February 1922 on the charges that he was the captain of a volunteer corps which had gone to Hakikat Rai's Samadh on 2nd February 1922 and that he delivered a lecture there which came within the purview of Section 7, Act X of 1911, and Section 17 (b), Act 14 of 1908 and was thus sentenced to six months and one year's imprisonment respectively.

(b) Is it a fact that one Dr. Ram Chand has openly alleged that he was the person who led the volunteer corps and not Jagat Narain? Also that the prosecution evidence brought against Jagat Narain did not apply to him?

(c) If answers to (a) and (b) are in the affirmative, will Government be pleased to refer the above case to the revising judge and in the meantime release him by executive orders.

Mr. J. Wilson-Johnston : (a) The facts are not correctly stated. Jagat Narain was arrested on his own admission that he had been charged by the Congress Committee as a Congress official to watch the interests of the body of Congress volunteers who had broken the law; these volunteers having been proclaimed under the Criminal Law Amendment Act. He was sentenced to imprisonment as stated.

(b) There is no allegation that Jagat Narain was the leader of the volunteer corps.

(c) Government sees no reason for taking the action indicated in view of the above facts.

MULTAN DISTRICT INUNDATION CANALS.

1563. Rai Bahadur Lala Sewak Ram : Is it a fact that a committee has been appointed by Government to report on the past and present condition of water supply in the inundation canals of the Multan District? If so, will Government be pleased to suspend the enhanced rate of assessment of *abiana* and land revenue pending the report of the said committee and consideration thereof?

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

As to the remaining parts, having regard to the terms of reference to the Committee and to the general conditions in the Multan District, Government does not propose to suspend the enhanced rates either of *abiana* or land revenue.

Rai Bahadur Lala Sewak Ram : Will the Government state what has been the necessity or the object of that Committee?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The objects of that Committee were given in the instructions that were given to the Committee.

ALIPUR MUNICIPAL COMMITTEE.

1564. Rai Bahadur Lala Sewak Ram : Is it a fact that the financial condition of the Municipal Committee of Alipur in Mozaffargarh District is not satisfactory, and that it is not in a position to meet the expenditure on education? If so, will Government consider the advisability of making a special grant for educational purposes to the said municipal committee?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The financial condition of the Municipal Committee, Alipur, is not unsatisfactory, though it is a fact that expenditure on education is heavy. Government consider it inadvisable to give a special grant, but hope that the grant-in-aid which

will be given for the Anglo-vernacular Middle School this year, will be a considerable relief to the municipality.

COMMUNAL REPRESENTATION AMONG TAHSILDARS AND NAIB-TAHSILDARS.

1565. **Rai Bahadur Lala Sewak Ram**: Will Government be pleased to issue instructions that, as a general rule, in posting Tahsildars and Naib-Tahsildars to each Tahsil, care should be taken to post men who do not belong to the same community?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: Government does not think it necessary to issue instructions as suggested because Financial Commissioners and Commissioners, in whose hands the posting of Tahsildars and Naib-Tahsildars lies, are well aware of the importance of taking local conditions into consideration when making postings.

ENHANCEMENT OF LAND REVENUE IN TAHSIL LEIAH AND MUZAFFARGARH DISTRICT.

1566. **Rai Bahadur Lala Sewak Ram**: (a) Is it a fact that the enhanced land revenue of Samara Thal in Leiah Tahsil was announced by Captain J. G. Crosthwaite on 24th May 1904, and that Pandit Hari Kishan Kaul announced a further enhancement in 1907? If so, will Government be pleased to state whether there are any reasons for making further enhancement before the expiration of 20 years from 1907?

(b) Is it a fact that many villages in the Leiah Tahsil and the rest of the Muzaffargarh District are similarly affected? If so, will Government be pleased to consider the advisability of issuing an order that in all such villages further enhancement of land revenue will not be announced before the expiration of 20 years from the last enhancement?

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

LEIAH MUNICIPALITY.

1567. **Rai Bahadur Lala Sewak Ram**: (a) Is it a fact that out of the two vacancies caused by the resignation of the Sub-Divisional Officer and Tahsildar in the Leiah Municipality in Muzaffargarh District, only one has been filled up so far and that too by a Muhammadan?

(b) Is it a fact that the proportion of Hindu members in the Leiah Municipal Committee is not commensurate with the proportion of their population? If so, will Government consider the advisability of filling up the second vacancy by a Hindu either by election or by nomination.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) On the resignation of the Sub-Divisional Officer and the Tahsildar the number of members of the Leiah Municipal Committee was reduced from 13 to 12 and there was, therefore, only one vacancy which has been filled by a Musalman.

(b) The answer is in the negative. There are at present 12 members of the Municipal Committee, of whom one is *ex-officio*, and he happens to be a Sikh. Of the 11 non-official members the Hindus have 5 seats which is more than is commensurate with the proportion of their population.

**CONFERMENT OF THE POWERS OF REGISTRATION ON THE TAHSILDAR AND
NAIB-TAHSILDAR OF KOT ADU.**

1568. Rai Bahadur Lala Sewak Ram : Is it a fact that there is only one non-official Sub-Registrar in the Kot Adu Tahsil of the Muzaffargarh District, and that his office is situated at Thatba Gurmani at a great distance from the tahsil head-quarters? If so, will Government consider the advisability of investing the Tahsildar and Naib-Tahsildar of Kot Adu with the powers of registration?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The statement of facts contained in the question is incorrect. The only post of non-official Sub-Registrar in the Kot Adu Tahsil of the Muzaffargarh District was abolished in May last, and the Tahsildar is now the only Sub-Registrar for the Tahsil. Under the ordinary arrangements, the Naib-Tahsildar, if available, is placed in charge of the registration duties when the Tahsildar is absent. Under the circumstances the second part of the question calls for no answer.

Rai Bahadur Lala Sewak Ram : Is the Government aware that at present no registration is being done by Naib-Tahsildars? I made personal enquiries and learnt that no such work is being done by them. Will the Government please issue instructions accordingly?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : No orders on the subject are necessary. Any person aggrieved can approach the Registrar of the district.

HILL TORRENTS IN DERA GHAZI KHAN.

1569. Rai Bahadur Lala Sewak Ram : Is it a fact that hill torrents known as "*Rod-i-kahi*" do considerable damage in Dera Ghazi Khan District? If so, does Government contemplate making a scheme for controlling and regulating them?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Information is being collected from Superintending Engineer and reply will be sent in due course.

**SELECTION OF UPPER SUBORDINATES FOR THE PROVINCIAL ENGINEERING
SERVICE.**

1570. Rai Bahadur Lala Sewak Ram : Arising out of the answer given to my question No. 1282* on the 2nd March 1922, has Government received a reply on the subject from the Government of India, and, if so, does Government now propose to give the deferred promotion to the Upper Subordinates?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The Government of India's reply about Temporary Engineers has been received and the appointment of more Upper Subordinates to the Punjab Engineering Service is under consideration.

TRAVELLING ALLOWANCE TO POLYGAMOUS OFFICERS.

1571. Pir Akbar Ali : (a) Is it a fact that according to Muhammadan Law a Muslim can marry legally more wives than one?

(b) Is it a fact that under the Civil Service Regulations Article 25, some officers who have more wives than one have not been allowed to charge travelling allowance at the time of their transfer for their extra wives? If so, will the Government be pleased so to amend the said rule as to allow a person having more wives than one to charge travelling allowance for all his wives at the time of his transfer?

The Hon'ble Sir John Maynard: (a) Government believes the answer to be in the affirmative.

(b) Civil Service Regulation 25 has the effect stated. It will be replaced by a definition under the Travelling Allowance rules to be issued by the Local Government. But for reasons given in the answer to question 1573 Government is not prepared to incur additional expense on this account.

ASSISTANT PROFESSOR OF ENGLISH, PUNJAB AGRICULTURAL COLLEGE, LYALLPUR.

1572. Pir Akbar Ali: (a) With reference to the answer to question No. 1303* asked in this Council on the 2nd March 1922, will Government kindly state if it is a fact that the Hindu candidate who has been selected to fill the new post of Assistant Professor of English in the Punjab Agricultural College, Lyallpur, passed his B. A. in the second class with 288 marks and his M. A. with 385 marks; while the best Muhammadan rival candidate passed his B. A. in the first class with 292 marks and his M. A. with 402 marks?

(b) Is it also a fact that the successful Hindu candidate is a Bengalee non-zamindar and with only one year's teaching experience, while the rival Muhammadan candidate was a Punjabee zamindar with seven years' educational experience?

(c) If so, what have been the considerations that have led to the appointment of a Hindu of inferior qualifications in preference to a Muhammadan of decidedly superior merits?

The Hon'ble Harkishan Lal: The Ministry of Agriculture gave no instructions, nor itself made the selection beyond answering a question in this Council that efficiency was the only guide for such appointments. Selection in this case was made by a Board consisting of—

- (1) the Director of Agriculture,
- (2) the Principal, Agricultural College, Lyallpur, and
- (3) the Director of Public Instruction,

out of 56 applicants and the Ministry accepted the nominee of this Board who is a Bengalee who was reported as the best man available.

2. The information required to answer parts (a) and (b) of the question will be obtained and communicated to the hon'ble member if he still desires it.

3. Examination marks of no candidate were brought to the notice of the Ministry and it is presumed that the marks obtained in an examination

ten years ago do not by themselves constitute in the opinion of the members of the Board sufficient qualifications as a substitute for a number of requirements in a teacher. It may also be inferred that a zamindari birth does not necessarily make a man a good teacher or a good scholar.

PUNJAB HILL ALLOWANCE CODE.

1573. Pir Akbar Ali: (i) Is it a fact (a) that in the Punjab Hill Allowance Code (revised up to 2nd January 1920) framed by the Punjab Government, "Family" was defined as follows:—

" 'Family' for the purposes of these rules includes the officer's wife, his legitimate children and step-children residing with and wholly dependent on him, and also his parents, sisters and minor brothers if wholly dependent on and residing with him."

and (b) that in the Punjab Hill Allowance Code of 1922, the definition of "Family" has been revised and runs as follows:—

" 'Family' means a Government servant's wife, legitimate children and step-children residing with and wholly dependent on him, and also his parents, sisters and minor brothers if residing with and wholly dependent on him. Not more than one wife is included in a family for the purposes of these rules."

If so, will Government kindly say why it became necessary to add the sentence "Not more than one wife is included in a family for the purpose of these rules" to the revised definition of "Family."

(ii) Is it a fact that the religion of *Islam* allows a *Muslim* to marry more than one wife in certain circumstances; if so, will Government be good enough to order the deletion of the last sentence in the definition of "family" as given in the Punjab Hill Allowance Code of 1922 or, failing that, to modify the sentence in question as follows:—

"Except in the case of a *Muslim* not more than one wife is included in a family for the purposes of these rules."

(iii) If Government is not prepared to take action as suggested in (ii) above, will it be good enough to state its reasons?

The Hon'ble Sir John Maynard: (i) (a) Yes.

(b) The Hill Allowance Code is now under revision, but no orders have yet issued.

(ii) Government believes the fact to be as stated in the first sentence of this question.

Nevertheless it is not prepared to concede that, because any community is by the law applying to it absolved from the restriction of monogamy, the State should therefore be put to extra expense on account of the movements of its servants who avail themselves of such communal privileges.

(iii) The answer has been given in paragraph (ii) above.

COMPENSATION TO SUFFERERS OF THE MARTIAL LAW REGIME.

1574. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to state when the compensation proposed by the Committee appointed in accordance with the resolution* of the Council passed on 16th March 1921, to award compensation to certain sufferers of the Martial Law regime, and for which a provision was made in this year's budget, will be paid to the individuals concerned? Also will Government be pleased to state the cause of delay?

The Hon'ble Sir John Maynard: The distribution of compensation has already commenced. The delay was caused by reason of certain references to the Government of India being necessary.

INSTRUCTIONS TO DISTRICT OFFICERS.

1575. Diwan Bahadur Raja Narendra Nath: Will Government be pleased to lay on the table the instructions issued to District Officers on 6th March and referred to in paragraph (6) of the Proceedings of the Governor of the Punjab in Council in Home Department No. 15150, dated 6th May 1922?

The Hon'ble Sir John Maynard: The instructions referred to were of a confidential nature, and no good purpose can be served by their publication.

POWERS OF THE REVISING JUDGE.

1576. Diwan Bahadur Raja Narendra Nath: (a) Will Government be pleased to state whether the judge whose appointment is notified in paragraph (9) of the proceedings referred to in question No. 1575 will examine all cases of a political or semi-political nature which have ended in convictions since October last? If not, how is discrimination proposed to be made?

(b) If the judge is not examining all such cases, will Government be pleased to consider the advisability of sending him the files of all cases ending in convictions for the possession of *kirpans*?

The Hon'ble Sir John Maynard: (a) Government has issued instructions to District Magistrates to submit the records of all trials of persons arrested between the 20th of March 1922 and the 30th of April 1922, who have been convicted, or imprisoned in default of furnishing security, for offences of a political or semi-political nature, to the reviewing judge, subject to the following three conditions:—

- (1) That the period of limitation prescribed for the presentation of a appeal has expired;
- (2) That the convicted person has not exercised his right of appeal, and
- (3) That in cases where the sentence imposed by the Court has already been carried out in full, the record should not be reviewed unless the person convicted makes a special request that his case should be considered by the reviewing judge.

In any case of doubt as to whether the offence committed was of a political or semi-political nature or not, District Magistrates have been instructed to submit the record for the inspection and orders of Government.

(b) In view of the orders to which reference has been made in the reply to the first part of the hon'ble member's question, Government sees no need for any further action on the lines suggested in the latter portion of the question.

Diwan Bahadur Raja Narendra Nath : What is the reason for fixing the date, 20th March ?

The Hon'ble Sir John Maynard : The reason for fixing that date is that it was on that day a number of arrests took place.

Diwan Bahadur Raja Narendra Nath : Will the Government consider the advisability of extending the date backwards to say November ?

Mr. President : I am afraid that question is hardly in order.

Diwan Bahadur Raja Narendra Nath : I wish to know whether the possession and manufacture of *kirpans* were considered to be cases of a political nature.

Mr. President : That question is out of order.

Mr. Ganpat Rai : Have any cases been referred to and reviewed by the Revision Judge up to this time ?

The Hon'ble Sir John Maynard : Please see answer to question No. 1578.

AKALI JATHAS AND THE CASE OF PRITAM SINGH SODHI.

1577. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to state whether *Akalis* or *Akali jathas* have been notified under section 15 (2) (b) of the Criminal Law Amendment Act ? If not, will Government take necessary steps to ascertain the legality of the conviction of one Pritam Singh Sodhi of Anandpur who was convicted under section 17 (2) for belonging to an *Akali jatha*.

The Hon'ble Sir John Maynard : The reply to the first portion of the hon'ble member's question is in the negative. As to the second part Government has already laid on the table in reply to another question of the hon'ble member its orders as to the class of cases that were to be referred to the Judge of the High Court who is examining cases of political or quasi-political significance. The present case comes within the terms of those orders and so no further action appears to be called for.

CASES EXAMINED BY THE REVISING JUDGE.

1578. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to state how many cases have been examined by the Hon'ble Judge appointed in accordance with the announcement made and with what result ?

The Hon'ble Sir John Maynard : There is no intention of publishing the recommendations made by the Hon'ble Judge. But when the examination of the cases is completed. Government will announce the orders which it has itself passed after consideration of his recommendations. At present there is no announcement to be made.

ADMISSION OF STUDENTS TO GOVERNMENT AND MEDICAL COLLEGES.

1579. Diwwan Bahadur Raja Narendra Nath : Will the Hon'ble the Minister for Education be pleased to state how the admission of students to Government and Medical Colleges was regulated before the introduction of the rule of communal proportions? What were the reasons for the low percentage of the admission of Mubammadans into these institutions, especially into the Government College as shown by his answer to question No. 741*?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The answer to the part of this question relating to admission to the Medical College is not yet ready. It will be communicated to the hon'ble member when ready.

CANAL ROADS.

1580. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to state the law according to which wheeled traffic on roads along canal banks is prohibited except on permit? If this prohibition is permitted by law, will Government be pleased to consider the advisability of exempting all motor cars from this prohibition?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Wheeled traffic along canal banks is prohibited under rules made in accordance with section 70 (II) of the Canal Act, VIII of 1873.

As regards the second portion of hon'ble member's question, his attention is invited to part III of the Proceedings of Communications Board meeting of 12th March 1921, copy laid on table, which deals with the subject regarding the traffic on these roads.

Extract from Minutes of the Second Meeting of the Communications Board held on the 12th March 1920, at 10-30 A.M., in the office of the Financial Commissioner, Punjab.

* * * * *

(iii) Considered His Honour's suggestions regarding the throwing open to public traffic of roadways within Railway and Canal lands.

The question of Canal roadways was taken up first. Mr. Woods explained that there was considerable difficulty in making any general statements owing to the divergent conditions existing in different parts of the Province, some canals having only one bank wide enough to serve as a roadway for wheeled traffic, while others have no boundary roads. He was emphatically of opinion, however, that it would be essential in every case to reserve one bank or one boundary road as an inspection road; but stated that provided district boards were prepared to meet the cost, the Irrigation Branch could arrange to widen, or to put in proper order, and to

maintain one boundary road as a public highway, on a specific request from the district board concerned in each case; it being distinctly understood that the concession would be liable to be withdrawn in the event, for instance, of damage being done to plantations or to canal works. Further, he considered that in certain cases permission might be granted to the use of one bank as a public road, provided it was metalled at the expense of the district board; and he added that, as a corollary, any alternations to bridges necessitated by the throwing open to the public of canal roads, as proposed above, would naturally have to be paid for by district boards concerned. Finally, he pointed out that Government would have to maintain the right of way by closing all such roads for one day in the year.

Conditions under which permissible.
The board resolved that the above conditions on which canal roads could be used as public highways should be made known to all district boards in the province, it being clearly laid down that no dual control could be allowed and that all work would be carried out by the Irrigation Branch at the expense of the body concerned.

SECTION 34 OF THE POLICE ACT.

1581. **Diwan Bahadur Raja Narendra Nath:** Will Government be pleased to lay on the table the circulars or circular memo. laying down the rule that section 34 of the Police Act should be applied only to such towns as have a resident Magistrate, stipendiary or honorary, empowered to take cognizance of an offence under the said section? Is the order contained in the circular still in force? If so, will Government be pleased to state why this section has been applied to the town of Lan Miani in Shahpur District, where there is no resident Magistrate who can take cognizance of an offence under section 34 of the Police Act?

The Hon'ble Sir John Maynard: The circular in question is No. 59-2701, dated 8th August 1872. A copy is laid on the table. Section 34 of the Police Act was applied to the town of Miani in the year 1909, and the papers on the subject have now been destroyed.

Circular No. 59-2701, dated 8th August 1872.

From—**LESLIE GRIFFIN**, Esquire, Offg. Secretary to Government, Punjab and its Dependencies,
To—All Commissioners and Superintendents in the Punjab.

APPLICATIONS are often made to the Government to extend the Gambling Act (III of 1867), or Section 34 of Police Act, V of 1861, to towns and villages at which there is no resident Magistrate.

2. In order to prevent unnecessary references, His Honour the Lieutenant-Governor desires it to be understood that he is not prepared to sanction the extension of the above-named enactments in such cases. Section 34 of Act V of 1861 deals with nuisances, obstructions, and petty offences in which the Police are thereby empowered to interfere. Such interference is reasonable in a town where there may be a resident Magistrate, Stipendiary or Honorary; but where this is not the case, His Honour considers it a hardship that persons charged with trivial offences, punishable with a small fine, should be taken long distances to a Magistrate in custody of the Police.

3. The views of His Honour with regard to the Gambling Act are somewhat different. He is aware of the evil caused by gambling as it exists

in many parts of the Punjab, and that it directly leads to crime; but it is necessary for the Government to determine whether a given remedy is not worse than the disease, and the Gambling Act places so much power in the hands of a not highly paid Police, that the Lieutenant-Governor will not sanction its extension in any town where there is no Magistrate to watch its working and guard against its abuse.

PUNITIVE POLICE FORCE AT BAJWARA.

1582. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to lay on the table the correspondence which led to the location of punitive police force at Bajwara in the Hoshiarpur District?

The Hon'ble Sir John Maynard : Government are not prepared to lay the papers that the hon'ble member asks for upon the table, but the action taken was made necessary by the action of persons in Bajwara, principally the Hindus, in fomenting disorder both in the village itself and in the town of Hoshiarpur. One important instance was the invitation extended by the Hindus of Bajwara to anti-Government propagandists to a conference in that village which led to speeches inciting Sikhs to violence against Government.

Diwan Bahadur Raja Narendra Nath : Am I to understand that the Hindus only have been subjected to the tax on account of the punitive police?

The Hon'ble Sir John Maynard : Yes.

CIVIL COURTS ESTABLISHMENT.

1583. Rai Bahadur Lala Sewak Ram : (a) Will Government be pleased to state if the time-scale pay of the Civil Courts establishment is the same as that of the Revenue and Criminal Courts? (b) If not, will Government consider the advisability of equalizing their status?

The Hon'ble Sir John Maynard : (a) The pay of the Civil Courts establishment is generally on a par with that of the Criminal and Revenue Courts of the same status, and where any disparities exist, these are justified by the different duties performed by their respective incumbents. (b) Under these circumstances, Government does not propose to introduce rigid uniformity in this matter.

RAILWAY COMMUNICATIONS IN THE DERA GHAZI KHAN DISTRICT.

1584. Rai Bahadur Lala Sewak Ram : Arising out of the answer given to question No. 788,* put by Sardar Jamal Khan on the 1st August 1921, will Government consider the advisability of moving in the matter of providing Railway communications in the Dera Ghazi Khan District?

The Hon'ble Lala Harkishan Lal : In view of the facts—

- (1) that there are several other projects for new railway lines in the province of great urgency, under the present consideration of the Railway Board, whose execution cannot be proceeded with on account of paucity of funds;

- (2) that the Punjab Communications Board whose duty it is to consider how to develop communications in consultation with the Commissioners, representatives of the Railway, etc., etc., has not yet put forward any recommendation for the consideration of a Railway Line in the Dera Ghazi Khan District,

the Local Government regrets its inability to move in the matter at present.

Rai Bahadur Lala Sewak Ram : Will the Government be pleased to take up this question with the Communications Board ?

The Hon'ble Lala Harkishan Lal : It would be of no use.

RESOLUTIONS.

Mr. President : The Council will now proceed to the discussion of resolutions.

1. **Sardar Sahib Risaldar Dilbagh Singh :** " That this Council recommends to His Excellency the Governor that the summer session of the Punjab Legislative Council be held at Simla."

Sardar Sahib Risaldar Dilbagh Singh : I do not move the resolution.

Mr. President : The resolution stands withdrawn. The next resolution stands in the name of Malik Firoz Khan, Noon, and runs as follows :—

" That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it :—

- (1) That the administration of the five settled districts and the adjoining agencies should be under one administration.
- (2) In no case is this province prepared to take over the administration of the agencies.
- (3) This Council cordially approves of a due measure of reforms being given to North-West Frontier, but considers that those reforms should be given within the Province itself and not by amalgamation with the Punjab.
- (4) In case an amalgamation of the settled districts with the Punjab is considered necessary, then
 - (a) an adequate number of new seats on the Punjab Legislative Council, to be added to the number of the existing seats, should be created so as to give proper representation on that Council to the various communities inhabiting the territories so amalgamated with the Punjab,
 - (b) the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India.

Before I call on the mover to deal with his resolution I think it would be convenient if I explained to the Council how I propose to deal with it. It is rather a complicated resolution and it is desirable that every precaution be taken to assist the Council to come to a definite finding on each clause of the resolution. I propose first to allow a general discussion of the whole resolution. This will, I hope, help to clear the air and focus the issues. After that I will take the amendments one by one and take the opinion of the Council on them. When that has been done I will

take the clauses of the resolution one by one and while these clauses are being discussed the ordinary rights to speak will arise afresh, that is to say, supposing the hon'ble mover wishes to move and also to reply he will be within his rights to reply on each clause, but of course I trust that these fresh rights of speaking on every clause will be exercised with discretion.

Then when the various clauses have been dealt with I will put the whole resolution to the Council for adoption.

Of course if any clause has been discussed on an amendment then when I put the clause again to the Council it will not be possible at that stage to amend it again. The only question will be whether it should be adopted *in toto* or rejected.

Diwan Bahadur Raja Narendra Nath : [(Punjab Landholders) General] : Sir, may I rise to a point of order ? Is the hon'ble member in order in moving this resolution in this Council ?

Mr. President : I think you should wait till the resolution is moved, for it is not before the house at present.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural] : Sir, you will notice that this resolution falls into four parts. Each of these parts is by itself so important as alone to take the half an hour allowed to me to discuss the whole of this resolution.

Mr. C. M. King (Financial Commissioner) : Sir, I have not the resolution with me. Is the hon'ble member in order in starting his speech without first reading the resolution ?

Mr. President : The hon'ble member should first read out his resolution.

RESOLUTION RE AMALGAMATION OF THE FRONTIER PROVINCE WITH THE PUNJAB.

Malik Firoz Khan, Noon : Sir, I beg to move the following resolution standing in my name :—

" That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it :—

- (1) That the administration of the five settled districts and the adjoining agencies should be under one administration.
- (2) In no case is this Province prepared to take over the administration of the agencies.
- (3) This Council cordially approves of a due measure of reforms being given to North-West Frontier, but considers that these reforms should be given within the Province itself and not by amalgamation with the Punjab.
- (4) In case amalgamation of the settled districts with the Punjab is considered necessary, then
 - (a) an adequate number of new seats on the Punjab Legislative Council to be added to the number of the existing seats, should be created so as to give proper representation on that Council to the various communities inhabiting the territories so amalgamated with the Punjab,
 - (b) the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India.

Diwan Bahadur Raja Narendra Nath : Now, Sir, I rise to a point of order. The whole of this resolution grossly violates the Punjab Legislative Council Standing Order 60. I wish to invite your attention to Standing Order 60 (c).

First of all the resolution says "the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it," that is to say, even if it is not amalgamated with the Punjab. But what concern is it of the Punjab Council or of the Local Government to express their opinion about matters relating to the Frontier? Then, Sir, I come to the first clause: "That the administration of the five settled districts and the adjoining agencies should be under one administration." The five districts are not a part of the Punjab and the adjoining agencies are not a part of the Punjab. Then we come to the second clause which says: "In no case is this province prepared to take over the administration of the agencies." That is a matter which will have to be decided by the Secretary of State on the recommendation of the Government of India. This part also does not appear to me to be one with which Local Government is primarily concerned. Then I come to the third clause which recommends "a due measure of reforms being given to North-West Frontier." We want to express our approval to a measure conceded to another province. Why should we not take upon ourselves the interest of Burma or of Madras also? Then, Sir, clause 4 considers some absolutely hypothetical and fanciful cases. "In case amalgamation of the settled districts with the Punjab is considered necessary, then

- (2) an adequate number of new seats on the Punjab Legislative Council, to be added to the number of the existing seats, should be created so as to give proper representation on that Council to the various communities inhabiting the territories so amalgamated with the Punjab,
- (6) the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India.

Now, Sir, this part of the resolution reminds me of a vernacular saying which I translate for the benefit of the Council and it is to this effect that "when there is neither cotton nor yarn then begin to fight with the cotton mill." I do not see what purpose can be served by the discussion of this question when the matter is still under the consideration of the Frontier Committee which has not yet submitted its report. What object is there to be gained by our considering the proportion of Hindus, Muhammadans and Sikhs in the future Council which will be formed in case of amalgamation of the settled districts with the Punjab? I question very sincerely.....

The Hon'ble Sir John Maynard : Is the hon'ble member putting the point of order or is he making a speech?

The President : I wish to see what his points are.

Diwan Bahadur Raja Narendra Nath : The point of order is this that the whole of the resolution falls under Standing Order 60 (c). The resolution deals with a matter which is not primarily the concern of the Local Government and therefore cannot be brought before the Council.

Mr. President : Naturally when I admitted this resolution I took into consideration the Standing Order and the sub-clause to which the hon'ble member has drawn attention. The only words about which I had any doubt were the words "independently of it" in the preamble and clause (3) of the resolution. As to the rest the matter is one which no doubt is not within our jurisdiction or within our power to decide, but at the same time the Punjab is most intimately concerned as to the question of the Frontier Province being amalgamated with the Punjab or not. It is very difficult to draw the line between resolutions which deal with a central subject and those which deal with provincial subjects. They must necessarily frequently overlap. I think there will be plenty of precedents found in the proceedings of this Council for resolutions dealing with central subjects which have been discussed in this Council, and I certainly rule that in so far as the general question does intimately affect the Punjab the matter is in order.

As regards the words "independently of it" I admit that those are very doubtful and I do not think that there will be any difficulty in omitting those words. But I had allowed them because the whole discussion hangs together and it seems to me to be *nukta chini* to cut them out.

Then as regards clause 3, my view was that the Council might be very much in sympathy with the desire for reform and might wish to express the view that although they were strongly in sympathy still that sympathy was not so strong that they were prepared to express the view—if it could be done in no other way—that the Frontier Province should be amalgamated with the Punjab. I therefore hold that that is in order.

Malik Feroz Khan, Noon : Sir, this is a resolution which falls into four different parts and I shall have just to mention each part as briefly as possible because to do justice to an important discussion like this it is impossible to confine the debate within the limits of half an hour. The first part that I wish to discuss are the first two portions of this resolution, that is to say, that the administration of the five settled districts and the adjoining agencies should be under one administration, and that we are in no case prepared to take over the unsettled tracts. All members are aware that before the year 1901 the five settled districts were part and parcel of this province, but at the time there was a good deal of discussion over it and Lord Curzon, the then Viceroy, took up the matter and after very lengthy communications with the Secretary of State it was decided to separate these five settled districts from the Punjab. Now it is for us to see and decide as to whether those reasons for which at that time those five settled districts were separated still exist or as to whether those reasons do not exist and we shall be justified in bringing those five districts back to the Punjab. Members of this Council will be able to realize the difficulties of the administration by having a glance at the map and as to how the unsettled tracts which are semi-independent break right into the five settled districts at two or three points. Now, for instance, there is the district of Hazara, on the one hand, and on the other there is the district of Peshawar, and again on the other side there is an independent territory coming right up to the river Sindh. The case is similar with regard to the district of Dera Ghazi Khan and also the district of Bannu. It was realized at the time that these tracts and these five settled districts were inhabited by the same class of people, by people whose ethics are the same, whose habits are the same, whose language is the same,

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whose state of advancement and whose state of civilization is more or less the same, and whose territory is bounded by the river Sindh and Afghanistan. It was found difficult at that time to control the unsettled tracts and their relations with the foreign people on the north-western side without having the whole control of the five settled districts and the agencies under one authority. It was on account of these incessant political troubles that after a long time it was decided to transfer the whole of this country and place it under one political and administrative control. It will be for the hon'ble members, who wish to oppose this resolution, to justify by facts and figures and prove to this Council these circumstances do not exist to-day, and that we shall be justified in taking it back. Perhaps the hon'ble members do not realize that the total area of the unsettled tract and five settled districts is 88,665 square miles. Out of this nearly two-thirds is independent territory. The five settled districts contain a population of about 22½ lakhs of Mussalmans, and the unsettled tract which is semi-independent contains a population of about 27½ lakhs. That is to say, nearly 60 lakhs of people are proposed to be added on to this province, or at least 22½ lakhs of people of the settled districts. I may also point out to the Council here that at the time when these districts were separated from the Punjab, that is, about 20 years ago, not more than 20 per cent. of the people inhabiting those tracts were armed, but now the condition is that 80 per cent. of them are armed. (These figures I am taking from the speech of Sir Godfrey Fell in the Legislative Assembly). Perhaps hon'ble members are not aware that in those territories, there exist factories for making rifles. They can turn out rifles of quite up-to-date pattern, and they are quite as good as any in use in our army. They are the people who wander from place to place, they are the people whose home is on the back of the camels, they are the people who go on attacking at night, and they are the people who murder and they are the people whom it is proposed to amalgamate with this province. I for one would certainly hesitate to take charge of a territory which is inhabited by these people, people who are as brave as the are fierce, people who are as cruel as they are fierce, and I feel sure it will be a very difficult task to manage them generally. Now these are some of the few reasons that I wish to advance in favour of keeping these five settled districts and the agencies under one administrative control. It is not only the internal management that is to be controlled by the administration, but it is also the foreign control that is to be administered by the officer in charge. Hon'ble members do not realize perhaps that these unsettled tracts are semi-independent; they are not under British Government. Our negotiations, our communications, our correspondence, etc., with the Afghan Government, whose territory adjoins these territories, are controlled by the Foreign and Political Department of the Government of India. It will be very very dangerous and unsafe for us to carry on these foreign relations. They must remain with the Government of India. This was one of the strongest reasons why at the time of the separation the five settled districts were taken away from us, and it was thought convenient to transfer the whole control in the hands of one single authority, and I submit all these reasons still exist to-day as they did on that day. Now, Sir, here are some of the reasons which justify my asking this House to vote on this point and say that it is advisable to keep the control of these five settled districts and the unsettled tracts under one authority.

With regard to the second part of my resolution, that will not take me long to dispose of. It is this :—"That in no case is this Province prepared to take over the administration of the agencies." The agency tracts are inhabited by the tribes who are semi-independent. They are not our subjects. Many of them have got no settled homes. To-day they are in one district and to-morrow in another, and the third day in Afghan territory. Some of them are Mahsuds, and some are Mohmands, and some are Waziris. Members no doubt know that we read practically every day in the paper that to-day there is this expedition against the Waziris, this expedition against the Mahsuds, and so on, and these are the people whom you wish to amalgamate with the Punjab. Perhaps that is a point which will not be disputed by anybody in this Council that we can in no case take over the unsettled tracts and they must remain away from this province.

Now I come to the third part of my resolution, which is :—"This Council cordially approves of a due measure of reforms being given to North-West Frontier, but considers that those reforms should be given within the province itself and not by amalgamation with the Punjab." Now, Sir, this is a question to which I have given a good deal of thought, and I have also talked it over with some people, but I have not met a single man who could tell me what benefit the Punjab will derive from it. The only point that had been urged is merely from the point of view of sentiment. They say that the people are badly administered, and that dacoities are going on, murders are going on, raids are going on, and therefore they should be amalgamated. But how is a change to be brought about in the number of crimes simply by amalgamation? As far as I can judge from the attitude of the Urban population of the North-West Frontier Province, they all without fail say that they must have the Crimes Regulation Law. Do they think that the Punjab Government will be able to manage those districts without the Crimes Regulations when they are amalgamated with it? I wish to point out that we will not be able to manage that province without the laws which are not the same as those prevailing in India. In Dera Ghazi Khan you have got the Crimes Regulations, and they work very hardly on the people. Ninety-five per cent. of the population do not want the Crimes Regulation. If the Government wish to satisfy the people of the North-West Frontier Province and the people of India in general, they must bring about a change in the five settled districts, by bringing a change internally and not by amalgamating it with the Punjab. It is very desirable to allow them to develop on their own lines, according to their own customs, and according to their own habits. Their language is different, their blood is different, and geographically they are differently situated from us. It is, therefore, advisable to make them into a separate and compact administration, and give them reforms instead of amalgamating them with the Punjab.

Now I come to the fourth point of my resolution. As I have already submitted, there is not a single advantage that the Punjab will derive from amalgamation, but on the other hand we have got every thing to lose. As far as I understand the greatest cry for amalgamation has been from the Hindu community of the North-West Frontier Province—a community which is probably more advanced than the Mussalmans on account of their higher education and greater wealth and on account of their being engaged in trade. So, it is that community which is probably supported by certain men of the

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Muhammadan population in the province who are not quite favourable to the methods of administration, who do not like to be governed by military officers and who are too much under the pressure of the police that have united together to bring about a change. Now we have got to see what objection there is in giving these people a separate province for themselves, the North-West Province. Now to be frank, I wish to make one or two suggestions on this point. As far as I can understand the population there is 95 per cent. Mussalmans to 5 per cent. Hindus. In the settled districts the population of 22 lakhs consists of 95 per cent. Mussalmans and 5 per cent. Hindus (A voice : 92 per cent.) I am taking the figures from the debate in the Assembly and these are the figures of Dr. Sapru, that the Hindu population is 5 per cent. It may be that the Muhammadan population is 92 per cent., but it makes no difference. If any reforms were to be given and if a separate Council were to be given them, it is supposed that the Hindu population there would only get representation to the extent they will be justified in claiming, that is, 5 per cent. of the seats. But taking into consideration the concessions given to the Mussalmans in other provinces of India where they are in a minority, like the Central Provinces or Madras, where they are only 7 per cent. of the whole population and where they have been given 15 per cent. of the seats, the Hindus in the North-West Province will probably be justified in claiming instead of 5 per cent. 10 per cent. of the seats in the Council that may be given to the province. Now they are under the fear that if a Council is given to the North-West Province they will always remain in the minority and that is the fear that has made them ask for an amalgamation with the Punjab. Now I would like to say as to how the seats in this Council would be distributed if that province were amalgamated with the Punjab. They argue in this way. I was at Simla and I was listening to the evidence given before the Frontier Committee and as far as I can judge from the attitude of the members who appeared on behalf of the Punjab their argument was this. They said, suppose we amalgamate the five districts with the Punjab and suppose the Government of India were to say they were going to add 14 new elected seats to the Punjab Legislative Council. According to the percentage of the population the Hindus are entitled to say one seat. Suppose instead of that they were given 2 seats and the remaining 12 seats went to the Muhammadans as a result of the amalgamation. Would it be a surprise if the Hindus say 'no'? The Deputy President was examined for fifteen minutes and he was asked as to how he would distribute the seats in the Punjab Council and whether he would give the 12 seats to Muhammadans and the remaining two seats to Hindus. He never replied in the affirmative. He tried to get over the point and said that you must take the whole population into account and then distribute the seats according to the population. If there are 50 per cent. Muhammadans in this Province, the amalgamation will add three per cent. to the already existing Mussalman population. Therefore you will have to give them 3 per cent. more seats, that is, if there were 33 elected seats for Muhammadans you will have to give them say one seat more. Would anybody be justified in amalgamating these five districts and giving the Muhammadans only one seat more? Would anybody in this Council get up and support this proposition? Or, would it be correct to say that we will amalgamate the five districts with

the Punjab, but we will give them no representation? I submit, not. It would be unfair. If the five unsettled districts are to be amalgamated with the Punjab, they must be given proper representation in this Council.

I wish to point out to the Council one more fact, and it is this, that in this province there is already a population consisting of 56 per cent. Mussalmans. But on the Council we have a representation which is not even 50 per cent. I will give the figures. . . .

Mr. President: I do not think the hon'ble member need go into the representation on this Council at present.

Malik Firoz Khan, Noon (continued): Very well, Sir. I only wanted to show what effect the amalgamation will have on the already existing seats in this Council. I wanted to point out that there are already 34 elected Mussalmans against 35 other communities, and if you take the nomination into account there are 34 Mussalmans and 37 others. So you have more or less an equilibrium in this Council and there is no community in such a great power in this Province that they will carry anything and everything in this Council without the support and against the wishes of other communities. This I submit is a happy and pleasant situation because it creates a feeling in the minds of every member belonging to a particular community that he has to depend on the support of other communities. We see things discussed here in an equitable and just basis rather than on communal principles only, as the hon'ble members on the opposite benches will realise was the case not long ago. If we add an extra number of Mussalman seats, whether it be 10 or 12, it would certainly disturb the equilibrium in this Council. Now as far as the Sikh members are concerned they are already clamouring for more seats. They say that on account of the position they hold in the Province and on account of the services they have rendered to the Government they are entitled to a large number of seats than their numerical strength would entitle them to have in this Council. How would they like the position that 10 or 12 seats more should be given to Mussalmans as a result of the amalgamation? What will their position be in the future? It is to the interests of other communities that this Council should be kept intact; the equilibrium should not be disturbed by bringing in more territories which will make the carrying on of this Council difficult.

There is one more point with regard to this part of the resolution and it is this, that the cost of administration from time to time of the amalgamated territories should be borne by the Government of India. I have mentioned the expression "from time to time" purposely, because the expenditure of the Government expands as time goes on. The hon'ble members will have realised how the expenditure of this province is expanding year after year, either on account of economical reasons, or because the value of the rupee is falling or that everybody clamours for higher pay, or on account of the greater activities and greater investments made by the Government. Similarly, the expenditure of the North-West Frontier Province must go on expanding year after year. If the province is to be amalgamated with us, we ought to be satisfied and it ought to be guaranteed to us that the Government of India will continue to meet the extra expenditure. The expenditure will in another ten or twenty years be doubled and we do not wish to place any financial burden on this province for future years. The only reason why the Government of India wish to get rid of the province is that the expenditure

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is growing there and is greater than the income. In order to enlighten the Council on this matter I will just quote a few figures. The excess over expenditure there is about one crore and nine lakhs, that is to say, the income of the province is about 70 lakhs and the expenditure is about a crore and eighty lakhs. That is, an excess of over a crore above the income, and the Legislative Assembly will be only too glad to place it on us. But we, on the other hand, must be very chary of accepting it.

That is not all the trouble. We have to take into consideration another kind of trouble. During the period of the last twenty years you will find, Sir, that there has been spent to the extent of a crore and a half of rupees every year on an average on expeditions, and to this you have to add twenty-three crores of rupees that were spent in the Afghan War only recently. Probably the expenditure of the frontier and other big expeditions will not be thrown on us, but we cannot avoid the position that we shall be led into troubles with the semi-independent tribes now and again and we shall be responsible for the internal peace of the province, and in order to keep that internal peace we shall have to meet unexpected expenditure which will be often very considerable. Supposing there is a gang of outlaws or there is a certain outburst of crime, as there has been in this province recently, for which the Government of India refused to pay, supposing there is an outburst in that province, you will have to spend another two crores of rupees out of your pocket. There also we are running a future risk that we shall be spending this money without any expectation of recovering it from the Government of India.

Time is getting on and I have nothing more to say. I would now like other members to express their opinions. I would conclude my speech by saying that members should take into consideration all the points that I have put forward before them and they must realise the magnitude and the great importance of this province. The Punjab Government will be kept busy in dealing with the political affairs in the Province and it will not be able to devote so much attention to the North-West Frontier Province. The Punjab is a self-developing province. There is the Sutlej Valley Project, there is the Thal Project and there are many other projects, and we want each minute of our Government's attention to be devoted to the children of our own province rather than that their hands should be full with the Frontier people. I will just

Mr. President. The hon'ble member is really exceeding his time already.

Malik Firoz Khan, Noon (continued): I will sit down after finishing this sentence. Supposing the province is amalgamated with the Frontier and supposing there is an outburst of crime on the Frontier will the Punjab Government be able to give the same attention to the internal affairs of the province as they did before? I submit not. I want to ask members not to bring out any arguments that that province has been badly managed and that therefore there has been a rise in crime in that province. I believe that in this province, in spite of the fact that it is so well managed, there has been a rise in crime. In the first three months this year there has been a great rise in crime. In the month of March, 1922, there has been a substantial increase in murder, dacoities and burglaries in the Punjab generally over the figures for March 1921. There is also a great increase in the figures for the expired portion of the year as a whole. In the first three months of 1921, there were 166 murders, 86 dacoities and 2,524 burglaries. In the first three months of 1922 there were 193 murders, 149 dacoities and 4,181 burglaries.

Now the rise in crime is not due to the political administration of the country, it is due to many other facts, and in the North-West Frontier the fact, that 80 per cent. of the inhabitants are armed with 303 rifles helps the increase in crime of dacoities, murders and so on. That should not be the reason, the only reason, to amalgamate them with us. It is for us to suggest the grant of reforms to them, but let them not come with us and make our affairs worse.

Maulvi Muharram Ali, Chishti [Lahore City—(Muhammadan),—Urban] (Urdu): Sir, speaking on this resolution we should be very brief so that every one may have an opportunity to participate in the debate. Since the discussion is to be very general, I shall not go into details. At the very outset I would like to let this House know that I am not at all in favour of amalgamation. I perfectly agree with the hon'ble mover of the resolution so far as clause 4 of the resolution is concerned. In opposing amalgamation of the five settled districts with the Punjab I have to advance quite different reasons from those given by the hon'ble mover. I would not like to keep it a secret that there are 95 per cent. Mussalmans in the Frontier Province. But I have to mention it with great regret that the hon'ble mover has greatly disparaged the character of those Mussalmans. His statement was simply libellous, and he was not justified in describing them as robbers and thieves. He has misrepresented their character, and I have the courage to say that their character is quite good.

Mr. President: The hon'ble mover has not made such a statement with respect to the whole population of the Frontier province.

Maulvi Muharram Ali, Chishti (continued): Sir, he has defamed the majority of the population.

Malik Firoz Khan, Noon: Sir, the hon'ble member has misunderstood me.

Maulvi Muharram Ali, Chishti (continued): Sir, I emphatically repudiate all those charges which the hon'ble mover brought against the Frontier people. I have to protest against the rigour of the Frontier laws. The Frontier people are not Negroes of the African deserts that they should be crushed with drastic laws. I do not understand why there should be so much repression. There are troubles and disturbances in the Punjab also and even greater than there are in the Frontier Province. I would like the inhabitants of the Frontier Province to be as free as we are here in the Punjab. The way in which this unfortunate resolution has been moved is most objectionable. The hon'ble mover in concluding his speech has quoted a Punjabee proverb "O Brahmin! you have not only ruined yourself, but have brought ruin on your clients also." This means the hon'ble mover looks upon the Frontier people as a nuisance. This resolution is calculated to exacerbate the 'communal' controversy, and therefore I oppose it.

Diwan Bahadur Raja Narendra Nath: (Punjab Landholders (General)) Sir, before I offer my remarks on the resolution which has been moved by my hon'ble friend, I wish to associate myself whole-heartedly with what has fallen from the hon'ble member for Lahore as to the ill-advised nature of the resolution. I should like to say a few words about each clause. The first clause is "that the administration of the five settled districts..."

Mr. President : It would be better for you to confine your remarks to the general discussion. You may speak on each clause as it comes up later on for discussion.

Diwan Bahadur Raja Narendra Nath (continued) : I shall then speak on the general subject. The administrative policy now well-recognised is that the control of foreign affairs should be in the hands of the Government of India. This policy has been advanced so far that even small Native States in the province have been put directly under the control of the Government of India. The control which the Commissioners formerly exercised over them has been taken away. Now, Sir, I do not see that the case of the Trans-Frontier tribes is essentially different. There may be a difference in degree, but not in kind. Then we have the dictum of such an experienced administrator as Sir Mackworth Young against the policy of uniting the control of the trans-frontier tribes with the control of the five settled districts. In paragraph b of his letter he wrote at the time, the Frontier Chief Commissioner and Agent to the Governor-General, if he does not neglect his administrative work, will have to give so much time to it that he will not have the necessary leisure to accomplish the main object of the Government of India, viz., to control and supervise our political relations with the frontier tribes more promptly and efficiently." His prophecy has been fulfilled. (Hear, hear). He saw the state of things very accurately at the time the question of the transfer was discussed.

The present state of things is this. So far as the trans-frontier tribes are concerned the figures for 1919-20 were—the number of raids on the trans-frontier were 611 in which 298 were killed, 392 were wounded, 463 were kidnapped and 94 had to be ransomed and the value of the property looted amounted to Rs. 22,30,200. In 1920-21 the number of raids was 391.

Mr. President : Would it not save the time of the Council if you speak in Urdu? This would save the time spent in interpreting your speech into Urdu.

Diwan Bahadur Raja Narendra Nath (continued) (Urdu) :
 9 A.M. Very well, Sir. When the details of the scheme for the separation of these five districts were worked out, Sir Mackworth Young, the Lieutenant-Governor of the Punjab, felt bound to record his disapproval of the scheme and wrote a memorandum in which the dangers and the drawbacks of the proposal were set forth with great force and admirable foresight. He pointed out that the creation of a separate Frontier Province would prove a failure, that the miniature administration which was proposed to be constituted would be much less efficient than that which existed as a part of a large provincial organisation, and that the actual cost of working the scheme would greatly exceed the forecast. To-day we find that what was predicted by Sir Mackworth Young has exactly happened. The Government's political relations with the tribes do not seem to have undergone much improvement. The trans-frontier men have not ceased from tormenting the peace-loving inhabitants with their kidnapping raids in spite of the so-called tribal allowances. The administration of this new province has proved in every way a hopeless failure. During the year 1919-20 the total number of raids by trans-frontier men was 611, and in the course of those raids 298 British subjects were killed, 392 were wounded, 463 were kidnapped and 94 had to be ransomed, and the value of the property looted amounted to Rs. 21,31,209. The hon'ble mover has him-

self admitted that the number of internal crimes have also increased since the formation of the five districts into a new province. It will be interesting for this House to note the following figures. The number of murders committed in 1902 (the year when this new Frontier Province was created) was 180 and in 1919 it was 445. The number of attempts to murder was 55 in 1902 and 149 in 1919. There were 31 cases of kidnapping in 1902 and 119 in 1919. Dacoity with murder increased in the period from 10 to 23 and the number of cases of other dacoities from 59 to 410. The value of property stolen and carried away rose from Rs. 98,752 in 1902 to Rs. 19,98,734. It is therefore quite clear that in the discharge of its primary function of protection the administration has totally failed. The trans-frontier raids have enormously increased since the separation of the province from the Punjab, and the steady growth of violent offences in the province itself is very deplorable. The object of creating this new province therefore has not been realized. It is, however, being expected that the Frontier Province if not amalgamated with the Punjab again would get some sort of political reform, and very likely on the same basis as we have in other provinces of India. The hon'ble mover of the resolution has mentioned in his speech that the expenditure of the Frontier province exceeds its revenues by one crore and 9 lakhs. Reforms for this province in the present circumstances would very likely increase the expenditure still more. If not, the reforms would not be similar to those we have here. It is therefore useless to introduce the reforms into the Frontier Province without first amalgamating it with the Punjab. The hon'ble mover has again opposed the proposed amalgamation of the five settled districts with the Punjab on the ground that the frontier people are quite different from those of this province, and it would be unwise to carry out amalgamation. Will, Sir, my answer to this is that this difference is quite natural and due to certain geographical divisions. The inhabitants of the Eastern Punjab are quite different from those of the Western Punjab, and yet they are in the same province, whereas the inhabitants of the Western Punjab and those of the eastern part of the Frontier Province are much more similar. I mean the inhabitants of Campbellpore, which is in the Punjab, are just the same as those living in the settled districts. Therefore approving the amalgamation of the five districts on the mere ground that the frontier people are different from the Punjabis is not a sound argument. Again it has been alleged that the amalgamation, being favourable to the Hindus, has been proposed by them. This is quite incorrect. For I have received a copy of the resolution passed by the Bannu Bar Association, and on which is affixed the name of several Mussalman signatories unanimously favouring the amalgamation. Even at this very moment we have several distinguished Mussalman visitors in the gallery belonging to the Frontier Province who are desirous of having their Province amalgamated with the Punjab.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu) : Sir, the way in which the debate is progressing will not settle the matter. We should see what the question under consideration is and what are its salient features. Then keeping in view the good of this Province we should ask the members of this Council to vote on the resolution. How did this question of amalgamating the five settled districts with the Punjab arise? There are four reasons for it. The first reason is that the inhabitants of the Frontier Province are not satisfied with the present ad-

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ministration. They want to get rid of it. Every man be he a Hindu, Mussalman or Christian has full sympathy with them in the attainment of this desire. The second reason was that of the financial difficulty.

The Government of India has to contribute nearly 50 lakhs towards the cost of the civil administration and would like to reduce it.

The third reason which prompted the inhabitants of the five settled districts to clamour for amalgamation is that they are always complaining against the raids of the trans-frontier men. They are trying to find a remedy in amalgamation. The fourth reason is that when they come to a place like Lahore where they find so many people enjoying the freedom of thought and speech they naturally envy them and entertain a desire to enjoy the same liberty.

Sir, these are the four main reasons which have prompted them to ask for amalgamation. Now let us see if the amalgamation of the five districts again with the Punjab can remove these complaints of the inhabitants of the Frontier Province and give them what they desire. Sir, their chief complaint is against the raiders. The steady growth in the number of these raids is not due to their being a separate province, but, on the other hand, there has been a general increase of crimes everywhere. Even in the Punjab there has been an increase in the number of crimes, and there has been an extraordinary growth in the number of dacoities at Lahore, which is so far away from the Frontier. I do not believe that amalgamation can put an end to these raids and dacoities. The next question is about expenditure. We are already unable to provide for our own Budget and the Retrenchment Committee is coming to various departments for some more reductions. The third question is whether amalgamation can help them in their political advancement. In other words, whether they would become more free in this way than in any other way. In my opinion the administration of their province by the Punjab Government cannot better their lot. If the children of a person increase from five to ten it is an admitted fact that he will not be able to bring up the latest additions to the family so well as he did the first five. We have already 30 districts here in the Punjab. I think if the five settled districts be amalgamated with these 30, the tendency will be for these five to be neglected. Therefore the Frontier Province cannot make any progress by amalgamation. Again the inhabitants of the Frontier Province complain against the autocracy of their officials, and they think that perhaps by amalgamation they might escape from the rigour of officialdom. I would say that the rulers are the same, only that they change their rule in accordance with the character of their subject people. Only the improvement of their character can effect a change in the attitude of their rulers, and this is the very idea which the Indian National Congress gave expression to when framing what is called the constructive programme. The non-co-operators now hold that unless the constructive programme is fully carried out the attainment of Swaraj is impossible. And what is the constructive programme? It is not the manufacturing of bombs, it does not consist in new laws or new constitutions. It means that unless the people improve individual as well as national character they cannot succeed in their movement. In the same way unless the inhabitants of the five settled districts improve their character they cannot enjoy more liberty and escape from the

rigours of officialdom, and even amalgamation cannot help them. We have every desire that they should enjoy full liberty and become prosperous and happy. This resolution does not at all aim at belittling their greatness or their right to a better form of Government. The hon'ble members should bear in mind that amalgamation will not at all benefit the inhabitants of the five settled districts, but the necessary reforms carried out in their own province will help them to attain the object in view.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan), Rural] (Urdu): Sir, this resolution was moved with a view to elicit the opinion of this House whether the amalgamation of the five settled districts with the Punjab will prove useful or not. The scheme for separating these districts from the Punjab was carried out in 1902 with a view to improve their administration, and they were placed under a Chief Commissioner. But the scheme has not succeeded, and now it has been proposed to amalgamate them with the Punjab. I think this amalgamation will prove harmful for both. How is it possible for the Punjab Government to carry on the administration of the Frontier Province also from Lahore?

The inhabitants of the Frontier Province desire amalgamation because they think that they would secure thereby better justice from the High Court at Lahore. Perhaps they do not know that this justice will prove more costly. Justice can only be had at their own doors and not at so distant a place as Lahore. Since amalgamation will throw fresh burden upon the revenues of the Punjab, I oppose every idea about amalgamation.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu): Sir, I have thought over the question of amalgamation, and have arrived at this conclusion that we should not allow amalgamation. I am specially interested in the welfare of the Frontier Province. My father and myself have lived there for a long time, and I still own a considerable amount of property there. The people of that Province are not so savage as described by Malik Feroz Khan. I think whatever he said, he meant to refer to the people of the unsettled agencies. When this Province was separated from the Punjab, I was then in England. My father opposed it, but the Government of India pacified the agitation on the plea that it would stop the raids and that the Government would make more suitable arrangements for educating their children. Since the tribes are fully armed, the raids could never be checked, and this was the reason that the Government could not devote itself to their education; otherwise the inhabitants are very intelligent. The present administration of that province is very defective. The Frontier Crimes Regulations need modification. The Jirga system as well as the whole of the Judicial Administration ought to be reformed. The Frontier Province should be given political reforms on the same basis as we have here, although the strength of the Legislative Council should not exceed 36 members, of whom 3 ought to be elected. If these districts be amalgamated with the Punjab, there will be great difficulties in the administration and the Punjab Government will not be able to keep an effective control over that province. I think if that province gets full fledged reforms, it may solve this difficult situation.

Rai Sahib Lala Thakar Das: [North-West Towns (Non-Muhammadan), Urban] (Urdu): Sir, from 1849 to 1901, the Frontier Province remained under the Punjab Government. It has been under the Government of India since 1901. The question is whether the state of things was better when the

[Lala Thakar Dass.]

frontier was administered by the Punjab Government or better results have been brought about by its separation from the Punjab. I would say that the state of thing was better when Frontier was administered by the Punjab Government and it is now worse. Raja Narendra Nath has presented only one aspect of the case and I regret that he should have omitted mention of the other aspect. The condition of the inhabitants of the Frontier is dreadful, their children are very backward educationally and dacoities are rampant. It was Lord Curzon who made endeavours to secure the separation of the Frontier Province by putting forward the plea of administrative efficiency. Some gentlemen held the view that instead of reamalgamating the Frontier with the Punjab reforms should be introduced in that province. The fetish of reform has now been set up. In a province where the spirit of disorder has permeated the masses reforms will do no good. Troubles have been accentuated by abolishing the Militia on the Frontier and it is a pity that even the Irrigation Department of the Frontier Province is a source of loss. Lord Curzon's scheme has proved a failure. There are only six high schools in the Frontier Province. The people there are clamouring to be saved from the fetish of efficiency. I strongly oppose the resolution of Malik Feroz Khan and would urge reamalgamation of the Frontier Province with the Punjab.

Mian Beli Ram : [Hoshiarpur (Non-Muhammadan), Rural] (Urdu) :

10 A.M.

Sir, My friend Malik Feroz Khan has said that Lord Curzon thought it expedient to separate the Frontier district from the Punjab. This is not correct, I think. The debate in this House has proved that the requirements of the Frontier Province have now greatly increased. One important fact has not been mentioned in the debate and that is that the people of the Frontier Province have all along lived with us and they have been separated from us. Is it justifiable to keep the Frontier a separate province for the convenience of the Punjab and to leave its inhabitants to the mercy of the raiders. It has been said that the people of the Frontier are backward and will bring ruin on us also. The Hon'ble Minister for Education has told us that some districts of the Punjab are also backward. As a matter of fact the autocratic Frontier system has kept the people backward and has retarded their progress. It is said that expenditure will increase in consequence of the reamalgamation, but I cannot agree with this view. There are two sides of administration, internal and external—the internal administration will be carried on by the Province itself and as regards external administration its cost will be borne by the whole country. The Government of India will have to agree to this. Formerly there were two Commissioners and five Deputy Commissioners in the Province and it was well administered. There are now as many as forty-five officers, one of whom is an Indian and the others are Europeans, and the administration is very bad, i.e., there is insecurity and dacoities are rampant. In the event of amalgamation the administration could be carried on through the present staff. When the Chief Commissioner can administer Dera Ismail Khan, an able administrator like the Hon'ble Member, Finance, can administer the Frontier Province from Lahore. The people in the Frontier are in distress and we should show them sympathy and give them a helping hand. With the amalgamation the number of the Muhammadan members of this Council will increase and the position of the Hindus will be weakened. Nevertheless the Hindus are in

favour of amalgamation and I would request that amalgamation might be recommended.

Sayad Muhammad Hunsain [Montgomery (Muhammadan), Rural] (Urdu) : Sir, Conditions in the Frontier are dreadful. The semi-independent tribes commit raids night and day and do serious injury to the Hindus and their families. Hindus are our brethren and any outrage committed against their womenfolk is an outrage against us. Islam teaches us equality of status and it prescribes the penalty of death by stoning for an adulterer. I say, with all emphasis, that I consider the troubles of Hindus to be the troubles of the Muhammadans. We remember how the other day raiders carried away two English ladies from the Peshawar Cantonment. Raids are rampant in the Frontier and they have not ceased since the separation of the Frontier from the Punjab. This state of things must be remedied. There is one other disability under which the people of the Frontier are labouring. Under the Frontier Crimes Regulations even the law-abiding people are thrown into prison. My friend Raja Narendra Nath is labouring under a misapprehension when he says that people escape punishment through the Frontier Crimes Regulation. I say that they don't escape but on the contrary get entangled in consequence of it. The Hon'ble Minister for Education has expressed the view that the official class will mould itself according to the disposition and characteristics of the people among whom they are sent. I don't believe in this. If the inhabitants of the Frontier are ill-mannered how can officials who are amiable and humane by instinct become ill-mannered by serving among them. The Frontier Province is groaning under a multitude of troubles and we should sympathise with it. If the province are given a full-fledged reformed Council election disputes will reach there also and the inhabitants will develop qualities of fearlessness and will by themselves reform the officials. If the woes of the Frontier Province can be removed through reforms it would afford us the greatest pleasure. Lord Curzon's scheme has merely aggravated the disease. Moreover, the people in the Frontier have arms and though there is awakening in this Province there is a greater awakening in the Frontier. This being the case, I fear that the troubles of the Frontier will increase. The political education is doing havoc in the Frontier also. We being unarmed and the Frontier being an armed Province the state of things will become worse by amalgamation instead of improving. Only an armed people can measure their strength with an armed people, and in the event of reamalgamation the Arms Act will have to be repealed. I ask is the repeal of the Arms Act possible in this Province and is there any chance of each and every person getting arms? Educational improvement in the Frontier can take place better under the existing system. The people will spend money on their own account and understand their own requirements. In case the Government does not give reforms the Frontier might be reamalgamated with the Punjab. My friend Raja Narendra need not entertain any apprehensions that with the preponderance of Muhammadan members resulting from amalgamation this Council will suffer an injury. We are Indians first and we should rise above any sectarian distinctions.

Sardar Sangat Singh : [Lahore (Sikh), Rural] (Urdu) : Sir, the question of the reamalgamation of the Frontier with the Punjab is an important one and should receive a careful consideration at the hands of this

[S. Sangat Singh.]

Council. Ever since its creation the Frontier Province has been prospering at the expense of the rest of India. Scores of the people in the Frontier who are now called 'Khwanin' have risen to affluence from extreme poverty. It is through service on the Frontier that military officers get chances of promotion, and again it is through the Frontier Province that the Frontier Pathans who were living in a state of starvation on the rocky mountains have secured arms for themselves. If the Council has the least solicitude for these people then it is absolutely necessary to let the Frontier Province continue as a separate entity. What we however want to know is whether the Council has sympathy for the subjects of the British Government living in the Frontier Province or with the tribes. If their sympathies go with the former, then there is no necessity to maintain the Frontier as a separate Province. Cannot the Government banish insecurity from a small tract of territory like the Frontier? If it cannot manage the Frontier tribes it must transfer them to the rule of the Amir of Afghanistan. In order to oppose amalgamation, the plea has been put forward that Hindu and Muhammadan seats in this Council will become disproportionate. This difficulty can be got over by doing away with communal representation. In spite of any differences on this score the Council should not lose this opportunity in case it cares about the protection of the helpless inhabitants of the Frontier. Interested people are seeking all sorts of pretexts to prevent the amalgamation of the Frontier with the Punjab. The only dignified course for this Council is to ignore such interested people and do its duty and earn the gratitude of a distressed people.

Sardar Dasanda Singh : [Ludhiana (Sikh), Rural] (Urdu) : Sir, most of the gentlemen who have spoken on this debate have overlooked hard facts. The question is whether the object for which the Frontier was separated has been fulfilled. Every member of this House holds that the people of the Frontier Province are backward from every point of view and that their troubles have increased and they deserve assistance. In case bordermen have become armed Government should have taken measures to ensure peace and security. That the separation has added to the troubles of the inhabitants of the Frontier goes without saying. We must also see what is the feeling of the inhabitants of the Frontier as regards amalgamation. From what I have read in the newspapers I can say that they are anxious for amalgamation. The opinion of the Raja's friends of Mian Shah Nawaz is interested, and is not the opinion of the public. Apart from this the Raja's Class also hold divergent views in the matter of amalgamation. The fact is that the people living in the Frontier districts are very much distressed and they should be extricated from their difficulties. Some people hold the view that the Frontier districts have a small revenue and it would not be advantageous to amalgamate them with the Punjab. The view is selfish. The Punjab too has its backward districts : shall we be justified in separating those districts from the Punjab on that account. It is a question of showing sympathy. The ground urged on the score of increase in expenditure is also unbecoming on our part. We should face the facts instead of talking platitudes. I oppose the resolution and strongly support amalgamation.

Pir Akbar Ali [Ferozepore (Muhammadan), Rural] (Urdu) : Sir, there have been two kinds of speeches on this debate. One kind represents the views of 95 per cent. of the population, while the other speeches represent the views of 5 per cent. of the population. The 5 per cent. population is in favour of the amalgamation, while the 95 per cent. population is not. The gentlemen who represent 5 per cent. of the population have raised

all this clamour. There will be many disadvantages in amalgamating the Frontier with the Punjab. The frontier people will become connected with the Punjab. By the words 'frontier people' I mean not only the people living in the five districts of the Frontier but also their relatives who are living across the border. They will come and commit offences through their relatives living in British territory. The attention of the Punjab Government, which is at present without any anxiety, will be diverted towards managing frontier affairs, with the result that less attention will be paid to the progress of the Punjab. The Frontier Province should be given a reformed Council. The pinch of expenditure will be felt in the beginning, but good Government will bring its benefits. The income of the Punjab is not in proportion to the cost of the administration, while the cost of the Frontier administration is being defrayed by the Government of India. The Punjab will be saddled with an expenditure of over one crore of rupees on account of the amalgamation. The amalgamation is dangerous for 95 per cent. of the population. I, therefore, support Malik Feroz Khan's resolution.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan)] (Urdu): Sir, in his speech Pír Akbar Ali has been harping on one point only. By the words 5 per cent. he means the Hindu population and by the words '95 per cent.' he means the Muhammadan population. He forgets that the members are representatives of their constituencies. The best plan, to my mind, would be that Government should take the opinion of the entire population of the Frontier Province and the consensus of opinion thus elicited will show that the views held by the Raisas are of no weight at all. Public opinion should be elicited independently, and not in the way in which opinions are expressed before a Committee at Simla; where after officials have given evidence, they are corroborated. It is unnecessary to repeat that conditions in the Frontier are very bad. Mian Shah Nawaz has told us that it has made no advance in education and no progress in the prevention of crime. When the administration of the Frontier Province has proved a failure after 20 years' experience the Province may now well be amalgamated with the Punjab. Why are the Muhammadans opposed to the amalgamation? I oppose the resolution and favour amalgamation.

Captain Sardar Gopal Singh (Indian Army) (Urdu): Sir, there is no doubt that the Frontier Province is in a dangerous condition. Improvement of the existing conditions depends upon this policy and good intentions of Government, whether such Government is the Punjab Government or any other Government. The whole world has changed and the Frontier Province is no exception to this agitation, which is to be met with everywhere. The Frontier Crimes Regulations is in force in the Dera Ghazi Khan District, and I ask has any improvement taken place there? Amalgamation of the Frontier districts with the Punjab will not improve matters. Expenditure will increase and the difficulties of the Punjab Government will be added to. The Council should recommend grant of reforms to the Frontier Province. The atrocities committed by border dacoits on the inhabitants of the Frontier will not cease by amalgamation. Amalgamation will not be a good thing.

The Council then adjourned till 7 A.M. on Thursday, the 3rd August 1922.

PUNJAB LEGISLATIVE COUNCIL.

Thursday, 3rd August 1922.

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

QUESTIONS AND ANSWERS.

TRAVELLING ALLOWANCE TO SERVANTS OF INDIAN STATES.

1585. Pandit Daulat Ram, Kalia : (a) Is it a fact that the servants of Indian States coming in to give evidence in the British Courts in the Punjab are allowed single Railway fare on account of their travelling expenses ?

(b) If so, will the Government be pleased to treat them in the same way as it treats its own servants ?

The Hon'ble Sir John Maynard: The answer to the first portion of the question is in the affirmative. For purposes of travelling expenses the employees of Indian States are treated as private persons and receive their expenses according to Rules and Orders of the High Court, Volume II, Order 2, Rule III (ii).

The answer to the second part of the question is in the negative because the case of Government employees is different from that of Indian State employees as the former are paid nothing by the courts and any amount deposited for them on this account is credited to Government. Government employees are entitled under Article 1193, Civil Service Regulations, to draw travelling allowance at the usual rates.

SEATING ARRANGEMENTS FOR WITNESSES IN COURTS.

1586. Pandit Daulat Ram, Kalia : (a) Will the Government be pleased to state what arrangements exist in the courts for seating the witnesses (other than *Kursi Nashins*) after they have given their evidence and before they are allowed to leave the courts ?

(b) Is it a fact that there are no benches or durries in the courts for the use of the witnesses, and that they have to sit on the floor if they are not *Kursi Nashins* ?

The Hon'ble Sir John Maynard : Witnesses other than *Kursi Nashins* are seated on the floor of the court house, which always has a covering of matting and usually a durrie as well.

CONGRESS PANCHAYATS.

1587. Pandit Daulat Ram, Kalia : Will the Government be pleased to collect all the judicially decided cases in the Punjab in which the Congress Panchayats are proved to have misbehaved themselves to the extent of committing crimes, and publish extracts of judicial findings for the use of the public in Urdu and Gurmukhi ?

The Hon'ble Sir John Maynard : Government has no such information as the hon'ble member desires, but Government has brought and will

bring to the public notice any such cases as come to light from time to time in which such Panchayats have been guilty of oppression or similar misbehaviour.

FOREIGN CLOTH.

1588. Pandit Daulat Ram, Kalra : Is it a fact that speeches have been made in the Punjab at various places to the effect that foreign cloth is starched with the bones and blood of cows and pigs ? If so, will Government be pleased to state if there is any truth in these allegations which play on the religious sentiments of the Hindus and the Muslims ?

The Hon'ble Sir John Maynard : There have been speeches in which it has been stated that foreign cloth has been sized with tallow made from cows and pigs. The London correspondent of an Indian newspaper recently conducted a special enquiry in Lancashire (the principal centre of cloth manufacture) on this subject. The tallow which is used is made from sheep. Mutton tallow is used because of its better colour and it is because of this demand that sheep-rearing in Australia is so prominent in connection with the tallow trade.

CONGRESS PANCHAYATS AND LITIGATION.

1589. Pandit Daulat Ram, Kalra : Is it a fact that in a recent speech at Ferozepore Pandit Madan Mohan Malaviya stated that owing to the existence of Congress Panchayats litigation has gone down by 50 per cent. in the Lahore and Ferozepore Districts ?

Will Government be pleased to say if this reduction is a fact ?

Mr. J. Wilson-Johnston : Government has no information of any such speech as is mentioned in the question. Statistics show that there has been a slight fall in reported crime in Lahore during the first five months of the current year, and a substantial increase in Ferozepore District during the same period.

CORRUPTION COMMITTEE REPORT.

1590. Maulvi Muharram Ali Chishti : Will the Government be pleased to state what practical steps have been taken by them with a view to carry out the suggestions made in paragraphs 33, 26 (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) of the Corruption Committee Report ?

(It is solicited that the action taken with reference to each paragraph or sub-paragraph may be stated in detail separately, quoting the specific instances where necessary. The circulars issued, if any, may also be laid on the table.)

The Hon'ble Sir John Maynard : In reply to Council Questions Nos. 1590, 1597 and 1598, copies of Punjab Government Resolutions No. 11269 (Home-General) and No. 1645-S., (Home-Genl.), dated 31st March and 30th June 1922, respectively, and also Punjab Government letters No. 11270 (Home-Judl.), and No. 17718 (Home-Judl.), dated 31st March and 15th June 1922, respectively, are laid on the table. These documents give the information asked for by the hon'ble member.

Proceedings of his His Excellency the Governor of the Punjab in Council
in the Home-General Department, No. 11269, dated 31st March 1922.

RESOLUTION.

1. The question of the eradication of corruption in the Public services of the Province has engaged the earnest attention of Government for some years past. His Honour Sir M. O'Dwyer in his closing speech in the Council meeting in September 1916 remarked that Government was most anxious to secure the co-operation of all classes in dealing with this evil, and that it was a real satisfaction to see that public opinion was awakening to a sense of its duty in this respect. In pursuance of this object a circular letter in English and Vernacular was issued in March 1917 to all officials and was also posted on Government buildings, in Serais, Patwar Khanas, village Chaupals and other places of public resort. This letter drew attention to recent cases of prosecution for bribery and exhorted all officials to make a determined attempt through the services and the people to eradicate, if possible, and at least to check the corrupt practices which weighed so heavily on the people and brought discredit on the administration.

2. This letter was followed in January 1918 by another in which the Lieutenant-Governor, with the approval of the Government of India, directed that for the future no officer should accept any *daii* or gift offered by or on behalf of any Indian: as the practice was open to misrepresentation.

3. Finally, in August 1921, the Governor in Council decided to appoint a Committee to enquire into and suggest remedies for the evil.

The following were the members of this Committee:—

- (1) Mr. C. M. KING, C.I.E., I.C.S., *Chairman*.
- (2) Rai Bahadur Lala SEWAK RAM, M.L.C.
- (3) Sardar DASAUNDA SINGH, M.L.C.
- (4) Chaudhri CHHOTU RAM, Vakil, Rohtak.
- (5) Maulvi MUHAMMAD ALI, Chishti, M.L.C.

That Committee's report is the subject of the present resolution.

4. The Committee, which met on 8th September 1921, examined a large number of witnesses and also written statements, and invited the opinions of Local Bar Associations throughout the Province. The evidence put forward, although it may not be accepted as conclusive proof that the state of affairs described exists, would show that there is a general belief amongst all classes that there is corruption in a greater or less degree in practically all departments of Government, more especially among the lower paid ranks of Government servants. The Government agrees that corruption is widespread in all departments: but notes that the evil is by no means limited to Government service but extends to commercial, legal, and other departments of non-official life.

5. The Committee was of opinion that the chief causes which led to corruption are —

(a) *Low pay*.—On this subject it is to be observed that during the past year all ranks of the provincial and subordinate establishments have received

very substantial increments of pay : the attached table will show how various services have benefited in this respect. Government is of the opinion that these increments are sufficient to dispose of the plea of insufficient pay.

(b) *Lack of public opinion.*—The Committee point out—

- (i) that there is no combination on the part of the general public to put down corruption and extortion ;
- (ii) that the bribe-taker is not looked down upon among his own people ;
- (iii) that when the bribe-taker is in danger of punishment public sympathy veers round in his favour, and so he is enabled to escape the punishment he merits ;
- (iv) that the bribe-giver has in almost all cases received a satisfactory equivalent for the bribe given ;
- (v) the reluctance of witnesses to give evidence against officials who may be in a position to wreak vengeance on them subsequently ;
- (vi) the belief that evidence given against one officer may lead to persecution at the hand of his fellows ;
- (vii) that restitution closes the mouth of the bribe giver, who has not sufficient public spirit to prosecute the offender.

Government agrees with the conclusions of the Committee on this point, and would suggest that the remedy would seem to be the creation of a healthy condition of public spirit which can only be brought about by the combined efforts of officials and the general public ; the first step in this direction would seem to be the formation of anti-bribery leagues, to the desirability of which the attention of officers has already been directed.

(c) *Attitude of superior officers.*—The Committee conclude that in many cases this constitutes an indirect incentive to bribing. It finds that—

- (i) the superior officers of certain departments are not as accessible as they should be, and that this fact is responsible for much of the shyness that exists in bringing cases of alleged corruption to notice ;
- (ii) there is in many cases a lack of supervision and vigilance on the part of superior officers which is a cause in the non-prevention of bribery : this lack of supervision is believed to be due to two causes—(a) negligence, (b) over-work. This lack of supervision means that sufficient regard is not paid to honesty in making promotions ;
- (iii) there is a natural hesitation in commencing bribery enquiries due to the fact that so many of these enquiries are infructuous either in the initial or appellate court. To this may be due the fact that some officers have resigned themselves to what they believe to be the inevitable and consider it impossible to check bribery.

While admitting the cogency of the Committee's conclusions under this heading and agreeing with them, Government is inclined to the view that the chief factor is the greatly increased work of superior officers, while a minor factor may be the dislike of certain officers to see dirty linen washed.

in public. It is essential that all superior officers should realise that corruption is a greater evil than a crop of open scandals, and that the mere fact that there is no open enquiry does not signify that the matter is not widely known among the public.

(d) *The difficulty of obtaining judicial proof of corruption.*—The fact that for this reason the corrupt do not fear punishment.

(e) *Inadequate punishment in departmental enquiries into corruption.*—That fact that the bribe-giver as well as the bribe-taker is liable to punishment.

III.—Means and occasions of bribery.

6. The Committee's findings on this point are as follows:—

- (1) That in spite of the orders already referred to prohibiting the acceptances of *dolis*, it is believed that there are certain officers who do not always conform to these orders, and that further steps are necessary in this direction. The Government calls upon all heads of departments to insist upon literal obedience to these orders.
- (2) That a custom exists whereby some officers habitually borrow conveyances. This should cease unless there is reciprocity, as it leads to misrepresentation. In future an officer borrowing a vehicle from an Indian for more than a single trip should report the fact to his immediate superior unless he is in the habit of lending a vehicle of his own in similar circumstances to Indians.
- (3) That the purchase of commodities through subordinates should be specifically prohibited. This rule must be strictly observed.
- (4) That delay facilitates corruption, and that consequently delay almost more than any other fact should lead a superior officer to suspect corruption.

Government accepts these conclusions, and hereby draws the attention of its officers to the above points.

7. For the purposes of this consideration the Committee divides officials into two classes—(i) those who are above ministerial and menial status; (ii) those of ministerial and menial status.

IV.—Suggestions of the Committee as to the special remedies to be applied.

The object of Government's enquiries, the Committee concludes, is the immediate removal from Government service of the corrupt officials of the first class, and with this end in view it puts forward the following suggestions:—

- (a) That Deputy Commissioners should forthwith be directed to commence confidential enquiries as to any officers of any department in class (i) who may have acquired a reputation of so notorious a character as to make such enquiry advisable.
- (b) That the Deputy Commissioner should report the names of such officials to Government with a note as to his private opinion as to such a charge.
- (c) That Government should consider the report in the light of the officer's previous records, and if satisfied that the reputation is undeserved take no action.

- (d) If not so satisfied, then it should call upon the officer concerned, through the head of his department, for an explanation.
- (e) If the explanation is not satisfactory that the officer in question should be given the option of resigning.
- (f) That if he refuses to do so, he should be transferred and an enquiry whether departmental, police, or judicial, should be made into his conduct.

8. As regards officers of class (22) above, the Committee are of opinion that it will be sufficient to draw the attention of departmental officers to the fact that Government is determined to put down corruption, and that they should take such steps as may be possible for the removal of the worst of their subordinates against whom charges of corruption can be established. It is suggested that where there is sufficient evidence against an official of this class he should be allowed to resign, taking any pension or gratuity that he may have earned, but that if he demands an enquiry, such enquiry should be held, and if proved guilty he should be dismissed without pension or gratuity.

V.—Suggestions of Committee as to general remedies to be applied.

9. In addition to the above special measures the Committee make the following suggestions :—

- (1) That Government's intention to stamp out corruption, and the responsibility of supervising officers for the misdeeds of their subordinates, if these misdeeds are due to lack of supervision, should be impressed upon officers of all departments.
- (2) That there should be wide advertisement of Government's intention to put down this evil, and to this end it is suggested that the Government proclamation of March 1917, as recently repeated, be read out in local Durbars.
- (3) That Deputy Commissioners should ask for the co-operation of the leaders of public opinion.
- (4) That more attention be paid to reputation in making promotions and in making recommendations for honours.
- (5) That consideration should be paid to family reputation in making of appointments to any service.
- (6) That active propaganda should be instituted amongst village panchayats asking for co-operation.
- (7) That the head of the department should personally make promotions and see that none of his subordinates make recommendations.
- (8) That the entry in character rolls as to amount of property held by every official should be amplified so as to show his expectations by inheritance, that there should be a more careful check and that entries should cover acquisitions not only of the official concerned but those of his wife and children as well.
- (9) That where there is any suspicion that a bribe has been extorted, the bribe-giver should invariably be granted a pardon.

- (10) That Government officers should be forbidden to purchase commodities through their subordinates.
- (11) That the system of contractors for the supply of commodities to touring officers should be extended.

10. With reference to the above suggestions, the Governor in Council accepts the view of the Committee that an official ought to be put upon his formal defence on a reputation for dishonesty recorded by a succession of his superiors, and he considers further that departmental punishment may properly be awarded unless the official thus charged can give such an explanation of his bad reputation as may avoid the conclusion that he has been habitually corrupt: even though no specific instance of corruption be proved against him. In order to provide a safeguard against erroneous conclusions, cases of this kind in executive departments subordinate to the Punjab Government will be dealt with by a tribunal, consisting of a Financial Commissioner, a Commissioner, and the head of the department to which the implicated official belongs. The charge will take the form of a statement reciting the opinions of the officers who have recorded that the accused has a reputation for dishonesty and calling upon him to show cause why he should not be removed from the service or otherwise subjected to departmental discipline by reason of this reputation. When the officer concerned is a judicial officer, it has been decided, with the concurrence of the High Court, that the tribunal should consist of three High Court Judges selected by the High Court for the purpose. Character rolls in all departments should now be scrutinised and action taken in any case which may appear to require it.

11. In regard to the suggestion marked (9) above the proper course appears to be to give to the bribe-giver a promise that he will not be prosecuted in all cases in which there is good reason for believing that the bribe was extorted by pressure.

In other respects the Governor in Council accepts generally this group of the Committee's proposals.

12. The following remedies are suggested in the various departments, by the Committee:—

VI.—Suggestions of Committee for specific remedies in various departments.

A.—CIVIL ADMINISTRATIVE.

I.—Judicial.

(a) Diet money, whenever not paid to the witness in open court, should be transmitted to the depositor by money order as soon after the decision of the case as possible.

(b) Special means should be devised to ensure that there is no delay in the supply of copies of orders and that the fees charged are not in excess of those authorised by rule.

II.—Revenue.

(a) Patwaris and Kanungos should receive better pay and so a better class of men attracted.

(b) Managers of estates of wards of court should be more carefully selected and supervision over them should be more strict.

(c) The existing orders of Government whereby officers are forbidden to contract large debts or to take part in business transactions of a speculative nature should be strictly enforced.

B.—POLICE.

(1) The abolition of circle inspectors should be considered by the Police Department. The Committee's opinion is that they serve no useful purpose.

(2) That the method now in force of collecting large numbers of persons in one place for the purpose of the investigation of a case be abolished and the investigating officer be ordered (as the practice is in England) to make his enquiries by proceeding from house to house. In the opinion of the Committee, the existing custom makes opportunities for "rishwat dalal."

(3) Some reform in the method of preparing police diaries would seem imperative. This is a matter for the Police Department to decide, but the Committee's opinion is that under existing practice there is great opportunity for tampering with these diaries.

(4) Accused persons should not be remanded to police custody save in very exceptional circumstances, the reasons for such remand being supported by evidence.

(5) Some Magistrates are believed to be in awe of the police, a circular should issue pointing out that any attempt by police officer to influence Magistrates is most improper.

(6) That the pay of Sub-Inspectors should be raised in some degree in order to permit their living in requisite style, honestly, without private means, while that of Head Constables should be substantially raised if they are to be permitted to exercise the important function of investigating officers.

C.—JAILS.

(1) The Committee is of opinion that without reform in this department it will be impossible to stop corruption. In most districts the Civil Surgeon is the Superintendent of Jail; he is too busy to exercise requisite supervision and control.

The Committee would suggest that the Jailor be made independent of the Civil Surgeon and that possibly an increase of pay would attract a better class of officials to this line.

(2) The system of non-official visitors to the jails is open to improvement. It is suggested that persons of independent character be chosen for these posts, and that they be granted increased powers to receive complaints from prisoners and bring these to the notice of the Inspector-General.

D.—MEDICAL.

For the cure of the deplorable corruption that is believed to exist among Assistant Surgeons and Sub-Assistant Surgeons the Committee has no cure to suggest; it can only express a fervent hope that public opinion will gradually mitigate the evil.

E.—CANALS.

(1) The present system of assessment of water-rate lends itself to corruption in a marked degree, the Committee believe that the only remedy is the adoption of a method by which water will be sold in bulk. Experiments are being made in this direction, but there is strong reason to believe that the subordinate staff is doing its best to cause them to fail.

(2) Until water can be sold by bulk greater vigilance is essential, the Committee therefore suggest that a special officer should be appointed

on each canal for this purpose, they further suggest that this officer should work directly under the Commissioner of the Division.

(3) The small amount of work done by canal officers in their capacity of Magistrate does not in the opinion of the Committee justify their being given magisterial powers; these should therefore be withdrawn.

F.—PUBLIC WORKS DEPARTMENT, ROADS AND BUILDINGS.

In this department corruption would seem to take the form of a conspiracy between subordinate officers and contractors to defraud Government. The only remedy for this is ceaseless vigilance on the part of the controlling officer.

G.—FORESTS.

In addition to the form of corruption noted in the Public Works Department (Roads and Buildings), the Forest Department is marred by the petty bribery obtained for breaches of forest rules. The remedy suggested is enlistment of a better class of recruit and ceaseless vigilance by controlling officers.

H.—EDUCATION.

In this department corruption would not seem to be extensive and here alone is it probable that the bribe-giver is more usually to blame than the bribe-taker. The remedies suggested are increase of pay and increased vigilance on the part of inspecting officers.

13. The Committee's suggestions outlined above will be communicated to heads of departments for consideration and adoption where possible.

Government accepts the Committee's views generally but as regards the recommendation to increase the pay of certain officials would once more point out that much has been done in this direction during the past year—(vide statement attached to paragraph 2 (a) of this resolution).

The question of the abolition of Circle Inspectors of Police is already under consideration.

14. These are two in number and are supported by three members, while opposed by the remaining two. The first is that a special commission should be appointed to visit all districts and make enquiries against officials who are believed to be corrupt. The second, that in each district should be established an Advisory Committee whom the Deputy Commissioner should consult periodically as to the character of the various officials serving in the district.

VII.—Suggestions upon the adoption of which the Committee was divided.

Government has given very careful consideration to these two proposals, but it has very great doubts of the utility of a special commission such as is proposed. The suggestion of an Advisory Committee is one which has been put forward on previous occasions also. The arguments which weigh most with Government are that an Advisory Committee, unless of very large size, would not be fairly representative of all classes of the population of the district, and it would tend to substitute the permanent influence of a particular group for that general accessibility to all classes which is one of the most important duties of a District Officer.

15. In conclusion the Governor in Council desires to thank the Members of the Committee for their patient and thoughtful analysis of the causes and remedies of this great evil, and to express the hope that the public will co-operate with the Government in putting an end to it.

Statement showing percentage increase in various establishments on 1st October 1920, the date of the introduction of the new scales.

Serial No.	Name of establishment.	Percentage increase.
1	Commissioners' offices in the Punjab	52.3
2	Deputy Commissioners' offices in the Punjab	98.3
3	Senior Sub-Judges' establishments	47.2
4	Small Cause Courts' establishments	47.9
5	Munsifs' establishments	74.0
6	Provincial establishments, Public Works Department, Buildings and Roads Branch	58.2
7	Provincial establishment, Irrigation	59.0
8	Tahsildars and Naib-Tahsildars	32.4
9	Excise Department	32.3
10	Irrigation Zilladars, Munshis, Sub-Overseers, Signallers, Draftsmen and Petty establishments	57.1
11	Roads and Buildings Sub-Overseers and Draftsmen	41.1
12	Sub-Assistant Surgeons, Compounders and Vaccinators	78.7
13	Forest Department, Executive Establishment	41.1
14	Civil Veterinary Department, Inspectors and Veterinary Assistants, establishment	23.9
15	Process-serving establishments	123.4
16	Jail Department, Executive establishment	72.0
17	Police Department:—	
	Constables	60.8
	Head Constables	69.3
	Sub-Inspectors	70.0
	Sergeants	92.7
	Inspectors	24.3
18	Munsifs	52.2
19	Karungos	63.0
20	Patwaris	90.7

ORDER.—Ordered that the above Resolution together with the report of the Committee appointed to investigate the extent of corruption in the public services be communicated to all Heads of Departments, all Commissioners

and Deputy Commissioners in the Punjab and all Members of the Punjab Legislative Council.

Ordered also that the Resolution and the report be published in the *Punjab Government Gazette* for general information.

By order of His Excellency the Governor in Council,
J. WILSON-JOHNSTON,
Home Secretary to Government, Punjab.

No. 11270 (Home—Judl.), dated Lahore, the 31st March 1922.

From—J. WILSON-JOHNSTON, Esq., C.B.F., I.C.S., Home Secretary to Government, Punjab,

To— { (1) All Heads of Departments in the Punjab.
(2) All Commissioners of Divisions in the Punjab.
(3) All Deputy Commissioners in the Punjab.

SUBJECT:—*Report of the Committee on Corruption in the Public Services.*

I AM directed by the Governor in Council to forward copies of the Report and of Resolution No. 11269-J., dated 31st March 1922, on the above subject, and to invite particular attention to paragraph 10 of the Resolution which gives instructions as to the immediate action to be taken.

No. 17718 (Home—Judl.), dated Lahore, the 15th June 1922.

From—J. WILSON-JOHNSTON, Esq., C.B.E., I.C.S., Home Secretary to Government, Punjab,

To— { (1) All Heads of Departments in the Punjab.
(2) All Commissioners of Divisions in the Punjab.
(3) All Deputy Commissioners in the Punjab.

SUBJECT:—*Bradication of bribery and corruption in the Public Service.*

WITH regard to paragraph 10 of Punjab Government Resolution No. 11269 (Home-General), dated the 31st March 1922, a copy of which was forwarded to you with my letter No. 11270 (Home-Judicial) of the same date, I am directed by the Governor in Council to state that the intention was that the Head of each Department should scrutinise the character rolls in his own Department and initiate action in any case which may appear to require it.

[*To Deputy Commissioner, Multan, only*].—With regard to the enquiry made in paragraph 3 of your letter No. 265, dated the 13th May 1922, to the address of the Commissioner, Multan Division, I am directed to say that it was not the intention of Government to exclude the prosecution of officials of ministerial and menial status, where prosecution is likely to be successful; but where it is not likely to be successful the course indicated in paragraph 8 of the Resolution should be followed.

Proceedings of His Excellency the Governor of the Punjab in Council in the Home—General Department, No. 1645-S, dated 30th June 1922.

RESOLUTION.

THE Governor in Council has already issued a resolution No. 11269-Judicial, dated the 31st March, 1922, dealing with the report of the Committee appointed to investigate the extent of corruption among officials and

the remedies to be applied. That resolution was, however, devoted for the most part to a discussion of the remedies suggested by the Committee, and it contained no explicit findings on the part of Government as to the correctness or otherwise of the Committee's observations regarding the extent to which corrupt practices are prevalent among the higher ranks of officials. All that was said on this point was that "the Government agrees that corruption is widespread in all departments; but notes that the evil is by no means limited to Government service but extends to commercial, legal and other departments of non-official life."

2. The Committee's report included certain reflections on the probity of the higher officers of the Police, Medical and Public Works Departments which have been the subject of comment in the Press and elsewhere, and the absence in the resolution of the 31st of March, 1922, of any reference to these reflections has been construed in certain quarters as an endorsement of them by Government. It must not, however, be thought that the Government shares the views put forward by certain witnesses in regard to the prevalence of corruption among the higher officers of the Department mentioned; and it is right to point out that the Committee did not in fact record their own opinion that these officers were generally corrupt. They merely stated that the general effect of the evidence produced before them was that the belief was generally held that the higher ranks of certain services shared in illicit gains. All the findings of the Committee are qualified by the following statement contained in paragraph 1 of their report:—

"Very few of them (the witnesses) gave evidence of facts actually within their knowledge. It was almost impossible that this should be so. They gave evidence, however, of the general opinion as to the existence of the state of affairs which they described."

It was inevitable that the evidence presented before the Committee should be what in legal parlance is known as evidence of general repute only the Committee were precluded by their terms of reference from investigating specific charges of corruption against individuals. Witnesses who appeared before them were naturally not questioned in regard to such cases.

3. As, however, the Committee's report has been interpreted as a definite finding on their part that corruption is generally prevalent among the higher officers of certain departments, His Excellency the Governor in Council takes this opportunity of announcing publicly that he does not hold that view. There are of course black sheep in every flock, but the Governor in Council is emphatically of opinion that the great majority of the higher ranks of the three departments named are in the matter of integrity actuated by the same high principles which distinguish their colleagues in the Civil Administration, in regard to whom the Committee themselves have found that in the highest ranks the number of persons believed to be corrupt is so small as in the opinion of most of the witnesses examined to be entirely negligible. The Governor in Council also desires to record his regret that the findings of the Committee should have been interpreted in a manner which he considers unfair to the officers concerned.

4. With the corruption which prevails in the lower ranks, the Departmental heads have instructions to take effective action.

ORDER.—Ordered that the above Resolution be communicated to the Government of India, Home Department, all Heads of Departments, all

Commissioners and Deputy Commissioners in the Punjab and all members of the Punjab Legislative Council.

Ordered also that the Resolution be published in the *Punjab Government Gazette* for general information.

CORRUPTION IN THE FOREST DEPARTMENT.

1591. **Maulvi Muharram Ali, Chishti:** Will the Hon'ble Member, in charge of the Forest Department, kindly state what practical steps have been taken by the Government in view of the suggestions made in paragraph 46 of the Corruption Committee Report and with what results?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The Report and the Punjab Government's Resolution thereon have been widely circulated. Any cases reported will be dealt with as directed in paragraphs 10 and 129 of the Resolution. It is too early to pronounce on the results.

CORRUPTION IN THE EDUCATION DEPARTMENT.

1592. **Maulvi Muharram Ali, Chishti:** Will the Hon'ble Member, in charge of the Education Department, kindly state what practical steps have been taken by the Government in view of the suggestions made in paragraph 47 of the Corruption Committee Report, and with what results?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: A copy of a *communiqué* on the subject is laid on the table.

COMMUNIQUÉ.

Charges of corruption against Inspecting Officers and Teachers.

The attention of Government has been directed to the prevalence of corruption among teachers and even among members of the educational inspecting staff; and, in particular, to the receipt of presents from pupils at the time of the promotion examinations.

2. Government has recently been making inquiries and find from reliable sources that there is a considerable truth in these charges and that, unless these serious evils are checked, the results may be disastrous to the healthy progress of education. These petty extortions are not only unjust, but must inevitably reach against the self-respect of the teachers concerned and also against the status and good name of the whole teaching profession.

3. Government has therefore decided that—

- (a) as far as possible, promotion from the fourth class should be arranged by the inspecting staff at convenient centres;
- (b) vigilance in such matters should be regarded as one of the main duties of the inspecting staff; and negligence to adopt suitable measures to counteract this evil be regarded as a serious offence;
- (c) persons against whom charges of making such extortions are proved will be liable to dismissal.

4. Government desires to take this opportunity of inviting the co-operation of local bodies and of the general public in this matter. It is only by the adoption of stern measures against delinquents and by persistent efforts that this taint will be removed. It has been brought to the notice of

Government that teachers from a certain school were dismissed a year ago for gross corruption at the time of the promotion examination ; but that the district board, while admitting their guilt, has now reinstated them. It is not by action such as this that success can be achieved.

CORRUPTION IN THE PUBLIC WORKS DEPARTMENT.

1593. **Maulvi Muharram Ali, Chishti** : Will the Hon'ble Member, in charge of the Public Works Department (Buildings and Roads Branch), kindly state what practical steps the Government have taken in accordance with the suggestions made in paragraph 45 of the Corruption Committee Report and with what results? Has any effort been made to bring any culprits to justice?

The Hon'ble **Iala Harkishan Lal** : Government is taking action on the recommendations made in paragraph 45 of the Corruption Committee's Report, but it is too early yet to report any results.

CORRUPTION IN THE CANAL DEPARTMENT.

1594. **Maulvi Muharram Ali, Chishti** : Will the Hon'ble Member, in charge of the Canal Department, kindly state what practical steps the Government have taken in accordance with the recommendations made in paragraphs 43, 44 (1), (2), (3) of the Corruption Committee's Report and with what results?

(It is solicited that the action taken in accordance with each paragraph or sub-paragraph may be stated in detail separately quoting the specific instances where necessary. The circulars issued, if any, may also be laid on the table).

The Hon'ble **Sardar Bahadur Sardar Sundar Singh, Majithia** : Paragraph 43.—The whole question of volumetric assessment is under consideration by the Canal Standing Committee. Investigations are and have for a long time been in progress with a view to overcome technical difficulties, which have to a great extent been successfully removed, but these are the least of the difficulties which arise, the more serious of which are concerned with the distribution of water by the cultivators among themselves. For this reason no scheme for the general introduction of volumetric assessment is considered advisable at present, but on individual watercourses, where all the share-holders are prepared to accept it the system can be adopted on their application.

Paragraph 44 (1), (2), (3).—The questions raised in paragraph 44 (1), (2) and (3) are being referred to the Canal Standing Committee for discussion.

CORRUPTION IN THE JAILS DEPARTMENT.

1595. **Maulvi Muharram Ali, Chishti** : Will the Hon'ble Member, in charge of the Jails Department, kindly state what practical steps the Government have taken in the Jails Department in accordance with the suggestions made in paragraphs 40 and 41 of the Corruption Committee Report and with what results?

(It is solicited that the action taken in accordance with each paragraph may be stated in detail separately quoting the specific instances where necessary. The circulars issued, if any, may also be laid on the table).

The Hon'ble Sir John Maynard: (1) The suggestion that the Jailor should be made independent of the Civil Surgeon who is at present in charge of most district jails is open to objection, but Government proposes to consult the Jails Committee on the subject.

(2) The pay of Jailors was recently increased and now goes up to Rs. 400 per mensem.

(3) It is recognised that the improvement of the supervision is the principal requirement, and that this is to be achieved in large measure by (1) substituting whole-time Superintendents for Civil Surgeons in the larger district jails and (2) reducing the size of the central jails and so diminishing the burden of work upon the whole-time Superintendents. Both measures involve large financial outlay, and the second involves also some rebuilding of jails. A scheme is under consideration, and the substitution of whole-time Superintendents for Civil Surgeons in first class district jails has been approved in principle.

(4) Non-official visitors have been appointed to all jails, and the best men available for this purpose are selected. They have full powers to bring all complaints to light, and their reports are communicated to the Inspector-General of Prisons in all cases as a matter of course.

CORRUPTION IN THE REVENUE DEPARTMENT.

1596. **Maulvi Muharram Ali, Chishti:** Will the Hon'ble Member, in charge of the Revenue Department, kindly state what practical steps the Government have taken in the Revenue Department in accordance with the recommendations made in paragraphs 32, 33, 36, (1), (4), (5), (7), (8) and 38 (1), (2), (3) of the Report of the Corruption Committee?

(It is solicited that the action taken in accordance with each paragraph or sub-paragraph may be stated separately in a detailed manner, quoting the specific instances where necessary. The circular issued, if any, may also be laid on the table).

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia:

Paragraph 32 of the Report.—All Revenue Officers have been directed to take the action indicated for the removal of the worst of their subordinates, against whom charges can be established.

Paragraph 33.—Orders have issued for the scrutiny of the character rolls of Tahsildars, Naib-Tahsildars and Excise Officials, and those of the staffs of the Directors of Land Records, Agriculture, and Industries, and of the Registrar, Co-operative Societies, Punjab, with the intention of taking action as proposed in paragraph 10 of the Government resolution on the Report.

Paragraph 36 (1).—The intention of Government to eradicate corruption has been emphasized in the orders issued.

Paragraph 36 (4) and (5).—Commissioners and Deputy Commissioners have been instructed that recommendations for honours or appointments should always contain an unequivocal expression of opinion as to the honesty of the individual or the family.

Paragraph 36 (7).—It has been explained to Commissioners that the intention of the Committee and of Government is not to debar gazetted officers in a subordinate position from making recommendations, but to ensure that the head of an office should not be unduly savaged by his inferiors.

Paragraph 36 (8).—No directions have as yet issued with regard to this recommendation.

Paragraph 38 (1).—The hon'ble member's attention is invited to paragraph 13 of the Government Resolution on the Report, which shows that the pay of Revenue Officers has been substantially raised during the past year. Government do not propose to take further action in this respect.

Paragraph 38 (2).—The matter is having the attention of the Court of Wards.

Paragraph 38 (3).—Government has taken action on this recommendation under paragraph 13 of this resolution.

CORRUPTION IN THE POLICE DEPARTMENT.

1597. Maulvi Muharram Ali Chishti: Will the Hon'ble Member, in charge of the Police Department, kindly state what practical steps the Government have taken in the Police Department in accordance with the recommendations made in paragraphs 32, 36 (1), (4), (b), (7), (8), and 39 (1), (2), (3), (6) of the Corruption Committee Report?

(It is solicited that the action taken in accordance with each paragraph or sub-paragraph may be stated separately in a detailed manner, quoting the specific instances where necessary. The circulars issued, if any, may also be laid on the table of the House.)

The Hon'ble Sir John Maynard: The attention of the hon'ble member is invited to the answer to question No. 1590.*

CORRUPTION IN THE JUDICIAL DEPARTMENT.

1598. Maulvi Muharram Ali Chishti: Will the Hon'ble Member, in charge of the Judicial Department, kindly state what practical steps the Government have taken in the Judicial Department in accordance with the recommendations made in paragraphs 32, 33, 36 (1), (4), (5), (7), (8), 37 (1), (2), 39 (4), (5) of the Report of the Corruption Committee and with what results?

(It is solicited that the action taken in accordance with each paragraph and sub-paragraph may be stated in detail separately, quoting the specific instances where necessary. The circular issued, if any, may also be laid on the table.)

The Hon'ble Sir John Maynard: The attention of the hon'ble member is invited to the answer to question No. 1590.

As Khan Muhammad Abdullah Khan was absent questions Nos. 1599—1610 were not put.

KHARABA RULES ON CERTAIN INUNDATION CANALS.

1611. Rai Bahadur Lala Sewak Ram : Is it a fact that the *Kharaba* Rules now existing on the inundation canals of Multan, Dera-Ghazi Khan and Muzaffargarh Districts are causing hardship to the people? If so, will Government be pleased to consider the desirability of making necessary amendments in these rules?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The first part of the question is now being examined by a committee appointed in accordance with a Resolution of the Council. Government would prefer to await its report before giving a final reply to the question.

Rai Bahadur Lala Sewak Ram : Would this apply to the Multan District only?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : We have not been able to form an opinion as yet. After the report of the Committee is received we shall be in a position to say.

Rai Bahadur Lala Sewak Ram : My question is whether it applies only to the Multan District or whether it applies to Muzaffargarh and Dera Ghazi Khan Districts.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : I think no reply is needed because of the answer already given.

CORRUPTION AMONG GOVERNMENT OFFICIALS AT SARGODHA.

1612. Malik Feroz Khan, Nun : Will Government be pleased to state if it is a fact—

- (a) that allegations of corruption and bribery have been made against certain Government officials at Sargodha in the Shahpur District;
- (b) that the Bar Association, Sargodha, unanimously passed a resolution offering their help and co-operation in tracing the culprits and that copies of this resolution were sent to the Deputy Commissioner, District Judge, and Superintendent of Police, Sargodha;
- (c) that Mr. H. H. Jenkyns, Deputy Commissioner, while writing the character rolls expressed an opinion about a certain officer that he was thoroughly dishonest;
- (d) if the answers to (a), (b) and (c) are in the affirmative, will the Government be pleased to say if any action is contemplated in the matter; if so, what?
- (e) Will the Government enquire from the heads of the Executive, Police and judiciary in Sargodha about the conduct of the officers concerned?

(iii) In view of the recent announcement by the Government that bribery must be rooted out of the province, will the Government take early action in the matter?

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

(b) Government have recently noticed a statement to this effect in a newspaper, but they have not verified the statement.

(c) Government are not prepared to answer this part of the question. All entries in character rolls are strictly confidential.

(d) Government are aware of the situation and will take such steps as seem suitable to deal with it. They are not prepared to disclose in advance the steps that they intend to take.

Rai Bahadur Lala Sewak Ram : Is the Government aware that there are party factions at Sargodha?

Mr. H. D. Craik : Yes, there are party factions.

Rai Bahadur Lala Sewak Ram : If so, will the Government give up the enquiry, that is, the enquiry in connection with the charges of corruption?

Mr. H. D. Craik : That is a position that the Government cannot take.

UPPER SUBORDINATES, PUBLIC WORKS DEPARTMENT.

1613. Rai Bahadur Lala Sewak Ram : Will the Government be pleased to state —

(a) whether it is a fact that certain members of the Upper Subordinate Service of the Public Works Department who were not promoted to the existing vacancies at the time of the revision of the scale have been adversely affected by the Punjab Government (Finance Department) Press *Communiqué*, dated the 27th January 1921, which puts certain limitations on the increase to which they were entitled, and that consequently they are getting less pay than some of the Lower Subordinates promoted to the Subordinate Engineering Service;

(b) whether any memorial on behalf of the Upper Subordinates of the Public Works Department has been received?

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to take necessary action in the matter.

The Hon'ble Sardar Bahadur Sardar Snudar Singh Majithia : (1)

(a) So far as the Irrigation Branch is concerned. There were some vacancies before February 1922 which were not filled up, but it cannot be said that certain members were adversely affected, as promotion from grade to grade was by selection, and as they were not selected for promotion to the Punjab Engineering Service and are now in the residue of the Upper Subordinate, it is improbable that they would have been promoted to the next grade under the old scale.

(b) Reply is in the affirmative.

(c) No action is called for or considered necessary to be taken. The revised pay was subject to the percentage limits prescribed in the Press *Communiqué* quoted and cannot be revised.

The memorial has been replied to.

(2) As regards the Buildings and Roads Branch memorials have only recently been received. The matter will be enquired into and a reply given later.

UPPER SUBORDINATES AND PROVINCIAL ENGINEERING SERVICE.

1614. Rai Bahadur Lala Sewak Ram: Arising out of the answer given to my question No. 1167 regarding the reservation of 6 vacancies for passed students of the Roorkee Engineering College, will Government be pleased to state whether the Government of India resolution No. 441-E, A, dated the 16th July 1920, gives the Local Government discretion to fill up these vacancies as they like? If so, will Government consider the advisability of filling up these appointments from the Upper Subordinates?

The Hon'ble Lala Harkishan Lal: As a certain number of appointments have been guaranteed by the Government of India to passed students of the Roorkee College and very suitable men are likely to be forthcoming from this source, the Local Government does not propose to fill up the few remaining vacancies by promotion of more Upper Subordinates to the Provincial Engineering Service. Those Upper Subordinates who have been considered fit in all respects for entry into the Provincial Engineering Service have already been placed in that service.

PUNITIVE POLICE IN CERTAIN VILLAGES OF TAHSIL FAZILKA.

1615. Sardar Kartar Singh: Will the Government be pleased to state :

- (a) if it is a fact that punitive police has been posted at Samal Sar, Lande, Roonta, Rooke, Takhtupura, Ghall Kalan villages in Moga Tahsil and Midda Khera, Fatta Khera, Sikhwa and Ghumarwala villages in Fazilka Tahsil of Ferozapore District ;
- (b) the offences against person or property committed in each of the above mentioned villages during the last year ;
- (c) the nature of the offences committed which necessitated the posting of the punitive police ;
- (d) the special reasons which led to the posting of punitive police in each of the above-mentioned villages ;
- (e) whether the posting of punitive police in the above-mentioned villages is chiefly due to the holding of political meetings there ;
- (f) whether it is a fact that by the posting of punitive police the innocent and the law-abiding inhabitants suffer equally along with the turbulent ones ;

- (g) what is the amount of money which will be levied from each of the above-mentioned villages to defray the cost of maintaining punitive police;
- (h) Will Government consider the advisability of withdrawing the order imposing punitive police in these tahsils?

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

EXCISE CONTRACTS.

1616. Rai Sahib Lala Thakar Das : Will the Government be pleased to lay on the table a statement showing—

- (a) the localities where during the course of the present year excise contracts for the sale of wines liquors and drugs have been sold by public auction;
- (b) the names of the localities for which the auctions were held;
- (c) the officers who conducted the auctions;
- (d) the highest bids made during the auction for the different shops as well as the prices for which those shops were sold during the previous year; and in case of the latter exceeding the former, the reasons for the difference;
- (e) the quantities of liquor and other drugs permitted to be sold during the present year and during the preceding year at the various shops;
- (f) whether any police force was requisitioned on the occasion of the auctions;
- (g) whether any arrests of Congress or *Khilafat* or national volunteers, or of members of any *panchayat* or *Akali Jatha* were made at the localities during the fortnight preceding the auction; and, if so, the number of persons arrested;
- (h) the number of persons who took part and actually made bids at the auctions held last year and in the present year;
- (i) whether the persons to whom the licenses were ultimately sold or assigned for the present year were actual residents of the places where the shops were situated;
- (j) whether the persons to whom the licenses for the shops were ultimately sold or assigned also held the licenses for the previous year?

The Hon'ble Lala Harkishan Lal : The preparation of the statement would involve an amount of trouble and expense incommensurate with the result to be achieved and especially in view of the fact that all the auctions were cancelled and a new system of license fees at gallonage rates was introduced.

MR. S. E. STOKES.

1617. Rai Sahib Lala Thakar Das : Will Government be pleased to state if it is a fact—

- (a) that Mr. S. E. Stokes was sentenced to 6 months' imprisonment by the District Magistrate of Lahore, in default of his entering into a bond under the provisions of the Criminal Procedure Code;
- (b) that Mr. Stokes had been arrested within the district of Lahore, was tried at Lahore by the District Magistrate of Lahore, and that the articles in connection with which the proceedings against him were taken were published in the *Tribune*—a newspaper published at Lahore;
- (c) that Mr. Stokes was kept in the Lahore Central Jail during the period of his imprisonment, which expired on or about the 2nd June 1922; and that prior to the expiry of his term of imprisonment he had addressed a letter to the authorities requesting that he might be released at Lahore so that he might attend the meeting of the All-India Congress Committee which was to be held at Lucknow within a few days of his release;
- (d) that two or three days before his release was due Mr. Stokes was taken in custody to Simla and released there instead of at Lahore, where he had been confined throughout the period of his imprisonment; if so, will the Government be pleased to state the reasons for not acceding to the request of Mr. Stokes and for releasing him at Simla instead of at Lahore?

The Hon'ble Sir John Maynard :

- (a) and (b) The answer is in the affirmative.
- (c) Superintendent, Central Jail, reports that to the best of his recollection Mr. Stokes requested to be released from Lahore to attend the Congress at Lucknow after the arrangements had been made for his release elsewhere.
- (d) Mr. Stokes was released in Simla because Government wished to avoid any demonstration that might have led to a disturbance of the peace and Simla was nearest to his home.

PICKETING OF LIQUOR SHOPS IN RAWALPINDI.

1618. Rai Sahib Lala Thakar Das : (a) Is it a fact that picketing of liquor shops by the Congress, *Khilafat* and national volunteers has been carried on in Rawalpindi for the last six months or thereabouts?

(b) If so, were any persons engaged in picketing any of these shops, prosecuted before the month of June 1922 for resorting to violence, intimidation or any other unlawful act alleged to have been committed by them as part of the picketing operation?

(c) If the answers to (a) and (b) are in the affirmative, will Government be pleased to state the number of cases in which such prosecutions ended in the conviction of the persons accused.

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

(b) No.

(c) This does not arise as the answer to (b) is in the negative.

1619. **Rai Sahib Lala Thakar Das:** Will the Government be pleased to lay on the table a statement showing—

- (a) the names of the persons arrested at Rawalpindi between the 7th and 21st of June 1922 in connection with the picketing of liquor shops?
- (b) whether the persons arrested were volunteers, members or office holders of the Congress or *Khilafat* Committees or of the Sikh League?
- (c) the date on which and the place where the arrests were made;
- (d) whether the arrests were made in pursuance of a warrant duly issued by a competent magistrate; as well as the alleged offence for which the arrests were made;
- (e) whether the persons arrested were released without trial or prosecuted in a court, giving the date of the release of the institution of the prosecution, as the case may be?

Mr. J. Wilson-Johnston: The information asked for is not yet available, but when received a full reply will be given to the hon'ble member.

ALLEGED ILL-TREATMENT [OF POLITICAL PRISONERS IN THE AMBALA JAIL.

1620. **Rai Sahib Lala Thakar Das:** (a) Will the Government be pleased to lay on the table the whole correspondence between the General Secretary of the Punjab Provincial Congress Committee and the Punjab Government in the month of March 1922, part of which has already been published in the issue of the *Tribune* dated the 18th March 1922?

(b) Has the Government made an enquiry into the allegations of ill-treatment of political prisoners contained in that correspondence; and, if so, with what results?

(c) Is it a fact that a large number of political prisoners confined in the Ambala Jail remained on hunger strike for some days as a result of the harsh treatment meted out to some of them?

(d) Is it a fact that certain Sikh political prisoners in the Ambala Jail were forcibly divested of their black turbans by order of the Inspector General of Prisons?

(e) Is it a fact that certain political prisoners in the Ambala Jail were given bar-fetters for shouting "*Mahatma Gandhi ki Jai*", "*Bande Matram*," etc.?

(f) Will the Government be pleased to state what jail punishments have been given to political prisoners in the Ambala Jail during the month of March 1922; the offences for which those punishments were given, as well as the age and social position of each prisoner so punished?

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

SCARCITY OF DRINKING WATER IN TAHSIL SHAKARGARH, ETC.

1621. Chaudhri Kharak Singh : (a) Is it a fact that in parts of Shakargarh Tahsil, District Gurdaspur, generally, and in Chak Kandhi of Pathankot Tahsil particularly, there is great scarcity of drinking water?

(b) If answer to the above be in the affirmative, what steps does the Government propose to take in the matter?

(c) Will Government be pleased to consider the advisability of helping the people in sinking new wells and clearing silt out of the tanks already existing in the said area?

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

CASES OF THEFT AND ROBBERY IN GURDASPUR AND AMRITSAR DISTRICTS.

1622. Chaudhri Kharak Singh : Will Government be pleased to lay on the table a statement showing—

(a) the number of cases reported to the police in Gurdaspur and Amritsar Districts, respectively, in 1921, under—

(1) Theft, sections 379-382, Indian Penal Code; (2) Robbery and dacoity, sections 392-402, Indian Penal Code; (3) Receiving of stolen property, sections 411-414, Indian Penal Code.

(b) the value of stolen property under each head in each district;

(c) the value of stolen property recovered by (1) private efforts, and (2) the police under each head in each of the two districts?

The Hon'ble Sir John Maynard : The statement laid on the table gives the information asked for in parts (a) and (b) of the hon'ble member's question.

Information is not available as to (1) and (2) of part (c) of question, but the statement shows the total value of the property recovered.

Statement showing the number of cases reported to the police in Gurdaspur and Amritsar Districts, respectively, in 1921.

Districts.		No. of cases.	Property taken.	Property recovered.
			Rs.	Rs.
Amritsar	Theft, sections 379-382	440	67,581	23,280
	Robbery and dacoity, sections 392-402.	58	13,912	4,891
	Receiving stolen property, sections 411-414.	99	13,723	13,723
Gurdaspur	Theft, sections 379-382	123	14,065	5,890
	Robbery and dacoity, sections 392-402.	16	12,199	984
	Receiving stolen property, sections 411-414.	29	1,620	1,620

The statements on record do not show what proportions of the recovered property were recovered by private efforts and by police.

ILLEGAL DISTILLATION AND OPIUM SMUGGLING IN PATHANKOT AND
WAZIRABAD.

1623. Chaudhri Kharak Singh: Will Government be pleased to state—

- (a) the number of excise shops in charge of the Excise Sub-Inspectors of Pathankot, District Gurdaspur and Wazirabad, District Gujranwala, respectively?
- (b) if there is considerable illicit distillation or opium smuggling going on in the said tahsils?
- (c) the number of cases of illicit distillation and opium smuggling that were detected and challaned in the said tahsils, respectively, during the last three years?

The Hon'ble Lala Harkishan Lal: I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

As Mr. Ganpat Ray was absent question No. 1624 was not put.

COMMUNAL REPRESENTATION IN JUDICIAL AND EXECUTIVE SERVICES.

1625. Sardar Sahib Bisaldar Dilbagh Singh: (a) Will the Government be pleased to state if it has issued any declaration under Government of India, Home Department notification No. F-438, dated 30th March 1922? If so a reference to it may be quoted, if not, when may it be expected?

In acting under the notification, will the Government be pleased to take into consideration and give effect to the principle of communal representation in making appointments to judicial and executive posts in conformity with the wishes of the Sikh members of this Council as expressed in their memorial, dated 26th July 1921, submitted to the Local Government and also in a similar memorial submitted by the Chief Khalsa Diwan?

(b) If not, will the Government consider the advisability of increasing the number of the Sikhs in the higher judicial and executive branches of the administration in any other way within a reasonable time?

Mr. H. D. Craik: (a) No. The question of the number of listed posts is still the subject of correspondence with the Government of India.

(b) The views of Government on the other matters discussed in the question are contained in this Government's letter No. 4568-S., dated 2nd September 1921, to Sardar Kartar Singh, a copy of which is laid on the table.

No. 4568-S. dated Simla, 2nd September 1921.

From—The Chief Secretary to Government, Punjab.

To—Sardar Kartar Singh, M., L.C., Vakil, Ferozepore.

In continuation of my letter No. 3183, dated 2nd August 1921, I am directed by the Governor in Council to state that the memorial, dated 26th July 1921, which was signed by you and ten other Sikh members of the Punjab Legislative Council on the subject of the representation of the Sikhs

in the superior appointments of the judicial and executive branches of the Civil Service and in the High Court has received very careful consideration and to convey the following remarks for the information of the signatories in connection with the subject dealt with in the memorial.

2. Where appointments are made by selection Government tries to select a reasonable proportion of Sikhs for the Punjab Civil Service. Out of the eight candidates selected by Government for Register A-III of candidates for the post of Extra Assistant Commissioner during the period January 1917 to March 1920 three have been Sikhs, and out of the ten candidates accepted on Register C during the period September 1915 to May 1918 three have been Sikhs. It is for the gentlemen so selected to make good and win their way to the selection grade and the listed posts in the Punjab Civil Service. In the matter of promotions to these appointments Government is not influenced by communal considerations.

3. Appointments to the High Court are made in accordance with the provisions of the Government of India Act. Selection is made from the ranks of Barristers, Pleaders, officers of the Indian Civil Service and the upper grades of the subordinates judiciary. Pre-eminence in a particular class is ordinarily the only road to selection. But subject to this principle efforts are made when claims are fairly equal to provide for a fair representation of the various communities and in filling vacancies the claims of competent Sikh gentlemen will be considered along with others. I am in this connection to observe that of the two members of the bar recently selected for appointment as District and Sessions Judges one is a Sikh.

COMMUNAL REPRESENTATION IN PUBLIC SERVICES.

1626. **Sardar Sahib Risaldar Dilbagh Singh:** Is it a fact that the principle of communal representation is being given effect to in the Education Department in promoting members of the Punjab Educational Service to the Indian Educational Service? If so, will Government consider the desirability of extending this principle to the other branches of the Public Service; notably the Executive and the Judicial, provided the minimum prescribed efficiency is available?

Mr. H. D. Craik: No. The second part of the question does not arise.

MEMORIAL OF THE PUNJAB TAHSILDARS' ASSOCIATION.

1627. **Khan Bahadur Sayad Mehdi Shah:** Is it a fact that the Punjab Tahsildars' Association have submitted a memorial to the Financial Commissioner praying for the revision of their grades of pay and other privileges?

If so, will the Government be pleased to state what action has been taken thereon?

Will the Government be prepared to make a statement of its views on the subject?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia: It is a fact that several Tahsildars have submitted memorials praying for revision of their pay and for other concessions. Their memorials are still under consideration and no announcement can be made at present.

RECONSIDERATION OF THE SENTENCES OF NON-CO-OPERATING
POLITICAL PRISONERS.

1628. Rai Bahadur Lala Hari Chand: Will the Government be pleased to state if any practical steps have been taken to reconsider the sentences imposed upon non-co-operating political prisoners in pursuance of the assurance which was given by the Hon'ble Sir John Maynard, while speaking on the resolution regarding moving the High Court to examine the records of non-co-operators' convictions?

Mr. J. Wilson-Johnston: The assurance given by Sir John Maynard has been incompletely quoted in the hon'ble member's question. The assurance was that Government would find a method of revising orders and sentences passed upon non-co-operators, whenever there is a substantial doubt of their legality and propriety. In accordance with this assurance, orders issued for the submission to Government of cases in which there was any substantial doubt of the legality or propriety of orders or sentences, in order that the High Court might be moved to take appropriate action. But no instances of substantial doubt of this kind have arisen.

The recent measures taken for the examination of cases subsequent to March 20th by a Judge of the High Court are a separate matter. A number of cases have already come before Government, after examination by the Hon'ble Judge, but the examination of cases has not yet been completed.

Diwan Bahadur Raja Narendra Nath: Can Government give any reasons why cases prior to the 20th of March were not referred and those after that date were referred?

The Hon'ble Sir John Maynard: The answer was given yesterday.

WATER SUPPLY OF AMBALA CITY.

1629. Rai Sahib Chaudhri Raja Singh: (a) Is it a fact that for the last two or three years the Ambala Municipal Committee has been trying to improve the water supply of Ambala City, and that so far its efforts have not been crowned with success?

(b) Is it a fact that on 27th May 1922 the said Municipal Committee sent a scheme to the Sanitary Engineer to Government, Punjab, which involved the construction of a pipe for taking water from the Jamna Canal?

(c) Have the papers relating to the above-mentioned scheme been received by Government? If so, what action is being taken upon them?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) The wells at Hardehra which form the course of the Ambala Municipal Water Supply were capable, when first sunk, of supplying 250,000 gallons a day, but their yield has gradually diminished till at the present time they furnish only about 1/3rd of this quantity. This is the cause of the scarcity of water felt by those dependent on the municipal supply. A similar diminution has occurred in the wells of the cantonment supply and also in those of the two railway supplies. The cause of the diminution is obscure, but may tentatively be attributed to the gradual clogging of the sand near the wells by clay particles. The soil here being unusually clayey.

The Sanitary Engineer to Government has been continuously engaged in endeavouring to find means for increasing the supply which shall be within the financial resources of the Municipality and the Sanitary Board have been specially generous to this local body, recognising the difficulties with which they are faced, and that the diminution at the source is entirely due to causes beyond their control.

Thus an experimental installation was carried out by the Sanitary Engineer at Sarangpur near Hardestra in 1920, which was at first able to double the supply from Hardestra, but this also has suffered diminution and during the recent dry season was able to add only about 60 per cent. to the supply.

However, another experimental installation on entirely different lines has been undertaken and is expected to be ready for the delivery of water from the beginning of 1923. This has been financed in a novel way so as to avoid burdening the local body with either the risk of an experiment or the capital cost of the work. The details of this will be found in the answer given in this Council to Rai Sahib Lala Panna Lal on 28th July 1921.

The partial nature of the success so far achieved will be understood from this account of what has been done.

(b) Yes.

(c) The proposal of the Municipality was received by the Sanitary Engineer early in June, and he deputed a competent officer acquainted with local conditions to investigate the scheme. The investigation is completed and the officer concerned is expected to submit his report before the end of July.

ELECTION SYSTEM IN DISTRICT BOARDS.

1630. Sayad Muhammad Husain: Will Government be pleased to state if it is a fact—

(a) that there are a large number of District Boards where the system of election does not prevail?

(b) that where the system of election does prevail the scope of the franchise is out of date?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) The hon'ble member does not appear to have watched carefully the large reforms that have been effected in the domain of local self-Government in the Punjab within the last 18 months. Under the pre-Reform system election was prescribed in 17 District Boards only and the franchise varied from district to district, it being restricted in Lyallpur to lambardars alone. The remaining 12 District Boards were all nominated. Further the Sialkot District Board alone had the right to elect a non-official chairman if it wished to do so.

(b) After a careful survey of the situation Government have decided to overhaul the whole of this system and the reforms so far effected are as follows:—

(1) The elective system has now been extended to all District Boards of the Province except Simla and will come into operation as soon as possible.

In the three District Boards of Attock, Dera Ghazi Khan and Mianwali 33 per cent. of the members will be elected. In the 8 remaining District Boards where the elective system is being newly introduced the elected members will be 66 per cent. In the remaining 17 District Boards the elected members will be 75 per cent. of the total.

(2) The franchise has been standardised for the whole Province. The vote is now given to every person who pays a minimum of Rs. 1-9-0 per annum as local rate or Rs. 4 per annum in any other form. The notification revising the franchise and a statement showing the revised constitution of District Boards are laid on the table.

(3) It is believed that when the District Boards are reconstructed, it should not be difficult for them to have non-official chairmen if they so desire.

LOCAL GOVERNMENT DEPARTMENT.

BOARDS.

The 1st June 1922.

No. 18723.—With reference to Punjab Government notification No. 1871, dated 19th January 1922, it is hereby notified that, in exercise of the powers conferred by section 55 (2) (d) of the Punjab District Boards Act, 1883, the Punjab Government (Ministry of Education) are pleased to make the following rules in supersession of all the rules, except rule 1 of each set of rules, published with Punjab Government notifications :—

No. 8231, dated 25th March 1919.

No. 8312, dated 26th March 1919.

No. 8296, dated 26th March 1919.

No. 8304, dated 26th March 1919.

No. 8310, dated 26th March 1919.

No. 8306, dated 26th March 1919.

No. 8300, dated 26th March 1919.

No. 8302, dated 26th March 1919, as amended by Punjab Government notification No. 10871, dated 7th April 1920.

No. 8308, dated 26th March 1919.

No. 8298, dated 26th March 1919.

No. 8946, dated 1st April 1919, as amended by Punjab Government notification No. 10874, dated 7th April 1920.

No. 8947, dated 1st April 1919, as amended by Punjab Government notification No. 20970, dated 17th August 1920.

No. 8948, dated 1st April 1919.

No. 9456, dated 5th April 1919.

No. 9801, dated 4th April 1919.

No. 9135, dated 3rd April 1919.

No. 9458, dated 5th April 1919.

The rules will come into operation 3 months from the date of publication of this notification.

RULES.

Application. 1. These rules shall apply to all the districts in which the elective system is in force.

Qualifications of voters. 2. (1) Every male British subject or natural born subject of a State in India residing within the district, of sound mind, and not less than 21 years of age, shall be entitled to be registered as a voter if he—

- (a) pays in the district Rs. 1-9-0 per annum or upwards as local rate ; or
- (b) pays in the district Rs. 4 per annum or upwards in the form of any other cess or rate or tax payable to the district board ; or
- (c) is an elector to the Punjab Legislative Council for any rural constituency included in the district wherein he resides or in which the district wherein he resides is included ;

(2) Every such person shall be registered as a voter in the election circle wherein he resides or in any election circle wherefrom he derives any part of his qualification under sub-clause (a) :

Provided that no person shall be registered in more than one election circle of the district.

3. For the purposes of these rules a person may be presumed to reside in a district if he owns a family dwelling house, or a share in a family dwelling house in that district, and that house has not been let on rent, either in whole or in part, during the 12 months preceding the last date prescribed for the preparation of registers of voters by rule under section 65 (2) (d) of the Punjab District Boards Act, 1893.

4. Where two or more persons are jointly entitled under rule 2 (1) every such person shall be severally deemed entitled to be registered as a voter, provided he would be so entitled if his share was separate.

5. For the purpose of determining any claim to be registered as a voter under these rules any entry in the land records and if not in conflict with the land records any entry in the district board records shall be conclusive evidence of the facts stated therein.

6. If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code, punishable with imprisonment for a term exceeding 6 months, his name, if on the register of voters of any election circle in any district, shall be removed therefrom and shall not be entered thereon for a period of 5 years from the date of the conviction, or, if not on any such register, shall not be entered thereon for a like period.

No. 16724 (L. G.—Boards), dated 1st June 1922.

Copy forwarded to all Commissioners of Divisions, and Deputy Commissioners in the Punjab, for information, in continuation of Punjab Government endorsement No. 1872, dated 19th January 1922.

Statement showing the revised constitution of District Board.

District.	NUMBER OF MEMBERS.			
	Elected.	Nominated.	Ex Officio.	Total.
Bhakra	34	0	5	39
Bottak	34	5	5	44
Gurgaon	30	5	5	40
Karnal	34	5	5	44
Amhala	32	5	5	42
Kangra	34	5	5	44
Hoshiarpur	37	0	5	42
Jullundur	34	5	5	44
Ludhiana	30	5	5	40
Ferozepore	36	0	0	36
Labore	36	0	0	36
Amritsar	36	0	0	36
Gurdaspur	36	0	0	36
Slaktet	38	0	0	38
Gujranwala	30	0	0	30
Gujrat	35	0	0	35
Lyalpur	30	5	0	35
Shekpur	22	0	0	22
Jhelum	24	0	0	24
Bawalpindi	24	0	0	24
Shekhpura	34	0	0	34
Montgomery	24	0	0	24
Jhang	24	0	0	24
Multan	28	0	0	28
Muzaffargarh	24	0	0	24
Attock	14	22	0	36
Mianwali	19	19	0	38
Dera Ghasi Khan	12	16	0	28

DISTRICT BOARDS ACT.

1631. Sayad Muhammad Husain : Will the Government be pleased to state what it has done in the way of re-constituting the District Boards Act as the foundation stone of local self-Government ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The Punjab District Boards Act, 1888, is in most respects wide enough to allow of reforms in the constitution of the Boards. The Punjab District Boards Act (Amendment) Bill, 1922, now before the Council proposes such amendments in the Act as have been found to be urgently necessary.

Clauses 4 and 12 of the amending Act give enhanced powers of taxation to District Boards. Clause 5 restricts the power of Government in the matter of the appointment of official members of District Boards to represent official experience on the Board. Clause 7 increases the number of vice-chairmen.

The amendments in the Bill are only one of the many steps taken in the direction of making the District Boards as representative and responsible as possible.

(b) The changes now being effected in the constitution of District Boards by legislation or otherwise are calculated to start them on a course of beneficent activity in the interests of the rural population of the district.

LOCAL SELF-GOVERNMENT AND THE REFORMS.

1632. Sayad Muhammad Husain : Will the Government be pleased to state what steps have been taken and what results achieved since the introduction of the reforms to give greater powers to local bodies ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (1) As to District Boards the hon'ble member is referred to thereply given to his question No. 1630.

(2) As to municipalities the draft Municipal Act (Amendment) Bill which is practically ready and which it is hoped to present to the next session of this Council, will extend the powers of Municipal Committees in several directions. It will also seek to make a 75 per cent. elected majority obligatory in all normal municipalities and at the same time restrict the power of Government to nominate official members for representing official experience to half the total of nominated members. Orders have been issued inviting all municipalities that wish to do so to elect non-official Presidents and under these orders 21 Municipal Committees have elected non-official Presidents since January 1921, raising total number of Municipal Committees with non-official Presidents to 40. The elective system has already been substituted for that of nomination in 5 municipalities and orders for such substitution have been issued in 5 more. The general reconstruction of municipalities will soon be taken in hand.

(3) There are 108 areas notified under section 241 of the Punjab Municipal Act, 1911, and for the benefit of these this Council has passed the Punjab Small Towns Act, 1922, and rules thereunder have also been issued. This Act makes a three-fourths elected majority in Small Town Committees obligatory. Orders have been issued calling for proposals to convert all Notified Areas into Small Towns.

(4) This Council has already passed the Punjab Village Panchayat Act, 1922, and rules thereunder have also been issued. Proposals have been

invited from all Deputy Commissioners for the constitution of Panchayats in all suitable villages.

EDUCATION DEPARTMENT.

1633. Sayad Muhammad Husain: (a) Will Government be pleased to state if it is a fact that in the Education Department undue stress has been laid on palatial buildings, inspections and large staff?

(b) If the answer to (a) is in the affirmative, will Government, in the interests of the expansion of education and real efficiency, and in view of the financial stringency, be pleased to consider the desirability of revising the demands of the Education Department in the matter of buildings, inspection and staff?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: Charges of extravagance have often been brought, from time to time, against the Education Department in the matter of buildings, inspection and staff. The construction of the Government College hostel and the so-called standard plans of high and primary school buildings; the existence of special inspectors to assist divisional inspectors and of another type of special inspectors who visited high schools in quick succession have lent support to these charges.

2. In order to scrutinise how far these charges are correct, and in order to effect the necessary economies, wherever possible, the Director of Public Instruction has carefully and minutely examined these charges and the whole administration and, keeping in view the interests of the efficiency and expansion of education, has succeeded in effecting economies; in particular, in the following directions:—

(i) *Buildings*.—The following amounts have been provided under Major Works, Public Works Department, for education:—

			Rs.
(a)	1920-21	...	12,10,500
(b)	1921-22	...	15,43,500
(c)	1922-23	...	8,17,000

(with a lump deduction of Rs. 2,50,000 in addition).

Thus, the estimated amount to be spent under major works is nearly Rs. 10 lakhs less than last year.

Many sanctioned building schemes have been abandoned; e.g., those at Lyallpur, Hoshiarpur, Mianwali and Jullundur (estimated at about Rs. 8 lakhs in addition to the recurring expenditure), through a more economical use of existing buildings. Thus though the building expenditure has been much curtailed, the necessary expansion of the educational system has been effected. The revision of the vernacular school plans has resulted in an average reduction in the cost of a vernacular school from about Rs. 4,000 to Rs. 2,000; and the revision of the high school plans has resulted in a reduction of about Rs. 60,000 in each new building.

(ii) *Inspection*.—A reconstruction of the inspectorate has recently been carried out by which the specialist inspecting staff has either been eliminated or transferred to other and more useful work. A saving of about Rs. 15,000 per annum has thereby been effected. An Assistant District Inspector is now responsible for nearly 100 schools as against 80 a few years ago.

(iii) *Staff*.—The staffs of all Government institutions have recently been scrutinised and several economies effected. For example, more than 500 additional students are now under training than there were two years ago, but there have been no additions to the staff. Indeed, there have been a few savings. Again, in Government High School an additional 1,500 pupils have been enrolled since last year, but there have been no additions to the total of the staffs in the province; and there will be a saving of five Anglo-vernacular posts and substitution of 23 vernacular for Anglo-vernacular posts. Moreover, two imperial service posts have recently been abandoned, involving a saving of about Rs. 20,000.

13. It would thus appear that the work of retrenchment is being carried out in the Department of Education with the result that the financial policy of the Department is being readjusted to meet the needs of great expansion. The watch-words of the present policy are retrenchment of all expenditure so long as it does not impair efficiency; simple and inexpensive buildings; and arrangements to enable Government to get the best value possible for its expenditure. Side by side with this retrenchment, the interests of expansion have not been overlooked with the result that about 70,000 additional pupils were enrolled last year. I believe that I am voicing the sentiments of the Council when I say that the Department of Education is to be congratulated on the signal success achieved in these directions.

DISTRIBUTION OF LAND IN THE LOWER BARI DOAB COLONY.

1634. Sayad Muhammad Husain.—Will the Government be pleased to lay on the table a statement showing—

- (a) the total area distributed as plantation grant and half resumable grant in the Lower Bari Doab Colony;
- (b) the area allotted to (i) agriculturists, (ii) junglies out of the total area enumerated in part (a) of the question?

The Hon'ble Sardar Bahadur Sardar Sunder Singh, Majithia: (a) Under the orders of Government the following allotments are being or have been distributed on the Lower Bari Doab Canal:—

		Acres.
(i) Tree planting	(a) in 1917	1,250
	(b) since March 1920	12,500
	Total	13,750
(ii) Half resumable	(a) in 1919	10,000
	(b) since January 1921	54,000
	Total	64,000

(b) It may be assumed that practically no portion of the former area has been allotted to Junglies, but of the half resumable area permission was given to allot 10,000 acres in Jungli villages. Government has asked for a report to be submitted after the sanctioned allotments have been completed detailing the classes to whom allotments have been made and the hon'ble member will doubtless agree that an earlier report would be valueless.

RESOLUTIONS.

RESOLUTION *re* AMALGAMATION OF THE FRONTIER PROVINCE WITH THE PUNJAB.

Mr. President : The Council will now proceed to resume the discussion of resolution No. 2. The resolution before the Council is—

“That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it:—

- (1) That the administration of the five settled districts and the adjoining agencies should be under one administration.
- (2) In no case is this province prepared to take over the administration of the agencies.
- (3) This Council cordially approves of a due measure of reforms being given to North-West Frontier, but considers that those reforms should be given within the province itself and not by amalgamation with the Punjab,
- (4) In case amalgamation of the settled districts with the Punjab is considered necessary, then
 - (a) an adequate number of new seats on the Punjab Legislative Council, to be added to the number of the existing seats, should be created so as to give proper representation on that Council to the various communities inhabiting the territories so amalgamated with the Punjab,
 - (b) the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India.”

Mr. Manohar Lal (Punjab University) : Sir, as one who has recently had occasion to go into the question of the amalgamation of the North-West Frontier Province with the Punjab and gave evidence before the Frontier Committee that was examining this question, I am very glad to be able to have a share in this debate, and I am particularly glad to do so because this gives me an opportunity of expressing my opinion on the direct issue which no mere vote on the clauses framed as they are can clearly indicate. Sir, I cordially support the proposed amalgamation of the Frontier Province with this province.

Sir, it was a matter of considerable surprise that the opinion which was held in this province in 1901 and given expression to in such clear words by our late Lieutenant-Governor Sir Mackworth Young, that the separation would be administratively undesirable, that it should be after 21 years of experiment by the Government of India which is regarded practically on all hands so far as administration is concerned to have failed, that opinion which was so strongly expressed as regards the idea of separation is to-day in this Council after 21 years challenged so strongly. Facts, Sir, have been abundantly set forth in some of the speeches yesterday. The major fact is that the primary function of protection of the subject has not been as efficiently performed by the new administration working as an agency under the Government of India as it was in the good old days. I do not wish to give any facts at any length. The other fact of equal importance was this that a province which is manned primarily to manage a trans-frontier population must inevitably be one where ordinary civil administration must seriously be disregarded. That is the opinion that has been expressed again and again, that civil administration is bound to suffer. Its interests are not likely to be safeguarded, and

we find this view expressed by Sir Lovat Fraser, one of the greatest admirers of Lord Curzon, the Viceroy who was responsible under the impulse or under the pressure of certain political prejudices for the separation of this province. Sir, that civil administration of a province so constituted is not likely to be as efficient as that when it was kept with the Punjab was amply emphasised by Sir Mackworth Young and he pointed out that the machinery of administration at all times complex cannot be really worked on a small scale in a small province; and he said this with all the strength of the experience at his back. The complex civil administration machinery which British rule has introduced is not capable of expressing itself fully when it is applied to the conditions of a small province like the one that is under contemplation. He particularly pointed out, and that has become apparent since, that the defects are likely to show themselves most clearly and most glaringly in the matter both of supervision and of recruitment. He pointed out that in a small province supervision is likely to come in the charge in a case like this of a single officer whereas in the case of a larger province the work can be done by a larger number of experts. Therefore really expert knowledge would not be available and the heavy charge of single officers apt to be inefficiently discharged. The results would be what we have seen them to have actually been. At that time it was contemplated that at any rate for some time the Punjab would continue the supervision work, at any rate of some departments, and we had facts given to us yesterday so far as the Irrigation Department was concerned, that so long as the Punjab ran it there was some measure of efficiency and success and the moment we parted company because of certain pressure the results were what we were told to have been. Similar defects were pointed out in reference to recruitment and, Sir, there too the particular defects which the then Lieutenant-Governor contemplated have become too abundantly clear. It was noted that the province will have to be run under the Government of India by a large number of politicals and the results are obvious.

Sir, yesterday it was said by the Hon'ble Minister for Education by way of argument that an officer takes his colour from his people. Well, Sir, that is a very difficult position to understand, but fortunately, one is not driven to examine that position for it was examined to some extent by some hon'ble members who spoke before. And it is not a question of officers taking their colour from their surroundings in the present case, because the type of officer selected, mainly military, itself is specially marked. Sir, the mover of the resolution particularly thought that it was a mere matter of sentiment that this idea of amalgamation is pressed, but on the face of facts, I am not so sure that it is a mere matter of sentiment. Ask the people of the North-West Frontier Province with their manifold troubles, and daily risks and insufficient protection whether it is a matter of mere sentiment. But, Sir, even if it were a mere matter of sentiment, can we ignore sentiments? Can we ignore the desire of a country to build up a united nationhood. I am looking at it from the point of view of the whole of India, and not from the Punjab alone or as a Punjabi, for it is a matter of common concern to India as a whole. When it is possible, by no means difficult, to introduce into the province a machinery of administration competent and at once cheap, these interests of the country as a whole cannot really be ignored. Sir, an argument was used that let the Pathans on the Frontier develop on their own lines. If they have their own healthy lines of progress under a proper administration, it is incorrect to think that if

[Mr. Manohar Lal.]

they came and joined hands with us, the Pathans would be something other than what they are. Sir Mackworth Young, the then Lieutenant-Governor, said in 1901 with regard to the separation that a 'limb is being torn from us,' and he saw no radical differences which separate the Pathans completely from us. Though to-day our friends would have us believe that the Pathan is totally different from us.

Sir, everyone who spoke in favour of separation also said 'let the Pathans have a full fledged reformed Council.' In that connection I would like to put this humble question. What are our own lines? Does this Council, over which you preside to-day, typify the development of the Punjab on its own lines? Sir, I shudder to think what the development of the Pathans may be according to their own lines if a due measure of proper civil administration were not introduced into it. Sir, I think that there is nothing more fallacious than the idea that people should be allowed to develop on their own lines. Sir, I go further and say that this idea, this curious idea, is merely a prop, a new prop for the mistake of 1901. At that time, it was understood that a big experiment was going to be tried, and is it not clear, quite clear, that that experiment has hopelessly failed? The Government of India has tried it, and tried it on an extensive scale, and I may say that that it has been found wanting, and found wanting because the *system* that has been introduced was radically faulty.

As regards communal difficulties, the mover referred to evidence of Punjab witnesses before the Frontier Committee. Sir, I hold in my hand the official transcript of the evidence of one of the witnesses and in answer to a question by a very critical member, the witness emphatically said that he certainly contemplated the coming in of a considerable number of Muhammadan members, and while he did not regard the principle of communal equilibrium as sacrosanct, he was not deterred by this meritable circumstance. I am glad, Sir, to be able to repel on behalf of the Punjab witnesses, the charge levelled against them by the Hon'ble mover.

Sir, another red rag was put forth in order to drive the amalgamationists into the arms of the separationists, namely, the idea of amalgamation is due to the fact that the Government of India wishes to escape the cost of administration. But, Sir, we know that the Government of India have opposed the question of amalgamation tooth and nail in the Legislative Assembly. We also know exactly how the matter has been going in the Frontier Committee. Are there not already a thousand indications that the Government of India is not anxious to shirk the cost? Has the Government of India given the slightest indication of any desire to transfer the North-West Frontier Province from its own hands? I have seen none whatsoever. Can anyone here for a moment imagine that the Government of India should desire to escape responsibility for that province and then there be any difficulty in this matter of amalgamation.

Another fallacy was put forward that the North-West Frontier Province is a buffer state. Sir, has anyone ever heard of a buffer state within the normal boundaries of a given country? And what special advantage do we derive from this so-called and improperly conceived 'buffer state.' It is obvious that no province not well administered can be a source of strength or protection to a neighbouring province in the hour of trial or foreign attack. The Punjab forces have still to go to the Frontier whenever necessary in case of a war to handle the defences there.

(At this stage the President informed the speaker that his time was nearly over.)

I just want to take one more point, Sir, which is worth considering, and I will leave it at that stage as I am told that my time is coming to an end. It was said 'Let reforms be introduced there'. But I should only put this question—just think for a moment, is it possible to introduce a fully constituted Council with Hon'ble Members and Ministers and so on and the whole apparatus of a reformed province into a miniature province like that without very heavy cost? Is it possible to think that the Government of India is likely to be prepared to face that extra cost when during the early part of this year, it had seriously to cut down the budget provision in the budget? I feel indebted to Maulvi Muhammad Ali Qasbi for the effective manner in which he has cut the ground from under the feet of the hon'ble members. And I would also point out that the plebiscite of which Mr. Ganpat Rai spoke had actually been held—important meetings took place nearly in every town of the North-West Frontier Province where opinion in favour of amalgamation was at once emphatic and unanimous.

Sir, I will only say that the Punjab's duty is clear, and it points in one direction. The question is, shall we shirk it and shall it be said that by us 'was one more task declined, one more footpath untrod.'

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural]: Sir, we have just listened to a most interesting and forceful speech on the question of amalgamation. But when we come to analyse the arguments that have been put forward, we find that the hon'ble member has tried to avoid the most important and difficult parts of the resolution that have got to be decided by the Council. He has tried to depend on the opinion of the late Lieutenant-Governor of the Punjab, Sir Mackworth Young as against the Viceroy, Lord Curzon. I may tell the Council that another equally able Lieutenant-Governor of the Punjab, Sir Charles Rivaz, associated himself with the opinions of Lord Curzon. Therefore to say that because one Lieutenant-Governor of the Punjab holds such and such a view, therefore the views held by other people like the Viceroy or any other Lieutenant-Governor should not be taken into consideration, is not right. We have got to decide for ourselves which is the best and the safest position to take under the circumstances. The hon'ble member put forward an argument "could we give such a thing as reforms on modern lines to a people like the Pathans?" By this he defeats his own argument. If we amalgamate the Pathans with ourselves can you then give the Pathans the same kind of administration that we enjoy? What difference does it make whether reforms be given to them separately or whether they are amalgamated with us and reforms are then given to them? Why is it then necessary that they should get reforms only after being amalgamated with the Punjab? How is it a benefit to them to be amalgamated with the Punjab instead of getting reforms separately for themselves? I therefore do not see any force in that argument.

Then the hon'ble member dealt with the question of buffer state. It is not a question of buffer state but a question of buffer province. I will illustrate my point this way. Supposing the North-West Frontier Province were a part and parcel of the Punjab and supposing a war breaks out on the North-West Frontier Province as it did only a year ago, will he be able to come forward and say that the war will not paralyse the central

[M. Firoz Khan, Noon.]

machinery of Government at Lahore? How would he like to be in the position of Belgium in the late European war? I submit it can be well illustrated by this story. Suppose there is a human body. If the foot is crushed in some way, the brain cannot remain without feeling the pain and without being paralysed for the time being. Similarly if the North-West Frontier Province is made part and parcel of the Punjab and if there is any trouble there, it will be impossible for us to carry on our administration in the ordinary way as we do with the greatest equanimity. It would therefore be very dangerous for us to amalgamate the North-West Frontier Province with the Punjab.

There is one point which I wish to make clear, and that is this, that the hon'ble members who have come forward to oppose this resolution, not a single one of them has mentioned one word on the question of representation in this Council. Why do they not come forward and say "let the Pathans and the other people whom we want to amalgamate with us have proportionate representation according to their population?" I wish to bring to the notice of the Council that the evidence of the hon'ble gentleman who just sat down is not really his evidence. I was listening to him when he was giving evidence.

Mr. Manohar Lal: Sir, I want protection against a statement of that character.

Malik Firoz Khan, Noon (*continued*): Is that your own statement? I was under the impression that the hon'ble member did not say that he would give them representation of that sort. What I want to say is, if the hon'ble members wish to oppose the resolution they must come forward and assure the people of the North-West Frontier Province that they will be given representation according to their numbers. If you want to amalgamate them you must give them representation. Without representation it is not fair to amalgamate them. I do not think I will take any more time of the Council. I will finish by saying this that we have got nothing to gain out of the amalgamation but everything to lose and the people of the North-West Frontier Province have got nothing to gain and everything to lose by the amalgamation. I therefore do not see to whose benefit the amalgamation will be.

I want to make one thing clear. My Hon'ble friend Maulvi Muharram Ali Chishti is under the impression that I was trying to run down the Pathans. That was not my intention. I was only referring to the lawless element among the Pathans. I was glad to see that the hon'ble member agreed with the principles of my resolution and that he is against amalgamation. I shall be sorry to find him voting against what he thinks to be right.

Maulvi Muharram Ali Chishti: Not on the grounds urged by you.

The Hon'ble Sir John Maynard (Finance Member): Sir, I have experienced a pleasant and unusual sensation to-day. I have been in the habit for some time past of hearing that the Punjab administration is bad and unsympathetic and repressive. I have been told very frequently that we are sundried bureaucrats totally void of the elements of sympathy to those unfortunate persons who have been born to be ruled. Now I actually find quite a number of gentlemen, Hindus and the Sikhs for the most part, who are

so convinced of the excellence of the Punjab administration that they desire to add an additional province to its responsibilities. I am not quite sure that it will be good for me to lay this flattering unction to my soul. I am well aware of the extraordinary difficulties under which every administration labours in dealing with such things as crime. I know that there are circumstances beyond the control of the administrators which frustrate his efforts in dealing with crime. If there are difficulties even in the Punjab owing to such matters as unrest and preaching of opposition to the law, I quite well realise that the difficulties in the North-West Frontier must be even greater. I therefore dissociate myself from all the suggestions made that the administration of the North-West Provinces is abnormally defective. I recognise the immense difficulties of the administrators of that province and I claim on their behalf that they have dealt with those difficulties as manfully and as successfully as we have dealt with our own. And if I dissociate myself completely from the suggestion that there is any defect of a serious type in the administration of the North-West Frontier Province, still more do I dissociate myself from the suggestion that the separation is the one evil and that amalgamation with this province is the one remedy. Speakers are only too ready to assume that separation was the thing which did the mischief or that amalgamation is the thing which would bring about the remedy. There are other possibilities which it is hardly possible for this council to explore. There are improvements which can be brought about in the administration of the North-West Frontier Province as of any other province. It is possible to obtain a supply of trained civilian administrators by exchange and the experience of such men would tend to remove some of those defects which some hon'ble members believe to exist in the administration. It is not possible to go into details of the question of remedies. All that I can do, and I do it with emphasis, is to point out that there are many other possible remedies, many other improvements which may be applied and which should be considered along with the present proposal of amalgamation with this province.

Sir, there are certain practical considerations to which I should like to draw the attention of this House before the general discussion of the proposal regarding amalgamation is closed. It is important to draw the attention of the members of this House to those considerations, because so far as I have been able to gather they have not received any very close attention in the course of the debate. Some thirty years ago, I as a very young Under-Secretary to the Government accompanied the then Lieutenant-Governor on his winter tour. I recollect that he went out in October and he came back at the end of March. During those five months with the exception of ten days in Christmas time he was absent from the capital of the province. But those were days when nothing happened which could draw him back to his capital. There was no meeting of the Legislative Council to raise difficult questions for administrators, there was no political unrest and what crime there was was of a very simple and normal type. Such as the district officers could deal with without difficulty.

Sir, I do not find fault with the changes that have since occurred. They are changes of the kind which are inevitable everywhere as the boy grows into the man. Now that he has grown he becomes exceedingly critical and he finds a great deal of work to do. Now the Governor cannot go away for long from his headquarters as he has constantly to deal with

[Sir John Maynard.]

important questions which at that time he was able to postpone for six months without any difficulty. Well, Sir, more than half of the five months which I spent then with the Lieutenant-Governor in touring about the province was spent on the Frontier. We began with Dera Ghazi Khan, went up the Tochi, the Gumal and the Khyber, marched up to the frontier well into Hazara and visited every Portion of the border tract. In those days it was possible. In these days it is not possible for the Governor in Council to deal with the important and complicated problems of Provincial administration if you put upon him the additional burden of dealing with these frontier tracts. I say, and I say emphatically, that it is not possible at the present time for a Governor to deal with an additional branch of administration involving questions of foreign policy without sacrificing a good deal of the attention that he owes to the rest of the province. The hon'ble mover of this resolution asked what would happen if there were a war on the Frontier. Sir, it is quite obvious that in such a contingency a good deal of the attention of His Excellency the Governor, if he was in charge of the amalgamated province, would have to be devoted to these important external questions. He would not be able to give the same attention that he now gives to the internal question. Thereby there is no doubt at all that this province would lose very greatly. I am aware that there are some members who are under the impression that it is quite possible to deal with this matter by giving to the province the charge of the settled districts without giving to it also the tribal tracts. One of my friends to whom I listen with great attention, because of his high intellectual calibre, said that a past administrator of the province had definitely expressed the opinion that it was possible to separate the charge of the tribes, the charge of the agencies from the internal administration. I am not going into this question at any length, because I see that it must inevitably be discussed as a separate question when we begin the detailed consideration of the resolution, but I must say that my friend misunderstood the position of the late Lieutenant-Governor, Sir Mackworth Young. What the Lieutenant-Governor said was not that he thought it possible to separate the charge of the tribal agencies from the internal administration. What he actually said was that if there should be in the Frontier districts officers who were under the Government of India in respect of external relations and under the Punjab Government in respect of internal relations the result would inevitably be that their attention would be distracted from the internal administration, and that they would take their orders solely and exclusively from the Government of India as being the predominant partner. All administrators who have had experience of Frontier affairs have been unanimous in declaring that it is not possible to separate the charge of the tribes from the internal administration of the settled districts.

Now, Sir, quite apart from this question of the work which will devolve upon His Excellency the Governor and the loss which this province will suffer from the distraction of his attention from internal affairs there is another consideration to which I as a professional peace maker of many years' standing attach very great importance. I am not going into the question with detail at this stage, but I must point out a consideration which to my mind is wrought with very grave possibilities for the future prosperity of the province. If you add to this province a population of some two millions of men from the five settled districts of the Frontier, and the proportion is 13 Muhammadans to one Hindu or Sikh, you will inevitably raise the question which was attempted to be settled by the Lucknow compact of 1916; you will inevitably raise the

question how is the representation in this Council to be re-distributed between the different communities. At the present moment I think everyone or, at all events the two great communities are sufficiently well satisfied with the distribution that has been made, a half and half distribution, between the two great communities. With this additional embarrassment you will inevitably raise again the whole question of the distribution of seats in this Council between the different communities and you will inevitably, whatever optimists may think, raise dangerous questions which will imperil the fabric of unity between the principal communities and also the question of the representation of the third. Sir, I regard that prospect as one which is of the utmost ill omen to the province, and I should most deeply regret the prospect of this question being again raised.

Mr. President: The Council will now proceed with the discussion of the amendments. I will ask Maulvi Muharram Ali Chishti to move his amendment to clause 3 of the resolution.

The Hon'ble Sir John Maynard: Sir, I beg to suggest that as there are no amendments to the first two clauses of the resolution, perhaps it would be better to take the opinion of the House on them before proceeding with the third clause.

Mr. President: No amendments have been moved to the first two clauses, and the Leader of the House suggests that we take the opinion of the House now on clauses 1 and 2. I will, therefore, put those clauses. The first clause is:—

"That the administration of the five settled districts and the adjoining agencies should be under one Administration."

The question is—

"That this clause stand part of the resolution."

The Council then divided: Ayes 39, Noes 19.

AYES—39.

The Hon'ble Sir John Maynard.

The Hon'ble Khan Bahadur Mian
Fazl-i-Husain.

Mr. H. D. Craik.

Mr. A. Latifi.

Mr. N. H. Prenter.

Mr. A. J. Gibson.

Colonel R. C. Mac Watt.

Mr. W. P. Sangster.

Mr. D. J. Boyd.

Chaudhri Daya Ram.

Mr. Nawab Din, Murad.

Mian Ahmad Yar Khan, Daultana.

Malik Firoz Khan, Noon.

Pir Akbar Ali.

Chaudhri Ali Akbar.

Khan Sahib Pir Ali Haider Shah.

Chaudhri Ata Ullah Khan.

Sardar Sahib Risaldar Dildagh
Singh.

Khan Bahadur Rai Wali Muham-
mad Khan.

Khan Bahadur Chaudhri Fazl Ali.

Captain Sardar Gopal Singh.

Chaudhri Ghulam Muhammad.

Sayad Ghulam Muhammad Shah.

Sayad Husain Shah.

Sardar Jamal Khan.

Khan Sahib Amir Khan.

Khan Bahadur Sayad Mehdi Shah.

Nawabzada Muhammad Irshad Ali
Khan.

Khan Muhammad Abdullah Khan.

Chaudhri Muhammad Hayat Khan.

Sayad Muhammad Husain.

Rana Muhammad Jamil Khan.

Sayad Muhammad Raza Shah.

Khan Muhammad Saif Ullah Khan.

Mian Muhammad Shah Nawaz.

Chaudhri Nabi Bakhsh.

Maulvi Muharram Ali, Chishti.

Chaudhri Shafi Ali Khan.

Dr. C. A. Owen.

NOES—19.

Lala Atma Ram.
 Chaudhri Bans Gopal.
 Chaudhri Ghasi Ram.
 Sardar Kartar Singh.
 Chaudhri Kharak Singh.
 Rai Sahib Chaudhri Lejpat Rai.
 Rai Sahib Misar Mela Ram.
 Mr. Moti Lal, Kaistha.
 Diwan Bahadur Raja Narendra
 Nath.

Mian Beli Ram.
 Mr. Ganpat Rai.
 Rai Sahib Lala Panna Lal.
 Rai Sahib Chaudhri Raja Singh.
 Mr. Manohar Lal.
 Sardar Sangat Singh.
 Rai Bahadur Risaldar Sarup Singh.
 Rai Bahadur Lala Sewak Ram.
 Rai Sahib Lala Thakar Das.
 Lala Uttam Chand.

The motion was carried.

Mr. President : I will now put the second clause, which reads :—

"In no case is this province prepared to take over the administration of the agencies."

The question is—

That this clause stand part of the resolution.

The motion was carried.

Maulvi Muhamarram Ali, Ghishti [Lahore City (Muhammadian) Urban] (Urdn) : Sir, a good deal of time has been wasted on these academical discussions. I do not wish to move my amendment to clause 3 of the resolution and therefore I beg leave to withdraw it.

Mr. President : The hon'ble member does not move the amendment of which he had given notice.

Mr. H. D. Craik : Does the hon'ble member withdraw his amendment?

Mr. President : The hon'ble member does not move it at all. It is therefore withdrawn. If there is a strong desire that the matter should be brought forward, I have no objection to any other member bringing it forward.

(There was no response to this.)

Mr. President : The question is—

"That clause (3) which runs as follows :—

"This Council cordially approves of a due measure of reforms being given to the North-West Frontier, but considers that those reforms should be given within the Province itself and not by amalgamation with the Punjab."

stand part of the resolution]

The Council then divided : Ayes 38, Noes 23.

AYES—38.

Mr. H. D. Craik.
Mr. A. Latifi.
Mr. Miles Irving.
Colonel R. C. Mac Watt.
Mr. D. J. Boyd.
Mr. S. M. Jacob.
Mr. Nawab Din, Murad.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Khan Sahib Pir Ali Haider Shah.
Chaudhri Ata Ullah Khan.
Sardar Balwant Singh.
Sardar Randhir Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.

Sardar Bahadur Gopal Singh, Labana.
Captain Sardar Gopal Singh.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Sayad Husain Shah.
Sardar Jamal Khan.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Nawabzada Muhammad Ishaq Ali Khan.
Khan Muhammad Abdullah Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Hussain.
Rana Muhammad Jamil Khan.
Sayad Muhammad Raza Shah.
Khan Muhammad Saif Ullah Khan.
Mian Muhammad Shah Nawaz.
Chaudhri Nabi Bakhs.
Maulvi Mubarram Ali, Chishti.
Chaudhri Shafi Ali Khan.

Dr. C. A. Owen.

NOES—23.

Mr. E. R. Abbott.
Mr. D. J. Boyd.
Chaudhri Daya Ram.
Sodhi Lal Singh.
Lala Atma Ram.
Chaudhri Bans Gopal.
Chaudhri Ghazi Ram.
Mr. K. L. Rallia Ram.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Mr. Moti Lal, Kaistha.

Diwan Bahadur Raja Narendra Nath.
Mian Beli Ram.
Mr. Ganpat Rai.
Rai Sahib Lala Panna Lal.
Lieutenant Sardar Raghubir Singh.
Rai Sahib Chaudhri Raja Singh.
Mr. Manohar Lal.
Sardar Sangat Singh.
Rai Bahadur Risaldar Surup Singh.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakar Das.

Lala Uttam Chand.

The motion was carried.

Mr. President : Before we go on to clause 4, I think I better say something with reference to the incident which has just occurred, viz., that a member who wished to speak was not able to catch my eye. When clauses of a resolution of this nature or of a Bill are put one by one in this manner, the usual procedure is that the chair puts the question and waits a little while. If any member wishes to speak on the matter, he rises in his place, and tries to catch the Chairman's eye. If any member does so rise then discussion takes place. If not, then after waiting a short time votes are taken. If discussion does take place, of

Mr. President.]

course the question is repeated again at the end of the discussion. I hope with reference to the next clause if there is any member who wishes to speak when I put the question he will rise.

The Hon'ble Sir John Maynard: Sir, I rise to say just a few words about clause 4 (a). I should point out that the question, the main question has been settled against the amalgamation by the voting on the first three clauses of this resolution. As a professional peacemaker of many years' standing I deprecate the kind of discussion to which this clause is likely to lead. I would therefore appeal to the hon'ble member now that the purpose of this resolution has been obtained to kindly drop this particular clause.

Mailk Firoz Khan, Noon: Sir, I beg to withdraw this clause with the greatest pleasure to avoid the discussion of communal representation.

Mr. President: The question is

"That leave be given that clause 4 (a) be withdrawn."

The sub-clause was by leave withdrawn.

Mr. President: I will now put clause 4 (b). The question is—

"That clause 4 (b) which runs as follows:—

"That the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom should be borne by the Government of India."

stand part of the Resolution.

The motion was carried.

Mr. President: I will now put the preamble, which runs as follows:—

"That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it."

Maulvi Muharram Ali Chishti: Sir, out of deference to you and in view of the ruling which you gave yesterday, I do not wish to move my amendment.

Mr. President: The question is—

"That this be the preamble to the resolution."

The motion was carried.

Mr. President: I shall now put the whole resolution as amended to the Council. The question now is—

"That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it:—

- (1) That the administration of the five settled districts and the adjoining agencies should be under one administration.
- (2) In no case is this province prepared to take over the administration of the agencies.
- (3) This Council cordially approves of a due measure of reforms being given to North-West Frontier, but considers that those reforms should be given within the Province itself and not by amalgamation with the Punjab.

- (4) In case amalgamation of the settled districts with the Punjab is considered necessary, then the cost from time to time of the administration of the territories so amalgamated, over and above the income derived there from, should be borne by the Government of India.

The motion was carried.

RESOLUTION RE REMOVING RESTRICTIONS ON THE EXPORT OF WHEAT.

Sardar Randhir Singh : [Sialkot, *cum*-Gurdaspur (Sikh), Rural] : Sir, before I move my resolution I want to withdraw the words "oil-seeds", so that my resolution will deal only with the export of wheat and not of oilseeds. As there is no restriction as regards oilseeds, I do not see any use including it in my resolution.

Mr. President : The hon'ble member has permission to omit the words.

Sardar Randhir Singh : The resolution I beg leave to move runs thus :

"That this Council recommends to the Government to recommend to the Government of India to remove the restrictions placed on the export of wheat."

Sir, this Council must be aware of the circumstances that led the Government of India to impose restrictions on the export of wheat out of India with a view to lower its price. The subject of the price of wheat is an important one for this province as it affects all classes. To the consumer its price is of special interest.

Mr. President : Order, order. The hon'ble mover has not yet been given permission to read his speech. Is he not accustomed to public speaking? The rule of the House is that speeches are not read except by members who are unaccustomed to public speaking, and then they must only take five minutes. If you apply for permission I will consider it.

Sardar Randhir Singh : I request permission to read my speech.

Mr. President : Permission is accorded provided the speech is not a long one.

Sardar Randhir Singh (continued) : To the consumer its price is of special interest, as it has become a staple food of the people. In town it is now eaten by almost everyone all the year round, while in villages its consumption exceeds that of any other varieties of grain. To the producer it is of great concern, as a vast majority of the people are engaged in its production, and consequently the rise or fall in the price affects his income. To the middleman also the price is of much value, for on it depends the volume of his trade. When the Government decided to place restrictions on the export of wheat they had in view the benefits to consumers only, who form a very small minority of the whole population and did not give a moment's thought as to the effects of their policy on other sections of the people, and this utter disregard of the interest of producers is the biggest flaw in this policy. I will show that this policy though apparently beneficial to the consumer at the moment will prove detrimental to his interests in the long run. To understand this I would request you to follow me through a series of simple arguments.

Since the opening of communications with the world, wheat has acquired an important place in the international trade. England being the chief importer

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of the world's wheat, the demand of wheat in England is the dominating factor in determining the price of wheat in India. In the absence of restrictions on export, wheat can only be exported to England, if it can fetch a handsome price. When there is any restriction on export, the price tends to depend on local conditions of supply and demand. The interference with export would tend to reduce the price with the result that the cultivator would take to other commodities which will pay him more and might also be free from legislative interference. The history of English agriculture is full of illustrations on this point. For many centuries the British Government had been trying to control the export of wheat, with the result that the English farmer gave up the growing of wheat, and turned his land into grazing pastures, so that when War broke out, special measures had to be taken in order to induce the cultivator to break up his rich fertile pasture to grow more grain for the people. The same result would follow here if restriction on export will continue for some years. There will naturally occur a reduction in the production of wheat with the consequence that price will rise and will ultimately affect the pockets of the consumers. The critic might say that in old times when foreign trade was in its infancy which created a natural restriction the price of wheat was always low. The reply would be that things have entirely changed. So long as the Government does not go to the extent of putting restrictions on the export of every article produced by cultivator there is every chance that the latter will take to producing things that would pay him more and are in demand in foreign countries and are not restricted. If he sees that wheat does not pay, he would take to cotton, and if cotton export is restricted naturally, he will grow things which will leave to him a fair margin of profits. The surest and safest way of ensuring a stable price of wheat for the consumer is not to restrict export, but to encourage export thereby stimulating production. This point is likely to be misunderstood. It may very well be said that large export would leave very little margin for local consumption. It is difficult to give an exact answer to this question without the help of figures, but unfortunately figures of production in Native States are not available. However there does not appear to be any evidence to show that consumption of wheat has declined since the expansion of the wheat trade. Those who remember the condition ten or twenty years ago can testify to the increase. The export has always worked as a great stimulus to increased production, so that every year after satisfying the local demand will always leave a large surplus for export. It has been pointed out that wheat can only be exported if the foreigners can pay a higher price, and that in bad years when there is little or no surplus over the local requirements the local consumer can easily stop export by offering a little higher price.

This surplus which can be exported in normal years will reduce itself entirely as the result of restrictions. And this decreasing production in bad years the supply would not meet the demand even at the offer of a high price. It is evident that restrictions cannot help to ease the situation in a year of famine, when production falls below the local requirements as happened last year, when price continued rising in spite of restriction on export, and was brought down only when it was profitable for the foreign merchants to send wheat here. This clearly shows the futility of the Government interference even as a temporary measure in a time of famine.

If restrictions on export are detrimental to the interest of consumers, as has been shown before, they are equally harmful to those of producers. The latter form a great majority of the population, so that anything that affects their welfare and interest must seriously affect the prosperity of the country. Wheat is the commodity which is produced in excess of demand; and the surplus would afford him the wherewithal to purchase bullocks, implements and other requirements and to pay Government dues and meet other obligations. When restriction of export will reduce its price, the producer's means of purchasing his requirements and meeting his obligations are thereby curtailed. However great the surplus over local consumption be it would not come to much if it cannot command a good price in the market.

Mr. President : The hon'ble mover seems to have a large number of sheets still to read. I draw his attention to the fact that he has already taken seven or eight minutes. I can only give him one minute more to finish his speech. I understand that the hon'ble member is capable of making speeches in Urdu and if I had known that, I would not have given him permission to read his speech.

Mr. Ganpat Rai : May I ask, Sir, what is the maximum limit for the mover under the rules?

Mr. President : Thirty minutes; the trouble is that he has elected to read his speech and the limit for written speeches is five minutes.

Sardar Randhir Singh (continued) : I have only two more sheets to read and I will try and finish as quickly as possible.

Those who are in touch with the cultivators would testify to the hardship and loss to which they have been put this harvest in paying Government dues as the result of this harmful policy. The cultivators were glad when last winter they saw the prospects of a bumper harvest opening before their eyes, but all their expectations have come to nought by the action of the Government which has all along been boasting of its benevolence towards them. The result of a good harvest has been lost to them by this unsound policy adopted without any second thought. The cultivating classes form a large majority of the population of this province and in failing to take note of their interest Government is acting contrary to democratic principles. It must look to the happiness of the greatest number. The urban members of this Council might take exception to this part of my speech but they would immediately come round to my views, if some one were to press for restriction on Bombay and Ahmedabad cloth because prices were going up and the Indian consumer must get them at a low price. The Government action has already done much harm to the great cultivating class and it is time to do away with this entirely unsound and short-sighted policy. I must warn the Government against the discontent among the peasantry which this harmful policy is breeding and against the misunderstanding which has risen and is spreading in some quarters for want of a proper consideration of the rural interests. I have heard it said that restrictions are being placed to enable the British exporting firms to buy cheaply and would be removed as soon as they have finished with their purchases. This discontent of the peasantry might be taken advantage of by the extremist who is ever ready

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to spread his doctrines among the mainstay and bulwork of the British Government. It is therefore necessary to remove restrictions on political grounds also.

The restrictions on export is also affecting adversely the third great section of the community, I mean the middlemen. Low prices tend to contract trade and their profit too, and should be removed on that score. It is thus clear that the Government interference with export of wheat is harmful to all sections of the community and how short-sighted are the views of those who clamour for low prices of wheat and the restriction on export to achieve that result. The majority of this Council who are themselves producers of wheat would whole-heartedly support the resolution. I have clearly explained what harm it can do to the consumer as well as to the middlemen, so that I deserve the support of all members which are here to protect the interest of both the commercial classes and the urban consumers. Even if we stick to this policy of restriction it would not lead to low prices of the happy old times but would result in famine, poverty and distress.

The problem must be looked at from a broader point of view. The experience of all the world and especially of England should guide us in our deliberations in this Council. History has a lesson to teach which we should not neglect to learn.

Captain Sardar Gopal Singh [Indian Army (Urdu)] : Sir, the prosperity of the zamindars depends upon export. If it is stopped the zamindars will be put to a loss. As a matter of fact it is the Sahukars who corner grain. They are the Indian Shylocks. Even when there is sufficient wheat these people behave heartlessly. No wheat can be had unless a price is paid in accordance with their wishes. Restrictions should be placed on those who stock grain and who realise six times the actual cost incurred by them in purchasing wheat. I support the resolution.

Main Belt Ram [Hoshiarpur (Non-Muhammedan) Rural, (Urdu)] : Sir, the speeches show that all the zamindar members are of the opinion that the prices of wheat should not fall. No debate is therefore required. Why should zamindars be oppressed in order to benefit one class. There is no reason why export should be stopped with the object of providing wheat for the non-zamindars. I strongly support the resolution. The question might be put to the vote immediately.

Maulvi Muhtar Ali, Chishti [Lahore City (Muhammedan), Urban] (Urdu)] : Sir, I have no dread of the opinion of the majority, and I adhere to my own opinion. It does not, Sir, seem fair that partiality should be shown to the zamindars in a matter which is their private concern and especially when they are hankering after profit. In case the resolution is passed it would be a mistake even from the point of view of the Government. I don't think that the zamindar members represent all classes of the population. If the hardship that will be entailed on lakhs of people is overlooked in order to please the zamindars unrest will be the result. This House will remember that during the Great War grain was stocked and exported with the result that the country suffered the pangs of starvation. Though the breaking of law is an offence, it is condonable when there are extenuating circumstances. Where are now the good old days? The price of wheat has risen from one maund per rupee to seven seers per rupee. The people are getting impoverished. The present political upheaval is mostly due to famine and the average

man lays the responsibility for the famine at the door of the administration. Such matters should receive very careful consideration at the hands of Government. There is great distress in the country owing to the abnormally high prices, and it has become difficult even to live from hand to mouth. Export will enhance the prices still further, and the zamindar too will have to face difficulties. Hard struggle for existence will make the labourers unserviceable to the zamindars. I have sounded a note of warning. I have not expounded my own view, but this view is held by others also. Government should proceed with care lest the price of wheat should rise to 2 seers per rupee. The imputation regarding Sahakars may be right or wrong, severity by whomsoever it is practised must be deprecated. I hope that solicitude will be shown for orphans and those who cannot help themselves and nothing will be done that is calculated to prevent the hundreds of starving men from keeping the wolf from the door. The country is very poor and dearness of grain is due to export on which restrictions must continue.

Lala Atma Ram [South-East Towns (Non-Muhammadan) Rural] (Urdu): Sir, I oppose the resolution. The zamindars want removal of restriction on export in order to realise a good price for their produce. We should not, however, overlook the poorer population. Foodstuffs are cheap in the Native States because they are not exported. The rate will rise even when there is a sufficient wheat, as a result of export. This means impoverishment of the people. I therefore strongly oppose the resolution.

Mr. S. M. Jacob (Director of Agriculture): Sir, I want to speak on behalf of the same persons of whom Maulvi Muharram Ali, Chishti, painted such a pathetic picture, namely, the poor, the hungry and the orphans. Like them I am a consumer and I am speaking also on my own behalf. Well, Sir, the position is that in the fifteen years from 1903-04 up to 1917-18 inclusive the Punjab produced a surplus of over 900,000 tons each year, which was exported. Well, that surplus is the safeguard of the consumer. It is a safeguard of the poor and the hungry and the orphan. So long as this surplus exists in ordinary times, then if there is a bad year the country will be able to provide sufficient wheat for consumption by absorbing the ordinary exportable surplus and that surplus is, therefore, the great safeguard of the Punjab against famine. If the embargo on the exportation of wheat continues then one of three things will happen. The first is that the other provinces of India will take more wheat from the Punjab. The second is that the Provincial consumption of wheat will increase, and the third is that the cultivator not finding any market for his surplus wheat will fail to cultivate it. In other words, he will throw wheat out of cultivation. As regards the second alternative, that a greater amount of wheat should enter into consumption, it seems to me, Sir, that it is obvious that when a greater amount of wheat enters into consumption a certain amount of other grains must go out of consumption and therefore the total of consumable grains grown in the Punjab will be less than before. The result of the second alternative is thus virtually the same as that of the third. The third possibility is the increase of imports by other provinces. Well, Sir, according to the most recent figures to which I could obtain recourse the greatest amount which was ever exported to other provinces up to the end of 1917-18 was 200,000 tons. If then, in future, the Punjab only produces a surplus of 200,000 tons, obviously the margin of average surplus production is very much less than before. What will happen—supposing the margin of surplus

[Mr. S. M. Jacob.]

production of wheat is reduced to 200,000 tons? What will happen is that when there is a bad harvest in the Punjab, and there is an insufficiency of wheat for local consumption, the export of wheat to those other provinces will have to be limited and those other provinces will suffer very severely. I cannot suppose that the Government of India will regard this result with equanimity. I feel very strongly that this embargo ought to be removed, and one of the arguments urged by one of the members, and that struck me as having great force in it, is the fact that wheat and cotton are the great industries of the Punjab, and hitherto wheat has been the greatest of all. Wheat has been exported to the extent of 900,000 tons per annum, and it has fetched Rs. 100 per ton, that is to say, the export of wheat has been the source of a wealth of 9 crores per annum. Well, Sir, we have heard a great deal in the last two days about the suffering both of this province and the North-West Frontier Province arising from robberies and dacoities, and I have taken the trouble to estimate as nearly as possible the loss due to this cause. Assuming that each robbery and dacoity and burglary has been responsible for Rs. 1,000 the total loss to the Punjab during the last ten years—the average number of burglaries, robberies, dacoities has been 4,000—has been Rs. 40,00,000 per annum. The annual loss to the province by the continuance of the embargo is thus more than twenty times that due to all the robberies and dacoities and burglaries put together.

There is one point which I think the hon'ble member did not quite realise, and I think that zamindars ought to be warned because I think if the embargo is removed they may find that they may suffer a great disillusionment,

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and that is in respect of the price of wheat. The price at present in the Punjab is above the export price. It could not be exported at a profit with the price of wheat at its present level, and if the prohibition of export is removed prices must go down to make export possible. I am still in favour, from the point of view of the zamindar, of the removal of the ban on export in spite of the fact that prices are likely to come down. In my opinion if the embargo on export is maintained prices will go down though much more slowly, but finally will crash much more severely. Therefore I would warn zamindars against any undue optimism as to the effect of the removal of the embargo. The latest quotation—I have a copy of home prices,—is 47½ s. F. O. R. Karachi equivalent to 4-11-6 F. O. R. Lyallpur. 4-11-6 is a great deal less than the present quotation. This a warning I should like to put before zamindars.

There is one more argument against the removal of the restriction of the export of wheat that I should like to anticipate, and that is that the price of wheat is too high from the point of view of the consumer. Well, Sir, it seems to me that a great deal depends upon what is meant by a high price. If the present price is compared to the price before the war in terms of rupees, then no doubt the present price is high, but at the same time from the point of view of the zamindar the price of wheat can only be considered high when compared with the price of the things that he has to buy. He has to sell some things, and he has to buy others. I have looked into that and find that the average wholesale price of twenty-four commodities which largely enter into provincial consumption is now 85 per cent. above the pre-war level based on the prices of those commodities during 1910-14 inclusive, whereas the price of wheat, on the other hand, is only 69 per cent. above the pre-war level.

The Hon'ble Lala Harkishan Lal : What is your pre-war price ?

Mr. S. M. Jacob : The present price on which this calculation is made is I think, 5-8.

The price of wheat is now 62 per cent. above the pre-war price based on the average of five years, 1910 to 1914. So if the consumer complains of the high price of wheat then he has much more cause to complain of the high price of other articles the average of which is 85 per cent. above the pre-war price.

Bawa Hardit Singh Bedi (Sikh Landholders). (Urdu) : Sir, the zamindars till the soil and their hopes are never realised. Sometimes nature turns against them and sometimes some other cause is responsible for the non-realisation of their hopes. When they have to realise money only by selling their wheat why should they be fettered with restrictions on the export trade. Though the rate of wheat will rise by export we should not lose sight of the requirements of other countries. I think that without export the zamindars cannot maintain their position. Export is beneficial to the zamindars and restrictions placed on it should be removed.

Chandhri Kharak Singh [Amritsar-cum-Gurdaspur, (Rural).] (Urdu) : Sir, the greater part of the Punjab population subsists on agriculture. Unless the restrictions on export are removed the zamindars cannot possibly maintain their existence. Wheat is not the only commodity which is selling dear, in fact all other articles are selling dear. Labour is also very dear and the zamindars cannot do without labourers. The price of all the necessities having risen it will not be just to stop the zamindar's income. Like the maimed and the helpless the zamindars are also groaning under hardships. The peasant himself eats some cereals other than the wheat, but by selling wheat he buys his agricultural implements, etc. The principle of free trade is a recognised one. What is wanted is protection for industry. The Punjab being an agricultural province it does stand in need of free trade. If no foodstuffs are exported from Native States their case is different. Labour there is cheap. The zamindar has to face a twofold loss, one through shortage of produce and the other through restrictions placed on export trade. Who says that we will merely export wheat to other countries. In case we get a good rate in our own country we will dispose of our produce here. I support the resolution that steps may be taken to have the restrictions on wheat export removed.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : (Urdu) : Sir, This resolution has been repeated several times and I repeat it again. The Council recommends to the Punjab Government to recommend to the Government of India to remove the restrictions placed on the export of wheat and oil-seeds. No action can be taken on this resolution by the Government of India until the rainy season is over. There cannot be many zamindars who have stocks of grains and will derive benefit in October. What use will it be then ? Regard should also be paid to the interest of classes other than the zamindars. If the price of wheat goes up very much every necessity of life will become dearer. The zamindar too will have to feel the pinch. If the resolution had been brought forward for Rabi 1923 I might have supported it. At this time of the year it will benefit nobody. I would like to draw the particular attention of this Council to the fact that any proposals passed by this Council should be for the benefit of the whole province whether they are put forward in the shape of a resolution or as

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

a legislative measure. The present resolution may or may not benefit the well-to-do zamindars, but the light type of zamindar combines his benefit with the good of the people at large. It is the privilege of zamindars to serve all, and their policy should be such as to prove beneficial to their country. I think it is impolitic to press the resolution. It may do more harm than good to the zamindars. I am therefore not in favour of it.

Diwan Bahadur Raja Narendra Nath [Punjab Landlords, General]

(Urdu) : Sir, I am the representative of a community which pays a large land revenue. The question should be considered on economic principles, and not from the view point of the welfare of the zamindars and the inhabitants of urban areas. It is not proved, I think, that the stoppage of export is for the benefit of the poor. The export takes place from the point of view of rate. It does not take place if the rate is high. The dearness of grain caused by export is temporary. When the rate is cheap the zamindar sows less grain and the rate eventually goes up. At present there are prospects of a good *Kharif* crop in the Punjab and the stoppage of export will be discouraging to the zamindars. The poor people depend on the village people for their subsistence. When the zamindars are hard up the condition of the poor will become more precarious. In order to pay the water rate, etc., the zamindar requires money. I have heard the complaint that the price of gram is half of what it was at the time of gram sowing. I had my misgivings regarding export, but from Mr. Jacob's speech I am convinced that restriction on export is not good. I support the resolution on economic principles.

Khan Bahadur Sayad Mehdi Shah [Lyallpur South (Muhammadan), Rural] (Urdu) : Sir, on the one hand the export is not allowed and on the other millions of the maunds of wheat have been held up by the trader class. In consequence of the restriction on export the zamindars were able to pay the land revenue with the greatest difficulty. Hardly one man in one hundred is well-to-do among the zamindars, though it is a habit with them to keep up appearances before the officials. I am an inhabitant of a village was born in a village and am fully acquainted with the condition of the zamindars. The zamindar's grain goes to pay his debts. There is less poverty in the cities than in villages. The restriction on export has entailed greater hardship upon zamindars. I am astonished that although there is restriction on export trading companies have been set up. From the last year Government has assessed a land revenue at the rate of Rs. 4½ per acre on the Chenab Canal. Will the Government reduce this rate when there is a fall in prices. I would submit that there are no stocks of grain in the *barani* *Ilagas* and the people there are very poor. All the members of a zamindar's family work very hard and they are exceedingly poor as compared with the inhabitants of cities. Unless the restrictions on export are removed the land revenue will be affected. My contention is that but for the stoppage of export grain would never have become dear. If you go and see the state of the poor in villages you will find that their hardships can be removed only by export.

Mr. Ganpat Rai : [Lahore and Ferozepore ~~and~~ Sheikhupura (Non-Muhammadan)] (Urdu) : Sir : some of the members while supporting the resolution have stated that the zamindars are poor. I suggest enquiry by a committee (cries of "No, No"). I ask how many zamindars there are who, if export is allowed, will do without borrowing money. Even at present the zamindars are taking loans, although some of them do not possess a marla of land. They can subsist by working as labourers and

they do so. I cannot see any remedy. Is it intended that we should inflict hardship on our brothers for the benefit of a few zamindars. This would be callous on our part. It is said that wages are high, *ghi* is dear and the labourer has to maintain his family. If restrictions are removed for the benefit of a few zamindars, we should keep in view the case of those zamindars who earn their living by working as labourers. It would have been preferable if a committee of expert zamindars had been appointed to go into this question, but this has not been agreed to. The land of every country is a national asset. It was for political ends that Government passed a law to the effect that the land was not a national asset. The same principle is being now acted upon. I am of the opinion that if circumstances permit, and the country agrees only the grain which is left over after consumption in this country should be exported. It will not be proper to remove restrictions on export in order to fill the pockets of well-to-do zamindars. I stoutly oppose the resolution and would appeal to the House to rise above selfish motives and to act in a spirit of sympathy.

The Hon'ble Lala Harkishan Lal (Minister for Agriculture) Urdu : At the outset I must make it quite clear that the hon'ble mover of the resolution has gone wrong in two ways. He has assumed that the object of the Government of India in imposing restrictions on export of wheat was to lower prices of the food grains in the interest of the urban population; and that the policy of restrictions is final and has been adopted for an indefinite time. Nothing can be further from truth than this. The policy, at the time it was adopted, was dictated merely to have left behind in the country a sufficient quantity of food stuffs for all consumers, whether urban or rural, and that the policy is reviewed and renewed from time to time and has to be reviewed shortly again. The hon'ble mover of the resolution has further assumed that there is in this matter a conflict of interests between the urban and rural populations of the country; but this is again wrong. The population may, in this respect, be divided into surplus-holders and the consumers, and I am glad to notice from the trend of the discussion that this Council mostly consists of surplus-holders, i.e., of well-to-do agriculturists. But all Government have to bear in mind the interests of the population as a whole and not of sections when dealing with broad principles of policy, and viewed from this point of view my friends of this Council may be disappointed to know that the statistical position is by no means certain, and it is difficult to say that there is a real surplus of wheat in the country available for export. Mr. Jacob himself in a passage of a note by him says (reading from a file) "We are dealing here with the untrustworthy figures of yield, which are conventionally used in crop forecasts."

Mr. Jacob : I rise, Sir, to a point of order.

Mr. President. The hon'ble member is in order if he is reading from a public document. Of course, if called upon, he should read out the whole of the note and not confine himself to a portion only.

The Hon'ble Lala Harkishan Lal (continued) : We are therefore not certain that we always have had or always will have a surplus. What happened in 1920 or 1921 is this: The Government of India relying on these statistics found a million ton of wheat spare in about October 1920, but being cautious released only 400,000 tons, of which 200,000 tons

were taken from the 1920 crop and 100,000 tons from 1921 crop with the result that all statistical surpluses seemed to have disappeared with a large deficit : so much so that 454,000 tons of Australian wheat had to be imported to save the life of the people and a considerable portion thereof was used in the Punjab.

Malik Feroz Khan, Noon : Was the whole quantity used up ?

The Hon'ble Lala Harkishan Lal : I believe so, unless some is hoarded by the hon'ble gentlemen. My mills bought 20,000 tons. All ground, sold and eaten up. (Continuing the speaker said) : What is the position now. All India figures shew an estimated outturn of 9,794,000 tons for the year 1921-22 and the average of 10 years previous, excluding the scarcity years 1 to be 9,634,000, thus shewing a possible excess of 1,60,000 tons only. At this stage I beg to remind you that the surpluses of the 10 years mentioned were swallowed by the two scarcity years, causing an actual deficit : who knows what may happen next : one must distinguish between famines and scarcities on one side and high prices on the other : one does not necessarily connote the other. A Jat in Hissar last year, when I was touring on account of this wheat problem, very sagaciously remarked "Jab 10 ser ka kal pareo to bahut log mareo : ab jab panch ser ka kal pareo to koi kiyun na mareo." This is wise and economically refreshing. This means India has now got more resisting power than decades ago. It can stand high prices but not scarcity of food supplies. This reminds me of the fact that at present, as also remarked by Mr. Jacob, the export prices are much lower than the prices in the country itself. A price of Rs. 5/7 per maund at Lyallpur, which prevailed in the third week of July is equivalent to a price of 60 shillings per quarter in England, whereas the latest price in England is in the vicinity of 51½ shillings to 52½ shillings per quarter. What does this prove ? I leave it to be considered.

After this general discussion, let me say a word or two about some of the arguments used in the debate. It is said Zamindar must sell to pay his revenue. Taking the estimated yield at 3 million tons average, its money value at the present day price would be something like 45 crores. Taking the revenue at 4 crores and canal dues at 3 crores and dividing the revenues into two instalments of Rabi and Kharif and taking 4 crores as payable in Rabi, something less than 1-10th of the wheat produced need be sold to cover this demand, if the whole of the demand has to be met from wheat sales ignoring cotton and other produce. Another argument used is that if wheat is not exported, the landlord would turn his land into waste or less productive crops. Why ? If prices be the only determining factor why have the prices of gram, jowar, bajra, makai come down, against which there has been no prohibition at any time. If the population has to be considered as a whole, one has to

11 A.M.

ascertain what proportion of the population really grows surplus. One hears of the poor Zamindar everywhere and if that be a fact, then we may say more than half of them would be non-producers of surpluses, i.e., something like 70 or 80 per cent. of the Zamindar population or more than 50 per cent. of the whole Indian population will answer to this description. Taking urban population at 20 per cent. of the whole and the non-agricultural population of rural area at 20 per cent. the non-surplus-holders or consumers are then nearly 90 per cent. or more and the Government has to take care of these as of the big Zamindars.

I would mention one fact further and that is this : cheap labour is more useful to the Zamindar, as I was told at Lyallpur by the members of the District Board there, than the high prices : and without cheap food in the market cheap labour was not possible. One word more and I have done : hon'ble members have used a number of less important arguments which I leave out of discussion to-day so that the discussion of next year should not be less interesting. I again assure the Council that the Government has not adopted prohibition as settled policy and the matter is coming up again for consideration next month.

Mr. President: The question now is that—

"This Council recommends to the Government to recommend to the Government of India to remove the restrictions placed on the export of wheat."

The Council then divided : Ayes 52, Noes 5.

AYES 52.

Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. Miles Irving.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
M. E. R. Abbott.
Colonel R. C. MacWatt.
Mr. W. P. Sangster.
Mr. D. J. Boyd.
Mr. S. M. Jacob.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Chaudhri Daya Ram.
Sodhi Lal Singh.
Mian Ahmad Yar Khan, Daultana.
Malik Feroz Khan, Noon.
Pir Akbar Ali.
Chandhri Ali Akbar.
Chaudhri Ata Ullah Khan.
Sardar Balwant Singh.
Sardar Randhir Singh.
Sardar Sahib Bisaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghasi Ram.
Sardar Bahadur Gopal Singh, Labana.

Captan Sardar Gopal Singh.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Bawa Hardit Singh, Bedi.
Sayad Husain Shah.
Sardar Jamal Khan.
Sardar Kartar Singh.
Chaudhri Kharak Singh.
Khan Bahadur Sayad Mehdi Shah.
Rai Sahib Chaudhri Lajpat Rai.
Nawabzada Muhammad Irshad Ali Khan.
Mr. Moti Lal Kaistha.
Khan Muhammad Abdullah Khan.
Chaudhri Muhammad Hayat Khan.
Sayad Muhammad Husain.
Rana Muhammad Jamil Khan.
Khan Muhammad Saif Ullah Khan.
Mian Muhammad Shah Niwaz.
Chaudhri Nahi Bakhsh.
Diwan Bahadur Raja Narendra Nath.
Mian Beli Ram.
Lieutenant Sardar Raghbir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Bisaldar Sarup Singh.
Chaudhri Shafi Ali Khan.

NOES 5.

Lala Atma Ram.
Maulvi Mubarram Ali, Chishti.
Mr. Ganpat Rai.

Rai Sahib Lala Panna Lal.
Rai Sahib Lala Thakar Das.

The resolution was carried.

Mr. President : Before the Council adjourns I would like to remind the members that the elections of Standing Committees and the Public Accounts Committee are to be held on Tuesday, the 8th instant. Although the list of business for the 8th shows that the elections are to be held after questions, I have thought it advisable to hold the elections before the questions. Only the non-official members are to partake in the elections and therefore the official members need not be present at the time. Voting papers for all the committees will be distributed to members at 7.0 A.M. on the 8th and members will be allowed half an hour to fill in the voting papers after which members will hand in the voting papers to the Secretary. As soon as the voting papers are handed in I will ring the division bells which will serve as an indication to the official members that it is time for Government business to commence. I might also make it clear that the Ministers like non-officials have the right to vote in these elections.

The Council then adjourned till 7 A.M. on Tuesday, the 8th August 1922.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 8th August 1922.

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

ELECTION OF STANDING COMMITTEES AND PUBLIC ACCOUNTS COMMITTEE.

Mr. President : The Council will now proceed to the election of the twelve standing committees and the Public Accounts Committee.

For the Public Accounts Committee six members are to be elected but only two members have been nominated.

For the twelve standing committees more members have been nominated than the number of vacancies and the Council will now proceed to an election. There will now be distributed to members twelve voting papers, one for each committee, arranged together in the following order :—

Finance, Canals, Jails, Industries, Co-operative Societies, Excise, Local Self-Government, Public Health, Agriculture, Education, Land Revenue and Police.

The name of the Committee is written at the top of each paper which also contains the names of the candidates for that committee. Members should take each paper in turn and then put opposite to the name in the empty column the numbers of their choice, the first choice first, the second second, the third third, the fourth fourth, and so on, until the names are exhausted. It is not, however, necessary to write anything against every name if a member does not so wish. Each paper should be treated separately. If any member wishes to ask any questions, I shall be glad to answer them or the Secretary or Assistant Secretary will do so.

PUBLIC ACCOUNTS COMMITTEE.

The following names were then suggested :—

1. Lala Atma Ram.
2. Khan Muhammad Saifullah Khan.
3. Sardar Kartar Singh.
4. Rai Sahab Lala Pauna Lal.
5. Sodhi Lal Singh.
6. Maulvi Muharram Ali Chishti.

Mr. President : Only four names were required, but six have been suggested. I do not know whether, in order to avoid an election, any of those

gentlemen who were first nominated would care to withdraw. Of course, I do not want to press them in the least. I simply suggested four names myself as I thought that they would be suitable members of the Public Accounts Committee. If any of the members withdraw their candidature, well and good. Otherwise, we will proceed to hold an election.

Mr. President : Gentlemen, two candidates for the Public Accounts Committee have since withdrawn their candidature. The Committee is now complete. I declare the following six members duly elected members of the Public Accounts Committee :—

Pandit Daulat Ram, Kalia.

Mr. Nawab Din, Murad.

Khan Muhammad Saifullah Khan.

Lala Atma Ram.

Sardar Kartar Singh.

Rai Sahib Lala Panna Lal.

Mr. President : Those members who have not handed over their voting papers may retain them and make them over afterwards. When the result is known, it will be placed on the notice board of the Council and will be announced in the Council or circulated to members.

ALLOTMENT OF TIME TO NON-OFFICIAL BUSINESS.

Mr. President : I have to announce that His Excellency the Governor, in view of the long time taken up over the discussion of the Frontier and Punjab re-emalgamation resolution, has directed that if there is time over on the 9th, after all Government business on the continuous list which is then ripe for disposal has been disposed of, such remaining time on the 9th will be given to non-official business.

QUESTIONS AND ANSWERS.

INDEBTEDNESS OF THE JUNGLES IN THE LOWER BARI DOAB CANAL COLONY.

1635. **Sayad Muhammad Husain :** (a) Is it a fact that the indebtedness of the Jungles in the Lower Bari Doab Colony has immensely increased since the opening of the canal ?

(b) Is it due to the fact that owing to the opening of the canal and consequent conversion of pastures into culturable land "cattle grazing," their only source of income was put an end to, and that they were either deprived of their lands or their holdings were too small to provide them with a livelihood ?

(c) If the answers to (a) and (b) are in the affirmative, what action do Government propose to take to ameliorate their condition ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Government has no information on the subject but facilities for getting into debt vary in direct ratio with the prosperity of the borrower and it is more than likely that certain Jungles have taken advantage of the fact.

(b) Government is confident that any increase in indebtedness among the Junglies is not due to the causes suggested.

(c) In spite of the above answers Government will not be deterred from taking such steps as may be desirable to allot more land to Junglies.

GRANT OF LAND TO JUNGLES OF TAHSIL MONTGOMERY, LOWER BARI DOAB CANAL COLONY.

1636. Sayad Muhammad Husain : (a) Is it a fact that the following Junglies got no land in the Tahsil of Montgomery, Lower Bari Doab Canal Colony :—

- (1) Bhonanas of Rahana Jhalli Hashin, 65—4-R Chak,
- (2) Purbanas of Kaureshah Bala (Chaki Muzaffar Shah) Chak, 53 G. B.,
- (3) Karilas of Chah Hasan Ali, included in village Bhaur,
- (4) Bars of Parani Chak, 70—4-R,
- (5) Sandeelas of Chah Karam Ali, now scattered in the bar,
- (6) Nuns of Chah Waryam Wala (Khan Kamal),
- (7) Sahoke sahpals and Sabos of Rehna Shohdi now scattered in the bar,

(all situated in the Montgomery Tahsil).

If so, will the Government kindly grant them land when available ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Government is not prepared to make enquiries in each individual case referred to. As regards the treatment of Junglies generally in respect of grant of land the hon'ble member is referred to the answer to (f) and (g) in his question No. 159,* put on 2nd March 1921, which is being laid on the table in answer to the hon'ble member's question No. 1535.†

As Mian Bali Ram was absent questions Nos. 1637, 1638 and 1639 were not put.

PROHIBITION OF EXPORT OF WHEAT AND OTHER FOOD-STUFFS.

1640. Khan Bahadur Sayad Mehdi Shah : (a) Is it a fact that the prices of wheat and other food-stuffs have gone down owing to the prohibition of exports ?

(b) Is it a fact that there is a feeling of unrest among the zamindars owing to this fall of prices ?

The Hon'ble Lala Harkishan Lal : It is not a fact that the prices of wheat and other food-stuffs have gone down owing to the prohibition of exports. At present prices in India export would not be profitable.

SETTLEMENT IN LYALLPUR DISTRICT.

1641. Khan Bahadur Sayad Mehdi Shah : (a) Is it a fact that in the recent Settlement in the Lyallpur District revenue rates were assessed on the average prices of agricultural produce ?

*Vol. I, pages 156-57.

†Vol. IV, page 105.

(b) If the answer to (a) is in the affirmative, will the Government be pleased to consider the advisability of revising the assessment rates in view of a further fall below the average prices ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Presumably the question refers to the assessment of the Jhang Branch circles of the Lyallpur District. The prices assumed for the purposes of that assessment were not the average prices over any period. They were considerably below the average for the years 1914-15 to 1920-21 which were specially considered.

(b) The prices adopted were :—

		Rs.	s.	p.	
Maize	3	0	0 per maund.
Cotton	9	6	0 "
Gur	6	4	0 "
Toria	5	10	0 "
Wheat	3	12	0 "
Gram	3	4	0 "

These rates are considerably below the prices prevailing at present and there is therefore no reason for revising the assessment.

PURCHASE OF WHEAT BY CERTAIN FIRMS.

1642. Khan Bahadur Sayad Mehdi Shah : (a) Is it a fact that the Government has granted special permission to certain firms to make purchases of wheat ?

(b) If so, will the Government please state the reasons of such special permission being given only to certain firms ?

(c) If the answer is in the affirmative, will the Government be pleased to consider the advisability of extending the privilege to other firms as well ?

The Hon'ble Lala Harkishan Lal : It is not a fact that the Government has granted special permission to certain firms to make purchases of wheat. There is no restriction of any sort on the purchase of wheat.

(b) and (c) accordingly do not arise.

ENHANCEMENT OF WATER RATES IN THE COLONIES.

1643. Khan Bahadur Sayad Mehdi Shah : (a) Is it a fact that the Government is considering the question of enhancement of water rates in the colonies ? If so, what reasons have led Government to take up this question of enhancement ?

(b) Will the Government be pleased to state whether this enhancement, if carried out, will be treated as included in the new assessment or whether it will be imposed as a separate water cess ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) No definite proposals for the enhancement of water rates have yet been laid before Government, but the Department concerned is considering the subject and collecting opinions on which to formulate proposals for enhancement of the water rates on all perennial canals. The question has been taken up owing to the inadequacy in present circumstances of the current rates, which

are disproportionately low in comparison with the present-day value of the crops matured by canal water and the cost of maintenance of canals, which has considerably increased owing to rise in labour rates, thus affecting the net income of canals.

(b) The enhancement, if carried out, will form an addition to the water rate.

CANALWATER RATES.

1644. Khan Bahadur Sayad Mehdi Shah : Is it a fact that the water supply of some of the canals is not regular and continuous? If so, do Government propose to levy uniform water rates everywhere or will some reductions be allowed in places where the water supply is not regular and continuous?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : It is not clear to what canals the question refers. If inundation canals are intended, it is a fact that the water supply is neither regular nor continuous, since these canals only flow in kharif season and the supplies in them are dependent on the water levels in the rivers, which are not under control. These conditions have received due consideration in the water rates charged, which are much lower than those charged on perennial canals.

If perennial canals are intended, it is not a fact that the water supply is not regular, but it is a fact that it is not continuous, nor is it intended to be continuous in the rabi season.

The capacities of these canals are greater than are required for the area of rabi irrigation dependent on them and they are, therefore, closed and open in alternating periods during the rabi season.

Thus on inundation canals the water rates are already suitably reduced to meet the conditions there prevailing and on perennial canals the circumstances do not anywhere require any reduction of rates, and more particularly so because water rates are assessed only on matured crops.

KAMBOJ SIKH MEMBERS OF THE DISTRICT BOARD, MONTGOMERY.

1645. Bawa Hardit Singh Bedi : Will the Government be pleased to state—

- (a) the number of Kamboj Sikh Members of the District Board, Montgomery, during the last three terms ;
- (b) the number of the same at the present time ;
- (c) if there is now no Kamboj Sikh Member of the District Boards will the Government kindly state the reasons for the omission of a member of this community ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :

(a) The number of Kamboj Sikh members of the District Board, Montgomery, was 3 during the years 1914—1919 and 2 during the years 1919—1922.

- (b) 2.
- (c) Does not arise.

1646. Cancelled.

1647. Cancelled.

EXEMPTION OF SWORDS FROM THE PROVISIONS OF THE ARMS ACT.

1648. Khan Bahadur Sayad Mehdi Shah : Would the Government consider the desirability of exempting swords in the Punjab from the restrictions of the Indian Arms Act?

The Hon'ble Sir John Maynard : The question of exemptions is one for the Government of India to deal with.

OATH OF ALLEGIANCE AND CANDIDATES FOR MUNICIPAL, DISTRICT BOARD OR COUNCIL ELECTIONS.

1649. Maulvi Muharram Ali, Chishti : Will the Government be pleased to consider the advisability of proposing rules to the effect that no candidate for Municipal, District Board or Council elections will be eligible unless he publicly takes (a) an oath of allegiance before a prescribed competent authority and (b) also makes a solemn affirmation to the effect that he is not a non-co-operator?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) There is much to be said both for and against the suggestions of the hon'ble member in regard to Municipal and District Board elections. This Council will have an opportunity to discuss them when the Punjab District Boards Act (Amendment) Bill, 1922, and the Punjab Municipal Act (Amendment) Bill, 1922, are placed before it.

(b) With regard to Council elections the Government consider that the oath of allegiance required from successful candidates under Punjab Electoral Rule 22 is sufficient.

ALLEGED ILL-TREATMENT OF CROWDS BY POLICE.

1650. Maulvi Muharram Ali, Chishti : (a) Will the Government be pleased to state if it has made enquiries into the complaints of alleged assaults and ill-treatment by the police in dispersing crowds in various places of this province?

(b) Is the Government satisfied that enquiry in each case has been full and satisfactory? If so, will the Government announce the result in each case?

(c) Will the Government be pleased to announce in each case the name of the officer who conducted the enquiry together with the fact whether the enquiry was on the executive or on the judicial side?

The Hon'ble Sir John Maynard : (a) Yes.

(b) Government has no reason to believe that any enquiry has been anything but satisfactory, and does not propose to make any announcement about individual cases in the manner contemplated by this question.

(c) Part of this clause has already received an answer in (b) above. No prosecution has ever been lodged or other judicial proceeding undertaken by any person alleging himself to be aggrieved, so there has been no opportunity for any judicial enquiry.

INDUSTRIAL AND EDUCATIONAL DEVELOPMENT OF THE PROVINCE.

1651. Maulvi Muharram Ali, Chishti : With reference to the announcement, made by the Hon'ble the Finance Member in his Budget speech, will the Government be pleased to state—

(a) how many Crown-lands it has sold or intends to sell during this year,

- (b) in what proportion the proceeds are intended to be spent upon new canals, new communications, industrial developments, school buildings, and other capital expenditure upon education?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia: The question of the hon'ble member betrays some misunderstanding. It is intended to credit to capital receipts the proceeds of the sales of Crown-lands; but the proportion in which the proceeds will be spent on particular objects is dependent on the budget provision as sanctioned by the Council. During the current year no Crown-lands have been sold or are intended to be sold. But there have been receipts on account of sales already made and also on account of land held by peasant tenants, of which they are paying the prices by instalments. The sum which it is expected to receive during the current year on this account is Rs. 32,82,500.

JURY SYSTEM IN THE PUNJAB.

1652. Maulvi Muharram Ali, Chishti: Will the Government be pleased to consider the advisability of allowing jury system in some of the principal towns of the Punjab?

The Hon'ble Sir John Maynard: This question and other kindred ones are under the consideration of the Racial Differences Committee appointed by the Government of India. Under these circumstances this Government will not take up the question.

ADVISORY POLITICAL COMMITTEE.

1653. Maulvi Muharram Ali, Chishti: Will the Government consider the advisability of appointing an advisory political committee composed of the two executive councillors and ministers and at least two non-official members of this Council and to refer such political matters to this committee as it may think proper?

The Hon'ble Sir John Maynard: Government does not think it desirable to appoint an advisory political committee of the kind suggested. But close touch is, and will be, maintained for the purposes of informal consultation with all who are in a position to give useful advice.

COUNCIL SECRETARY TO HON'BLE MINISTER FOR AGRICULTURE.

1654. Maulvi Muharram Ali, Chishti: Will the Hon'ble the Minister for Agriculture be pleased to state—

- (a) the amount of the work he has taken from his Council Secretary during the past eighteen months?
- (b) if the amount of work has been negligible, does he require the assistance of a Council Secretary for future?
- (c) if the reply to (b) is in the negative, will the Hon'ble Minister be pleased to recommend to the Government for the reduction of the post?

The Hon'ble Lala Harkishan Lal: I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

Maulvi Muharram Ali, Chishti: May I presume that the Hon'ble Minister is not personally informed at present of the answer to the question?

The Hon'ble Lala Harkishan Lal: The answer emanated from me but it is in circulation.

Maulvi Muharram Ali, Chishti: May I ask another question? When will the answer to this question be ready?

The Hon'ble Lala Harkishan Lal: Probably some time before the next session of the Council.

COUNCIL SECRETARY TO HON'BLE MEMBER, REVENUE.

1655. Maulvi Muharram Ali, Chishti: Will the Hon'ble the Revenue Member kindly state—

- (a) the amount of work he has taken from his Council Secretaries since the inauguration of this Council up to 1st April 1922;
- (b) the reasons why no Council Secretary has been appointed to assist him in the current financial year;
- (c) whether the Hon'ble Member has considered the advisability of recommending the reduction of this post;
- (d) in view of his past experience, does the Hon'ble Member feel the necessity of a Council Secretary for future?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia:

- (a) The Council Secretaries assisted in the work of answering questions put by members of the Legislative Council. They studied the files and doubtless gained valuable experience of administrative details in the process.
- (b) The appointment was not found to be necessary.
- (c) The appointment of Council Secretaries is a matter of general policy, and the Revenue Member is not prepared to recommend reduction till further experience has been gained.
- (d) A Council Secretary is not needed in the interests of the Revenue Member. But the post is useful as a link between the Executive and the Legislature, and the experience gained by the Council Secretary is useful training.

PROCEEDINGS OF THE STANDING COMMITTEES OF COUNCIL.

1656. Maulvi Muharram Ali, Chishti: Will the Government be pleased to state the reasons for not publishing the proceedings of the standing committees of this Council (except the finance and police committees) in the Punjab Gazette?

The Hon'ble Sir John Maynard: The question of publication has been considered by the Governor in Council and Ministers, and it has been decided that the standing committees being advisory bodies, their proceedings are not to be published unless the Member or Minister in charge so directs.

1657. Maulvi Muharram Ali, Chishti: Has the Government any objection to laying on the table all the unpublished proceedings of all the standing committees which have not been already published in the Gazette? If so, on what grounds?

The Hon'ble Sir John Maynard: Please refer to the answer to question No. 1656.

1658. Maulvi Muharram Ali, Chishti: Is the Government prepared to admit the right of this Council to know the proceedings of its own standing committees? If not, on what grounds?

The Hon'ble Sir John Maynard: Please refer to the answer to question No. 1656.

ASSISTANT SURGEONS IN PROVINCIAL MEDICAL SERVICE.

1659. Chandhri Ghulam Muhammad: Will the Government be pleased to state the number of Assistant Surgeons in the Provincial Medical Service on the 1st June 1922—

(a) permanent,

(b) temporary excluding those coming under (c) below,

(c) temporarily engaged for plague duty,

showing the number in each class separately for Hindus, Sikhs, Muhammadans and Christians?

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

GRANT-IN-AID TO SECONDARY SCHOOLS.

1660. Chandhri Ghulam Muhammad: Will the Government be pleased to state—

(a) the total amount of grant-in-aid given to Secondary Schools during the year 1921-22;

(b) the amount given to denominational institutions of Muhammadans, Hindus, Sikhs and Christian Missions;

(c) Will the Government be pleased to give the communal (Hindus, Sikhs, Muhammadans, Christians) distribution of pupils in such Secondary Schools in the year 1921-22?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The necessary information is being collected. It will be communicated to the hon'ble member when ready.

MUSALMANS AND EDUCATION.

1661. Chandhri Ghulam Muhammad: (a) Will the Government be pleased to state what definite measures were decided upon during the last three decades to help the educationally backward Muslim community in the Punjab and how far these measures were put into practice, and with what results?

(b) If the progress of the Muslim community in education has been comparatively small, what steps does Government propose to take in the matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The required information is being collected and will be communicated to the hon'ble member when ready.

REVISION OF JUDGMENTS IN POLITICAL CASES.

1662. **Maulvi Muharram Ali, Chishti**: With reference to the appointment of the Hon'ble Mr. Justice Martineau for revising the judgments in political cases, will the Government be pleased to state—

- (a) whether His Lordship will revise these cases under the provisions of the Criminal Procedure Code in his capacity of a Judge of the High Court, or in the capacity of an executive officer on the executive side;
- (b) if the cases will be revised on the executive side, will the opinion of His Lordship be final and authoritative in those cases, or simply in the form of an advice subject to the approval of the Government;
- (c) whether His Lordship will be assisted by a Crown Counsel, and an *amicus curiae* representing the interests of the convicted persons, and whether full liberty will be given to both sides to argue the cases;
- (d) the number of cases that have been sent up to His Lordship and the names (with description) of the convicted persons in those cases;
- (e) the procedure to be adopted by His Lordship in revising those cases;
- (f) Will the Government treat the orders or reports of His Lordship in those cases as confidential or will the Government publish them for the information of the public? If confidential, why?

The Hon'ble Sir John Maynard: (a) and (b) The Hon'ble Mr. Justice Martineau was appointed to scrutinize certain cases and to advise Government thereon.

(c) No counsel appeared before the Hon'ble Judge.

(d) Mr. Justice Martineau has not yet completed his scrutiny so the information asked for is not available, but the class of cases submitted is described in the Government's Resolution of 6th May 1922.

(e) This point has been answered in parts (a), (b) and (c) above.

(f) The Government will not publish Mr. Justice Martineau's recommendations; but it will publish its own orders. The Governor in Council is responsible for taking or declining to take action under section 401 of the Criminal Procedure Code; and does not ordinarily communicate the advice or recommendations of those whom he may consult before arriving at his decisions.

Maulvi Muharram Ali, Chishti: As regards (a), may I presume that the answer means that His Lordship is revising the cases in the capacity of an executive officer?

The Hon'ble Sir John Maynard: No.

Maulvi Muharram Ali, Chishti: As regards (b), may I ask whether all cases have been sent to His Lordship?

The Hon'ble Sir John Maynard: It is probable that there are still some more cases being sent to him.

Maulvi Muharram Ali, Chishti: May I ask whether the case of Lala Lajpat Rai has been sent to him?

The Hon'ble Sir John Maynard: No.

PANCHAYATS IN THE PROVINCE.

1663. Maulvi Muharram Ali, Chishti : Will the Government be pleased to state the number of Panchayats that have been appointed in the Punjab under the Panchayat Act? If none, will the Government be pleased to state when and in what places the Government intends to appoint Panchayats?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The hon'ble member's attention is invited to sections 4 and 5 of the Village Panchayat Act, 1922, which lay down the procedure for establishing Panchayats.

No Panchayats have yet been established. Government intends establishing Panchayats in such places as are suitable for them, and as soon as in accordance with law they can be established.

1664. Maulvi Muharram Ali, Chishti : Will the Government consider the advisability of appointing Panchayats under the Panchayat Act if only in about a dozen places to try the experiment and to watch the results for at least a year?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The hon'ble member's attention is invited to sections 4 and 5 of the Village Panchayat Act, 1922, under which action will be duly taken, and in doing so the hon'ble member's suggestion will be considered.

NON-CO-OPERATION IN THE PUNJAB.

1665. Maulvi Muharram Ali, Chishti : Has the Government tried to find out the approximate number of the non-co-operators in the Punjab? If not, will the Government try to find out their approximate number in the same manner as it found out the approximate number of the members of the Akali Jathas?

The Hon'ble Sir John Maynard : It does not appear feasible to make an enquiry of the kind here suggested, because there are many shades of opinion, and no palpable distinctions by which those who favour the doctrine of non-co-operation are to be recognised.

URBAN POPULATION AND NON-CO-OPERATION.

1666. Maulvi Muharram Ali, Chishti : Can Government say whether the majority of the urban population in the Punjab consists of non-co-operators and their sympathisers?

The Hon'ble Sir John Maynard : Government has no information on this point.

NEWSPAPERS IN THE PUNJAB.

1667. Maulvi Muharram Ali, Chishti : Will the Government be pleased to state the total number of the newspapers in the Punjab with detail showing how many of them are on the side of non-co-operators and how many against the non-co-operation movement?

The Hon'ble Sir John Maynard : A statement showing the number of newspapers is laid on the table.

It is not possible to say definitely in all cases whether a newspaper is or is not in favour of non-co-operation, and regular readers are in the best position to judge on this subject.

NEWSPAPERS AND PERIODICALS ON THE EXAMINATION LIST OF THE PRESS BRANCH. CORRECTED UP TO THE 30TH JUNE 1922.

[Note.—Newspapers printed in authentic type are essentially devoted to politics.]

No.	Name.	Place of publication.	Name of editor.	Place of printing, and approximate circulation.
ENGLISH.				
DAILY.				
1	Civil & Military Gazette	Lahore	E. H. Hardy	Pioneer and Civil & Military Gazette, Limited, Lahore; 8,151.
2	Muslim Outlook	Do.	M. A. Ghani	Kifah-i-Ain Steam Press, Lahore.
3	Tribune	Do.	Kalinath Ray	Tribune Printing Works, Lahore; 8,312.
4	Al-Bahar	Quetta (Gurdaspur)	Muhammad Hussain Khan	Al-Bahar Press, Quetta.
5	Khalisa Advocate	Amritsar	Ghar Singh, B.A.	Coronation Printing Works, Amritsar; 800.
6	Liberty	Lahore	Jai Gopal Pandan	Liberty Press, Lahore; 814.
7	Liddle's Weekly	Sialk	S. H. Liddle	Liddle's Printing Works, Sialk, 400.
8	Sialk Times	Do.	P. G. Lyons	Sialk Times Press, Sialk; 866.
9	Quintessence Advocate	Amritsar	M. M. Ali	British Press, Amritsar; 414.
10	Light	Lahore	Munir Khan, B.A.	Khalisa Brothers' Press, Lahore; 800.

NEWSPAPERS AND PERIODICALS ON THE EXAMINATION LIST OF THE PRESS BRANCH,
CORRECTED UP TO THE 30TH JUNE 1922—CONTINUED.

No.	Name.	Place of publication.	Name of editor.	Place of printing; and approximate circulation.
URDU—CONTINUED.				
26	Hindu	Lahore	Lebb Singh, Jalliwala	Hikari Steam Press, Lahore.
27	Hindustan	Sialkot	Diwan Chand, Sharma	Zindaghi Printing Press, Sialkot.
28	Jamhuri	Lahore	Abul Kamil	Diwan Printing Works, Lahore.
29	Kesri	Do.	Sham Lal, Kaper	George Steam Press, Lahore; 5,000.
30	Paissa Akhbar	Do.	Mahmud Alam	Khadim-ul-Talim Steam Press, Lahore; 1,100.
31	Partap	Do.	Krishan	Parwana Steam Press, Lahore; 2,735.
32	Public	Do.	Dina Nath	George Steam Press, Lahore; 1,500.
33	Shanti	Rawalpindi	Khan Chand, Mohan	Shanti Steam Press, Rawalpindi; 1,250.
34	Sikh	Lahore	Arjun Singh	Farzana Steam Press, Lahore.
35	Siyasat	Do.	Wajidat Husain	Nagwah Steam Press, Lahore; 1,171.
36	Swaraj	Do.	Ghulam Hussain	Hindur Muslim Steam Press, Lahore; 1,000.
37	Vakil	Lauria	Mahmud Abdulla Minhas	Rose Bazar Electric Press, Amritsar; 1,400.
38	Zamindar	Lahore	Muhammad Ahmed Khan	Harvard-Hind Press, Lahore; 5,129.

NEWS PAPERS AND PERIODICALS ON THE EXAMINATION LIST OF THE PRESS BRANCH,
CORRECTED UP TO THE 30TH JUNE 1922—CONTINUED.

No.	Name.	Place of publication.	Name of editor.	Place of printing; and approximate circulation.
URDU—continued.				
57	Intikhab-ul-Lajwah	Lahore	Mahbub Alam	Khadin-ul-Talim Steam Press, Lahore; 1,800.
58	Iskhab	Ludhiana	Muhammad Shaf	Iskhab Press Ludhiana; 650.
59	Ittibad	Amritsar	Maula Bahadur, Kharko	Wifehed Press, Amritsar; 250.
60	Jaf Gazette	Rohtak	Candhari Obhokra Ram, D.A.	Barana Press, Rohtak; 450.
61	Jiwan Tas	Lahore	Amar Singh	Jiwan Press, Lahore; 300.
62	Kashmiri	Do.	Muhammed-ud-Din, Parsg	George Steam Press, Lahore; 800.
63	Khalasa Akhbar	Do.	Sardar Singh	Hindustani Press, Lahore; 1,300.
64	Loyal Gazette	Do.	Amar Singh	George Steam Press, Lahore; 3,000.
65	Municipal Gazette	Do.	Din Muhammad	Dewan Printing Works, Lahore; 1,000.
66	Nar Akhbar	Do.	Professor Muhammad Ismail, M.A.	Panjabee Steam Press, Lahore; 470.
67	P. G. Sami-Sulab	Do.	Dost Muhammad	Raj Printing Press, Lahore; 400.
68	Paise Akhbar	Do.	Mahbub Alam	Khadin-ul-Talim Steam Press, Lahore; 3,500.
69	Parbakh	Do.	Kishan, D.A.	Parbakh Steam Press, Lahore; 2,000.
70	Punjab	Do.	Syed Muntas Ali	Panjabee Steam Press, Lahore; 2,000.

71	Punjab Gazette	Amritsar	Maun Box, Kashta	Silecock Press, Amritsar.
72	Qadiri Parast	Lahore	Sadhu Singh	Karlar Steam Press, Lahore.
73	Railway Union News	Do.	Shams-ud-Din, Kashta	Rafiah-i-Jin Steam Press, Lahore; 481.
74	Bajput Gazette	Do.	Sukhrain Das Chobhan	George Steam Press, Lahore; 1260.
75	Sansan Dharan Pareharak	Amritsar	Pt. Ralla Ram	Sansan Dharan Electric Press, Amritsar; 800.
76	Talab-i-Niswan	Lahore	Asaf Jehan Begam	Parjades Steam Press, Lahore; 11,750.
77	Victoria Vaput	Sialkot	R. B. Gyan Chaud, Puri	Victoria Paper Press, Sialkot; 1,035.
78	Watan	Lahore	Muhammad Insha-Ullah	Rifiah-i-Jin Steam Press, Lahore; 1,060.
79	Zafat Punch	Amritsar	Husain Mir, Kashtahi	Matinath Press, Amritsar.
80	Zulficar	Lahore	Ahmed Shah, Shamsi	Shamsi Steam Press, Lahore; 700.
81	Abul-Sunnat-ul-Jappat	Amritsar	Hakim Abu Turab	Rose Bazar Electric Press, Amritsar; 800.
82	Makhoir	Do.	Lakhmi Das, Kapur	Silecock Press, Amritsar; 250.
83	Al-Faqlh	Amritsar	Hakim Meeraj Din	Rose Bazar Electric Press, Amritsar; 560.
84	Al-Qurrah	Do.	Muhammad Ali, Kashta	Kuwar-ul-Qurrah Press, Amritsar; 203.
85	Aziz	Lahore	Amir Baksh	Karimi Press, Lahore.
86	Marfadd	Do.	Parnathi	Parbasi Steam Press, Lahore; 860.
87	Mister Gazette	Do.	Ali Baksh	Fakir-i-Am Press, Lahore; 125.
88	Nur	Qadian (Gurdaspur)	Sheikh Muhammad Yusuf	Zia-ul-Islam Press, Qadian; 445.
89	Rajput Hittari	Lahore	Daseudhi Ram Gogana	Girdhar Steam Press, Lahore; 715.

* Ceased.

† Temporarily ceased.

NEWSPAPERS AND PERIODICALS ON THE EXAMINATION LIST OF THE PRESS BRANCH,
CORRECTED UP TO THE 30th JUNE 1922—CONTINUED.

No.	Name.	Place of publication.	Name of editor.	Place and printing; and approximate circulation.
URDU—CONTINUED.				
MORTHIX.				
90	Aftab ...	Lahore	Thakar Das, Jolhar	George Steam Press, Lahore.
91	Al-Baqi Gazette Mahra?	Amritsar	Mul Chand	Bina-i-Hind Press, Amritsar; 200.
92	Al Azzat	Batala	Obulam-Mohy-ud-din	Anwar-ul-Qurab Press, Amritsar; 250.
93	Al Burhan	Lahore	Muhammad Sibtain	Rikah-i-Am Steam Press, Lahore; 410.
94	Al Hasan*	Batala	Abdur Rahman, B.A. (Alig.)	Sahibzada Press, Batala; 300.
95	Anwar-us-Safa	Lahore	Hafiz Zafar Ali	Gulzar-i-Hind Steam Press, Lahore; 800.
96	Bhadr Sewak	Do.	Khasan Chand, Soat	Girdhar Steam Press, Lahore; 550.
97	Brahman Rai Patrika*	Do.	Girdhar Rai, Bichawat	Perfected Steam Press, Lahore; 300.
98	Ibnat-i-Isham	Do.	Kh. Kamal Din	Islamia Steam Press, Lahore; 1,500.
99	Ibnat-i-Quran	Do.	Hashmat Ali	Gulzar-i-Hind Steam Press, Lahore; 500.
100	Jagrit ...	Lysolpur	Pandit Narsingh Lal, B.A.	Bar Machine Press, Lysolpur; 250.
101	Makhsan?	Lahore	Ahsan ulah, Tejwar	Pasjades Steam Press, Lahore; 800.
102	Martand*	Do.	Patmarthi	Hindu-Muallim Steam Press, Lahore; 850.
103	Mishal ...	Do.	B. L. Rallia Ram	Kanshi Ram Press, Lahore; 800.

104	Masana Jogi	...	Do.	...	Rai Salab Sudh Lachhman Parshad	...	Diwan Printing Works, Lahore; 1,500.
105	Prem Bilas	...	Gujranwala	...	Mittar Sen	...	Prem Bilas Machine Press, Gujranwala; 775.
106	Qasid*	...	Lahore	...	F. M. Nejam Din	...	Khabardar Steam Press, Lahore; 320.
107	Bisla-i-Anjuman-i-Taid-i-Islam...	...	Do.	...	Pir Bakhs	...	Gulzar-i-Hind Steam Press, Lahore; 550.
108	Saastan Dharm Parkash	...	Rawalpindi City	...	Manohar Lal Bhatnagar	...	Muir Printing Works, Ldd., Porezapore Cantonment; 200.
109	Sat Sang	...	Amritsar	...	Gobind Ram	...	Saastan Dharm Electric Press, Amritsar; 490.
110	Shiv Shambhu	...	Lahore	...	Gauri Shankar Lal	...	Gulzar-i-Hind Steam Press, Lahore; 1,000.
111	Sud	...	Pindi Baha-ud-din (Gujranwala)	...	Muhammad Din, Melas	...	Islamia Steam Press, Lahore; 8,000.
112	Tarjuman	...	Lahore	...	Tirath Ram	...	George Steam Press, Lahore; 100.
113	Tashbir-ul-Azhan*	...	Qadian (Gurdaspur)	...	Muhammad Zahar Din	...	Zau-ul-Islam Press, Qadian; 737.
GURMUKHI.							
DATE.							
114	Atall	...	Lahore	...	Hira Singh, Dard	...	Parlap Hari Press, Lahore; 3,250.
115	Gargaj Atall	...	Amritsar	...	Sardara Singh, Giani	...	Akal Press, Amritsar; 1,500.
116	Jathedar	...	Do.	...	S. S. Charan Singh	...	Guru Khalsa Press, Amritsar; 1,750.
117	Khalsa	...	Do.	...	Jodh Singh, M.A.	...	Coronation Printing Works, Amritsar.
118	Pardesi Khalsa	...	Do.	...	Jamiat Singh, Akola	...	Onkar Press, Amritsar; 1,000.
119	Sansar*	...	Do.	...	Thakar Singh	...	Panth Sewak Press, Amritsar; 800.

* Ceased.

† Temporarily ceased.

**NEWSPAPERS AND PERIODICALS ON THE EXAMINATION LIST OF THE PRESS BRANCH,
CORRECTED UP TO THE 30TH JUNE 1922.—CONCLUDED.**

No.	Name.	Place of publication.	Name of editor.	Place of printing; and approximate circulation.
	GURMUKHI—CONCLUDED.			
120	WEEKLY. Akal Sewak	Ludhiana	Gurbux Singh, Gyani	Malva Press, Ludhiana.
121	Gyani	Lahore	Satnam Singh, Gyani	Partap Hari Press, Lahore.
122	Khalsa Samachar	Amritsar	Vir Singh	Wazir-i-Hind Press, Amritsar; 2,500.
123	Nayak†	Do.	Sowarn Singh	Sanatan Dharan Electric Press, Amritsar; 600.
124	Panch*	Lahore	Ram Singh	Partap Hari Press, Lahore; 2,000.
125	Panth Sewak	Amritsar	Chanda Singh	Sardar Press, Amritsar; 600
126	Punjab Darpan	Do.	Mohindar Singh	Coronation Engraving Works, Amritsar; 1,300.
127	Ramgarhia Gazette	Simla	Jagjit Singh, B.A.	Army Press, Simla; 800.
128	Sant Samachar	Amritsar	Swami Ram Sarup	Sanatan Dharan Electric Press, Amritsar; 500.
129	Satjug	Lahore	Nidhan Singh, <i>Alam</i>	Partap Hari Press, Lahore; 1,400.
130	FORENIGHTLY. Nirgunlara	Amritsar	Khales Tract Society	Wazir-i-Hind Press, Amritsar; 1,250.
131	HINDI. Jat Sapay* MONTHLY.	Rohitak	Kesara Dovi, B.A. (Hindi)	Star Press, Delhi; 194.
132	Jyoti	Lahore	Vidharati Seth, B.A.	Bombay Machine Press, Lahore; 510.
133	Sewak	Do.	Amar Singh	Jivan Press, Lahore; 221.

* Ceased.

† Temporarily ceased.

MADRAS MUNICIPAL CORPORATION AND OATH OF ALLEGIANCE.

1668. **Maulvi Muharram Ali Chishti**: Is the Government aware of the fact that in Madras the oath of allegiance is obligatory before a person can become a member of the Municipal Corporation? If not, will the Government be pleased to enquire and to bring the result to the notice of the Council?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: Government have no information on the subject beyond what has appeared in the newspapers. An enquiry has already been made from the Madras Government and the result will be communicated to the hon'ble member.

NON-CO-OPERATION MOVEMENT.

1669. **Maulvi Muharram Ali Chishti**: Has the Government considered the necessity of strong and incessant propaganda work to counteract the influence of the non-co-operation movement? If so, what practical steps have the Government taken in this direction?

The Hon'ble Sir John Maynard: The hon'ble member is aware of the fact that this Council refused any budget grant for publicity work, this includes propaganda. Under these circumstances Government's efforts in this direction are necessarily restricted.

SIMLA MUNICIPALITY.

1670. **Maulvi Muharram Ali Chishti**: Will the Government be pleased to state:—

- (a) whether the municipal taxes levied by the Municipal Committee of Simla consist only of House Tax, Ground Tax, Water Tax, Vehicle Tax, Animal Tax and Octroi duty; or whether there are any other taxes levied by the Committee; will Government be pleased to give details?
- (b) whether it is prepared to lay on the table a detailed list of different kinds of licenses issued by the Committee and the income derived under this head?
- (c) the total population of Simla according to the last general census and the last summer census?
- (d) whether there is any data to show exactly the number of permanent residents of Simla? If so, when and by whom the data was prepared and also the number of such residents according to that data?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) In addition to the taxes enumerated a dog tax is also levied in the Simla Municipality.

(b) The following income is derived from the various kinds of licenses granted by this municipality :—

				Average for past 3 years—
				Rs.
	Rickshaws	...	...	1,100
	Rickshaw coolies	...	...	1,950
	Job porters	...	...	925
	Job ponies	...	...	250
	Bicycles	...	...	120
	Dangerous and offensive trades	...	...	209
(c)	Males	...	...	88,560
	Females	...	...	11,917
Total ...				45,477

(d) The figures compiled at the various censuses which have been held in Simla do not distinguish between permanent and other residents. The most recent censuses were held on the 18th March and the 30th June 1921 and resulted in the enumeration of 27,494 and 45,477 persons, respectively. The number of persons present in Simla in March probably exceeds that present in the middle of the cold weather very considerably, and it is unlikely that more than 22,000 persons reside in Simla throughout the year. It is only of recent years that the cold season population of Simla has approached even this figure; in March 1901 there were only 14,000 persons and in March 1911 there were rather less than 19,000 persons.

Of the persons enumerated in June 1921 only about 9,000 had been born in Simla though the cold weather population may now amount to 22,000 persons, very few of these are permanent residents in the strict sense of that term.

ELECTIVE SYSTEM IN THE SIMLA MUNICIPALITY.

1671. **Maulvi Muharram Ali Chishti** : Arising out of the answer to question No. 426* given on the 16th April 1921, will Government be pleased to state the qualifications of voters and the number of voters in each year during the time the elective system was allowed in the Simla Municipality?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The elective system prevailed in Simla for 32 years during which period the qualifications were often changed. Many of the election records, some of them over forty years old, must have been destroyed. It is regretted that the information cannot be supplied to the hon'ble member as the labour expended in attempting to get it together would be incommensurate with the results, if any, achieved.

PERMANENT POPULATION OF SIMLA.

1672. **Maulvi Muharram Ali Chishti** : Has the number of permanent residents increased or decreased at Simla since the year 1908? If it has increased or decreased, to what extent?

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

Maulvi Muharram Ali Chishti : Will the hon'ble member be pleased to state the approximate time when the answer will be ready?

Mr. President : I do not think you are entitled to ask that question. Your supplementary question must be confined to the facts entirely. You may ask for further facts arising out of the answer. But if you persist, I do not particularly mind. It would, however, be a waste of the time of the hon'ble members of the Council.

Maulvi Muharram Ali Chishti : I do not press the matter.

PERMANENT EUROPEAN POPULATION OF SIMLA.

1673. Maulvi Muharram Ali Chishti : What is the total population of permanent European residents at Simla?

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

ELECTIVE SYSTEM IN THE SIMLA MUNICIPALITY.

1674. Maulvi Muharram Ali Chishti : (a) Is it a fact that in the last week of January 1922, a deputation of leading residents of Simla, both Europeans and Indians, waited upon the Hon'ble the Minister for Education and prayed for the introduction of the elective system in the Simla Municipality, and that the Hon'ble Minister gave a definite promise to those gentlemen that the privilege will be introduced in September next?

(b) When do the Government intend to extend the right of election to the Simla Municipality?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The answer to the first part of the question is in the affirmative but the hon'ble member's information is not quite correct as to the second part.

(b) The matter of the reconstruction of municipalities is under consideration, and it is expected that a decision will be arrived at before long.

MOTOR DRIVING IN SIMLA.

1675. Maulvi Muharram Ali Chishti : Will Government be pleased to state whether any restrictions have been imposed on private persons for the driving of motor cars in the town of Simla? If so, what are they?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : Under the traffic bye-laws of the Simla Municipal Committee the use of motor vehicles, except motor cars actually used by their Excellencies the Viceroy, the Governor of the Punjab and the Commander-in-Chief, is prohibited within the municipal limits of Simla. This prohibition does not apply to the Cart Road below the gate of the house known as "Ravenswood."

Mulvi Muharram Ali Chishti : Is the cart road also within the municipal limits?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : I have no knowledge on the point.

Maulvi Muharram Ali Chisti : Will the Government consider the advisability of extending the prohibition to the cart road also ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : In case the cart road is within the municipal limits of Simla the hon'ble member should move the Simla Municipality in the matter. The Government cannot make bye-laws for the municipality.

1676. Maulvi Muharram Ali Chishti : Is it a fact that in the last year and in the present year some accidents occurred at Simla on account of the rash driving of motor cars by private persons resulting in the death of and serious injuries to persons and that there have been some narrow escapes on account of rash driving of cars ?

(b) If so, has anybody been challaned by the police ?

(c) If not, what action does the Government propose to take in the matter ?

The Hon'ble Sir John Maynard : (a) Last October a man was killed on the cart road in a motor accident. An inquest was held, but it was found that the driver was not to blame as he was driving with due caution. No one was challaned by the Police in this case.

(b) Yes, in one case the driver has been challaned under Act VIII of 1914 ; in no other case was there reason to believe that the driver was culpable.

(c) This does not arise.

COMMUNAL REPRESENTATION IN PUBLIC SERVICES.

1677. Maulvi Muharram Ali Chishti : (a) Will Government be pleased to state whether the action taken by the Hon'ble Minister for Education with reference to the representation of communal interests in the departments under his charge command the support of the Government ?

(b) If the reply to (a) be in the affirmative, then in amplification of the answer given to question No. 1185,* on the 10th January last, will Government be pleased to state if it has invited the attention of the hon'ble members of the Executive Council and also the Hon'ble the Minister for Agriculture, to follow the same policy in administering the departments under their respective charges ? If not, why not ?

(c) What steps do Government propose to take in order to assure uniformity of policy in this matter ?

Mr. H. D. Craik : (a) In the case of a transferred subject Government means the Governor acting on the advice of the minister in charge of the subject.

(b) The Government does not propose to take the course suggested in this part of the question on the ground that it is not necessary.

(c) No further steps are regarded as necessary at present.

Maulvi Muharram Ali Chishti : The answer to (a) is not clear. The answer does not state whether the policy mentioned in the question commands the support of the Government or not.

Mr. H. D. Craik : I am sorry the hon'ble member does not understand my answer. I should explain that Government in this matter means the Governor acting on the advice of the Minister.

Maulvi Muharram Ali, Chishti : Does it mean that Government commends the action of the Minister ?

Mr. H. D. Craik : It is the action of the Governor acting on the advice of the Minister.

COURT OF WARDS' ADMINISTRATION.

1678. Maulvi Muharram Ali, Chishti : Will the Government be pleased to state—

- (a) the reasons for the increase of about four lakhs of rupees in the total ordinary expenditure of the Court of Wards' Administration in the Punjab, for the year ending 30th September 1921 ;
- (b) the details of the items under which an increase was considered necessary ;
- (c) the number of items spent on productive works ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) The increase was actually just Rs. 3 lakhs. It was mainly under personal expenses of wards due to the visit of the Nawab of Mamdot and the Sardar of Kot to England.

Increases occurred under :—

	Rs.
(b) (i) Cost of management	16,316
(ii) Cost of ordinary improvements	32,091
(iii) Personal expenses of wards	1,60,488
(iv) Family allowances	17,349
(c) Expenditure on law, domestic ceremonies, etc.	92,931
Total	3,19,175

and all may be held to have been considered necessary.

(c) The hon'ble member is referred to paragraph 5 of the Court of Wards' Report for the year ending 30th September 1921.

PERSONS UNDER COURT OF WARDS.

1679. Maulvi Muharram Ali, Chishti : Will the Government be pleased to give a list of the persons under Court of Wards, with special reference to the names of the older wards who are associated in the management of their estates ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The hon'ble member is referred to Statement No. 1 appended to the Court of Wards' Report for the year ending 30th September 1921 and to the last clause of paragraph 8 of that report. In addition M. Muhammad Nawaz Shah of the Salarwahan estate in the Multan district has recently been associated in the management of his estate.

PUNJAB LUNATIC ASYLUM.

1680. Maulvi Muharram Ali, Chishti: Will the Government be pleased to state—

- (a) the total number of the population of the Punjab Lunatic Asylum for the year 1921 together with the number of inmates discharged as cured and the number of lunatics returned to their friends after improvement;
- (b) the safeguards for the proper confinement of the lunatics in the asylum;
- (c) the action taken in cases of escapes from the asylum;
- (d) the number of lunatics who escaped but were found out and returned to the asylum during the year 1921; and
- (e) the average expenditure per head on the lunatics in the asylum and the expenditure on the establishment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) For the information which the hon'ble member requires under (a) to (d), he is referred to the Punjab Lunatic Asylum Report for the year 1921, and to the Manual of Rules for the management and superintendence of the asylum, particularly paragraphs 63, 69, 106, 210 and 211. Copies of both are available in the Council Library.

(e) The average total expenditure on each lunatic in the asylum is about Rs. 26 per mensem, of which about Rs. 15 represents expenditure on diet, bedding and clothing. The total expenditure on establishment was Rs. 70,550 in 1921.

OFFENCES AGAINST HUMAN BODY AND PROPERTY.

1681. Maulvi Muharram Ali, Chishti: Will Government be pleased to state—

- (a) the total number of persons imprisoned for offences against the human body and offences against property during the first six months of the year 1922;
- (b) the extent to which the offences have increased or decreased in comparison with the number in the first six months of each of the preceding three years?

The Hon'ble Sir John Maynard: Separate figures for offences against the human body and against property are not available. But the following are the figures for all crime:—

(a) For the first six months of the year 1921	...	21,607
(b) For the first six months of the year 1922	...	23,538

EXPENDITURE DUE TO THE INSECURITY OF LIFE AND PROPERTY
IN THE PROVINCE.

1682. Maulvi Muharram Ali, Chishti: Besides the items of Amritsar Indemnity and of the compensation to the Martial Law sufferers, what is the total expenditure with which the tax-payers have been burdened during the

past two years and the first six months of this year, on account of the increased insecurity of life and property caused by illegal activities in the Province?

The Hon'ble Sir John Maynard : Expenditure during the past years and the first six months of the present year on account of the increased insecurity of life and property caused by illegal activities in the Province falls under the heads detailed below and the amount expended is as follows :—

	Rs.
1. Amritsar indemnity	17,15,000
2. Compensation to Martial Law sufferers ...	22,66,722
3. Additional Police	8,59,091
4. Payments for troops	13,400
5. A calculation made for 1921 and half of 1922 shows an additional expenditure in the Jails for this period of Rs. 3,53,000, i.e., an annual additional expenditure of Rs. 2,30,000 roughly may be assumed.	

Mr. Ganpat Bai : May I ask a supplementary question, Sir? What is the total expenditure on account of the insecurity of life and property caused by legal activities in the province?

Mr. President : That does not arise out of the answer to the question. It is a totally new question. I disallow the question.

JAIL PRESSES.

1683. Maulvi Muharram Ali, Chishti : When do the Government propose to publish the scheme for enlarging and improving the Jail Presses?

The Hon'ble Sir John Maynard : The scheme for enlarging and improving the Press of the Central Jail, Lahore, and that of the Borstal Institution has not yet reached Government in a final form, and it cannot be said whether or when the scheme will be published.

ROAD FROM BATALA TO QADIAN.

1684. Maulvi Muharram Ali, Chishti : Will Government please lay on the table the answer to question No. 1270* put by Pir Akbar Ali on the 21st February 1922?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The answer is laid on the table.

(a) The road is unmetalled, but for an unmetalled road it is in fair condition, having been recently repaired.

(b) At the time of the annual assembly of the Ahmadiyya community at Qadian the traffic on this road is heavy. At other times the traffic is moderate.

(c) The number of persons attending the annual assembly of the Ahmadiyya community is estimated to be between 7 and 8 thousand.

(d) No representations to Government in this matter can be traced, but the District Board has on several occasions been asked to have the road metalled. This has hitherto been impossible for want of funds.

(e) A copy of this question and the reply thereto are being sent to the District Board and the Communications Board (the bodies concerned) for disposal.

SUBORDINATE EDUCATIONAL SERVICE ASSOCIATION, SIMLA.

1685. **Manvi Muharram Ali, Chishti:** (a) Has the Government received a copy of the proceedings of a meeting of the Subordinate Educational Service Association, Simla, held on the 9th September 1921, under the presidency of Lala Paras Ram, B.A., B.T., Headmaster?

(b) If so, what action has the Government taken or intends to take on the resolutions adopted by the Association?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: (a) The answer is in the negative; but a copy of the proceedings of a meeting held on 19th November 1921 was received.

(b) Government has issued instructions regarding the formation of associations of its servants, and invited applications for recognition in conformity with those instructions. Since the Association referred to in the question has not yet applied for recognition, no action was taken on the resolutions passed at the meeting of November 19th, 1921.

TARN TARAN GURDWARA AFFAIR.

1686. **Sardar Sangat Singh:** Will the Government be pleased to state the number of Akalis killed, wounded and convicted in the Tarn Tarand Gurdwara affair.

Mr. J. Wilson Johnston: In the case mentioned by the hon'ble member, two Akalis died of their wounds and nine others were wounded. Seven Akalis were sentenced to six months' rigorous imprisonment and to a fine of Rs. 50 each.

BREACHES OF ORDER.

Mr. President: I have observed during the present session that breaches of order are somewhat common in this Council in two respects, and rather than take any such breaches by individuals as occasion for a pronouncement, I prefer to make this opportunity of drawing attention to the points in question.

Standing Order 28 lays down that any member speaking must resume his seat if the President rises. I am sure that breaches of this standing order are due to forgetfulness only, but I trust that members will make a point of observing the standing order in future. The other matter to which I refer is not mentioned in the standing orders, but is an established rule of Parliamentary procedure, *viz.*, that no member should pass between the member speaking at the moment and the chair. This is a rule which I in-

tend to enforce in future. I am aware that in many cases the most convenient way of leaving the chamber, especially for members sitting in blocks A or B or E or F may be to pass between the member speaking and the chair; they should nevertheless avoid doing so. As a rule it will be possible to postpone leaving the chamber until the member speaking has sat down, but if the matter is urgent, the member who finds he would naturally pass between the speaker and the chair should avoid doing so as best he can; for instance, if necessary he can pass round behind the Throne.

GOVERNMENT'S DEMAND FOR SUPPLEMENTARY GRANTS.

Mr. President : The Council will now proceed with the discussion of the remaining supplementary grants.

STATIONERY AND PRINTING GRANT.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) :

Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 17,940 be granted to the Governor in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1923 in respect of Stationery and Printing."

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

"That the demand of Rs. 17,940 under the head 'Stationery and Printing' be reduced to Rs. 8,000."

The gloomy aspect of new taxation is already perplexing us in anticipation. I do not think the hon'ble member of the Government would persist in opposing my amendment. However, if he thinks that the reduction which I propose is too much, I leave it to his discretion to reduce as much as he can.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Sir, I will simply refer to some of the details of this demand before saying anything further on the subject. This demand consists of a sum of Rs. 17,940 and has been made for the purpose of training our Borstal Institution boys in the art of printing, thus in addition effecting charges under printing done by local presses. The object of this demand is to prepare our boys to be able to do this work comparatively more cheaply than it would be done in the other case. I need only tell my hon'ble friend that this demand consists of an allowance to 80 boys at 8 annas a day for 312 days which comes to about Rs. 12,600. The pay of a foreman-instructor at the rate of Rs. 100 per mensem that is Rs. 1,200 a year,—an instructor on press-work and imposition at Rs. 50 per mensem equal to Rs. 600 a year, an instructor on press binding, which is an essential part of a press, on Rs. 45 per month which means annually Rs. 540; one reader with copy-holder at the rate of Rs. 150 per mensem equal to Rs. 1,800 annually; paid warders, Borstal warders, overseers and night watchmen will cost another Rs. 1,200. This constitutes the details of this demand of Rs. 17,940.

Does my hon'ble friend wish me to cut it down to a smaller figure? If so then I am afraid the very object of the demand would be defeated. In the circumstances explained above I am quite sure that my hon'ble friend does not wish me to cut it down. The object of teaching these boys is to

[Sardar Bahadur Sardar Sundar Singh, Majithia.]

enable them to earn their livelihood after they get out of the institution, as also to save Government close upon Rs. 34,000 a year that we spend on contract printing outside.

Maulvi Muharram Ali, Chishti (Urdu) : Sir, I do not like to press the matter any further and I beg have to withdraw the amendment.

The amendment was by leave withdrawn.

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

"That a supplementary sum not exceeding Rs. 17,910 be granted to the Governor in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1923 in respect of Stationery and Printing."

The motion was carried.

MISCELLANEOUS GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move :—

"That a supplementary sum not exceeding Rs. 4,801-1-6 be granted to Governor in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1923 in respect of Miscellaneous."

The motion was carried.

POLICE GRANT.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1923 in respect of Police."

Rai Bahadur Lala Sewak Ram [Multan Division (Non Muhammadan), Rural] : Sir, I would not like this House to sanction this grant. The Council has already granted in the last budget a huge sum of Rs. 3,85,000 in respect of the Criminal Investigation Department. On that occasion I moved an amendment to reduce the amount demanded in the budget and I succeeded in reducing it by Rs. 25,000 only. It appears that the Government has not put up with it, and is now making a new demand in the shape of a Supplementary Grant. This means that whatever discussion took place on the occasion of the passing of the budget and whatever reductions were made have been negated by the Government, which is now making up that deficiency by making these supplementary demands. I oppose this demand only on this principle that what this House has once refused to sanction should not be put before it again. This House reduced the grant for the police as was demanded in the budget by Rs. 25,000, it is essential that no supplementary demand be made to make up that deficiency.

The Hon'ble Sir John Maynard : Sir, my hon'ble friend does not seem to have understood me in this case. What I ask for is a supplementary demand of a sum not exceeding Rs. 10 : I am not asking for Rs. 25,000, that is to be found by way of reappropriation. My hon'ble friend says that Govern-

ment has made no effort to reduce the expenditure according to the demand. Sir, I should like to know on what authority my hon'ble friend makes this statement. It is an absolutely incorrect statement. A considerable effort was made by Government to meet the expenditure from the amount left after the reduction made by this Council under this head. On what authority, I ask, did my hon'ble friend assume that Government did not make any effort? The suggestion is one which I repudiate very strongly. Government took great pains over the investigation of this matter and after investigating it very carefully found that it was not possible to reduce the item of Rs. 25,000 and therefore decided that in the circumstances the only thing to do was to make a saving from the item "Additional Police" and to ask the Council to meet that other amount by way of reappropriation from that item. That is the proposal which is now before the Council. The Council is asked to pass a supplementary demand of a sum not exceeding Rs. 10 in order that the Government may be able to make a reappropriation from the head of "Additional Police" to meet this reduction of Rs. 25,000 in the estimates for the Criminal Investigation Department which it was not found possible to meet in any other manner. I trust that the Council will accept this explanation as sufficient and will accept my assurance that this course was taken after a very careful deliberation.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charge that will come in course of payment for the year ending the 31st day of March, 1923, in respect of Police."

The motion was carried.

EDUCATION GRANT.

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

"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 day of March, 1923, in respect of Education."

Mr. Ganpat Rai : Sir, may I ask what is the total amount asked for. Is it only Rs. 10?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : I am disappointed, Sir, that this enquiry should be made by a stalwart member of the Council like Mr. Ganpat Rai. Apparently, he has not read the explanation that is given on the paper printed at such cost at page 18 of the Supplementary Estimates. A glance at the paragraph under Demand No. 13 will give the necessary information.

Mr. Ganpat Rai : I only wanted to know what the total amount asked for was. Otherwise, I knew the explanation given on the paper at such cost.

Mr. President : The question is—

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

The motion was carried.

CIVIL WORKS GRANT.

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

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

The motion was carried.

PROVISION OF FUNDS BY LOAN FOR THE EXECUTION OF CAPITAL PROJECTS.

Mr. Miles Irving (Financial Secretary) : Sir I beg to move—

"That this Council approves of Government undertaking in the near future the expenditure detailed in the statement below for purposes shown therein so far as they have not already been approved and providing the necessary funds therefor by loan as required."

No.	Description of scheme.	Proposed provision in 1922-23.	Productive or unproductive.
		Rs.	
1	Improvements of open canals	40,00,000	Productive.
2	Productive long-term loans	15,00,000	Do.
3	Write-back of capital expenditure for 1921-22	48,00,000	Do.
	Rs.		
	Irrigation ... 33,00,000		
	Loans ... 2,00,000		
	Forests ... 4,00,000		

Sir, in the first place, I will draw the attention of the House to the fact that the Government no longer intends to provide by loan for the Talwara Saw Mill.

As regards the other items, in the Resolution of the 7th November 1921, this Council approved of Government undertaking certain capital projects and providing the necessary funds for their execution by loan as required. The cost of the projects provided for was estimated at about 726 lakhs out of which 109 lakhs were proposed to be spent during this financial year. When placing that forecast before the Council, Government suggested that it would also be possible to review other financial schemes and would be able to place their matured proposals before the Council. Sir, these items which are now before the Council represent the matured proposals. These items may be divided into two clear portions. The expenditure which it is proposed to write back to capital was passed by this Council and has been spent. The expenditure on the improvement of open canals for the current year was passed and is being spent. What Government is asking for is how this expenditure shall be provided for. The proposal is that it should not be

financed from current revenue, but that it should be financed by loan if the House agrees to raise it. If a Bank is about to start a new branch and has to build new offices and strong rooms, it will not defray the expenditure from its current revenues, but will spread the expenditure over a certain number of years by debentures or by some other means of raising capital. What is, therefore, proposed is that we pay for the projects in this particular way, and if the House which I cannot think likely were to refuse this course, the only result would be that Government would have to pay from revenue, that is to say, raise less loan and either raise more taxation or cut down necessary items of expenditure. I don't think I need go into details of what items it is desired to charge to capital. They have already been gone through very carefully by the Finance Committee.

Now I come to the single item of long-term loans. Of this Rs. 12,00,000 are for the necessary expenditure which municipalities have to finance for sanitary and other projects. It is natural that we should borrow and loan it to municipalities.

Mr. Ganpat Rai : Am I to understand that the applications from local bodies for 12 lakhs have been sanctioned by the Government?

Mr. Miles Irving : Does the hon'ble member mean in the current year?

Mr. Ganpat Rai : Three lakhs have been provided for takkavi loans and 12 lakhs for loans to local bodies for the current year. I want to know whether applications for all the 12 lakhs have been received from the local bodies and have been sanctioned or whether the Government anticipate that applications will be received.

Mr. Miles Irving : I understand from the Hon'ble Minister that applications have been received and many have been sanctioned.

Mr. Ganpat Rai : I suggest that loans be raised only up to the extent to which applications have been sanctioned by the Government and nothing more. No figures are given in this statement and therefore the Council is in the dark as to what the actual amount is that is required to be loaned to local bodies during this year.

Mr. President : Mr. Ganpat Rai seems to be forestalling the amendment which has been sent in by Maulvi Muharram Ali Chishti. I will call on him to move the amendment.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan), Urban]
Urdu: Sir, I would speak on the original motion when the opportunity comes. For the present I speak on the amendment which stands in my name. The amendment is—

"That in line 4, after "required" the words "provided that in case of items 1, 2 and 3 the loan is raised by instalments, as money is required, and the greatest economy is exercised in spending the money as raised."

Mr. President : You have got in your amendment 'in case of items 1, 2 and 3.' Item (2) of the motion as originally admitted is not being asked for. That goes out. You will, therefore, move your amendment in an amended form.

Maulvi Muharram Ali Chishti (continued) : Sir, what the Chair has ruled is quite right and the amendment, therefore, does not cover the original item No. 2. My amendment concerns only the original items 1 and 3. It will now run as follows :—

"That in line 4, after "required" the words "provided that in case of items 1 and 2 the loan is raised by instalments, as money is required, and the greatest economy is exercised in spending the money as raised."

The amendment is quite clear in itself and needs no explanation. Any opposition to it would amount to this that the loans be raised, whether money is required or not, and that no economy be exercised in spending the money. As I believe no member would oppose it, I hope that this amendment will be accepted.

Mr. Miles Irving : As regards the hon'ble member's amendment, may I say that Government have no objection to that portion which enjoins on us the necessity of economy in spending the money. I think it is a duty which the Government in the Finance Department especially has constantly in their minds. When however the mover comes to asking us to raise loans by instalments as required, I fear he asks for a thing which financial considerations will not permit. We have to go to the market at the time when the Government of India permits us. We have got a strictly limited time and we have to make up our minds as to how much we should raise within it. I may inform the hon'ble member that if we raise more than we require for our immediate expenditure, we can put that amount in deposit with the Government of India and they will give us interest on our balances. Therefore we will not be losing interest.

Maulvi Muharram Ali Chishti : (Urdu). Sir, I

Mr. President : The hon'ble member is not entitled to a reply. An answer has been given by Government and unless the hon'ble member intends to withdraw the amendment, it must now be put to the House. I allowed him to commence speaking thinking he was going to withdraw his amendment.

Maulvi Muharram Ali Chishti : I was going to withdraw that part of the amendment which refers to raising of loans by instalments. As regards the other amendment it stands as the Hon'ble the Finance Secretary has no objection and as it has been accepted by the Government.

Mr. President : The question is that leave be given to withdraw the first part of the amendment which suggests that the loan should be raised by instalments as money is required. This portion of the amendment was by leave withdrawn.

Mr. President : I understand that Government accepts the latter part of the amendment.

Mr. Miles Irving : Yes, Sir.

Mr. President : The question is that the amended amendment which runs as follows :—

"That after 'required' the words 'provided that in case of items (1) and (2) the greatest economy is exercised in spending the money' be inserted."

be adopted.

The motion was carried.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan)] : Sir, I wish to rise again. I was advised that perhaps my objection is covered by the amendment of Maulvi Muharram Ali Chishti. But it is not covered by that. I want that only as much as has been sanctioned for the grant of loans to local bodies be sanctioned. Will Government say how much that is?

Mr. President : The hon'ble member is not entitled to ask questions. He may talk on the motion or sit down.

Mr. Ganpat Rai : I only wanted information as to whether loans up to the amount asked for have been sanctioned to local bodies. If so, I should have nothing to say. But if the amount sanctioned as loans for local bodies is less, say 6 or 8 lakhs, then I would speak on the motion.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : I have great pleasure in replying to the hon'ble member. According to the established procedure governing financial matters applications from local bodies are invited by Government for specific items. On the receipt of those applications orders are passed in due course. Only those applications which have been received in time and have been actually disposed of, are taken into consideration and only such items are entered in the budget as are accepted. This process was very carefully gone through in the year ending the 31st March 1922. Those local bodies are anxiously awaiting for the loans being paid. These 12 lakhs are neither more nor less than the amount applied for and sanctioned in the last year. These will be paid during the current year.

Maulvi Muharram Ali Chishti (Urdu) : Sir, I wish to speak on the original motion now. This demand, Sir, is not in accordance with the provisions of the Local Government Borrowing Rules. Rule 2 says that a Local Government may raise loans on the security of the revenues allocated to it for any of the following purposes, namely :—

- (a) to meet capital expenditure on the construction or acquisition (including the acquisition of land, maintenance during construction and equipment) of any work or permanent asset of a material character in connection with a project of lasting public utility, provided that—
 - (i) the proposed expenditure is so large that it cannot reasonably be met from current revenues; and
 - (ii) if the project appears to the Governor-General in Council unlikely to yield a return of not less than such percentage as he may from time to time by order prescribe, arrangements are made for the amortisation of the debt;
- (b) to meet any classes of expenditure on irrigation which have under rules in force before the passing of the Act been met from loan funds;
- (c) for the giving of relief and the establishment and the maintenance of relief works in times of famine or scarcity;

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- (d) for the financing of the Provincial Loan Account; and
- (e) for the repayment or consolidation of loans raised in accordance with these rules or the repayment of advances made by the Governor-General in Council.

Sir, this rule is so clear that I do not think the present motion for raising a loan can come under any of these five classes. If the Finance Department has studied the question, I would like that it may enlighten this House also. Again rule 3 says that "no loan shall be raised by a Local Government without the sanction (in the case of loans to be raised in India) of the Governor General in Council or (in the case of loans to be raised outside India) of the Secretary of State for India in Council and in sanctioning the raising of a loan the Governor-General in Council or the Secretary of State in Council, as the case may be, may specify the amount of the issue and any or all of the conditions under which the loan shall be raised." We have not been told, Sir, whether the Governor-General in Council has given the requisite sanction.

These are the points which I wish to bring forward. In fact, I do not understand whether what is moved is a resolution or a motion. So far as I can see it is neither a resolution nor a motion.

Mr. President: The matter before the Council is clearly a motion. It is not a resolution. It is a motion coming under Standing Order 31 and the Council is asked to give its approval to the proposal.

Mr. Miles Irving (Financial Secretary): I confess the hon'ble member's speech has given me surprise. This question of loan is not a new one. The whole matter involving this expenditure of 726 lakhs was gone into by this hon'ble House a year ago and the question of principle, I presume, then thrashed out. I do not think it is necessary for me now to go through the whole question again. As regards the admissibility of the items referred to by the hon'ble member, I think he may be assured that both in the Finance Department of this Government and of the Government of India they have received due consideration. In certain items this consent has not yet been received, but in any case it is necessary that we shall have a motion of this House giving the authority of this House for us to proceed. I am sure as regards the legality of the question the House may have confidence in the Financial Advisers of this Government and the Government of India.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders General): Sir, the objection of the hon'ble member for Lahore is that the raising of the loan is not permissible under the rule, and if it is not permissible, then what is the use of this Council giving sanction. Very probably the Government of India would raise the same objections as the hon'ble member has raised and as far as I can see rule 2 is quite clear and mentions the object for which the loan can be used. The object stated in the statement of demand is not covered by the rule. Why should Government ask permission of the Council for a loan to be raised which under the rules is not permissible? I therefore strongly support the amendment of the hon'ble member.

Mr. Miles Irving : Sir, the proposals have already been before the Government of India and as their legality has not so far been questioned they are in accordance with the rules.

Mr. President : The question is that—

"This Council approves of Government undertaking in the near future the expenditure detailed in the statement below for purposes shown therein as far as it has not already been approved, and providing the necessary funds therefor by loan as required provided that in case of items 1 and 2 the greatest economy is exercised in spending the money."

Description of scheme.	Proposed provision in 1922-23.	Productive or unproductive.
	Rs.	
1. Improvements of open canals	40,00,000	Productive.
2. Productive long-term loans	15,00,000	Do.
3. Write-back of capital expenditure for 1921-22—		
	Rs.	
Irrigation ... 33,00,000	} 46,00,000	Do.
Loans ... 9,00,000		
Forests ... 4,00,000		

The motion was carried.

THE PUNJAB (URBAN PROPERTY) RENT REGULATION BILL.

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

"That leave be granted to introduce the Punjab (Urban Property) Rent Regulation Bill."

At this stage, Sir, I do not propose to examine the Bill in detail, but I would like to say that some years back a Rent Regulation Act was passed so far as Simla was concerned. Last year the question came up before the Punjab Government whether the time limit relating to the Simla Act should be extended. The Government of India, which was chiefly concerned in the working of that Act, insisted that the Act should be extended as the war requirements had not come to a close. When we were considering that question the question arose whether the system enacted in that Act was really sufficient to protect the interests of the landlords, and that was the chief concern of the Punjab Government. There was some correspondence between the Government of India and the Punjab Government and eventually while we were carrying on that correspondence in the interests of landlords of Simla we were flooded with representations from Amritsar, Lahore and a few other places with regard to the tenancy question and the rent question in Lahore and elsewhere. The matter was taken up in the

[L. Harkishan Lal.]

press as well as on the platform and several representations were received by the Punjab Government. The matter was entrusted to me at that stage to look into as to whether there was any real difficulty under which the tenants of Lahore and the tenants of Amritsar were suffering and whether any relief was possible. I went into the question at a very great length and considered all my economic principles and all the economic literature on the subject that was possibly available and went a step further and invited meetings of tenants and landlords of Lahore, tenants and landlords of Simla and tenants and landlords of Amritsar. In the meetings I heard all that the landlords had to say and all that the tenants' reply to it was. The tenants insisted that their relief really would lie in enacting a simple Act fixing rents on the scale of 1916-17 and making them prevail for a number of years. To this course for obvious reasons the Government and I could not agree. The landlords no doubt put before me and thereby before Government that their rights of property should not be interfered with, and that they should enjoy as heretofore right of freedom of contract, and freedom of action as in many other walks of life; but it became apparent that there was a real difficulty so far as the tenants were concerned, especially in a place like Lahore where a very large number of tenants were unwilling residents of Lahore. They do not come to Lahore necessarily because they want to, but because of various considerations of life, vocations and occupations of life which oblige them. It also came out in these discussions that the landlords in some cases had been really harsh on them in raising the rents within a few months from, say Rs. 100 to Rs. 350 and Rs. 400. The matter seemed to be serious and some interference on behalf of Government appeared to be necessary. I gave the subject my very best consideration so far as the doctrine of liberty of contract and the doctrine of freedom of trade were concerned but as one felt that a stage had been reached where practically monopoly rents were being asked, I felt it my duty and the Government agreed with me that some measures were very necessary to be enacted by this Council. I laid my scheme before the tenants and the landlords and I asked them if they wanted to make any suggestions or amendments or had any alternative scheme to put forward. No alternative scheme, so far as the landlords were concerned, was forthcoming, and at the time that the scheme was in a skeleton form no criticism was made. So, I proceeded with the drafting of the Bill, and the Bill was, in due course, submitted to the Government of India. The Government of India in sanctioning the Bill has made some suggestions, and these suggestions will be duly considered when the time comes, in the Select Committee. Meanwhile, I have received several representations from the tenants because they feel that their interests might suffer. I have also received a few suggestions from the landlords themselves, and these suggestions I have promised, will receive the very best consideration when the matter is before the Select Committee. I only want to say here that there is absolutely no idea at the back of my mind or at the back of the mind of any other member of Government that any coercion be exercised or any undue advantage should be taken of the landlords' position in favour of the tenants, (hear, hear) and the matter has been, so far as I am aware, only reviewed by two newspapers, namely *The Civil & Military Gazette* and *The Tribune*. *The Civil & Military Gazette* very distinctly says that the Minister for Agriculture has been as just, if not more just, to landlords than he has been to tenants. The remarks of *The Tribune* are not very intelligible, but it does not say that any undue hardship has been contemplated by the

provisions of this Bill. I admit, Sir, that there are certain improvements possible in this Bill, and those improvements will, I can assure the House, receive the very best consideration when the Bill gets to that stage. At this stage all I want to say is that the Bill looks fairly at both sides and has, so far as was possible at the time, provided for the interests of the landlord to be protected as much as the interests of the tenants. I am very glad, Sir, that this Bill has already effected in some cases the desired result. I have been told on very good authority that several landlords think (wrongly of course) that I am a very hard-hearted man so far as the capitalists are concerned, but I can assure the capitalists that they are quite wrong in their presumptions. I am as much soft-hearted towards the capitalists as I am towards the wage-earners. I understand that some of the landlords have already given leases on reasonable terms for 5 years so as to be out of my clutches. Sir, my object is that the relations between the landlords and tenants should be as friendly as possible, and the whole scheme as at present published is based on that principle. I have avoided the courts as much as possible, and I have practically provided that some kind of arbitrators should come in to look to the interests of both parties and provide such rents as may be acceptable to both sides.

With these remarks, Sir, I beg leave to introduce the Punjab (Urban Property) Rent Regulation Bill.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders, General], (Urdu) : Sir, I have rarely, if ever, had a difference of opinion with the Hon'ble Minister for Agriculture, but I have to oppose this Bill with regret. The Hon'ble Minister for Agriculture's ability, both theoretical and practical, in the realm of economics, is unquestioned. I, however, fail to see what considerations have prompted him to bring forward this Bill. I say that now-a-days everything is selling dear and this being the case it is not correct to say that the landlords are actuated by greed when they make a demand for higher rents. The value of the rupee has depreciated while that of landed property has gone up enormously. The price of timber, bricks and mortar has also doubled. The requirements of the landlords have increased all round and the proposed Rent Regulation law will give rise to difficulties. In his well-reasoned speech regarding restriction on the export of wheat, Hon'ble Minister for Agriculture said that it was not dearness but famine, that needed to be remedied. But is not the dearness caused by the shortage and scarcity of commodities? The rise in rents is attributable to the shortage of houses. There are a good many difficulties in the Punjab in the way of extending houses, and if rents are regulated irremediable economical difficulties will have to be encountered. Let me demonstrate my point to the rural members of this Council. Supposing a settlement of their lands was made after every three years and assessment levied on them every year, without evicting their tenants. I ask how much inconvenience and trouble they would be put to by such an arrangement? They should view this Bill in the same light. The present Bill has nothing in common with the features of the Act of Calcutta, Simla and Bombay. The latter Acts were framed for a short and limited period of time. The aims and objects of the Bill under notice are entirely different, and it cannot obviate disputes between the landlord and the tenant. The Bill being not analogous to the Bills of Calcutta and Bombay the following distinctive features in it are worthy of notice. The principal of standard

[Raja Narendra Nath].

rents has not been recognised in the Acts of other towns. Those Bills indeed fixed rents for a definite period. Whereas the Bill under notice provides that all particulars regarding houses would be ascertained from 1911 up to date, before fixing rent. Such an enquiry, besides being lengthy and involved would prove useless, and it is not known whether the landlord or the tenant would be the ultimate gainer. As regards the site value I would submit that there is a house on a certain site. Its rent may be double of that of another house situate only two yards behind it. Similarly the rents of the houses situate on the Mall and the Ferozepore Roads will vary enormously. The mode of fixing standard rent, provided in the Bill, is defective and ambiguous. One particular provision of the Bill is that it would be open to Government to extend its operation after every three years. The rents will go down during the three years the Bill is in force and they would go down still further during the next three years of its operation, until at last the rent dwindles down to a very small figure thus depreciating the value of the house. If the towns of Lahore and Amritsar cannot be extended a Rent Bill might be framed in another form. The present Bill will, in any case, have to be modified before it is sent to the Select Committee. I would read out to you the opinion held by the newspaper *Capital* regarding Rent Acts. Writing in *Capital* of the 20th July about the Calcutta Rent Act, "Bitcher" makes the following observations:— 'Considering the absolute failure of the Rent Act to bring down rents in Calcutta it is hard to understand the newspaper agitation for its extension. The Rent Act has been productive of two evils. It has deterred the capitalists from building small houses; it has encouraged the fraud of hiring a room at a modest rental, then furnishing it like a cell, and finally subletting it at a price which would be dear for a well-appointed palace. If these were the only evils the Act would deserve to be cast into the outer darkness, but there are others even more sordid. It is to be hoped that our legislators will not be bamboozled by the wolves in sheep's clothing who are allowed to baa in the daily press.' One other novel feature of the Bill is when occasion arises, Government in order to effect a reduction in the rent of a house, will itself become a tenant. This provision of the Bill reminds me of a Persian verse which is as follows:—

خودا کو زه د خود کو زه گر د خود گل کو زه

The clay of the earthen vessel is in itself the vessel.

It then of its own accord came upon that vessel as a buyer, smashed it and left.

I strongly oppose this Bill of the Hon'ble Minister for Agriculture and indeed I do not consider that in its present form it is fit even to go to the Select Committee.

Mr. President : The question—

"That leave be granted to introduce the Punjab (Urban Property) Rent Regulation Bill."

The Council then divided : Ayes 29, Noes 35.

AYES 29.

The Hon'ble Sir John Maynard.
The Hon'ble Sardar Bahadar Sardar
Sundar Singh, Majithia.
The Hon'ble Khan Bahadur Mian
Fazl-i-Husain.
The Hon'ble Lala Harkishan Lal.
Mr. J. Wilson-Johnston.
Mr. A. Latif.
Mr. Miles Irving.
Mr. C. M. King.
Mr. E. R. Abbott.
Colonel R. C. MacWatt.
Mr. W. P. Sangster.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Chandhri Daya Ram.

Mr. Nawab Din, Murad.
Khan Bahadar Diwan Abdul Hamid
Khan.
Mian Ahmad Yar Khan, Daultana.
Sardar Dasaundha Singh.
Pandit Daulat Ram, Kalia.
Mr. K. L. Rallia Ram.
Sayad Muhammad Husain.
Chandhri Nabi Bakhsh.
Maulvi Muharram Ali, Chishti.
Mr. Ganpat Rai.
Mr. Manohar Lal.
Khan Bahadur Khawja Yusuf Shah.
Rai Sahib Lala Thakar Das.
Lala Uttam Chand.
Mr. C. A. Oen.

NOES 35.

Mr. S. M. Jacob.
Malik Firoz Khan, Noon.
Pir Akbar Ali.
Khan Sahib Pir Ali Haider Shah.
Chandhri Ata Ullah Khan.
Lala Atma Ram.
Sardar Bakhtawar Singh.
Sardar Balwant Singh.
Sardar Randhir Singh.
Sardar Sahib Risaldar Dilbagh
Singh.
Khan Bahadur Rai Wali Muham-
mad Khan.
Khan Bahadur Chandhri Fazl Ali.
Chandhri Ghasi Ram.
Sardar Bahadur Gopal Singh
Labana.
Captain Sardar Gopal Singh.
Chandhri Ghulam Muhammad.
Bawa Hara Singh, Bedi.

Bawa Hardit Singh, Bedi.
Sayad Hussain Shah.
Sardar Jamal Khan.
Sardar Kartar Singh.
Chandhri Kharak Singh.
Khan Sahib Amir Khan.
Khan Bahadur Sayad Mehdi Shah.
Rai Sahib Misar Mela Ram.
Nawabzada Muhammad Irshad Ali
Khan.
Khan Bahadur Raja Muhammad
Akbar Khan.
Khan Muhammad Saif Ullah Khan.
Diwan Bahadur Raja Narendra Nath.
Rai Sahib Lala Panna Lal.
Rai Sahib Chandhri Raja Singh.
Rai Bahadur Risaldar Sarup Singh.
Rai Bahadur Lala Sewak Ram.
Chandhri Shafi Ali Khan.
Mr. W. R. Macpherson.

The motion was lost.

THE PUNJAB TOWN IMPROVEMENT BILL.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Minister for Educa-
tion) : Sir I beg to move :

"That the Punjab Town Improvement Bill, as amended by the Select Committee,
be taken into consideration."

It will be remembered that the Select Committee's report on the Town
Improvement Bill was presented to this Council in the beginning of this
session. At the time I dwelt on the important salient points mentioned in

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

the report. I believe at this stage it is not possible for me to do anything more than to remind the Council that the Bill has been under discussion for quite a long time. The Select Committee took great pains over it and now we have to consider the amendments which have been sent in in order to improve the Bill as the members of the Council who have sent in the amendments believe their suggestions will improve it. Sir, I beg to move that the Bill be forthwith taken into consideration.

The motion was agreed.

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

" That in clause 1, sub-clause (8), for the words: "The Local Government may, by notification..... Act should not be so applied" *substitute* "The rest of the Act shall not be applied to any municipality or part of it or to any locality adjacent thereto, till the municipal committee concerned has by a majority of two-thirds of the members forming the committee asked Government for the application of the Act."

My object in moving the above amendment is that this Act should not be enforced in any municipality unless an application is made in this behalf to Government by two-thirds of the members.

10. A.M.
It is not a good principle to foist any boon on the people by force; specially in a case when the thing granted, though seemingly a boon, in reality inflicts hardship. This should be the underlying principle in the case of every legislation, since the ignoring of this principle will very likely lead to agitation against the Government. If the clause is allowed to stand the responsibility for any agitation against the Act shall rest on the shoulders of the Minister in charge, who says that the Act should be applied unless two-thirds of the members oppose. On the other hand my point is that it should not be applied unless an application is made by two-thirds of the members. If popular opinion is to count, this Bill should certainly not be allowed to pass. I have made this point clear in my note of dissent. In order to apply this drastic Act it should be laid down that an application should be made by two-thirds of the members. The Bill should not be thrust into the mouths of the people. With reference to the Hon'ble Minister for Agriculture's remark that initiative should be taken by Government, I would submit that he will thus be putting Government in an awkward position and Government's difficulties will increase. It can hardly be known by the people that hon'ble member is responsible for this mischievous piece of legislation. The masses believe that the Government is the author of all Acts and the agitation is always focussed against the Government and the Government only. I would beseech the members of this House to express their opinion in the matter without fear or favour and consider my amendment in an independent and impartial spirit.

Sayad Muhammad Husain [Montgomery - (Muhammadan) Rural] : Sir, it is very unfortunate that whenever the Government introduces a measure for the good of the poor, some capitalist member comes forward to defeat that measure. Just now the fate of the Bill which was proposed has been sealed, for this very reason and now another Bill which is also introduced for the good of the poor is perhaps going to meet the same fate. (Cries of No, No) Perhaps Maulvi Sahib Muharram Ali Chishti has not yet seen the long broken houses and the mosquito stricken lanes and localities with the millions of the teeming population of Lahore.

Mr. President : The hon'ble member must speak, if he wishes to, only to the amendment and not the general question. When the amendment has been disposed of, he will have an opportunity of talking on the original motion.

Sayad Muhammad Husain (continued) : What I mean to say, Sir, is that the poor people cannot represent themselves. The members of the Select Committee are rich men. They do not hear the views of the poor people who are living in the slums, who are living in the wretched dirty localities. It is for their benefit that the Government are going to introduce this measure and not for the rich community. And if these capitalist members oppose and turn down this Bill, Sir, the results would be very disastrous for the poor malaria-ridden consumptive population who are already groaning under the burning sun of Lahore. The idea underlying this Bill is to give them some land and to take them out of that sodden malarial atmosphere of Lahore, and if this is so, the initiative must remain with the Government. And it is the Government alone who can listen to the silent voices of the poor people. Rich men may live in India or in Europe. They are all the same everywhere. They have no sympathy with the poor. That line of demarcation between the rich and poor is still in existence from the day of Shylock to the present day. Sir, I say again that the Bill is primarily intended for the poor and not for the rich. I would, therefore, ask Maulvi Sahib Muharram Ali Chishti, who shows sympathy with the poor only in theory and never in practice, to listen to the poor men. I say that this Bill is necessary for the poor, because when the mind and body are cramped, the soul is bound to be affected along with it, and is it desirable that the soul of so many poor people should be cramped, should be so ruined? I think we must all have sympathy with the poor, and above all Maulvi Sahib who is so sympathetic, so learned, so religious and so kind. I would request him to withdraw his amendment, and if he does not do so, I would ask the House, Sir, through you, to veto this amendment (Hear, Hear.)

Maulvi Muharram Ali Chishti : Sir, personally I have never in my life been unsympathetic towards the poor. You will remember, Sir, that I opposed the Export resolution and he supported it. And even in this present Act also I am with the poor people. I have always been the poor man's advocate, and of course, when my friend Sayad Muhammad Hussain says that I am seldom sympathetic towards the people I don't think he means it seriously and, therefore, I will not take much notice of what he has said about me.

Mr. President : Diwan Bahadur Raja Narendra Nath's amendment is practically included in this amendment of Maulvi Muharram Ali Chishti. If this amendment is passed, his amendment will drop. If on the other hand it is not passed he will be able to move his amendment.

Mr. Ganpat Rai [Lahore and Ferozepore and Sheikhupura (Non-Mubammadan)] (Urdu) : Sir, I think that there is not much difference between the amendment and the Select Committee's report. If Maulvi Muharram Ali Chishti had carefully read the Bill as amended by the Select Committee he too would have expressed his concurrence. The members are well aware that the Bill as originally drafted contained no provision as regards the majority of two-thirds. The clause regarding an application by a majority of two-thirds of the members was inserted in the Bill after deliberation in the Select Committee. I have been connected with

[Mr. Ganpat Rai.]

the Lahore Municipal Committee for many years and therefore possess a very large experience on the subject. The streets of the Lahore city are very narrow. Great efforts have been made to have the bazars widened to remove the inconvenience that results from their being narrow, but to no purpose. Effort was made also to have the bazars of Said Mitha and Machhi Hatta widened to the extent of one hundred feet in each case. The fact is that the man who happens to own land on the bazar to be widened will not part with it in spite of profit. Being a voter he goes to his ward member and tells him "Well, Sir, I gave you the vote, now assist me." This is how members are persuaded. It will be reasonable, I think, when two-thirds of the members do not raise objection, for the Local Government to take steps to save the poor and the consumptive people from the inconvenience of dark and narrow lanes, after hearing objections. I would request Maulvi Muharram Ali Chishti to withdraw his amendment and to accept the amendment inserted by the Select Committee. It will be very beneficial to the poor people.

Mr. K. L. Rajlla Ram (Indian Christian): Sir, like my friend Mr. Ganpat Rai, I have been connected with the premier municipality of the Punjab in more than one way. Therefore I may be permitted to speak with some authority on the subject. I quite agree with my learned friend that if we want to make this measure a reality, the amendment of Maulvi Muharram Ali Chishti if passed will nullify it. The Municipal Commissioners—I mean no disparagement to them in any way—will never go against the wishes of their voters. It is much easier to take out a drop of blood from the body of a Municipal Commissioner than to make him do anything against his voters. In fact that Municipal Commissioner who can help his voters in the breach of the laws is the only man who can get popularity.

The Municipality of Lahore, the biggest municipality in the province, is deplorably incompetent and destitute of the requisite intelligence, and initiative to grapple with the situation arising out of this housing problem. The town is a thing of intensive life. As long as it grows, careful attention should be paid towards guiding its growth and fitting it physically to perform its functions rightly. Those who have watched the trend of events during the last decade have seen for themselves that in view of the industrial development the people have been urbanising. In fact we have been urbanising more than we have been civilising and if you want to get an idea of the squalor, the unsightliness and dirt, I will invite you to some of the inferior gullies of Lahore. Those who oppose the Bill do not sufficiently realise its importance. I quite agree that it is sure to inconvenience some. There can be no such thing as unmixed good in the world, but we must see the greatest good of the greatest number. (Hear, hear.) We should not be discouraged by questions as to how this is going to affect me or my friend or this man or that man. In fact the whole question must be looked upon as a national question. The clearing up of narrow and crowded streets, reforming and rebuilding unorganised streets and giving more air and light to houses, these are conducive, in my opinion, to more business efficiency. In fact, it works for better morals and better health; and these are great things. It is said, and rightly so, that we Indians do not live but exist, because we do not sufficiently realise the importance of good air and well-ventilated houses. A child sometimes does not understand what is good for him. No man in this city would like to part with his house, however bad or insanitary it may be. It is human

nature. If I were in the same place I too would have done the same thing. But it is the duty of the better educated men to see what is good for them.

I am sure that, if this measure is made a reality, that those who oppose it now will ten years after it has come into force bless the day when it was passed. They will bless all who were responsible for bringing it into operation. Such are the considerations which should influence us in giving our judgment on the present Bill. I hope my friend Maulvi Muharram Ali Chishti will try to co-operate with us as he has been a co-operator and not a non-co-operator, and try to help to bring this measure into existence. There is the example of Bombay and Calcutta before us and if he goes to these places he will, I am sure, see for himself what a source of blessing this measure has been there and I hope he will not deny the same measure to Lahore. The greatest and most patriotic service he can do to this city of Lahore is to help this Bill becoming a reality, and I am sure he will feel a happier man after ten years.

Pir Akbar Ali : I move that this question be now put.

Mr. President : Let the speech be first translated.

(After the translation was over) Khan Bahadur Sayad Mehdi Shah rose to speak when Mr. Abbott said :— A member has moved that the question be put to the Council.

Mr. President : It is open to the President to put a closure motion to the Council immediately or after some delay. It rests entirely with the President to accept the suggestion immediately or not. My intention is to put the question after the next member has been allowed to speak.

Khan Bahadur Sayad Mehdi Shah (Lyallpur South (Muhammadan), Rural) (Udu) : Sir, both Sayad Muhammad Husain and Mr. Rallia Ram have made detailed statements before me. As I toured India as a member of the All-India Sanitary Board, I am fully acquainted with the working of the Bombay, Madras, Benares, Lucknow and Allahabad Municipalities. All the poor people of the above towns told us that they formerly lived in hell, but were now living in paradise since the introduction of improvement trusts. The practice in vogue in these towns is that a plan is notified first and the improvement is carried out afterwards. I think that Maulvi Muharram Ali Chishti should withdraw his amendment. The poor people will be glad at its withdrawal.

(NOTE.— No more members expressed a desire to speak.)

Mr. President : The amendment before the Council is—

"That in clause 1, sub-clause (3), lines 2—11, for 'The Local Government may by notification . . . Act should not be so applied' substitute 'The rest of the Act shall not be applied to any municipality or part of it, or to any locality adjacent thereto, till the municipal committee concerned has by a majority of two-thirds of the members forming the committee asked Government for the application of the Act.'"

The amendment was lost.

Diwan Bahadur Raja Narendra Nath (Punjab Land holders General) : Sir, my amendment is a very simple one and an ordinary corollary to what has already been embodied in the report by the Select Committee on principles well recognised and well admitted by the select committee. . . .

Mr. President : Will the hon'ble member please read out his amendment first ?

Diwan Bahadur Raja Narendra Nath (continued) : Yes, Sir. The amendment standing in my name is as follows :—

"That in clause 1, sub-clause (3), after 'concerned' add 'at a meeting convened for the purpose of considering the application of the Act' and after 'two-thirds,' add 'present at the meeting.'"

Now, as the clause stands it is not clear whether by two-thirds of the majority is meant two-thirds of the majority of all the members of the committee or only of members present at the meeting at which this matter comes up

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : There are two parts of this amendment. The first part is a drafting one. The intention was, as the Raja Sahib put it, for the matter to be considered by a meeting convened for the purpose of considering the application of the Act and I see no objection to this being accepted as an amendment of the clause as it stands.

As regards the second part of the amendment, I have been advised by a large number of members of this Council not to accept it. Therefore I may say that Raja Sahib need not discuss the first portion of the amendment and need only concern himself with the second.

Diwan Bahadur Raja Narendra Nath : As regards the second part of the amendment I want to say just this much. If a member has received notice that a meeting is going to be convened for the purpose of considering the application of the Act and if he voluntarily absents himself from the meeting he is indifferent to the question. His existence or non-existence ought to have no effect. Therefore two-thirds of the majority should be the two-thirds of the majority present. I still persist in holding that if a man does not voluntarily come forward with his opinion let him be ignored altogether.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadian)] : Sir, with reference to the first part of this amendment, that is, the addition of the words 'at a meeting convened for the purpose of considering the application of the Act' which has been accepted by the Hon'ble Minister for Education, the simpler thing would have been to add "at a special meeting". In the Municipal Act the words are "special meeting".

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : That can be left to the Legal Remembrancer.

Mr. Ganpat Rai (continued) : As regards two-thirds, I think Raja Sahib has not thoroughly gone into the matter. The object of the amended Bill as it has come out from the Select Committee is to secure a majority of two-thirds of the total number of members of a municipal committee. Supposing there are thirty members twenty of whom object, then the objection would be granted. According to the amendment proposed by Raja Sahib supposing there are only fourteen members present at a meeting of a municipality and if nine object even then the objection would be granted. I think Raja Sahib is thus curtailing the rights of the municipality by his proposed amendment. He is reducing the rights of the municipality instead of increasing. Again supposing there are fourteen members of a municipal committee and out of these five or six of them absent themselves, then there will be only seven or eight present and in that case two-thirds of this number or, say, a very small minority would be able to carry the proposal. For these reasons I oppose the amendment.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu) : Sir, I support the amendment moved by Raja Narendra Nath. If a meeting be held for the discussion of a particular matter, it would be sufficient to obtain the opinion of the members who are present at the meeting. As several members absent themselves from meetings, their opinion cannot count. The procedure that the number of the members present at the meeting should be taken as the number representing the whole body of members is quite reasonable. At every meeting only the members who are present can take part in the discussion, etc. The word 'majority' means the opinion of the majority of the members present at the meeting. Those who are absent from the meeting take no interest in the meeting. I therefore support the Raja Sahib's amendment.

Maulvi Muharram Ali Chishti (Urdu) : Sir, I support the second part of Raja Sahib's amendment. As Mian Muhammad Shah Nawaz has said only the members present at the meeting are in a position to express a opinion, and it is unreasonable to take the opinion of those who are absent. It is also possible that members may come to the meeting after forming an opinion at home and then change it at the meeting after hearing the debate. The condition regarding the members present is very important.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Minister for Education) (Urdu) : Sir, the matter is a simple one. The Bill printed in the left column is practically the same which is in force in the United Provinces while the Bill printed in the right column is the Bill as it has been amended by the Select Committee. As regards the first part, it makes the Government's intention clearer, and I gladly accept it. The city fathers who might happen to be against the Act will make a point of attending the meeting, in order to prevent its being enforced. If the members of this House consider the Act to be a suitable measure they should reject the Raja Sahib's amendment. If it is desired—I think that this appears to be the wish of the majority of the members—that the Act should be fully enforced in Lahore and Amritsar, the second part of the Raja Sahib's amendment should not be accepted.

Mr. President : The amendment before the Council is—

"That in clause 1, sub-clause (3), after 'concerned' add 'at a meeting convened, for the purpose of considering the application of the Act.'"

This amendment has been accepted by the Hon'ble Minister for Education. I now put it to the Council.

The amendment was carried.

Mr. President : The amendment before the Council is—

"That after 'two-thirds' add 'present at the meeting.'"

The amendment was lost.

Mr. President : Clause 1, sub-clause (3) as amended reads as follows :—

"This section and section 66 shall come into force at once. The Local Government may by notification propose to apply the rest of the Act to the whole or any part of any municipality, and to any locality adjacent thereto, on such date as may be specified in such notification, and the Act shall come into operation after the lapse of three months unless within that period the municipal committee concerned at a meeting convened for the purpose of considering the application of the Act resolved by a majority of two-thirds that the Act should not be so applied."

[Mr. President.]

I now put the amended sub-clause to the Council.

The motion was carried.

Mr. President : The question is—

“ That clause 1 as amended stand part of the Bill.”

The motion was carried.

Mr. President : There are two additions proposed to the Bill, capital of one of those Maulvi Muharram Ali Chishti has given notice and it runs as follows :—

“ That in clause 1, after sub-clause (3) the following be added :—

“ (4) No agricultural land (as defined in the Punjab Alienation of Land Act, 1900 as amended by Act I of 1907) belonging to a member of an agricultural tribe (who is declared to be a member of an agricultural tribe or groups of agricultural tribes by notifications issued by the Local Government in the local official Gazette under section 4 of the Punjab Alienation of Land Act), shall in any case be acquired under the provisions of this Act.”

The other amendment stands in the name of Mian Muhammad Shah Nawaz. It runs as follows :—

“ After section 103, add 104. No agricultural land belonging to a member of an agricultural tribe shall be acquired under the provisions of this Act.”

Exemption of agricultural land.

Explanation.—“ Agricultural land ” shall mean land as defined in the Punjab Alienation of Land Act, 1900 (as amended by Act I of 1907). A “ member of an agricultural tribe ” is a person who is declared to be a member of an agricultural tribe or groups of agricultural tribes by notifications issued by the Local Government in the local official Gazette under section 4 of the Punjab Alienation of Land Act.”

I cannot allow either of these amendments to be moved unless the movers show that they have obtained the consent of the Governor-General which is necessary before such amendments can be allowed to become a part of the Bill.

(Neither member was able to produce the consent of the Governor-General.)

Mian Muhammad Shah Nawaz : I bow to the ruling of the chair, but we never contemplated this difficulty arising. Would the President give time for obtaining the consent of the Governor-General.

Mr. President : No. I cannot allow that. It would mean that the Bill could not be disposed of before next session at the earliest.

Mr. President : The question is—

“ That clause 2 stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“ That chapter II, Constitution of Trusts, clauses 3 to 11 stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“ That chapter III, Proceedings of the Trust and Committee, clauses 12, to 21, stand part of the Bill.”

The motion was carried.

Mr. President : The question is—

“That chapter IV, Schemes under the Act, clauses 22 to 39, stand part of the Bill.”

The motion was carried.

Mr. President : I call upon Diwan Bahadur Raja Narendra Nath to move his amendment to clause 40.

Diwan Bhadur Raja Narendra Nath : Sir, If I am advocating a more effective voice, I do not know whether I should call myself the advocate of 20 per cent. or the 80 per cent. as my friend the hon'ble member for Montgomery professes to be. I should have with regard to this a more effective voice than is proposed to be given.

Mr. C. M. King : Sir, I rise to a point of order. The speaker has not moved his amendment.

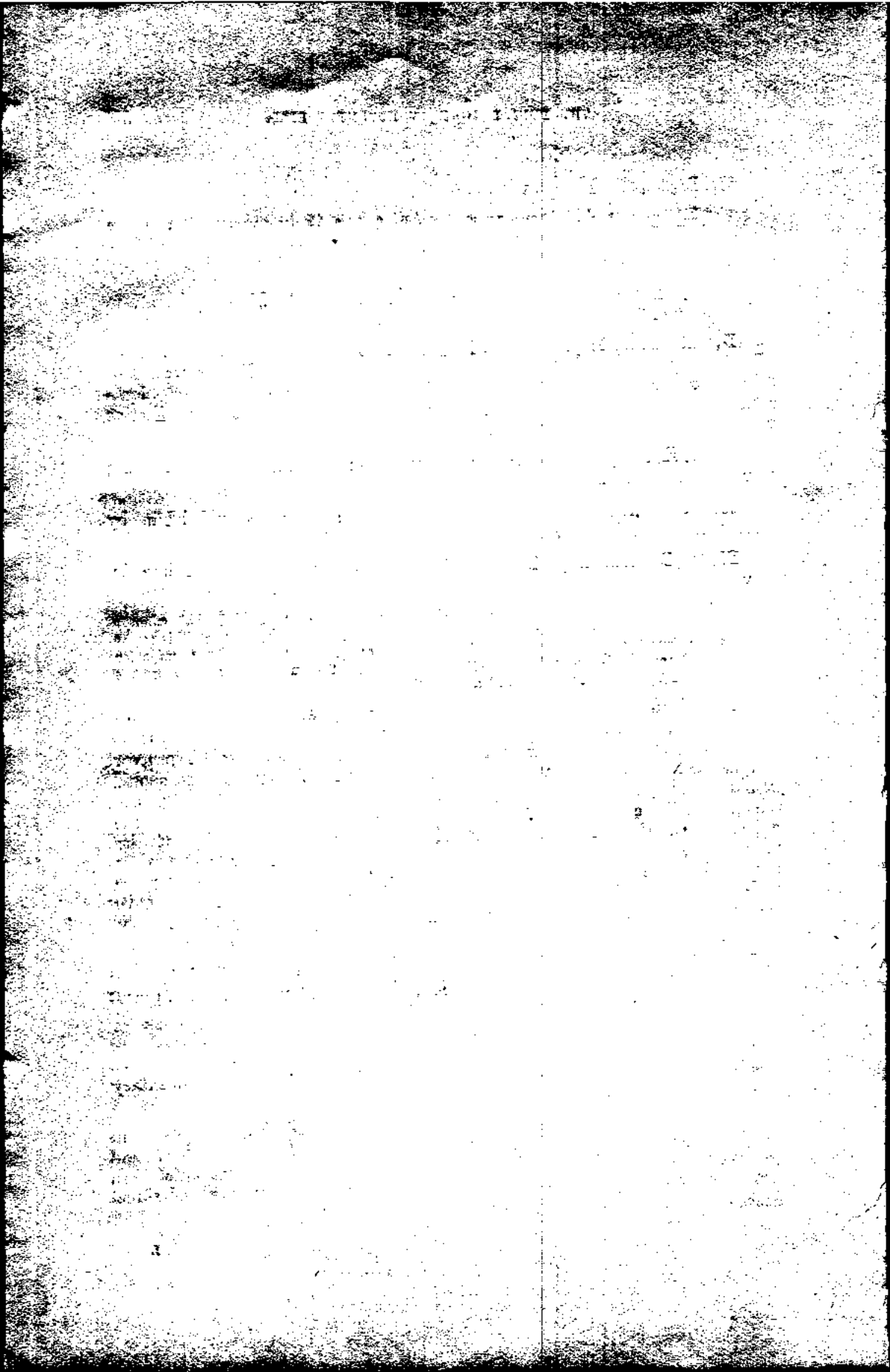
Mr. President : It is always essential that a mover should begin by moving his amendment or motion.

Diwan Bahadur Raja Narendra Nath : I beg pardon. Sir, I beg to move :—

“That in clause 40, at the end of sub-clause (1) add ‘provided that when a representation by the municipal committee made under section 37 is to the effect that the scheme should be abandoned and it is supported by a majority of two-thirds present at a meeting convened for the purpose of considering the scheme, the scheme shall be abandoned.’”

The Bill does allow for taking objections by private individuals. These objections are considered by Government and after consideration of these objections it is within its powers to abandon the scheme. All that I propose is that if the municipal committee has represented that the scheme should be abandoned, and if this objection is supported by a strong majority, the scheme *shall* be abandoned. I only want to attach greater weight to the objection of the municipality where it is supported by a majority of the members, and in doing so I only want to give a more effective voice to the municipal committee and this is in accordance with the general desire for self-determination in local matters, and as I said when I stopped to move the amendment, this amendment of mine ought to be readily accepted not only by the Hon'ble Minister but also by my hon'ble friend for Montgomery who is for the poor and for the 80 per cent. of the population.

The Council then adjourned till 7 A. M. on Wednesday the 9th of August 1922.



PUNJAB LEGISLATIVE COUNCIL.

Wednesday, 9th August 1922.

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

QUESTIONS AND ANSWERS.

NANKANA SAHIB MASSACRE.

1637. **Sardar Sangat Singh :** Will the Government be pleased to state the number of Akalis killed and wounded by Naraindas, Mahant, and his companions in what is now known as Nankana Sahib massacre?

The Hon'ble Sir John Maynard : Government does not feel justified in stating that any particular person killed or wounded a stated number of victims. If the object of the hon'ble member is to ascertain the number of persons who were killed on February 20th, 1921, at Nankana Sahib, the answer is that it is believed that 130 persons were killed. Government has no knowledge of any persons wounded in addition to this number.

NANKANA SAHIB MASSACRE CASE.

1638. **Sardar Sangat Singh :** (a) Will the Government be pleased to state how many absconders in the Nankana Sahib massacre case have been arrested after the trial, how many sent up for inquiry to the magistrate, how many committed to Sessions and how many convicted? Have any been released? If so, how many?

(b) Are there any persons still absconding in the above case? If so, how many, and what steps is the Government taking to arrest them? Have any rewards been offered to arrest them? If so, what is the amount for each accused?

The Hon'ble Sir John Maynard : (a) 19 men have been arrested after the Nankana trial. Of these 14 were proclaimed absconders and the remaining 5 were arrested upon information received.

Of these 19 men 9 have been sent up for trial, the cases against 6 are almost ready for production in court. Three have been discharged and the case against one is being investigated. Judgment in these Supplementary cases has not yet been pronounced.

(b) There are 12 accused still absconding. The procedure usual in such cases has been adopted, viz., the use of the provisions of sections 87 and 88, Civil Procedure Code, and the offer of rewards for arrest; the total sum offered in this connection is Rs. 750 and the amount for any individual accused varies from Rs. 100 to Rs. 200.

AKALIS AND GOVERNMENT CLEMENCY.

1689. **Sardar Sangat Singh** : Will Government be pleased to state how many of the Akalis convicted in Gurdwara matters before the Golden Temple keys affair did not receive the benefit of Government clemency by their own choice and to how many no clemency was offered at all?

The Hon'ble Sir John Maynard : It is understood that the hon'ble member intends to ask how many persons convicted for attendance at prohibited meetings where the keys affair was discussed were not released after the announcement of January last. The answer is that all who were covered by the terms of that announcement were released. Government has no information to show how many of them were Akalis.

GURDWARA CASES.

1690. **Sardar Sangat Singh** : Will Government be pleased to state how many Akalis are now in Jail in connection with Gurdwara cases?

Mr. J. Wilson-Johnston :—It is not understood what is meant by this question and the hon'ble member is requested to put it more definitely and to make it clear whether by Gurdwara cases he means cases in which persons were convicted of the forcible seizure of Gurdwaras.

TRIALS IN CONNECTION WITH KIRPANS.

1691. **Sardar Sangat Singh** : Will Government be pleased to state how many persons altogether have been sent up for trial in connection with the *kirpans* or swords from the time the Sikhs took over the management of the Golden Temple in their own hands up till now? How many of these cases are—

- (a) about possession of *kirpans* ;
- (b) about manufacture of *kirpans* ;
- (c) about sale of *kirpans* ;
- (d) miscellaneous, with detail?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The hon'ble member is referred to the reply given to question No. 1467*.

ARRESTS IN CONNECTION WITH KIRPANS.

1692. **Sardar Sangat Singh** : Will Government be pleased to state how many arrests altogether have been made in connection with the (a) possession, (b) manufacture and (c) sale of *kirpans* from 1st March 1922 to 1st July 1922?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The hon'ble member is referred to the reply given to question No. 1467*.

JUDGMENT RE KIRPANS.

1693. **Sardar Sangat Singh** : Will Government be pleased to state if the recent judgment of the Sessions Judge of Ambala has been brought to its notice in which he has declared that so far as the Sikhs are concerned the *kirpan* is free from all kinds of prohibitions including manufacture?

The Hon'ble Sir John Maynard : Yes : and arrangements have been made to bring the matter before the High Court for an authoritative decision on the point of law. Pending the result of the reference to the High Court, Deputy Commissioners have been instructed to institute no prosecutions of Sikhs for manufacture of *kirpans* without license.

1694. Sardar Sangat Singh : Will Government be pleased to state how many Sikhs are now in Jail about offences connected with the *kirpan*?

The Hon'ble Sir John Maynard : No Sikh is imprisoned merely for carrying a *kirpan*. It is understood that the hon'ble member seeks information how many Sikhs are imprisoned upon conviction for the manufacture of *kirpans* without licence. The particulars will be ascertained and communicated to him.

GOLDEN TEMPLE KEYS AFFAIR.

1695. Sardar Sangat Singh : (a) Will Government be pleased to state how many Sikhs were arrested from 26th November 1921 to 20th January 1922 in connection with the agitation over the Golden Temple keys affair?

(b) Will Government be pleased to state how many of these were released under Government orders announced by the Hon'ble Sir John Maynard in this Council?

The Hon'ble Sir John Maynard : No useful purpose now would be served by enquiring into the number of those who were arrested and subsequently released. But all without any exception who were convicted under the Seditious Meetings Act for attendance at prohibited meetings at which the keys affair was discussed, were released in accordance with the announcement made in the Council.

1696. Sardar Sangat Singh : Will Government be pleased to state if besides Pandit Dina Nath who was released later on, there were others in jail in connection with the keys affair whose case was brought to the notice of the authorities by the Shiromani Gurdwara Parbandhak Committee, but they were not released and had to undergo their full term of imprisonment?

The Hon'ble Sir John Maynard : The Government made enquiries into certain cases in which it had been alleged that persons were in confinement who should have been released under the terms of the announcement of January last. After careful investigation of cases in which this was alleged it was found that the allegation was without foundation.

ARRESTS OF AKALIS.

1697. Sardar Sangat Singh : Will Government please state how many Akalis were arrested since Government's order of release in Golden Temple Keys affair up till now in connection with the special policy of preserving peace and order from the Akali menace as declared by the Government resolution of 6th May 1922?

The Hon'ble Sir John Maynard : Government has arrested no one at any time because he was an Akali. All persons who have been arrested have been taken into custody for definite breaches of the existing law.

ARRESTS IN THIRTEEN DISTRICTS.

1698. **Sardar Sangat Singh :** Will Government be pleased to state the total number of arrests made in pursuance of the simultaneous action in thirteen British Districts as declared by the Punjab Government resolution of 6th May 1922?

The Hon'ble Sir John Maynard : The number is 1,286 excluding persons who were arrested and subsequently released.

ARRESTS OF WRONG PERSONS.

1699. **Sardar Sangat Singh :** Will Government be pleased to state if there were cases in the recent simultaneous action in which persons other than those wanted were actually tried in courts simply because they bore the same name?

Mr. J. Wilson-Johnston : Government has no information that would lead them to believe that this was so.

ARREST OF WIR SINGH.

1700. **Sardar Sangat Singh :** (a) Will Government be pleased to inquire if one Wir Singh of Chak No. 287 was mixed up with one Wir Singh of Chak No. 290 in Lyallpur District, so that the wrong man was actually tried in court?

(b) If so, has any action been taken against the police officers or others concerned in the affairs?

(c) Will Government please state, if this incident be true, how long the wrong Wir Singh remained in the lock-up and what compensation has been paid to him?

The Hon'ble Sir John Maynard : (a) The facts are as stated by the hon'ble member. The mistake was due to the fact that not only were the names of the two men the same but also the names of their fathers, and to the proximity of their villages.

(b) None, the arrest of the wrong man was due to a mistake.

(c) Wir Singh was under arrest for a short time only, the warrant for his arrest issued on April 9th, and when produced before a Magistrate on April 14th the mistake was discovered and the man released at once. No compensation has been paid to him.

SIMULTANEOUS CAMPAIGN AND AKALI DAL.

1701. **Sardar Sangat Singh :** Is it a fact that in the simultaneous campaign many arrests were made by the Police under the impression that the Akali Dal was a proclaimed Association?

The Hon'ble Sir John Maynard : The reply is in the negative.

SUB-INSPECTOR RAM RANG AND ARRESTS OF *AKALIS*.

1702. **Sardar Sangat Singh** : Will the Government be pleased to arrange to lay on the table copies of the charges registered by Sub-Inspector Ram Rang of Kherrianwala Police Station in Lyallpur District and state if it is a fact that he arrested people by registering charges against *Akalis* that they were members or *Jathedars* of an unlawful association?

The Hon'ble Sir John Maynard : Men were arrested in Lyallpur as being members of unlawful associations that had been guilty of acts of violence and intimidation in accordance with the provisions of section 15 of the Criminal Law Amendment Act and it is probable that some of these were arrested upon charges registered by the officer indicated in the question. The question appears to show a misunderstanding of the law as contained in section 15 of Part II of Act XIV of 1908.

PROCLAIMED ASSOCIATIONS AND *AKALI DAL*.

1703. **Sardar Sangat Singh** : Will Government be pleased to state what associations in the Punjab have been proclaimed, and if *Akali Dal* is one of them?

The Hon'ble Sir John Maynard : The hon'ble member presumably refers to illegal associations proclaimed under the Criminal Law Amendment Act.

Under this Act only the Congress and Khilafat volunteers were proclaimed. The *Akali Dal* has not been proclaimed.

ARRESTS UNDER SIMULTANEOUS ACTION.

1704. **Sardar Sangat Singh** : Will Government be pleased to state how many members of each community were arrested under the operations of the simultaneous action taken by the Government?

The Hon'ble Sir John Maynard : Government will be glad to ascertain the answer if the hon'ble member will put his question in a clearer form.

1705. **Sardar Sangat Singh** : (a) Will Government be pleased to lay on the table a statement showing the result of the simultaneous action campaign giving—

- (i) the sections of the law under which in each district persons were arrested,
- (ii) the number of arrests made under each section,
- (iii) the sections under which persons were actually convicted,
- (iv) the number of persons convicted under each section,
- (v) the number of persons put on security,
- (vi) the section of law under which they were put on security,
- (vii) the number of persons who did and of those who did not furnish security, and
- (viii) the number of discharges and acquittals.

(b) Will Government be pleased to state the total number of arrests made during the simultaneous action campaign, and also the number of convictions, discharges and acquittals? Out of the persons convicted and put on security how many are still in jail?

Mr. J. Wilson-Johnston: The information asked for is being collected and will be furnished to the hon'ble member in due course.

PUNITIVE POLICE POSTS IN *AKALI* VILLAGES OF THE LYALLPUR DISTRICT.

1706. Sardar Sangat Singh: (a) Will Government be pleased to state how many penal or punitive police posts have been recently established in *Akali* villages of the Lyallpur District and what will be the total amount of tax realised from the villagers?

(b) Will Government be pleased to state the number of charge of offences against person and property registered by the police from these villages in the last five years?

The Hon'ble Sir John Maynard: It is not clear what is meant by the hon'ble member by the expression "*Akali* villages," and it is therefore not possible to answer this question.

MAINTENANCE OF PUNITIVE POLICE.

1707. Sardar Sangat Singh: Will Government be pleased to lay on the table a statement showing the district, the village, the population, the amount of tax imposed for the total period, the number of *Akalis* in the village, and the number of persons who shall have to pay the tax for the maintenance of punitive police?

The Hon'ble Sir John Maynard: Government has no information regarding the number of *Akalis* in any village, and it is not certain what is the precise meaning of the question put by the hon'ble member.

PROGRESS MADE BY THE *AKALI* MOVEMENT.

1708. Sardar Sangat Singh: Will Government be pleased to lay on the table a statement showing the progress made by the *Akali* movement in numbers as ascertained by the Government from time to time.

The Hon'ble Sir John Maynard: Government has no accurate information on the subject.

CENSUS OF *AKALIS*.

1709. Sardar Sangat Singh: Will Government be pleased to state what methods have been adopted to carry out the census of *Akalis* from time to time?

The Hon'ble Sir John Maynard: There has never been any census of the kind indicated by the hon'ble member.

THE NUMBER OF *AKALIS*.

1710. Sardar Sangat Singh: Will Government be pleased to state the number of the *Akalis* before and after the Nankana Sahib massacre?

The Hon'ble Sir John Maynard: Government has no information on the subject nor any means of ascertaining the same.

1711. **Sardar Sangat Singh :** Will Government be pleased to state the number of the *Akalis* after the conviction of the *Akalis* in the summer of the last year ?

The Hon'ble Sir John Maynard : It is not understood what is meant by the conviction of *Akalis*.

Government has no precise information on the subject of the number of *Akalis* at different periods nor any means for ascertaining the same.

1712. **Sardar Sangat Singh :** Will Government be pleased to state the number of the *Akalis* before the Keys affair and after the conviction in the Keys affair ?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the answer given to his question No. 1710.

1713. **Sardar Sangat Singh :** Will Government be pleased to state the number of the *Akalis* before the simultaneous action and the number as it stands now ?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the answer given to his question No. 1710.

AKALI MOVEMENT.

1714. **Sardar Sangat Singh :** Will Government be pleased to state what further steps it proposes to take to stamp out the *Akali* movement ?

The Hon'ble Sir John Maynard : It is not certain what is meant by the hon'ble member when he speaks of the *Akali* movement. No step has been taken, or is proposed to be taken, against *Akalis*, as such, or against any purely religious movement. Persons and bodies of persons who violate the law will be dealt with under the law.

SIKH MEMBERS OF THE COUNCIL AND THE AKALI MOVEMENT.

1715. **Sardar Sangat Singh :** Will Government be pleased to state if it has ever consulted the Sikh members of this Council as to the real object of the *Akalis* movement and the best method of dealing with it ?

The Hon'ble Sir John Maynard : The Governor in Council is responsible for all action taken in dealing with reserved subjects and does not necessarily disclose the advice given by those whom he consults or the fact that they have been consulted by him.

GOVERNMENT ACTION AGAINST THE AKALIS.

1716. **Sardar Sangat Singh :** Will Government please state if it is aware that there is a general complaint all over the country that owing to the systematic Government action against the *Akalis*, false cases against them by their private enemies have been encouraged and that even genuine cases by

the *Akalis* against wrong doers have been refused a hearing? If not, will Government please inquire?

The Hon'ble Sir John Maynard: Government has no such information and cannot undertake to make a general enquiry on the lines indicated.

ARRESTS OF THE *AKALIS*.

1717. Sardar Sangat Singh: Will Government be pleased to state if during the recent simultaneous action against the *Akalis*, the latter used any violence to the arresting agency anywhere in the thirteen British districts at the time of their arrest?

The Hon'ble Sir John Maynard: Enquiries will be made and information when received will be given to the hon'ble member. Particulars have from time to time been published in Government *communiqués* which supply a partial answer to the question.

ENUMERATION OF *KIRPANS*, ETC.

1718. Sardar Sangat Singh: Will Government be pleased to state if a census of *kirpans*, *safa jangs*, *dangs*, *lathes*, sticks, canes and other articles confiscated from the *Akalis* in various districts has been taken? If not, will Government be pleased to do so?

The Hon'ble Sir John Maynard: The answer to the first part of the question is in the negative.

Government cannot see that any good purpose would be served by acting as suggested in the second part of the question.

CONFISCATION OF WALKING STICKS AND CANES.

1719. Sardar Sangat Singh: Is it a fact that last year many gentlemen of position including *Vakils* and Editors when visiting Nankana Sahib, were deprived of their walking sticks and canes? If so, will Government be pleased to state if those belonging to Sardar Boota Singh, *Vakil*, and to several other Lahore Editors were ever returned to them?

The Hon'ble Sir John Maynard: Government has no information on the subject and would suggest that if any gentleman has lost his walking stick, he should apply to the local authorities.

KIRPANS, ETC., IN THE POLICE TOSHA KHANA OF LAHORE DISTRICT.

1720. Sardar Sangat Singh: Is it a fact that in the police toshakhana of Lahore District alone over a thousand *Kirpans* besides other articles have been or were collected? If so, will Government be pleased to give the number and state if they are still there, and if not, what has become of them?

The Hon'ble Sir John Maynard: The answer is in the negative.

SIKH POPULATION.

1721. Sardar Sangat Singh: Will Government please state the total Sikh population according to the recent census and arrange to place on the table a statement showing the Sikh population in each district and State and the various sects of Sikhism to which they belong?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The information asked by the hon'ble member is contained in Table VI of the Census Report for 1921, a copy of which is laid on the table.

ARRESTS OF THE AKALIS.

1722. **Sardar Sangat Singh :** (a) Will Government please state whether the recent simultaneous action against the *Akalis* was directed against all the *Akalis* or against those only who wear black turbans?

(b) Is it a fact that by far the larger number of *Akalis* wear white turbans?

(c) If so, will Government be pleased to state if it proposes to take action against the white-turbaned *Akalis* also?

The Hon'ble Sir John Maynard : (a) Government action was not taken against any section of the community, but against individuals who broke the law.

(b) Government has no information on this point.

(c) This portion of the question does not therefore arise.

DEFINITION OF AN AKALI.

1723. **Sardar Sangat Singh :** Will Government be pleased to state what is the definition of an *Akali* as adopted by them for taking official action whenever necessary?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the answer to Council Question 1722, which will also give the reply to this question.

RE-ORGANISATION OF THE AKALIS.

1724. **Sardar Sangat Singh :** Will Government please state if it is a fact that the *Akalis* throughout the province are carrying on re-organization and electing new office bearers?

The Hon'ble Sir John Maynard : Government has no information on the subject.

"CIVIL AND MILITARY GAZETTE" AND THE AKALIS.

1725. **Sardar Sangat Singh :** Will Government please state if certain facts stated in some of the letters or articles appearing recently in the "Civil and Military Gazette" about *Akalis* have been supplied by Government or any of its departments?

The Hon'ble Sir John Maynard : The hon'ble member's question is not sufficiently specific to admit of a reply.

PUBLICITY WORK.

1726. **Sardar Sangat Singh :** (a) Will Government please state how much money has been spent by the Government on publicity work within the last year ending on 1st July 1922?

(b) Will Government please state whether all this was spent on open bills or there are some items which cannot be disclosed?

The Hon'ble Sir John Maynard : (a) The amount spent by Government on Publicity work within the last year ending on first July 1922 is Rs. 9,505-10-3.

(b) There are no items for which the aggregate expenditure cannot be disclosed. But no details will be given of expenditure on articles for the Press.

1727. **Sardar Sangat Singh** : Will Government please state the major items of expense and also place on the table a complete statement of expenditure incurred during the last year on publicity ?

The Hon'ble Sir John Maynard : The major items of expense on Publicity were :

	Rs.	A.	P.
Pay of the Secretary, Publicity Committee	=	9,290	5 0
Composition of articles for the Press	=	477	0 0
Contingencies	=	3,782	4 9
Permanent Establishment	=	1,862	13 11
Temporary	=	1,122	11 9
Gratuity	=	1,597	0 0
Total	=	18,132	3 5

A complete statement of expenditure incurred during the last year (1921-22) on publicity is placed on the table.

Statement showing the expenditure incurred on Publicity work during the year 1921-22.

	Rs.	A.	P.
I. Composition of articles for the Press	=	477	0 0
II. Publicity Committee			
1. Pay of the Secretary of the Committee	=	9,290	5 0
2. Contingencies	=	3,782	4 9
3. Permanent Establishment			
(a) Pay	=	1,862	4 0
(b) Temporary Allowance	=	806	2 4
(c) Grain Compensation Allowance	=	12	0 0
(d) Local Allowance	=	22	6 9
4. Temporary Establishment			
(a) Pay	=	291	4 0
(b) Temporary Allowance	=	69	6 9
(c) Allowance of O. B. I.	=	61	0 0
(d) Grain Compensation Allowance	=	1	1 0
III. Gratuity	=	1,597	0 0
Total	=	18,132	3 5

NON-OFFICIALS AND PUBLICITY WORK.

1728. **Sardar Sangat Singh :** Will Government please state if any non-officials were engaged on publicity work and, if so, will Government please state their names and the amounts paid to them?

Mr. J. Wilson-Johnston : The Legislative Council did not sanction any grant for publicity except the small amount for article writing in newspapers which is being done under Hon'ble Member Finance's orders. Beyond that no other steps have been taken by Government in this matter. The Government declines to give any names.

DEMANDS OF THE SHROMANI GURDWARA PARBANDHAK COMMITTEE.

1729. **Sardar Sangat Singh :** Will Government please state if the Shromani Gurdwara Parbandhak Committee has made any other demand than the freedom of the Gurdwaras under Panthic control and the freedom of the *Kirpan*?

Mr. J. Wilson-Johnston : Government has no information on the matter.

STUDENTSHIP FOR SIKH HISTORY.

1730. **Sardar Sangat Singh :** Will Government please state if there has been a studentship for Sikh History? Is it a fact that recently the Government has made some kind of arrangement for the study of Sikh History, and, if so, will the Government please make a full statement on the point?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : No special or separate provision is made for the study of Sikh History. The Alexandra Studentship, however, was awarded to Lala Sita Ram, Kohli, who has made researches in the history of Ranjit Singh.

ARRESTS OF SIKH BOYS.

1731. **Sardar Sangat Singh .** (a) Will Government please state how many Sikh boys under twenty years of age were arrested during the recent simultaneous action, and how many of these were convicted?

(b) Will Government please state under what sections were these boys punished or put on security and how many of these are now in jail?

The Hon'ble Sir John Maynard : (a) Government's attention has been drawn to two such cases and in both of these orders for the release of the convicts have issued.

(b) The information asked for in this part of the question is not available. If the hon'ble member so desires, it will be obtained and communicated to him.

RECOVERY OF ARMS, ETC., FROM THE HOUSE OF A SECRETARY OF AN AKALI JATHA IN MONTGOMERY DISTRICT.

1732. **Sardar Sangat Singh :** (a) Will Government please state through whose fault was the *communiqué* issued as to the recovery of a gun, other arms and ammunition and stolen property from the house of a Secretary

of an *Akali Jatha* in Montgomery District, which was found to be wrong and for which the Government had to express regret?

(b) Will Government please state which action was taken against the person who was instrumental in getting the wrong facts mentioned in the question above, conveyed to the Government?

The Hon'ble Sir John Maynard.—(a) Government will not disclose the name of the officer who made the mistake in question.

(b) His attention was drawn to the fact that his mistake had led to a misstatement of facts.

As Khan Bahadur Raja Muhammad Akbar Khan was absent questions Nos. 1783—1785 were not put.

As Pir Akbar Ali was absent question No. 1786 was not put.

THE PUNJAB TOWN IMPROVEMENT BILL.

Mr. President: Yesterday the Council was discussing Raja Narendra Nath's amendment to clause 40 Does anybody wish to speak on the subject? The amendment is—

"In clause 40 at the end of sub-clause (1) *add* 'provided that when a representation by the municipal committee made under section 37 is to the effect that the scheme should be abandoned and it is supported by a majority of two-thirds present at a meeting convened for the purpose of considering the scheme, the scheme shall be abandoned.'"

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu): Sir, the object underlying this amendment is identical with that of the last amendment proposed by Dewan Bahadur Raja Narendra Nath, and it should share the same fate. The amendment is tantamount to this—that if a two-thirds majority of the members present take it into their heads to frustrate the wishes of the Trust in any matter, they may do so without let or hindrance and the scheme in question shall have to be abandoned. In view of the previous decision of this House on a similar amendment, and if I have understood the sense of the House aright, I think it is barely necessary for me to discuss the demerits of the proposed amendment at any length. It has been provided in this clause 40 that full consideration shall be given to any representation or objection and full hearing will be given to all persons or their representatives who may wish to make any such representation or objection or who may wish to be heard. In the presence of such a clear provision it is needless to put any more statutory obstructions in the way of the Trust, which may be made use of out of season to frustrate the execution of a beneficial scheme. In the circumstances I would beg Raja Sahib to kindly withdraw his amendment or in the event of his not acceding to this request I would beg the Council not to accept it.

Mr. President: The question is that—

"In clause 40, at the end of sub-clause (1) *add* 'provided that when a representation by the municipal committee made under section 37 is to the effect that the scheme should be abandoned, and it is supported by a majority of two-thirds present at a meeting convened for the purpose of considering the scheme, the scheme shall be abandoned.'"

The motion was lost

Mr. President : The question is—

"That sub-clauses (1), (2) and (3) of clause 40 stand part of the Bill."

The motion was carried.

Mr. President : The question now is—

"That clauses 41 to 44 of Chapter IV stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clauses 45 to 47 of Chapter V—powers and duties of the Trust, where a scheme has been sanctioned—stand part of the Bill."

The motion was carried.

Mr. President : The Government has got an amendment to clause 48. I call on member of Government to move the amendment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu) :—

Sir, I beg to move—

"That in clause 48, the figure "(1)" be *prefixed* and sub-clauses (2) and (3) be *added* as follows :—

- (2) Whenever the Trust discontinues the public use of, or permanently closes, any street vested in it, or any part thereof, it shall pay reasonable compensation to every person who had an easement or right of way or light and air over, upon or from such street or part, and who by such discontinuance or closure has suffered special damage.
- (3) In determining the compensation payable to any person under sub-section (2) the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed."

Sir, this amendment is purely formal, just to make good an omission. If the hon'ble members will kindly look on page 32, left hand column, at clause 48, they will notice that there are two sub-clauses Nos. 2 and 3 which are not inserted in the opposite column under the same clause. I may explain that it is not an intentional omission, but the vagaries of the printer are responsible for this. It is thus sought to insert the two omitted sub-sections in the clause 48 by means of this amendment. I trust the Council will accord its sanction to this.

Mr. President : The question is that to clause 48 the following amendment be made—

"That in clause 48, the figure "(1)" be *prefixed* and sub-clauses (2) and (3) be *added* as follows :—

- (2) Whenever the Trust discontinues the public use of, or permanently closes, any street vested in it, or any part thereof, it shall pay reasonable compensation to every person who had an easement or right of way or light and air over, upon or from such street or part, and who by such discontinuance or closure has suffered special damage.
- (3) In determining the compensation payable to any person under sub-section (2) the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other street at or about the same time that the public street or part thereof, on account of which the compensation is paid, is discontinued or closed."

The amendment was carried.

Mr. President : The question is—

“ That clause 48, as amended stand part of the Bill.”

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu) : Sir, I beg to move—

“ That in clause 49, the figures ‘ 96, 97, 98, 99, 100, 101, 102 ’ be inserted between the word and figure ‘ Sections ’ and ‘ 103 ’ and the figures ‘ 132, 133, 134, 135, 136, 137, 138, 139 ’ be inserted between the figures ‘ 131 and 140. ”

Sir, the amendment neither purports to add to nor subtract from the Bill as it was intended to be. As we all know to our cost all work into which figures enter is really a tedious affair and very susceptible to mistakes and omissions. The Select Committee went through these figures most carefully, but as we have already noticed to-day there have been some unintentional mistakes and omissions which it is intended to set right with the permission of this Council.

I trust the Council will agree to correct this mistake as well.

The amendment was carried.

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

“ That clauses 49, as amended stand part of the Bill.”

The motion was carried.

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

“ That clauses 50—55 with the headings shown stand part of the Bill.”

The motion was carried.

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

“ That chapter VI—Acquisition, Trib axals and application of Act to other authorities, comprising clauses 56—66—stand part of the Bill.”

The motion was carried.

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

“ That chapter VII—Finance, comprising clauses 67 to 72—stand part of the Bill.”

The motion was carried.

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

“ That Chapter VIII—Rules, comprising clauses 73-76—stand part of the Bill.”

The motion was carried.

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

“ That chapter IX—Procedure and Penalties, comprising clauses 77—92 and the headings shown—stand part of the Bill.”

The motion was carried.

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

“ That Chapter X,—Supplemental provisions, clauses 93 and 94 and its heading—stand part of the Bill.”

The motion was carried.

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

"That clauses 95—101 and the headings shown stand part of the Bill."

The motion was carried.

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

"That clause 102 and its heading stand part of the Bill."

The motion was carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu) : Sir, I beg to move—

1. That in sub-clause (1) of clause 103 the words 'or when in the opinion of the Local Government it is expedient that the Trust shall cease to exist' be inserted between the words 'unnecessary' and 'the'.
2. That in sub-clause (2) (c) of clause 103 the words 'and which in the opinion of the Local Government it is expedient to complete' be inserted between the words 'Trust' and 'and of'.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu) : Sir, It is intended by the addition of the words proposed in the amendment I have just put before the Council, to invest the Local Government with discretionary powers to dissolve a trust when it may deem fit to do so. Such occasions are sure to arise when a Trust comes to the end of its financial resources. It may be that it has completed the work it had set itself to do, but there may be occasions when it may be expedient to dissolve the Trust for other reasons, so the inclusion of the proposed words is necessary. I think it will meet the approval of the Council. I have been permitted to move the second amendment which relates to sub-clause 2 (c) of this very clause. It is very necessary to add the words just to make it more explicit and clear. It does not introduce any great change in the clause, so that no exception can be taken to the inclusion of the words proposed in the amendment.

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

"That in sub-clause (1) of clause 103 the words 'or when in the opinion of the Local Government it is expedient that the Trust shall cease to exist' be inserted between the words 'unnecessary' and 'the'."

The amendment was carried.

Mr. President : I will now put the second amendment to the Council.

"That in sub-clause (2) (c) of clause 103 the words 'and which in the opinion of the Local Government it is expedient to complete' be inserted between the words 'Trust' and 'and of'."

The amendment was carried.

Mr. President : The question now is—

"That clause 103 as amended and its heading stand part of the Bill."

The motion was carried.

Mr. President : The question now is—

"That the schedule attached to the Bill be the schedule of the Bill."

The motion was carried.

Mr. President : The question now is—

"That this preamble be the preamble of the Bill."

The motion was carried.

Mr. President : The amendments to this Bill and the consideration of its clauses in detail have now been concluded. Under Standing Order No. 50 (2) I direct that the Bill be referred to a Drafting Committee consisting of the Hon'ble Minister for Education, the Deputy President and the Legal Remembrancer, with orders to report by 2 p.m. on Thursday, the 10th August 1922, as to what amendments of a formal or consequential character should be made in the Bill as a matter of drafting, so that it may be possible for the Council to approve the report on the 11th instant and pass the Bill. The time proposed for the submission of the report is subject to the approval of the Council.

The Council having expressed approval the Drafting Committee were directed to submit their report by the time above given.

MOTION *re* THE USE OF CIVIL CONTINGENCIES FUND.

The Hon'ble Sir John Maynard (Finance Member) : Sir, I beg to move—

"That this Council do permit the use of the Civil Contingencies Fund, which is a grant made for the purpose of meeting emergency expenditure, subject to subsequent recoupment at the discretion of the Council under the following restrictions:—

- (1) That no advance of a sum exceeding Rs. 5,000 shall be made without the previous approval of the Finance Committee.
- (2) That an advance of a sum of Rs. 5,000 or less may be made in cases of great emergency by the Finance Member, provided that the advance will be reported to the Finance Committee at its next meeting.
- (3) That the demands for excess grants to recoup the expenditure from the Fund be laid before the Council at the first session after they are made."

Sir, I find that when the last budget was laid before this Council, an item of Rs. 1,50,000 was included in it under the head of 'Civil Contingencies Fund,' and in the memorandum, which accompanied the budget, an explanation was given with regard to the meaning of this Fund and the purposes for which it was proposed to be used. The object of this Fund is to enable emergent expenditure to be met without inconvenience. It is always open to this Council, when it is asked to recoup the fund, to refuse on the ground that it has been used in a manner of which this Council does not approve. There is no doubt, Sir, that the power of sanctioning expenditure rests entirely with the Council, but it will also be realised that it is necessary that the financial authorities should be empowered to disburse money in anticipation of formal approval of the Council. That, Sir, is the reason for which this present motion has been introduced by me. It is thought desirable to regularise the manner in which the Civil Contingencies Fund is being used. There are certain circumstances in which expenditure may be absolutely unforeseen beforehand and which it would be perfectly impossible to postpone till the next session of the Council, and there are certain circumstances in which it would be a moral or legal obligation to pay certain money, and therefore it is not desirable to wait until the next session of the Council in order to justify the financial authorities in making payments.

Maulvi Muhammad Ali, Chishti [Lahore (Muhammadan), Urban] (Urdu)
Sir, I rise with great reluctance to oppose the motion just moved by the

Hon'ble Finance Member. Had it been a matter of small concern or trivial give and take I would not have opposed it, but it is a matter of principle, it is a matter in which the delegation of powers vested in the Council by law and statutes is involved. The acceptance of this motion is, Sir, tantamount to nullifying those statutes which are the foundation stone of our powers. It is, Sir, not a pleasant task to oppose the Hon'ble the Finance Member for whom we all cherish feelings of respect. It is true that the Finance Department of the Punjab Government has to encounter serious difficulties in securing the concurrence of the Council to the proposed expenditure or the expenditure already incurred, but the solution thereof is not to evade but to face those difficulties. The Finance Department has more than once attempted to find a way out of the difficulty. Its first attempt was made on the 25th July 1921, when Mr. Gibson, the then Financial Secretary for whom we all have high regard, brought before the Council a motion in which he sought to have this Council authorise the Accountant-General, Punjab, to make allotments to various heads of accounts where necessary from a sum of 11 to 12 lakhs of rupees. Mr. Gaupat Rai and I opposed to the motion characterising it as irregular in procedure and arguing the Council was without authority to so delegate its powers. I will read a few sentences from the speeches then delivered :—

"There is no such rule in the Punjab Legislative Council Rules and Standing Orders and in the Finance Department either. The procedure is that there is a demand for a grant. Then there is a Public Accounts Committee, and under section 84 the Public Accounts Committee in scrutinising the audit and appropriation accounts satisfies itself that the money voted by the Council has been spent within the scope of the demand granted by the Council. The only power given to the Public Accounts Committee is that the matter may be brought before the Council. I do not think the Council has any power to sign a blank cheque in favour of the Accountant-General. There must be some law laid down somewhere and the hon'ble member should enlighten us on the point."

The Finance Department thereafter could not adduce any argument in favour of this motion and had to withdraw it. The Finance Secretary did not then dare press the motion forward because he realised that it was illegal.

Mr. President : The hon'ble member is not entitled to ascribe motives to any member present or any past member of the House. Mr. Gibson, I do not think ever admitted that this was an illegal proposal. Will the hon'ble member please withdraw his remarks.

Maulvi Muharram Ali Chishti (continued) : Sir, I did not say that, but I meant that he was convinced of the untenability of his position.

Mr. President : The hon'ble member said that the Finance Secretary did not dare to press this forward, and that he knew that this was illegal. I require the hon'ble member to withdraw these remarks.

Maulvi Muharram Ali Chishti (continued) : I withdraw the words that may have fallen from my lips unwittingly. Mr. Gibson in his speech gave reasons for bringing the motion before the Council from which I read a few passages : "The reason why the Government has come to the Council for sanction this year is because before the Reforms Scheme it had the power,

M. Muharram Ali Chishti.]

when sums had been voted in the budget, of transferring them from one grant to another or spreading them over various grants itself. But now the Government has not this power. The only power it has is of making re-appropriations within the grant. If any sum of money has got to be distributed over different grants it requires the authority of the Council. That is why this motion has been moved. Take the case of the first item. I do not know of any rule or regulation under which we are authorised to delegate our powers to the Finance Committee. The Finance Committee is not a statutory committee, it is only an advisory body as has been said by the Hon'ble Finance Member himself in a reply to my question in this session. We cannot invest an advisory committee with powers to sanction expenditure to a certain limit. I draw your attention, Sir, particularly to a ruling of your predecessor in the chair that the Finance Committee has no powers to approve any expenditure. I beg leave to bring it to the notice of my hon'ble colleagues in the Council that this motion in an indirect move to curtail the financial powers of this Council. We cannot agree to the proposal that any sum above Rs. 5,000 may be advanced with the previous approval of the Finance Committee. It will be a grave matter to give unfettered discretion to the Finance Committee to approve expenditure of lakhs of rupees.

Malik Firoz Khan, Noon : I rise to a point of order. Where is it said in the resolution that the sum can go up from Rs. 5,000 to lakhs of rupees ?

Mr. President : I do not think it is a point of order. It is merely a futile argument. If an hon'ble member chooses to say something which does not bear investigation so to speak then he is putting forward a bad argument.

Malik Firoz Khan, Noon : What I suggest is that the hon'ble member was saying that this motion would authorise the Hon'ble the Finance Member and the Finance Committee to advance a sum over Rs. 5,000 without any limit ; but the resolution that is before us says only Rs. 5,000 or less, but not more than Rs. 5,000.

Maulvi Muharram Ali, Chishti (continued) : The first part of the motion is that no advance of a sum exceeding Rs. 5,000 shall be made without the previous approval of the Finance Committee. I do not want to enter into a discussion about the meaning of the words. I have gone through the rule on the matter very carefully and have not been able so far to find any such rule which authorises the Council to delegate its powers to the Finance Committee even in respect of a small sum. Rules 28 and 38 of the Punjab Legislative Council Rules are the only rule in which the word 'delegate' occurs and they have no bearing on the point. The Public Accounts Committee is good for nothing. It has never had any meeting till now. I

S A M.

do not think, Sir, the Government wants to deprive the Council of its powers over the finances of the province though the motion appears to me a move in that direction. If the rules and regulations do not authorise the delegation of such powers as it is sought to invest the Financial Committee with, it is better to move for the alteration of the rules than move for overriding the rules on the subject.

Malik Firoz Khan, Noon [Shahpur West (Muhammadian), Rural] (Urdu) : Sir, the motion is quite a simple one. Maulvi Muharam Ali, Chishti, was perhaps labouring under a delusion that if this motion is carried it will empower the hon'ble Finance Member to expend any sum, even exceeding Rs. 5,000, in

anticipation of sanction from this Council. But as I have already explained and as it is quite clear from the wording of the motion, the hon'ble Finance Member will have power only to expend, in case of an emergency, a sum not exceeding Rs. 5,000 and then report about it when the Council meets.

To delegate limited powers of such a nature is quite an ordinary affair, and even private individuals delegate such powers to their agents entrusted with the work of managing their private affairs. For example, if I am out of the station and a guest of mine comes to visit me during my absence, how absurd would it be if I had not authorised my servants to entertain him with meals, etc. I fully believe that the Finance Department will not misuse these powers. We have confidence in our officers.

Maulvi Maharram Ali, Chishti: Sir, I have never said that we have no confidence in our officers.

Malik Firoz Khan, Noon (continued): (Urdu), Sir, I cannot understand how the hon'ble Finance Member can meet an emergency which may arise when this Council is not sitting, without spending the necessary funds? He may apply for the sanction of this House later on when it meets. The delegation of this power is most indispensable for the proper administration of the Province. With these words I support the motion.

Mr. Miles Irving (Financial Secretary): Sir, I only wish at this stage to explain one misunderstanding which my hon'ble friend opposite has given expression to, and that is regarding the functions of the Public Accounts Committee. The functions of the Public Accounts Committee and of the Finance Committee are quite different. The business of the Public Accounts Committee is to review and regularise the accounts of the previous year. I assure the Council that the fact that there has been no committee meeting in the past year is not due to any ulterior motive such as he seems to assign to us. It is because the committee had no work to do, because that body had no power to audit the pre-Reform accounts. The Committee will meet in the present year to audit the accounts of the year 1921-22 and as soon as the report of the Accountant-General is out it will be placed before this House.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) (Rural)]: (Urdu): Sir, Malik Feroz Khan has very elaborately explained the underlying feature of this motion. The whole question hinges on this point whether the Hon'ble Finance Member should meet an emergency with the necessary funds, or whether he should wait until the Council meets and gives its sanction. If the hon'ble members wish that the hon'ble Finance Member should spend money in order to meet an emergency or a calamity, they should support this motion. I would like that he may even be invested with unlimited powers in this direction. Those who oppose it should know that even the Presidents and Secretaries of Municipal Boards and Municipal Committees are invested with similar powers and sometimes other employees are also given some advances which they spend in cases of emergency. I therefore support the motion.

Mr. Nawab-ud-Din, Murad: [East and West Central towns [Muhammadan), Urban] (Urdu): Sir, I support this motion. I fail to understand why Maulvi Maharram Ali, Chishti, has taken exception to it. If the Finance Department be not authorised to spend any amount out of the Civil Contingency Fund, I do not understand for what purpose this fund was created? Even the Municipal Committee of Sialkot has authorised its sub-committees to spend an amount to the extent of Rs. 200 in anticipation of its sanction. I think the House should not hesitate to support this motion.

Mian Ahmad Yar Khan, Daultana: Sir, I propose that the question be now put.

Mr. President: I think it is a very important resolution, and I would rather allow a little further debate.

Mr. Manohar Lal (Punjab University): Sir, opposition has been offered to this very simple and modest motion on certain technical grounds, but I must say that I fail to see the validity of these technical objections that have been actually urged. This Council, by a formal resolution, established not very long ago a Civil Contingencies Fund, and the question arises, when this Council so resolved, what did it mean by creating this special fund? What this Council did mean thereby is perfectly apparent from the fact that that resolution was regarded so obvious that no discussion whatsoever followed in view of what was contained about that Fund in the Financial Memorandum by which the Budget was introduced. Everyone of us, Sir, then, when we voted in favour of establishing this fund, understood and so we resolved that a Fund of particular character was being established by us. That decision of this Council is being challenged to-day on mere technical grounds which really have no force because the position involves a direct contradiction of our own decision. Now, Sir, as I see the motion to-day, it incorporates the meaning of the Civil Contingencies Fund in the exact words placed before this Council at page 25 of the Punjab Government's Financial Memorandum which accompanied the Budget for the year 1922-23. It seems to me, Sir, that for anybody who wishes to raise a technical objection to oppose the motion of the hon'ble Finance Member, he certainly having previously shared in the decision of this Council, at any rate, this Council, as a whole, having come to a particular decision, it does not seem proper to say, that a fund of this character is against the powers of this Council to create. The position would be absurd. Then, Sir, support was sought in some wonderful principle that this Council has no power of delegation. I am not sure, Sir, whether in the motion, as framed by the hon'ble Finance Member, any large power of delegation is sought, or whether a lawyer would properly use the word 'delegation' at all in connection with the motion as framed but if it were, one would expect from the person who raises a technical objection of that kind, a cogent, legal argument that this power of delegation is definitely excluded by some fundamental principle of parliamentary practice. For that we have nothing but the mere *ipse dixit* of the hon'ble member who chose to oppose this motion, this very simple motion, moved by the hon'ble Finance Member. Reference was further made to Devolution Rules, to certain specific rules contained in the Devolution Rules. I fail to see, Sir, what these rules have by way of relevancy so far as this particular discussion is concerned, and whether the Devolution Rules do actually shut out the powers of this Council to permit the use of a fund which it itself has created under particular conditions. Further, Sir, this motion, as put forward by the hon'ble Finance Member, secures to the Council absolute and complete power. All that it really does so far as I can see is that it practically defines the powers in order to formalize matters pertaining to the Civil Contingencies Fund. An objection was raised the other day, what is it? Everyone understood very well what it was. Just as a lawyer would use ample caution, now a mere definition is being suggested in the form of an appropriate motion to the House. That is all that is here attempted. It has been well pointed out by my hon'ble friend who sits opposite, Mr. Nawab Din Murad, that the power of the Council is in no manner

out down. The matter still comes up before the Council for recompment, and it is open to the Council, and nobody can deny the right of the Council, to refuse recompment, and if it did, certain awkward situation might indeed arise, though I trust the good sense of the House will prevent such a situation arising, but with that we are not concerned to-day. Sir, what it comes to then is this, that we are merely introducing or adopting a measure to confirm the decision to which we have already given our assent without the least objection at a previous stage. Then, Sir, are we to fly in the face of our own previous decision, a decision of so simple a character and so necessary in order to meet occasional urgent requirements which it may not be possible to bring before the Council as the Council may not be sitting at the time as we are in session at considerable intervals unlike the House of Commons. Sir, we are not going beyond what we have previously decided. We are only giving our formal sanction to our previous decision, and we are doing so in the interests of smooth working. I do not see, Sir, in view of these circumstances any force in the technical objection raised by the other side, particularly as no authority has been cited in support of the technical objections.

Mr. Ganpat Rai [Lahore-Perozepore-cum-Sheikhupura (Non-Muhammadan)] (Urdu) : Sir, I am surprised to hear from Mr. Manohar Lal, who was always fond of quoting the analogy of Parliamentary practice, that he is to-day against the practice of the House of Commons. He declares that the objections raised by my hon'ble friend Maulvi Muhammad Ali, Chishti, are merely technical. But, Sir, here the question is not of technicality, but one of jurisdiction. I mean whether or not this Council can delegate some of its powers to the Finance Committee. We should think over this question without any prejudice, for it relates to a constitutional point.

Mr. Miles Irving : Is not the hon'ble member infringing on the powers of the President when he raises the question of the jurisdiction of the House to take certain measures?

Mr. President : No, I do not think so.

Mr. Ganpat Rai (continued) : It is clear the Finance Committee is only an Advisory Committee.

Mr. President : The question of the advisory nature of the Committee has already been dealt with. You should not repeat arguments already brought forward.

Mr. Ganpat Rai (continued) : Sir, we should see if the statutory rules can allow us to delegate our powers to a sub-committee. I fully sympathise with the spirit of this resolution, but I am sorry the rules do not allow us to delegate the powers which this motion demands. I would like to draw the attention of this House to rule 31 of the Council Rules, which runs thus :—

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

[Mr. Ganpat Rai.]

If the Government finds that the delegation of these powers is indispensable, the proper course for it is to have the rules first amended so as to smooth the way for this motion. On these grounds I oppose the motion.

Mr. President : I think the question has now been sufficiently discussed. I shall ascertain the view of the House by now putting the closure motion which was moved some time ago.

The closure was carried.

The Honble Sir John Maynard : Many of the members have come to-day without breakfast, and it is a hot day. These facts account for many things. For instance, Maulvi Muharram Ali, Chishti, says that this resolution is designed to weaken the authority of the Council. I am not quite sure that other members do not attribute to me the same designs for weakening the powers of this Council which have been attributed by my hon'ble friend. And I am quite sure that he would have taken a different view of this particular situation if he had his breakfast. In regard to Mr. Ganpat Rai, I am not so perfectly confident. Even when he has had his breakfast he is sometimes captious. Well, Sir, the arguments have been put forth so very thoroughly by those of the hon'ble friends of mine who have risen to support this motion that I do not feel obliged to say a good deal on this subject. It is really a very simple practical question. My friend Mr. Nawab Din, Murad, put it very well when he said that even the Municipality of Sialkot, which is not quite such a large concern as the Government of the Punjab, find it necessary to give sub-committees power to spend Rs. 200 in anticipation of sanction. If the sub-committees of the Sialkot Municipality find it necessary to have such power—and I have no doubt that a good many other similar institutions have a power of this character—is it not strange to suggest that the executive authority of this province and the Finance Committee which is appointed by this Council shall have absolutely no authority of this kind? I shall put a hypothetical case. Let us suppose—and it is not by any means an extravagant supposition—that on the day after this House breaks up, when we are all dispersed there should suddenly occur some great calamity to this province—a great flood, a great storm, the outbreak of some serious disease—and suppose the decision to-day is such that neither the Government nor the Finance Committee of this Council had any power whatever to spend any money at all in order to deal with this calamity; would that not be an absolute reduction to absurdity of the authority of the Government and the authority and prestige of this Council? Sir, I remind the House that the sum included in the Civil Contingencies Fund is Rs. 1,50,000. That is the total which it is possible at any circumstances to spend for anything urgent that may take place. Now, taking the total expenditure at something like 10 crores of rupees per annum; Rs. 1,50,000 is 15 per cent. of our total expenditure. This is the total amount to which it is proposed to apply the special regulation. Sir, it has been pointed out that this Council created the Civil Contingencies Fund. For what purpose? If it was not intended that anybody should have the liberty to spend any portion of it, for what purpose was this fund created?

In regard to the constitutional position, I recognise its enormous importance. But it is necessary to look on these matters from a broad point of view. It was stated by one of my friends that the Finance Committee had no power whatever to sanction. My hon'ble friend himself again told a story of what happened in the Finance Department. If he had only taken the trouble to read it fully he would have found that the Finance Committee enjoyed certain

powers of sanction, certain powers of reappropriation which had been delegated to it by this Council, in consequence of the difficulty of distributing the lump sum assignments between the different departments. That is one thing. But on the constitutional question the really important point is this. The power which this Council enjoys, its indefeasible power, is that of making budget provision or passing demands. This Council has exercised that power by the provision of Rs. 1,50,000 for the Civil Contingencies fund. What I am now asking the Council to do is not to delegate its powers but simply to decide in what manner and by what agency that money which it has so allotted may be spent.

Mr. President : The question before the Council is—

"That this Council do permit the use of the Civil Contingencies Fund, which is a grant made for the purpose of meeting emergency expenditure, subject to subsequent recoupment at the discretion of the Council under the following restrictions :—

- (1) that no advance of a sum exceeding Rs. 5,000 shall be made without the previous approval of the Finance Committee ;
- (2) that an advance of a sum of Rs. 5,000 or less may be made in cases of great emergency by the Finance Member, provided that the advance will be reported to the Finance Committee at its next meeting ;
- (3) that the demands for excess grants to recoup the expenditure from the Fund be laid before the Council at the first session after they are made."

The motion was carried.

Mr. President : There is a further motion received from Government asking for a supplementary sum not exceeding Rs. 15,000 in respect of Public Health. It has been put down at the end of the Continuous List of Government Business, but if any member objects, owing to the short notice, to its being taken up today it can be deferred until the 11th.

Maulvi Muharram Ali, Chishti : Sir, I beg to suggest that notice be given for the motion.

Mr. President : Very well, the motion will be taken up on the 11th. This concludes the Government business for to-day. The Council will now proceed with the discussion of resolutions.

RESOLUTIONS.

Mian Ahmad Yar Khan, Daulatana [Multan East (Muhammads), Rural] : Sir, as it is the desire of some of the members to move their resolutions which are more important than the one standing in my name, I have decided not to move mine.

Mr. President : I take it that the hon'ble member understands that if he does not move his resolution now he cannot move it later.

Mian Ahmad Yar Khan Daulatana : Yes, Sir, I quite understand that.

RESOLUTION RE THE CONSTRUCTION OF THE SINDH SAGAR CANAL.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] :

Sir, I beg to move—

"That this Council recommends to the Government to appoint a Committee, consisting of official and non-official members of this Council, to report on the changes which should be made in the Sindh Sagar Colonization Act, I of 1902, and to recommend ways and means for the construction of the Sindh Sagar Canal in the near future."

The Sindh Sagar Colonization Act, I of 1902, was passed with a view to construct a perennial canal, commonly known as the Thal Project, from the Indus in the Sindh Sagar Doab within a reasonable time. The main object of the Act was to provide for the execution and enforcement of agreements between the Thal proprietors and the Government, and thereby to establish the title of the latter in the bulk of the "Shamilat" land, belonging to the former. Its leading provisions are embodied in Sections 3, 5 and 7 of the Act. Briefly they are :—

- (1) That any person having, or claiming to have, any right to or in any land, whether as land-owner, tenant or right holder, may enter into agreement to surrender the same to the Government.
- (2) That the surrender under the agreement shall take effect on and from the date of the commencement of the excavation of a permanent flow canal from the Indus in the Sindh Sagar Doab.
- (3) That when the canal has been constructed, the Government shall restore to the persons surrendering their rights, their legal representatives and assigns, in an area equal to one-fourth of that of the land surrendered to Government, rights as far as possible identical with those held by the executants at the time of the execution of such agreements.
- (4) That in case two-thirds of the proprietors of the Shamilat in a certain estate shall have agreed to surrender their rights to the Government, the rights of the rest of the proprietors in that estate, who have not entered into the agreement, shall be deemed to be subject to a similar agreement to surrender the same to the Government.

The Act applies to Shamilat waste land comprised within the boundaries of Bhakkar, Leiah, Sanawan and Muzaffargarh Tahsils. Further, to safeguard the interests of the Government, the Settlement Officers of the Districts of Muzaffargarh and Mianwali got two clauses inserted in the Wajih-ul-Arz (village record of rights) of all the villages of the four tahsils named above. These clauses are to the following effect :—(1) That until the completion of the Sindh Sagar Canal, the partition of the Shamilat land be absolutely prohibited. (2) That no one including the proprietors themselves could acquire any right either by reclaiming the Shamilat or by sinking wells in the same.

The result was that the partition of the Shamilat land was prohibited, barani cultivation was discouraged and the proprietors were not allowed to improve their lands in any way.

It is thus perfectly clear that the provisions of the Act were quite arbitrary and most favourable to the Government. Nevertheless, the Thal

proprietors took a practical view of the situation. They believed in the good faith of the Government and they thought that both the Government and the proprietors would be benefited by the construction of the canal within a reasonable time. Indeed, the responsible officers had distinctly told them that the proposed canal would be completed within 15 years from the date of the passing of Act I of 1902.

In 1903, the Triple Canal Project came into the field and was given preference over the Thal Canal Project. It was, however, understood that shortly after the completion of the Triple Canal Project, the Sindh Sagar Canal would be taken in hand and pushed through without further delay.

Meanwhile, the Thal proprietors of Mianwali and Khushab Tahsils who had refused to execute agreements under Act I of 1902 began to effect partition of their Shamlat land and bring it under Barani cultivation. In the course of a few years the Shamlat waste land of most of the villages of Mianwali and Khushab Tahsils was partitioned and barani harvests began to yield excellent crops. Even the sand hills were levelled and made fit for cultivation. It is a well-known fact that the Thal proprietors of these two Tahsils have grown quite rich by the produce of gram and wheat crops from the Thal soil.

In Bakkar and Leiah Tahsils, a considerable area of Shamlat was also brought under Barani cultivation. But, as in these Tahsils, partition of Shamlat land was not allowed, the basis of claims was mainly possession and no rights of ownership or occupancy could be obtained owing to the Sindh Sagar Colonization Act. Strangers are holding portions of the Shamlat land by adverse possession. The Law of Limitation is running against the proprietors without affecting the claims of the Government under the Act. The result is that the inhabitants of Bakkar and Leiah Tahsils are seriously involved in criminal and civil litigation.

In these circumstances, the Punjab Government, in the early part of 1916 resolved to revive the Sindh Sagar Colonization Scheme. In September 1916, a Conference consisting of the Hon'ble Mr. Fagan, afterwards Sir Patrick Fagan, Financial Commissioner (Presiding), the Hon'ble Mr. Maynard, Financial Commissioner (now Sir John Maynard, Member for Finance), the Hon'ble Mr. Nethercole, C.S.I., Inspector-General, Irrigation, the Hon'ble Mr. Ward, C.I.E., Chief Engineer, Irrigation Department, Punjab, (afterwards Sir Thomas Ward), Colonel Pepham Young, C.I.E., Commissioner, Rawalpindi Division, Mr. Holmes, Chief Engineer, Irrigation Department, Punjab, Major Buck, Deputy Commissioner, Muzaffargarh, Major O'Brien, C.I.E., Deputy Commissioner, Mianwali, Mr. Joseph, Colonization Officer, Lower Bari Doab Canal, Mr. Gibson, Deputy Commissioner, Shahpur, Mr. Irving, Senior Secretary to Financial Commissioner, Mr. Loughran, Under-Secretary Irrigation Branch, Rai Sabib Lala Maya Das Puri, incharge Riserain Survey Party, and Mr. Dunnett, Junior Secretary to the Financial Commissioners, sat at Simla to consider the feasibility of the Thal Project.

The Conference arrived at the following important conclusions :—

- (1) That the whole Thal was commandable by a canal with a head in the neighbourhood of Mari and above the natural weir. The problem will be much the same as that which arose on the Upper Jhelum Canal at Mangla. Mr. Ward has indicated on the accompanying small scale map his proposals for the general alignment of the main canal and its branches which show that the Thal

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is like other Punjab Doabs, and can be commanded in much the same way as far as main branches and distributaries are concerned.

- (2) That the Project was perfectly feasible and a highly profitable concern.
- (3) That the actual Colonization of the tract does not appear to present any features of special difficulty, and there seems to be no reason to anticipate difficulty in obtaining the required number of colonists.

(See Thal Project Estimate Report, Appendix B, pages 16, 21 and 24.)

During the winter of 1916-17, the Thal was inspected by Sir Michael O'Dwyer, late Lieutenant-Governor of the Punjab, by Sir Michael Nether-solo, Inspector-General of Irrigation; by the Hon'ble Mr. P. J. Fagan, Financial Commissioner, by the Hon'ble Mr. F. W. Woods, Chief Engineer, and by Mr. H. W. M. Ives, then Superintending Engineer. Although, in winter, the Thal is at its worst so far as ascertainment of its agricultural value is concerned, still all these officers and experts of vast experience were of opinion that the Thal soil was generally good and it afforded great opportunities for the purpose of colonization. Had they gone to see the Thal during the rainy season, they would have found even the sand-hills or sand-dunes covered with grass, alfalfa and green vegetation, and they would have doubtless formed an even more optimistic view as regards the agricultural value of at least three-fourths of the entire Thal soil.

Finally, an elaborate and exhaustive report on the Thal Project was written by the Hon'ble Mr. Woods, the then Secretary of the Government of the Punjab Irrigation Branch, who formed a very good opinion of the Thal soil and formulated a highly practical scheme. It was strongly recommended by the Punjab Government to the Government of India and the Secretary of State. But to our utter surprise the Government of India, P. W. D. (apparently without consulting His Excellency the Viceroy in Council) advised the Punjab Government to take up the Sutlej Valley Project in preference to the Thal Project. On 27th August 1920 I on behalf of a large number of the Thal proprietors made a strong representation to the Punjab Government with a prayer that the Government either should begin the construction of the Sind Sagar canal at once or repeal Act I of 1902. On 26th October 1920, I received a reply to the effect that His Honour the Lieutenant-Governor was considering the possibility of beginning the Thal canal simultaneously with the Sutlej Valley Project. On the 13th July 1921 the Punjab Government made a representation to the Government of India, P. W. D., asking that the construction of the Thal Project may proceed concurrently with that of the Sutlej Valley Project, and that the Thal Project should be given preference to the Bakhra Dam. You will forgive me, Sir, if I read out the most important passages *in extenso* in that note. These passages are :—

"It is not proposed to start the actual construction of the Thal Canal till work on the Sutlej Valley Project is well under way. The contoured survey of the Thal will not be completed for another three years, and thereafter another year will be occupied in the preparations of the more important plans. By that time the annual expenditure on the Sutlej Valley Project will have passed its maximum, and as expendi-

ture on the latter canal decreases, that on the Thal will increase, and the result will be an evenness of annual expenditure. The same applies to establishment."

"The Punjab Government is very strongly of opinion that the Thal Project should take precedence over the Bhakra Dam Project for the following reasons:—

- (a) Great political difficulties are anticipated in obtaining the consent of the various Native States to the conditions proposed by the Bhakra Dam Project.

The States involved are the signatory states,—Patiala, Nabha and Jind,—and the non-signatory States of Feroz Kot, which is partly irrigated at present, and Bikaner, which has never had any irrigation.

The consent of all these States will be required to the scheme as a whole, to the alignments of the channels through them, to the remodelling of the present Sirhind Canal (with the changes in existing irrigation arrangement entailed thereby), to the intensities of irrigation in different areas, and most difficult of all to the extension of irrigation to Bikaner,—a State which, up to date, has had no irrigation.

The difficulties and delays anticipated are not slight, especially when it is remembered that in the case of the Sutlej Valley Project the consent of a single State took fifteen years to obtain.

- (b) The Bhakra Dam Scheme cannot be started till the last of the three weirs (on the Sutlej river) of the Sutlej Valley Scheme is completed, i.e., till five years have elapsed after work on the latter scheme has started, as any storage of water by the Dam would adversely affect the Inundation Canals from the Sutlej if these were not already provided with weirs.

- (c) There are certain technical difficulties, besides, in connection with the Dam which may prove to be insurmountable, as for instance, reduction of reservoir capacity due to silt deposit in monsoon seasons. So far as evidence from experiments has been collected, this evidence tends to show that silt deposit may diminish the capacity of the reservoir during the earlier decades by at least 6½ per cent. and possibly by as much as 15 per cent. per decade.

Whatever the diminution be, when the reservoir has its full capacity (i.e., at the start) the irrigation will not be fully developed. By the time that full development of the irrigation has been reached, the capacity of the reservoir will already have diminished, and thereafter, year by year, areas will have to be thrown out of irrigation. Apparently, after the lapse of a period which may be as short as 45 years and may be as long as 110 years, the reservoir will only have half of its original capacity. Further experiments, continued over a term of years, may result in profound modification of these figures, but such modifications may lie in either direction. In this connection it may be mentioned that the

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Engineer in charge of the Namal Dam has stated that the capacity of the reservoir there is being reduced at the rate of 10 per cent. per decade, although the floods which deposit the silt at the Namal Dam occur at infrequent intervals and not continuously during the filling season as they would at the Bhakra Dam. In any case much more exhaustive inquiry is required before a final opinion can be given as to the feasibility or otherwise of the Dam scheme, and the Punjab Government considers that it would be an unsound policy to delay the inception of the Thal Project, which is a straightforward scheme with no technical difficulties, on the chance that further experiments, continued for some years, may chance to prove that the Dam is a feasible proposition.

- (d) The Bhakra Dam is not a necessity to the Punjab Hydro-Electric Scheme, at any rate for many years. Lieutenant-Colonel Battye, the officer in charge of the preparation of that scheme, has stated that the Hydro-Electric Scheme would be simplified if Bhakra Dam were not built for 34 years.

After that time, according to his forecasts of the demand for power, the existence of the Dam would be an advantage as its existence would then increase the power available, but for 34 years enough power would be available without the Dam.

- (e) On the most optimistic forecast as to the life of the reservoir, the Bhakra Dam Scheme lies on the border line between a productive and a protective work, while the Thal Canal, for which an estimate, based on costs of similar canals already constructed, can be made with considerable accuracy and confidence, appears to be highly remunerative, promising a return of 19.47 on the Capital Outlay.

The Haveli Project cannot be started till the last of the weirs of the Sutlej Valley Scheme, i.e., the weir on the Punjab, has been constructed. By that time the annual expenditure on the Sutlej valley will have passed its maximum, and, as the Haveli is a small Project, entailing comparatively small expenditure and requiring but a small establishment, the Punjab Government foresees no difficulty in constructing it concurrently with the Thal, as work on the Sutlej Valley Project nears completion.

The experts who have examined the Thal of late years have expressed themselves as being much more favourably impressed by the quality of the soil than those whose opinion was formed some 15 or 20 years ago. The last few years have shown an amazing increase in the amount of the barani cultivation in the Thal during years of good rainfall, showing that the inhabitants have begun to realise the potentialities of their soil.

The strongest argument in favour of making an early start on the Thal canal is based on Act No. I of 1902, whereby Government obtains full rights in 1,710,000 acres of land as soon as the construction of the Thal canal starts.

Under the provisions of this Act, the land cannot be partitioned till construction of the canal starts, and consequently cultivators are placed in the position that they cannot improve their holdings at present as they do not know which portions will remain their property and which will revert to Government when the partition is effected. At the last meeting of the Punjab Legislative Council it was argued that this Act should be repealed if work on the canal was not started forthwith, but the argument was met by the reply that a Project had been prepared for the canal and was under consideration, and that there was no intention of abandoning the scheme. The Punjab Government however, fears that if the project is much longer deferred and the Act is repealed, it will lose the enormous advantage of the reversion to it of one and three quarters millions of acres of land,—a loss, not of Rs. 4,80,000 per annum as estimated by Mr. Woods, but, more probably, of Rs. 46,75,000 as shown in paragraph 10.

An expenditure of some ten lakhs of rupees has already been incurred on the rectangulation and other surveys of the Thal. If the project is deferred for many years, the advantage of these surveys will be largely lost, as the boundary pillars will become displaced and none of the original staff, who made the surveys, will be available to pick up the old marks, and the survey will have to be done again, an operation which will take some five years to perform.

The total capital cost of the canal, thus estimated, and with the large provisions against water-logging mentioned in paragraph 8, amounts to Rs. 9,22,00,000 for a Full Supply Discharge of 9,850 cusecs, as compared with Mr. Woods' estimate of Rs. 9,28,70,000 for a canal of 14,000 cusec capacity. Mr. Leigh, Senior Secretary to the Financial Commissioners, who knows the Thal intimately, and who was in charge of the Settlement of part of it, has stated that, in his opinion, the value of land on the Thal lies between one-half and one-third (or say two-fifths) of that of waste land in the Punjab Colonies. At the latest auction, in 1919, of waste land on the Lower Bari Doab Colony, where some of the land is very poor, an average price of Rs. 593 per acre was realised. We could therefore reasonably expect to obtain for Thal land, $\frac{2}{5} \times 593$ or Rs. 237 per acre. The latest assessment report (1914) gives a "low average value" of barani land on the Thal as being Rs. 50 an acre.

It is certainly erring on the safe side if it is assumed that the value of the land will be quadrupled when irrigation starts.

On page 65 of the Project Estimate it is shown that Government already possess 1,528,324 acres of land, and by Act No. 1 of 1992 it will acquire 1,718,627 acres. Assuming that just under half of this is good culturable land, Government will possess 750,000 acres of good land already, and acquire a further 850,000 acres under the Act. Again assuming that, of this half area, a half will be given to grantees and used in various other ways, and that the remainder (only a quarter of the total area) will be sold at Rs. 200 per acre, these areas will bring in capital sums of Rs. 7,50,00,000 and Rs. 8,50,00,000 and at $5\frac{1}{2}$ per cent. interest will bring in an annual revenue of Rs. 41,25,000 and Rs. 46,75,000; respectively, or a total of Rs. 88,00,000 per annum. Moreover it is probable that if communications were made, and charged to the Project, as suggested by Sir John Maynard, the value of the land would be greatly enhanced above this figure, and that the enhancement in the value of the land would far exceed the cost of constructing communications.

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These figures, which are obviously very much on the safe side, entirely alter the aspect of the Project from a financial point of view. The net revenue will amount to Rs. 1,73,49,766, instead of Rs. 91,49,766, shown on page 62 of Mr. Woods' project, and the return on the total capital outlay will be 19.47 per cent.

From statement No. IX it is seen that at the end of the twentieth year after starting construction or tenth year after completion, the excess of net revenue over interest charges will have amounted to the enormous figure of Rs. 4,24,51,004, an amount equal to nearly half the total cost of the canal. From the same statement the revenue, *after deducting interest charges*, is shown as being Rs. 1,20,53,016 per annum, representing a return on the capital outlay of 13 per cent.

In conclusion, it is hoped that the Government of India will agree that the construction of the Thal canal,—a canal which will add enormously to the granaries of the Empire, which should have a considerably beneficial effect on the climate of the Punjab, which will turn an arid desert into a garden, and which will increase the revenue of the province by some 1½ crores of rupees a year should be no longer deferred, and that it should be given preference over the Bhakra Dam Project,—a Project which is comparatively unproductive, and which is of a type about which complete success cannot, from experience as yet gained in India or elsewhere, be confidently guaranteed. This view is urged even though the Punjab Government fully realises the necessity for protecting by irrigation, if such protection eventually proves feasible, the areas in the South-East Punjab which are at present liable to famine, and for the benefit of which the investigation of the Bhakra Dam was originally taken up."

Mr. Gebbie, Inspector-General of Irrigation, Government of India, substantially agreed with the views expressed by the Punjab Government in Mr. Bates' notes. The Government of India readily admitted that a strong *prima facie* case was made out for continuing and completing the surveys and investigations necessary for the preparation of detailed Project Estimate for the Thal Project and pointed out that it was absolutely necessary to obtain the sanction of the Punjab Legislature before submitting the Project to the Secretary of State for sanction. The Thal proprietors are, however, getting extremely impatient and hence in the interest of all parties concerned I thought it essential to move this resolution to have an early decision on the subject.

The total area irrigable and non-irrigable comprised within the limit of the Project, the total capital outlay and the income can be shown thus—

	Acres.
I. Government Bakhs or Reserves	1,500,000
Government share in the shamilat now belonging to the Thal proprietors	1,710,000
Total State land	3,210,000

	Acrea.	
Proprietary waste land, i.e., $\frac{1}{4}$ th of the shamlat	570,000	
Proprietary land outside the Act	1,157,000	
Total proprietary land	1,727,000	
Grand total gross area comprised within the limits of the Project	4,937,000	
II. Irrigable and arable soil	2,468,500	i.e., $\frac{1}{2}$ of the gross area.
III. Total capital outlay	92,00,000	Rs.
IV. Income and revenue per annum	1,79,00,000 or 19.47 per cent.	
V. Value of the State irrigable land,	1,605,000	i.e., $\frac{1}{2}$ of 32,10,000 at the rate of Rs. 200 per acre = Rs. 32,10,00,000.

The Act applies naturally to the irrigable and arable shamlat waste land.

It is now admitted on all hands that the soil of the Thal tract is generally good and will yield good crops if irrigated by canal water. As in the past one or two officials had doubted the agricultural value of the Thal soil, I desire to discuss this very important point briefly in order to dispel all possible doubts. Everywhere in the Punjab Doab we find traces of former channels of the perennial rivers, accompanied by sand-hills of a precisely similar description to those of the Thal. The whole of the hydraulic and historical evidences point to the conclusion that the sand-dunes of the Thal were formed by the deposit of silt from the Indus and Saraswati or Jhelum at a time when these rivers flowed at an elevation from which they were able to form the Thal by alluvial deposit. The ancient history of India proves beyond any shadow of doubt that the Thal tract was one of the richest soils in the land of five rivers, and it was here (then the banks of the Saraswati) where the Aryans had first settled and carried on their agricultural pursuits. Both Mr. O'Brien and Sir James Douglas are of opinion, that the Indus below Kalabagh once ran through the heart of what is now called the Thal. It follows then that the soil of the Thal is of the same composition and as agriculturable as the soil of any of the Punjab Doabs. It only wants water to yield good crops and this can only be done by means of canal irrigation. The report of Mr. Hooper, the Agricultural Chemist (summarised in Appendix (A) of the Thal Project Estimate Report) show that the Thal soil including the sand-hills contain enough fertilising constituents and there seem to be "great agricultural possibilities in prospect of canal extension." All the Government reports tend to show that the 'barani kasht' particularly that of gram has increased by leaps and bounds, and according to Mr. Leigh's opinion the 'barani' cultivation has changed the face of the Thal. Last year's Kharif crops in the Thal have established conclusively the fertility and potentialities of the entire Thal tract. Everywhere the country was under heavy crop. The gram crop was certainly superior to all

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the gram crops in all the other parts in the Punjab including the Sirhind, the Lower Chenab and the Upper Chenab. The wheat crop was not inferior. The soil, which can produce such good agricultural results must be styled as good, arable soil. I need not elaborate this point further, as all the Punjab officials are now convinced about the fertility of the tract.

The Project itself does not involve any engineering difficulties. Colonel Ottley, in 1892, recorded "that from an engineering point of view the project in a perfectly feasible one." Having regard to maps and levels Mr. Beresford in 1896 was of opinion that nearly the whole country would be easily commanded by any well-designed system of irrigation channels. All the subsequent Chief Engineers including Mr. Woods, Mr. Ives, Mr. Bates and Mr. Sangster are of the same opinion. It requires no river training works. It is indeed a straightforward scheme with no cross-drainage work, and all the other masonry works can easily be constructed as the existing spring level throughout the tract is not deep, and it will be quite easy to sink wells for masonry works and for drinking water which is sweet.

The Thal tract can be divided into two parts, namely Thal Jandi and Thal Kalan. Thal Jandi is a part of the Thal where Jand trees grow in abundance and it is one of the best soils in the Province. Its area is considerable, viz., about one-fourth of the gross area comprised within the limits of the Project. It lies on both sides of the railway lines. The 'Tibbas' in this Thal are comparatively few and low, and can easily be levelled and reclaimed. There can be no difficulties in aligning channels in this part of the Thal. In half of the Thal Kalan the 'Tibbas' or sand-hills are not very numerous, and in any case they can be levelled without much difficulty. In the other part of the Thal Kalan the 'Tibbas' or sand-dunes are comparatively larger and higher, and there may be some difficulties in aligning the distributaries in this part of the country. But the project estimate admitted that the difficulties in aligning the main channels and distributaries would be somewhat greater than on other canals and has allowed higher rates for the cost of constructing these channels. The digging would be very soft, and it will not be difficult to keep the channels free from falling or drifting sand.

Even from the political point of view, the construction of the proposed canal should begin without further delay. There is a prevailing idea among the proprietors of the Thal that the Government is anxious to deprive them of their proprietary rights in shamlat lands without constructing the canal. Further postponement of the Sind Sagar Colonization Scheme will undoubtedly give rise to many serious misgivings and consequently may lead to serious agitation which it is in the interest of the Government to avoid. The Thal proprietors earnestly desire that both the Government and the people of Sind Sagar Doab should be benefitted by the completion of the Thal Canal Project.

Furthermore, the Government will be in a position to give Military grants to the soldiers of His Majesty the King Emperor, public servants of the Crown and other deserving persons. The natural and legitimate expectations of the virile inhabitants of the Western Districts who have done so well in the Great War and who have no canal and very little well irrigation, will also be realised. Thus, the Thal will become one of the finest colonies in the land of five rivers.

Under the terms of Act I of 1902, the Government is bound to fulfil its own part of the contract and to construct the canal from the Indus within reasonable time. If it cannot do so, it must repeal the Act immediately. It would be in the highest degree unjust and inequitable to let the provisions of the Act hang over the heads of the Thal proprietors for an indefinite period. For, in that case, it will make the contract *ab initio* void on the ground of uncertainty. The proprietors of Leiah and Bhakkar Tahsils have already suffered great loss, while proprietors of Mianwali and Khushab Tahsils who had refused to execute the agreement and who have improved their shamilat waste lands, are making great profits out of wheat and gram cultivation.

In conclusion, I beg leave to submit that a time-limit must be stated in the Act within which the Government shall begin the construction of the Thal Project otherwise it will be guilty of breach of contract and the legal consequences must follow. If I rightly understand Mr. Bate's note, the construction of the Sind Sagar Canal can begin in 1925. The Committee may also recommend other equitable and just changes. The soil survey should be completed as soon as possible in order to submit the Project again to the Government of India and the Secretary of State for India for sanction.

Sayad Ghulam Muhammad Shah [Shahpur East (Muhammadan), Rural] (Urdu) : Sir, I accord my whole-hearted support to the resolution moved by my friend Mian Muhammad Shah Nawaz. Government should accept this resolution without any hesitation. If permanent arrangements are made to supply water to barani lands immense good will be done to the land and Government too will derive income. We should be grateful if the resolution is favourably received. Those who depend upon rain will greatly welcome the supply of irrigation water. The people of the Thal have looked forward to attaining prosperity for a long time, and I would respectfully ask that Government will kindly accept this resolution and place us under an obligation.

Maulvi Muharram Ali Ghishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, I support the resolution. Mian Muhammad Shah Nawaz has lucidly stated that the inhabitants of the Thal are entitled to justice. I would urge only three points: (1) the scheme is less expensive than the rival project, (2) it will yield larger income, (3) pledges should be fulfilled. These people have been waiting for a quarter of a century and their hopes should now be fulfilled. The resolution is a very important one: it is a plea for justice. I support it strongly.

Mr. President : There is an amendment to the motion by Mr. Ganpat Rai. It is outside the scope of the motion and I must rule it out of order.

I now call upon Diwan Bahadur Raja Narendra Nath to move his amendment.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders General] : "Sir, the amendment which I wish to move is this—

"Omit "to appoint a committee, consisting of . . . in the near future" and substitute therefor "to expedite the survey of the Thal tract and the preparation of detailed plans of the Sind Sagar Canal Project with a view to the submission of the Project to the Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley Project is well advanced."

My hon'ble friend the mover of the resolution has fully described the history of the circumstances under which the idea of colonizing the Sind Sagar

[D. B. Raja Narendra Nath]

Doab Canal originated. He has given facts and figures with regard to the area commanded, and I need not repeat the figures given by him. He has established it fully that the Project, as far as can be foreseen by professional men, will be highly profitable. It will bring prosperity to the people and a large increase of revenue to Government. I do not want to repeat all that he has said. My amendment is to the effect that the question of making any changes in the Sind Sagar Canal Act be abandoned and stress should be laid on the expeditious survey of the soil and expeditious preparation of the Project so that it may be submitted to the Secretary of State as early as possible. Well, Sir, this amendment may appear at first sight to be inconsistent with the object of the resolution, but on closer thought it will appear that it is not so. The *raison d'être* of the Act in which it is now proposed to bring about changes was to find ways and means for construction of the canal. That Act has now been in operation for 22 years and for some reason or other delay has occurred in the construction of the canal. It is now too late in the day to move that that Act should be changed. The existence of the Act is a strong argument in favour of the expeditious survey of the Project and expeditious execution of the Project. Therefore, I submit that the question of making any changes in the Act is at present given up and that attention be directed to the early construction of the canal. It seems to me that when the work on the Sutlej Valley Canal has advanced sufficient establishment will be set free to be put on this new Project. Therefore, no time should be lost and the survey of the soil should be undertaken and estimates and plans should be submitted to the Secretary of State with a view to obtaining sanction, and a loan be raised or some other means may be found to start the work as early as possible.

Khan Muhammad Saifullah Khan (Mianwali (Muhammadan), Rural) (Urdu) : Sir, I accord my unqualified support to the amendment moved by Diwan Bahadur Raja Narendra Nath. It is now twenty years since Act I of 1902 was passed and it is strange that the authorities have not obtained the sanction of the Secretary of State up to this time for the construction of the Sind Sagar Canal. At the time when Act I of 1902 was passed the authorities declared that the Sind Sagar Canal would be completed in 15 years. In view of the promises held out the proprietors of Tahsil Leiah and Bhakkar gave agreements, to which reference has been made by Mian Muhammad Shah Nawaz, and reposed full confidence in Government. Had the proprietors known that the excavation of the canal would be postponed from time to time they would have been reluctant to execute agreements. In view of the fact that Government fulfils its pledges it is appropriate for it to remove all the misgivings from the public mind by definitely telling them when the excavation of the canal would be commenced. In case the excavation is postponed for a few years more great unrest would be caused among the proprietors. Mian Muhammad Shah Nawaz has made a luminous statement regarding the income and expenditure of the canal. I might mention that with the advent of the canal the value of the Government land would rise to about thirty-two crores and in addition to this Government will earn a profit at the rate of 19½ per cent. Moreover the greater part of the expenditure that will be incurred on the canal could be recouped by selling the share of the shamilat land which Government will take from the proprietors. It is to be remembered that the total expenditure of the canal would amount only to Rs. nine crores and twenty-two lakhs. The inhabitants in the western districts of the Punjab rendered a great deal of assistance to Government.

during the Great War and it is their desire that the excavation of the Sind Sagar Canal should be commenced without delay. The production of grain in the western districts of the Punjab is small, inhabitants are poor and famine conditions are prevailing. When the canal is excavated colonists in sufficiently large numbers would be found for colonising the land. There are at present thousands of people who are prepared to take up the Government and shamilat lands in the Thal for barani crops and on the batai system. A large number of cultivators and colonists belonging to the districts of the Frontier would also settle in the Thal on the advent of the canal and thus a decrease would take place in thefts and dacoities on the Frontier. Excavation of the Sind Sagar Canal is beneficial

10 A.M.

from every point of view. Unless the excavation of the canal is commenced the proprietors of the Thal would not be bound by Act I of 1902, nor will they be prepared to give to Government its share of the shamilat land. They have waited for the excavation for a long time and it is time that Government fulfilled its promises. Act I of 1902 is applicable only to Tahsils Bhakkar, Leiah, Muzaffargarh and Sanawan. The landowners in the above tahsils gave agreements at the instance of Government, but the proprietors of Tahsils Khushab and Mianwali declined to execute agreements and they are earning thousands of rupees by partitioning the shamilat lands and by means of barani cultivation. On the other hand, the proprietors of Tahsils Bhakkar and Leiah, in consequence of the agreements executed by them, can neither partition the shamilat land nor can sink wells thereon. In other words they are suffering an unjust loss. For the reasons stated I would request Government to have the excavation of the canal commenced without delay.

Mr. President : The last speech is mostly directed to the main motion and not to the amendment. I allowed the member to go on because he is not accustomed to speaking. Hereafter the members must speak on the amendment.

Rai Bahadur Lala Sewak Ram : [Multan Division (Non-Muhammadan), Rural] : Sir, I most warmly support the amendment which has been put by my hon'ble friend the Raja Sahib. I think it is a very healthy amendment, because it does not require the Government to appoint another committee to go into the matter of the Sind Sagar Scheme. As already pointed out by my learned friend Mian Shah Nawaz a very strong committee has been sitting and they have given a certain finding. Any further committee would be absolutely useless. Therefore if this amendment is accepted the work can immediately be taken in hand in the way suggested in the amendment, the scheme may go up to the Secretary of State for sanction and as the Sutlej Project gets to a finish, the staff may be employed gradually on the construction of this canal. There is no necessity for going further into the matter as the demand made by the Raja Sahib is very moderate and I think the next important scheme that Government has in hand is the Thal Project and no other scheme is more important than this. Therefore if this amendment is accepted, as soon as the Sutlej Valley Project comes to a finish the work of the Thal Project may begin. I therefore most warmly support this amendment and trust that Government in accepting this will oblige the people who are to be the cultivators of this Thal land.

Mian Muhammad Shah Nawaz : I accept the amendment.

Mr. President : It is for the House also to accept the amendment.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : I will not speak at this stage because I want to see whether the House accepts the amendment. At a later stage I should like to have an opportunity of saying something on the motion as amended or as it stands.

Majik Firoz Khan, Neon [Shahpur West (Muhammadan), Rural] : I have great pleasure in supporting the Raja Sahib's amendment, because it is a very healthy and a useful one. It does away with the Committee and does away with many other things. What I suggest is that as soon as the Sutlej Valley Project is well advanced some Engineers may be spared and they will be easily available. I do not think there is much to be said on this amendment. I hope this House will accept the amendment unanimously, because it is to the betterment of everybody, the Government and the non-official members.

Mr. President : The original motion is—

"That this Council recommends to the Government to appoint a Committee, consisting of official and non-official members of this Council, to report on the charges which should be made in the Sind Sagar Colonization Act, I of 1902, and to recommend ways and means for the construction of the Sind Sagar Canal in the future."

To this an amendment has been moved

"Omit 'to appoint a Committee, consisting of in the near future' and substitute therefor 'to expedite the survey of the Thal tract and the preparation of detailed plans of the Sind Sagar Canal Project with a view to the submission of the Project to Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley Project is well advanced.'"

The question is that the amendment be made.

The motion was carried.

Mr. President : We shall now resume the discussion on the motion as amended.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : Sir, I am glad that the House has lightened my work to some extent by accepting the amendment of Diwan Bahadur Raja Narendra Nath, as the resolution as amended stands on a different footing from what it was before. I should like to say a few words as to how the Act came into existence and in this connection I cannot do better than refer to some portion of the Council proceedings of 1899 which have been referred to by my friend, the mover, when he moved his original motion. The construction of different canal projects in this province opened out very great possibilities of carrying out colonization in tracts which used to be arable waste in the very beginning and which were to benefit to a great extent both the men who were cultivating the land and also the Government which was to benefit by additional revenues. The Thal wastes originally belonged chiefly to Government but were transferred to the proprietors of that place by an arrangement which was made on the following lines, that is the Settlement Officer effecting the partition of the tracts between the Government and the landlords allotted most of the wastes to the villagers according to the number of cattle, sheep and goats enumerated at the settlement. In this way the villagers gained two million acres more or more precisely speaking, 1,974,140 acres in addition to 2,0,989 acres previously held by them in proprietary rights, the Government retaining 700,714 acres as reserved Rakhis. The enormous areas of waste assigned to the villagers were assessed at the rate of Re. 1-4-0 per hundred acres. This gift, however, did not

prove an unmixed boon. Soon after in 1888 and till 1890 there were very heavy droughts in that part of the country so much so that the landlords felt the greatest difficulty in paying to Government even this small assessment of Re. 1-4-0 for every hundred acre and representations were made that the land revenue demand which was already light should be reduced. Government was not unmindful of the situation and on its own motion instructions were issued by a letter over the signature of our present Governor who was at that time Senior Secretary to the Financial Commissioner. Instructions were given that some sort of relief should be given to the people there. But this thing started the idea whether it would not be profitable to construct a canal in this tract and save these people from any future devastations owing to climatic effects. By this time also experience had been gained in colonising certain other tracts of the country; for example, we had obtained at that time the Upper Bari Doab Canal, the Sind Canal, the Western Jumna Canal and the Chenab Canal. Had these canals existed then, perhaps this large area would not have been passed on to the zamindars and the Government would not have had the necessity of bringing into existence legislation to validate the taking back of the land which Government had given to the zamindars at the time of the settlement. However, to be fair, Government brought this legislation with the purpose of resuming, I may say in the words of that day a "mistaken gift". The Government wanted to benefit the province and the landlords under this Act. It was with the idea of benefitting the province, and the people that this Act was brought into being. Sir Malcolm Hailey, the present Finance Member of the Government of India, was deputed to arrange agreements with the zamindars. He spent a good deal of time, labour and energy by staying in that part of the province and carried out agreements which would be acceptable both to the Government and to the people.

Now, Sir, having made that Act it might be asked, or to be more true it has been asked, why this canal has not been built. Fortunately or unfortunately certain projects which were more paying to this province had to be taken in hand before we could come to the construction of this canal. The Triple Canal, the Lower Bari Doab Canal had been constructed and then as a corollary of these the Sutlej Valley Project had to be taken in hand. This last project has now been started as this Council has voted funds for the purpose and arrangements have been made to push on this scheme as fast as we can possibly do it.

Though my friend, Mr. Ganpat Rai, has not been allowed to move his motion, but the original mover of the resolution mentioned something about the other project which, I may say, at the present moment may be standing in the way of Government taking up this project at once, that is, the project of Bhakra Dam. This latter project is meant not only to increase the supply in some of our existing canals, but is also to irrigate some additional part of the Province where irrigation facilities are also equally needed. It is also meant to supply irrigation to Bikaner and some portion of the Phulkian States and of the State of Faridkot. But this Project of Bhakra Dam does affect to some extent the Sutlej Hydro-Electric Scheme which will come into being sooner or later and be a source of great potentiality to this Province. I will, with your permission, further read a few of the extracts or opinions which have been prepared in the Irrigation Department, comparing the advantages and the disadvantages of both the schemes. In one sense it would not be necessary

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to do so as we are not being asked at the present moment to consider whether the Bhakra Dam should be made first or whether the Thal canal should be made first, but it will to some extent give an idea to this Council as to the difficulties that stand in the way of the decision and what are the advantages or disadvantages that shall have to be weighed in coming to a decision whether the Thal Project should take precedence over the Bhakra Dam. Therefore with your permission I will read a few extracts on the subject.

The Thal Project will irrigate a practically uninhabited tract by colonisation and in the case of Bhakra Dam it will irrigate a tract of country where severe famines at the present moment occur. As regards surveys those available for the Thal Project are not quite simple, but detailed surveys are in hand which will be finished in another three years, thus giving us valuable information for the preparation of more detailed plans of the Thal Project which when ready would facilitate the taking in hand of the Project; while the detailed surveys of Bhakra Dam exist over the whole tract, having been commenced in 1904 and completed in 1917. The alignments of all the main channels have been laid out, levelled over and a complete detailed project estimate has been prepared.

The produce per acre in the Thal Project is speculative and the money value of the crops will be below average as communications are somewhat deficient and no provision for improving them is made in the Project, while in the other case the produce per acre is known from reference to the adjoining irrigated tracts, and the value of crops will be high as it is a famine-affected tract, and the prices in the Gazette for this district tend to be higher than the average of the Province. Ample railway communications exist and the cultivators will therefore be able to get full value of the produce.

I may say something about famine. The tract in the Thal is not so very much affected by famine while the tracts in the districts of Hissar, some parts of the district of Rohtak suffer from constant famines where fairly large remissions and suspensions of land revenue are to be given.

Besides that, Sir, advantages that would accrue to the district of Karnal by way of the drainage of the tract are obvious. These latter, however, could also be gained by the ordinary process of drainage schemes under the care of the Drainage Board.

Railways I have mentioned already. These are scanty in the Thal tract while there are a good deal in this tract. Certainly the Project of Thal would benefit the existing canals a great deal. While in the case of Bhakra Dam that will also benefit some of the canals because a great deal of waste of water which is going on at the present moment shall be conserved by keeping it in reserve ready available for use when greater demand for water comes in the time of need.

Now as to the programme of construction of the Thal canals, it will take close upon twelve years for irrigation to begin, and I think the same number of years shall have to be spent in the construction of the Bhakra Dam Project. Surely we cannot have both the Projects at one and the same time. At any rate after the Sutlej Valley Project is completed we shall have to consider which of these will have to be taken first and which last. They cannot both be started at one and the same time.

As regards the establishment, I do not think we have got sufficient establishment to carry on the two Projects together. When the Sutlej Valley is sufficiently advanced we can spare some of the staff either for the Thal Project or the Bhakra Dam Project whichever is considered to be expedient to start then.

The capital outlay of the Thal Canal is Rs. 9.22 crores while of the Bhakra Dam it is Rs. 14.44 inclusive of the portion to be contributed by the States. (Hear, hear).

As regards the financial aspects, I may say that my friend has mentioned that the Thal Project would give us something like 18.47 per cent. That was the first forecast that was made by the Irrigation Department. The revised forecast is 18.49 per cent. While in the case of Bhakra Dam the return of interest charges will be 6.5 per cent. I may add, however, that in the last case we are not taking into consideration anything on account of the sales of land as no sales of land shall take place in this case. (Hear, hear). Before you say another 'hear, hear' let me say this that in the case of the Bhakra Dam Project there is the possibility of our being able to charge some sort of *razarana* which may run to about Rs. 40 per acre, and this will probably raise the amount of interest return to the same figure as is the case in the Thal Project.

As regards land irrigated, I have some figures which I can give you. The area irrigated in the case of Thal is 1,852,000 acres, while about 2,120,342 acres will be irrigated by the Bhakra Dam Project.

You have to consider one thing more before you come to any decision. If land is placed on the market in the Thal it will to some extent influence sales in the Sutlej Project. Should that happen, it will to some extent prejudice the earning capacity of the Sutlej Valley Project. I am aware of what Khan Saifullah Khan has said that it would be possible in the case of the Thal to give that land on long leases and not sell thereby earning a good deal, and thus make the Project a paying one by way of meeting interest charges and perhaps also the reduction of some of the loan from income from leasing land out.

* Now after comparing these two Projects, I turn my attention to a few of the remarks that have been made by my friend Mian Shah Nawaz in his speech. He said that certain responsible officer on the spot said a canal will be built in fifteen years. At least I do not find any mention of it in the Act. I do not find any mention of it in the agreements that have been entered into.

Mian Muhammad Shah Nawaz: May I read a sentence out of the speech?

"If we are successful in getting the owners of the waste in question to share the same view, then there is a prospect of the Sind Sagar Doab Project being carried to completion without many years' delay." (Page 26, Part VI, *Punjab Gazette*, Novr. 9, 1899,—speech of His Honour Sir William Mackworth Young, the then Lieutenant-Governor of the Punjab.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha (continued): That does not mean fifteen years. It does not mean five years. It may mean any number of years.

Things have cropped up which caused delay in the carrying out of this Project. I need not detain the Council very long, but I will simply

[S. B. Sardar Sundar Singh Majithia.]

repudiate the idea that Government gave any undertaking. No such undertaking was given as no such undertaking could be given. Whatever the Punjab Government said, they never committed themselves to any definite period in their recommendations to the Government of India. The whole thing depends upon what will be a more paying concern. Surely, the Thal Project is a more paying project from all points of view. The decision of the question shall have to depend first of all on the sanction of the Government of India and through the Government of India of the Secretary of State, and, last but not least of all, upon the sanction that this Council gives by allotting funds for the project. This House has power to make us take any scheme that it likes simply by voting funds for the scheme they like best. Well, if this House gives us funds for the completion of two schemes, I don't think the Irrigation Branch will, in any way lag behind in doing everything to spend that money. They might be able to undertake both if so desired, but anything done in a hurry would mean not doing a thing properly, and there may be the difficulty of procuring labour, and I don't think this House will be justified in that case in pressing for the construction of both schemes at one and the same time. Another statement which was made by my friend Mian Muhammad Shah Nawaz was that the proprietors of Mianwali and Khushab Tahsils, who refused to execute agreements with Government and who are thus free to partition land and cultivate it, have partitioned and cultivated their lands and have been making enormous profits and that the poor proprietors in Bhakkar and Leiah who have been placed at a disadvantage are not making any profits at all. I have not got any personal experience of that province, but in my Revenue Secretary I have got an officer who has spent a good part of his service in Mianwali, and I am informed by him that the people in Bhakkar are earning equally good profits if not more than their better placed confreres in Mianwali and Khushab Tahsils, so much so that some people in Bhakkar have paid in their three years' revenues in advance. The cultivation is extending also southwards in Leiah, and I don't think any obstacles have been placed in the way of the cultivation of Shamlat land, all that has been done is that there have been prohibition placed in the way of the partitioning of land and the sinking of wells in it; the reason being simply that if this were allowed, the whole benefits that would accrue to the province from these 17 lakhs of acres of land would be lost. I realize these points fully, and in placing them before the Council, I have tried to do my best to define the position that the Government will take in this matter. Government cannot possibly commit themselves one way or the other, the reason being simply this that everything depends upon the sanction, as I said before, of the Government of India and the Secretary of State, and finally on the funds that this Honourable House places at the disposal of the Government. Therefore, anything that I say on the subject would be of non-committal attitude, yet the most one would say and a prudent man would say, is that no prudent man would take up any scheme which is less paying and leave out a scheme which is more paying, and therefore, the probability is, though I do not commit the Government to any line of action on this subject, the probability is that the Thal Project would be the next one that would be taken up, but I would also say that there are other considerations which have not yet been gone into and have to be fully weighed. They will have to be discussed in this House and the Council shall have and has power to bind us to any scheme they like. Under

these circumstances, I would leave the whole thing for the decision of the Council, but would advise them to decide the question when the time arrives. Government certainly cannot repeal the Act and lose that large area of valuable land which originally belonged to them and which they ceded to these landlords, and which has to come back to Government under agreements ratified by the Act of 1902. Therefore, while not committing the Government one way or the other as to which scheme should have the preference, I am leaving this Council to decide for themselves what to do in the matter.

Sayad Muhammad Husain [Montgomery Muhammadan Rural]: Sir, the whole question has now crystallised into a dilemma with two horns, whether the House should accept the Bhakra Project or the Thal Project. (Hear, hear). In my opinion the Government should undertake the Thal Project first. (Hear, hear). They must then undertake the other project. First of all the Thal Project is the most straightforward one, and this opinion is also shared by my hon'ble friend, Mr. Sangster, the Chief Engineer, as he told me (Hear, hear). The Bhakra Dam Project is not so straightforward. It may succeed or it may not, and the whole money spent on it may be a waste.

Mr. President: The hon'ble member is not in order in quoting what may have been said outside this House. One very good reason is that recollections may differ as to what was actually said, and acrimonious disputes may arise as to what exactly was said. You will do well to withdraw the remarks.

Sayad Muhammad Husain (continued): Then I withdraw my remarks. My hon'ble friend the Revenue Member seems to be inclined to start the Bhakra Dam Project first. He is actuated in doing so by the high feeling which he possesses.....

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: I did not say I am inclined to take the Bhakra Dam project first. I leave it to the House to decide which should be taken first.

Sayad Muhammad Husain (continued): He seems to be actuated by considerations for the poverty of the people.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: Sir, I am not actuated in any way.

Sayad Muhammad Husain: Thank you, then, Sir, I quite agree that the people of Hissar are very poor. They depend upon the mercy of the heavens as much as the people of the Thal. If it rains there they get some money and possibly money enough to deposit in Government treasuries. If it does not rain, just consider the condition of both these people. Their depositing two years' revenue in advance is not a sign of their prosperity. They safeguard themselves against famine when they will not be able to find the money to pay the revenue. It is not a sign of their prosperity but of their economy. They deposit in the Government treasury lest the time may come when they will have to sell their property. Really they are very poor.

Now it has been said by my hon'ble friend the Sardar Sahib that the income that will accrue out of the Thal Project will be something like 19 or 18 per cent. of the total outlay while that on the Bhakra Dam will not exceed 6 per cent., though he is of opinion that it will be made up ultimately in the same way as has been done in the Thal Project. I do not think the Government will ever succeed there. First of all the people there are poorer than the people of Thal. The Government will not be able to realise *nagarana*

[S. Muhammad Husain.]

from the people who are not as rich as the people of Thal. Nor will it be possible for these people who have small holdings to part with them. The Government must then have to supply the canal water and must be content with the revenue that it is able to collect without asking them to contribute anything more. I am against that.

As regards communications, Government will take a very long time to undertake the construction of communications, and it will not undertake the work until the project reaches completion, and as regards money, it will not be paid by the Government. It will have to be borrowed from the market. I therefore strongly support Mr. Shah Nawaz that the Government must start the Thal Project, taking the Bhakra Dam next; but in no way the Sutlej Project which has been started should be hindered by either of these projects. (Hear hear. I belong to that part of the country. (Laughter). My hon'ble friend is interested in the Thal Project so I am in Sutlej Valley Project. (A voice: personally). So that Sutlej Project should not suffer. Otherwise the people in my district and in my constituency will suffer in many ways, and there ought, therefore, to be no apprehension that the Sutlej Valley work will in any way suffer. I do not know much about the land which the projects will irrigate. However, the Government will realise comes out of them, because the value of the land is not going to come down.

The Council then adjourned till 7 A. M. on Thursday, the 10th August 1922.

PUNJAB LEGISLATIVE COUNCIL

Thursday, 10th August 1922.

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

CONSTITUTION OF THE STANDING COMMITTEES.

Mr. President: I have to announce to the Council the results of the election held on Tuesday, the 8th of August 1922. I declare the following members to be duly elected members of the 12 Standing Committees of the Council:—

FINANCE COMMITTEE.

1. Sardar Randhir Singh.
2. Sayad Muhammad Husain.
3. Sardar Dasandha Singh.
4. Mr. Manohar Lal.
5. Mian Muhammad Shah Nawaz.
6. Pir Akbar Ali.
7. Malik Firoz Khan, Noon.
8. Diwan Bahadur Raja Narendra Nath.

CANALS COMMITTEE.

1. Sardar Kartar Singh.
2. Sayad Muhammad Husain.
3. Pir Akbar Ali.
4. Lal Atma Ram.
5. Malik Firoz Khan, Noon.
6. Diwan Bahadur Raja Narendra Nath.
7. Rai Bahadur Lal Sewak Ram.
8. Mian Muhammad Shah Nawaz.

JAILS COMMITTEE.

1. Mian Ahmad Yar Khan, Daultana.
2. Captain Sardar Gopal Singh.
3. Maulvi Muharram Ali, Chishti.
4. Mr. Ganpat Bai.
5. Mr. Nawab Din, Murad.

INDUSTRIES COMMITTEE.

1. Rai Sahib Lala Panna Lal.
2. Nawabzada Muhammad Ishaq Ali Khan.
3. Rai Sahib Lala Thakar Das.
4. Lala Atma Ram.
5. Chaudhri Nabi Bakhsh.

CO-OPERATIVE SOCIETIES COMMITTEE.

1. Chaudhri Bans Gopal.
2. Chaudhri Ali Akbar.
3. Khan Bahadur Rai Wali Muhammad Khan.
4. Rai Sahib Lala Panna Lal.
5. Hana Muhammad Jamil Khan.

EXCISE COMMITTEE.

1. Rai Sahib Chaudhri Raja Singh.
2. Chaudhri Ali Akbar.
3. Pandit Daulat Ram, Kalra.
4. Khan Bahadur Rai Wali Muhammad Khan.
5. Mr. K. L. Rallia Ram.

LOCAL SELF-GOVERNMENT COMMITTEE.

1. Sardar Sahib Risaldar Dilbagh Singh.
2. Mian Ahmad Yar Khan, Banitana.
3. Khan Bahadur Chaudhri Fazl Ali.
4. Mr. Ganpat Rai.
5. Sardar Sangat Singh.
6. Sayad Ghulam Muhammad Shah.

PUBLIC HEALTH COMMITTEE.

1. Khan Bahadur Raja Muhammad Akbar Khan.
2. Sardar Randhir Singh.
3. Pandit Daulat Ram, Kalra.
4. Sayad Muhammad Raza Shah.
5. Mr. Ganpat Rai.
6. Dr. G. A. Owen.

AGRICULTURE COMMITTEE.

1. Sayad Muhammad Husain.
2. Chandari Bans Gopal.
3. Pir Akbar Ali.
4. Rai Bahadur Lal Sewak Ram.
5. Khan Bahadur Chaudhri Fazl Ali.

EDUCATION COMMITTEE.

1. Sardar Dasaundha Singh.
2. Pir Akbar Ali.
3. Sardar Sahib Risaldar Dilbagh Singh.
4. Khan Bahadur Chaudhri Fazl Ali.
5. Mian Muhammad Shah Nawaz.
6. Mr. Manohar Lal.
7. Mr. Nawab Din, Murad.
8. Dr. C. A. Owen.

LAND REVENUE COMMITTEE.

1. Sodhi Lal Singh.
2. Sayad Muhammad Husain.
3. Mr. Manohar Lal.
4. Pir Akbar Ali.
5. Diwan Bahadur Raj Narendra Nath.
6. Malik Firoz Khan, Noon.
7. Mian Muhammad Shah Nawaz.

POLICE COMMITTEE.

1. Sardar Sangat Singh.
2. Mian Ahmad Yar Khan, Daultana.
3. Mr. Ganpat Rai.
4. Maulvi Muharrem Ali Chishti.

These committees will not be considered to have been constituted until the nominated members are nominated by the Governor as required under Stand-Order 74-A (2). As soon as the nominations are made by the Governor a notification announcing the constitution of the committees will be issued in the Gazette.

QUESTIONS AND ANSWERS.

PACHOTRA AND LAMBARDARS.

1787. Mian Ahmad Yar Khan, Daultana: Will the Government be pleased to state whether *lambardars* are given *pachotra* in return for all the services that they render to the Government as *lambardars* or is it given only for the collection of land revenue?

(b) Whether if a *lambardar*, fails to pay the revenue of his *lambardari* within a fixed period he is still entitled to get a part of his *pachotra* in return for his other services?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia : *Pachotra* is the remuneration received by *lambardars*, for the discharge of all the duties laid upon them by the Land Revenue rules.

(b) In the case mentioned the Collector may withhold and forfeit to Government the whole or any part of the *pachotra* as he thinks fit.

SUTLEJ VALLEY RAILWAY.

1738. Mian Ahmad Yar Khan, Daultana : (a) Arising out of the answer to question No. 380* given on the 5th April 1921, has Government any information as to the date when the relaying of the Sutlej Valley Railway will be undertaken?

(b) If the answer be in the negative, will the Government be pleased to move the central Government to take early steps to relay the line?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia : The relaying of the Sutlej Valley Railway line from Kasur end has been taken in hand.

COMMUNAL REPRESENTATION IN THE FOREST DEPARTMENT.

1739. Mian Ahmad Yar Khan, Daultana : (a) Is it a fact that out of eighteen gazetted posts held by Indians in the Forest Department only two are enjoyed by Muhammadans?

(b) Will the Government be pleased to state the names of the other communities that enjoy the remaining sixteen posts giving the number of posts held by each community?

(c) Will the Government be pleased to take early steps to give the Muhammadans their due share in the department?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia : (a) It is regretted that the answer to question No. 1161† was not accurate. On the 1st July 1922 Indian Officers held 28 gazetted posts in the Forest Department in the Punjab and of these 6 posts were held by Musalmans.

(b) Hindus 16 posts and Sikhs 6 posts.

(c) Appointments to the Forest Department are not made on communal lines. The best candidates available are selected irrespective of caste or creed.

*Volume I, pages 524-25.

†Volume III, page 60.

ACTION TAKEN ON THE REPORT OF SAYED MARATAB ALI SHAH, A NON-OFFICIAL VISITOR OF THE LAHORE JAIL.

1740. Maulvi Muharram Ali Chishti : (a) Will the Government be pleased to lay on the table all the Urdu reports (together with their English translations) made by Sayed Maratab Ali Shah, an Honorary Magistrate and a non-official visitor of the Lahore jail, during his visits to the jail in the course of the first six months of this year?

(b) Will the Government be pleased to state what action was taken in respect of those reports?

The Hon'ble Sir John Maynard : (a) A copy of the required report is laid upon the table.

(b) The action taken is indicated on the margin of the reports.

Remarks by Superintendent of Jail

Translation of the remarks made in the Official Visitors Book on 2nd May 1922 by the Non-Official Visitors by Sayad Maratab Ali, Bhai Gurdit Singh and Rai Sahib Shis Ram.

It is cooked both sides and the bread I have seen have been very well cooked

This is being done.

For orders of Inspector-General of Prisons.

Attention called to the rules conveyed in letter No. 2144-G, I., dated 17th May 1922. Wherein only special class prisoners be permitted to sleep outside at night.

We inspected the Jail to-day and the following complaints were made to us by the political prisoners :—

(1) The bread is made of very coarse atta, too much water is put into it, and when the bread is baked dry atta is applied too much as the bread is baked only one side so that it remains uncooked from inside. In our opinion it should be cooked both sides.

(2) The cooked vegetable of turnips which we saw was not fit for human consumption in this time of the year because this vegetable is over ripe and is only used for producing seeds. Some other vegetable of the season should be issued.

(3) As it is the hot weather and the mosquitoes are in abundance therefore the political prisoners cannot sleep at night on account of heat and the mosquitoes. It will be better if they be allowed to sleep outside.

E. L. WARD.

Remarks by Superintendent
of Jail.

Translation of remarks made in the Official
Visitors' Book by the Non-Official Visitors on
24th May 1922.

From enquiries made it has been found that on this day vegetables for 120 prisoners were sent, and that out of these some 20 had already taken their vegetable ration before the arrival of the Non-Official Visitors. The vegetable consisted of Kulfa and onions. After cooking and straining the weight to less than half the original raw weight. The cooked vegetables, 15 seers in weight, would suffice for over 100 men. The Non-Official Visitors appear to have mistaken 4 chittaks cooked for 4 chittaks raw vegetables.

We visited the Central Jail, Lahore, to-day. The political prisoners complained to us that they are supplied with a very small quantity of vegetable, therefore they have to eat dry bread with water and so they were doing—as the vegetable for issue with the meals was present there, it was in only one vessel. The vessel was carried to the cook house for weighing. The Sub-Assistant Surgeon in charge of the food was present there. It took more than 20 minutes that with the injunction of an Assistant Jailor that an iron scale was brought in. A weight of 2 seers was put before the balance was correct. The vessel was weighed and it was 15 seers. I enquired from the Doctor what was the scale for each prisoner, he stated it was 4 chittaks per head. There were 172 prisoners there, and after deducting the sick and the men on the fast, there should have been more vegetable. The prisoners only complained of the shortness of the vegetable and stated that for this reason they had taken no vegetable at all. We think that this complaint can be removed by the little attention of the jail authorities and such complaint should not be allowed to occur. Besides this complaint, no other complaint was made to us.

S. MARATAP ALL.

SITA RAM,

MUHAMMAD INSHAH ULLAH,

Non-Official Visitors.

SECTION 144, CRIMINAL PROCEDURE CODE.

1741. Maulvi Muhammad Ali Chishti :

- (a) Will the Government be pleased to state whether it has scrutinised all the orders passed under Section 144 by the different

magistrates in the province with reference to political meetings and public speakers ?

(b) What is the total number of the cases in which orders were passed under Section 144, Criminal Procedure Code, with reference to political meetings and public speakers, during the past year and the first six months of the present year ?

(c) Has the Government referred any of these orders to the Hon'ble Mr. Justice Martineau for revision ? If so, how many ?

Do the references contain the files of the cases in which orders were passed against Pandit Madan Mohan Malaviya ?

(d) If the Government has not referred these cases to the Hon'ble Mr. Justice Martineau, will the Government be pleased to state reasons ?

Mr. J. Wilson Johnston : The information asked for is not yet available, but when obtained, a full reply to his question will be sent to the hon'ble member.

REDUCTION IN THE OFFICE OF THE CHEMICAL EXAMINER TO GOVERNMENT, PUNJAB.

1742. Maulvi Maharram Ali Chishti : (a) Will Government be pleased to state if any arrangements have been made whereby all blood cases will be first examined by the Chemical Examiner to Government, Punjab, and only those articles will be forwarded to Calcutta which are found to be blood stained ?

(b) If not, has the Government considered the possibility of any reduction in the department ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The answer to the first part is in the affirmative.

(b) Therefore does not arise.

FOREST DEPARTMENT.

1743. Maulvi Maharram Ali Chishti : (a) Has the Government always designated the Forest Department as a productive Department ?

(b) What has been the amount of surplus during the past 10 years after deducting the expenditures in the department ?

(c) If there has been no surplus at all, what is the total amount of the loss, if any, incurred by the Government in this department during the last 10 years ?

(d) Will the Government consider the desirability of either abolishing the department altogether and making over the work of the department to private persons on leases or contracts, or, as an alternative, overhauling the whole administration of the department and making it a productive one?

(e) Has the Government any objection in appointing a small committee of officials and non-officials with the object of proposing reforms in the department?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: (a) The Forest Department is maintained primarily in the interests of the people of the land. The department deals with the grazing grass, timber and firewood requirements of the right-holders and agriculturists. The value of these products in the Punjab is now Rs. 27 lakhs yearly, given free or at a trifling price. Any surplus forest produce is sold for the benefit of the general revenues. Hence the Forest Department is only a quasi-commercial and semi-productive department.

(b) Rs. 69,07,833, which represents 32 per cent. on the working expenditure. The latter includes over Rs. 23 lakhs on capital account which in commercial concern would not have been debited to revenue.

(c) In view of reply to (b) this does not arise.

(d) In view of the reply to (a) this is most undesirable. Moreover, Government is not prepared to give up an average nett income of Rs. 7 lakhs a year.

(e) Government considers that the Forest Committee of the Legislative Council is all that is required to advise Government in forest matters.

POLITICAL SITUATION IN THE PROVINCE.

1744. Maulvi Muhammad Ali Chishti: (a) Is at present any area in the Punjab proclaimed under the Prevention of the Seditious Meetings Act?

(b) If the answer is in the negative, will Government be pleased to state if this is due to the fact that lawless activities have decreased in the province? Also what other reasons have prompted the Government to keep the Act in abeyance for the present?

(c) Is it a fact that the political situation in the province is calmer in these days? If so, will the Government be pleased to consider the advisability of reducing the punitive police at present posted in different areas? If not, why not?

The Hon'ble Sir John Maynard: (a) No.

(b) Yes. Government desires to abstain from the application of the Seditious Meetings Act whenever and wherever it is possible to do so without danger to the public order.

(c) Yes. The calmness of the political situation in this province generally is in part due to the measures which have been taken to check lawlessness in particular villages. It is necessary to maintain these measures.

ARBITRATION SOCIETIES IN RURAL AREAS.

1745. **Maulvi Muharram Ali Chishti:** (a) With reference to the existence of 87 Arbitration Societies in the rural areas, referred to in the Review on the Annual Report on the working of the Co-operative Societies in the Punjab, for the year ending 31st July 1921, published in the *Punjab Gazette*, dated 30th June 1922, will the Government be pleased to state the nature and the amount of the work done by these societies, giving the dates of their establishment?

(b) Now, after the passing of the Panchayat Act, will these societies be allowed to work independently or will they be converted into panchayats to be established under the Act?

The Hon'ble Lala Harkishan Lal: Orders for the abolition of the societies referred to have now issued. In these circumstances the information asked for by the hon'ble member is probably not required.

Maulvi Muharram Ali Chishti: May I inquire even now if the hon'ble member will be pleased to supply the information asked for.

The Hon'ble Lala Harkishan Lal: We will do our best to find out what they did.

SUPERINTENDENTS OF POLICE AND FIRST CLASS MAGISTRATES.

1746. **Maulvi Muharram Ali Chishti:** (a) Is it a fact that the Punjab Government issued a circular enjoining upon all Superintendents of Police on their being posted to a district to call on all the first class magistrates there? If so, will the Government be pleased to lay a copy of the circular on the table?

(b) Will the Government be pleased to enquire how many European Superintendents of Police in the Punjab have carried out those instructions so far as the Indian first class magistrates are concerned?

(c) Will the Government be pleased to direct the attention of the European Superintendents of Police to the orders contained in the circular in question?

The Hon'ble Sir John Maynard: Information is being obtained and will be communicated when available.

ILAQ MAGISTRATES, AND NON-GAZETTED POLICE OFFICERS.

1747. **Maulvi Muharram Ali Chishti:** (a) Is it a fact that the whole of the work done by police officers in criminal cases is subject to the scrutiny of the ilaq magistrate?

(b) If so, will the Government consider the advisability of imposing on the ilaqa magistrates the duty of writing an annual report as regards the work and character of all the non-gazetted police officers working in their respective ilaqa?

The Hon'ble Sir John Maynard : (a) The ilaqa magistrates see the work of the police officers who have investigated the cases which are sent to them for magisterial disposal.

(b) The attention of the hon'ble member is invited to the Police Act, 1861, and particularly to section 3 of it. Though District Magistrates can and do informally consult ilaqa magistrates on this and other matters, it is not permissible to entrust to these officers any functions extending to control of the police.

GOVERNMENT SERVANTS AND MEMBERS OF THIS COUNCIL.

1748. **Maulvi Muharram Ali Chishti :** (a) Is it a fact that the Government is averse to Government servants ventilating their own or public grievances through the members of this Council?

(b) Has the Government issued any instructions on the point?

(c) If so, will the Government be pleased to lay a copy of those instructions on the table?

MR. H. D. CRAIK : Government would regard it as a breach of discipline for a Government servant to parade the fact that he had ventilated or intended to ventilate a personal or service grievance through a member of the Legislative Council. On the other hand Government does not take official cognizance of the reasons which lead hon'ble members to take up questions of this kind, or of the sources from which they derive their information. No instructions have been issued on this subject.

NON-CO-OPERATION AND LEGAL PRACTITIONERS.

1749. **Pandit Daulat Ram, Kalla :** With reference to the answer given to question No. 311* on 17th March 1921, will Government be pleased to bring up to date the information about the number of lawyers in the Punjab who have given up practice on account of non-co-operation?

MR. J. WILSON-JOHNSTON : Government has received no further information regarding the abandonment of practice by lawyers and assumes that no further cases have occurred.

UNANSWERED QUESTIONS.

1750. **Maulvi Muharram Ali Chishti :** Will Government be pleased to lay on the table the copies of answers, if any, given to questions Nos. 1204, 1205, 1206, 1208, 1218, 1401, 1405, 1406, 1424, 1144, 1155, 1157, 1161, 970, 1187, dated 11th January 1922, 11th January 1922, 11th January 1922, 11th January 1922, 18th January 1922, 21st March 1922, 21st March 1922, 21st March 1922, 21st March 1922, 9th January 1922, 10th January 1922.

10th January 1922, 10th January 1922, 24th October 1921, 11th January 1922, respectively?

The Hon'ble Sir John Maynard : The answers are laid on the table.

Answer to question No. 1204.

A list containing the required information is laid on the table.

Serial No.	Name of Middle School	Number of Muslim Teachers	Number of non-Muslim Teachers
1	Jarawal	10	11
2	Samundri	6	10
3	Toba Tek Singh	4	9
4	Dijkot	9	18
5	Chak Jimara	3	19
6	74 G. B.	1	5
7	510 J. B.	5	3
8	503 J. B.	1	8
9	Mauradpur	7	8
10	Kharishawala	3	6
11	Sayadwala	1	16
12	Schian	2	9
13	Tandianawala	2	10
14	Sarsahni	2	5
15	Narwala	1	5
16	2 J. B.	6	2
17	570 J. B.	4	11
18	196 G. B.	9	2
19	Janiwala	1	7
20	Salarwala	5	2
21	Sial	2	8
22	433 J. B.	4	7
23	Mohalsahad	5	1
24	478 G. B.	1	2
25	102 J. B.	3	1
26	394 J. B.	4	1

Serial No.	Name of Middle School.	Number of Muslim Teachers.	Number of non-Muslim Teachers.
37	348 R. R.	2	
38	176 G. R.	2	
39	324 G. R.	2	1
40	204 G. R.	2	
41	520 G. R.		
42	102 G. R.	2	
43	220 G. R.	1	
44	354 G. R.	2	2
45	278 J. R.	2	
46	247 G. R.	2	2
47	98 G. R.		2
48	316 G. R.	2	
49	154 G. R.		2
50	508 G. R.	2	
51	22 J. R.		2
52	452 G. R.	2	
53	97 R. R.		2
54	261 R. R.		2
55	328 G. R.	2	
56	187 R. R.		2
57	118 G. R.		2
58	106 G. R.		2
59	Bushaki		2
60	198 R. R.	2	
61	68 G. R.		2
62	408 J. R.	1	1
63	115 J. R.	2	
64	267 R. R.	2	
65	Partabgarh		2
66	36 G. R.	1	1
67	435 G. R.	1	1
68	84 G. R.		2

*Answer to question 1204.**

Muslims ... 4

Non-Muslims ... 14

Answer to question 1205.†

The required statement is given below :—

1. M. Abdul Haq	...	Vernacular teacher, Government High School, Dharmasala.
2. M. G. M. Hyder	...	Junior English Master, Government High School, Dharmasala.
3. M. Muhammad Abdullah	...	Assistant District Inspector of Schools, Jullundur.
4. M. Lal Din	...	Assistant District Inspector of Schools, Ferozepore.
5. M. Ahmad Hassan	...	Assistant District Inspector of Schools, Jullundur.
6. M. Shah Muhammad	...	Vernacular teacher, Government High School, Ludhiana.
7. M. Shah Quli Khan	...	Assistant District Inspector of Schools, Jullundur.
8. M. Faiz Muhammad	...	Vernacular teacher, Government High School, Ferozepore.
9. Sh. Ghulam Muhammad	...	3rd Master, Government High School, Ferozepore.
10. Mir Abdul Wahid	...	Headmaster, Government High School, Ferozepore.
11. M. Faiz Muhammad	...	Teacher, Government High School, Hoshiarpur.
12. M. Sadr-ud-Din	...	Teacher, Government High School, Ferozepore.
13. M. Muhammad Ayub Khan	...	Teacher, Government High School, Ferozepore.
14. Mr. Ashraf Ali	...	Assistant District Inspector of Schools, Jullundur.

Answer to question 1206.‡

(a) The actual numbers of students in the hostels arranged according to communities are as follows :—

	Hindus.	Muslims.	Sikhs.	Others.	Total.
New Hostel	114	48	17	1	178
Old Hostel	94	20	30	1	154

(b) No students have been refused Boarding House accommodation though a few had to wait for a short time.

*Answer to Question 1218.**

(a) Subject to the qualification that the Local Government or the Head of a Department can give special permission to an official on leave to take up private work and can permit the receipt of fees from private persons, private bodies or public bodies whose funds are not administered by Government under the circumstances detailed in Article 74, Civil Service Regulations, the facts are correctly stated.

(b) (1) A clerk of the Communications Board has been permitted by the Chief Engineer, Roads and Buildings, as Head of the Department to act as clerk to the Civil Engineers Association. The Chief Engineer is satisfied that the work can be carried out without detriment to the clerk's official duties and the amount of the fee paid to him for this work was approved by the Chief Engineer. The Chief Engineer omitted, however, to record his sanction in writing, an irregularity which can be at once rectified. (2) The Chief Engineer of the Irrigation Branch permitted a junior clerk while on leave to render some help to an Irrigation Specialist in Lahore in copying and typing. No other instances of the nature suggested by the Hon'ble Member are known, but if he will give any indication of any suspected instances, they will be enquired into.

(c) As will appear from the above, no case has yet been made out for special steps to be taken to prevent the infringement of the rules.

Answer to Question 1401.†

(a) The answer is in the affirmative.

(b) The area to be surrendered when construction begins is 2,291,501 acres. 572,875 acres are to be returned to proprietors.

(c) The total area of Crown waste land is 1,523,824 acres.

Answer to Question 1405.‡

(a) A copy of the conditions of the agreement is laid on the table.

(b) The main reasons why no agreements were taken from the proprietors of Thal lands in Mianwali and Khushab tahsils are as follows :—

(1) The question of taking agreements from them was not raised till late in 1906, because it was not originally realized that these tahsils would come under irrigation.

(2) By the time the question was raised the inhabitants of these tahsils had discovered that the cultivation of barani crops of gram may be very profitable in the Thal. In Mianwali this discovery had already led to the partition of the bulk of the village common lands and in Khushab these lands, though still unpartitioned, had become honey-combed with patches of cultivation, much of it held in proprietary right. This would have greatly complicated the taking of agreements.

(3) From the Government point of view there was less reason for taking agreements in these tahsils than in those in which agreements were taken inasmuch as at the time of the original demarcation of the boundaries of estates and Crown waste more regard had been paid in them to the actual grazing requirements of the population, and consequently larger areas had been reserved as Crown lands.

(4) Hence there was more probability that in these two tahsils the local population would be able to develop their own estates than in the tahsils where agreements were taken.

(5) The local population, realizing that the local rainfall, though copious, is on an average sufficient to enable them to develop their estates by barani cultivation, evinced a preference for retaining barani conditions in place of obtaining irrigation at the price of the reduction of their area of ownership.

(d) Yes.

Answer to Question 1404.

(a) The Hon'ble Member is referred to the answer given to question 1405 (a).

(b) The answer to the first portion of this part is in the affirmative.

As regards the sinking of wells in the Leich tahsil Government has imposed no restrictions, but Adna maliks may not sink wells without the permission of Ala maliks. Under clause 2 of the agreement no rights can be acquired against Government by the sinking of a well. In the Bhukhar tahsil the sanction of the Deputy Commissioner has to be obtained.

Volume III, page 370.

Name of the Estate		Area in Acres	
No.	Name	Area	Remarks
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4
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6
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Answer to Question 1424.*

STATEMENT SHOWING THE NUMERICAL STRENGTH OF HINDUS, MUHAMMADANS, CHRISTIANS AND SIKHS IN THE APPOINTMENTS OF DISTRICT ENGINEERS, OVERSEERS AND SUB-OVERSEERS, CLERKS AND SECRETARIES OF THE MUNICIPAL COMMITTEES AND DISTRICT BOARDS IN THE AMBALA DIVISION.

1	2	3	4			5			6	7			
			DISTRICT REVENUE OFFICERS.			CLERKS.							
			DISTRICT REVENUE OFFICERS.			CLERKS.							
DISTRICTS.	DISTRICT REVENUE OFFICERS.			CLERKS.			CLERKS.			REMARKS.			
	Hindus.	Muhammadans.	Christians.	Sikhs.	Hindus.	Muhammadans.	Christians.	Sikhs.	Hindus.		Muhammadans.	Christians.	Sikhs.
Hissar	1	1	1	1	1	1	1	1	1	1	1	1	(a) On leave and a Hindu is working in his place.
Gurgaon	1	1	1	1	1	1	1	1	1	1	1	1	
Rohtak	1	1	1	1	1	1	1	1	1	1	1	1	
Ambala	1	1	1	1	1	1	1	1	1	1	1	1	
Karnal	1	1	1	1	1	1	1	1	1	1	1	1	
Sirsa (including Karnal)	1	1	1	1	1	1	1	1	1	1	1	1	(3) One is a part time servant.

*Volume III, page 973.

E. A. FENHEAROW,
for Commissioner, Ambala Division.

*Answer to Question 1144.**

(1) There were 78 superior appointments in the Civil Service on the 1st July 1915 and subsequent years till 1919 when the number was increased to 80.

(2) Under the Statute 13 officers other than Punjab Commission officers could have been appointed on 1st July 1921 and of these 11 were open to members of the Provincial Civil Service and two to other than members of that service.

(3) Eleven posts were held by Provincial Civil Service officers on the 1st July 1921.

(4) Government has already done so.

Answer to Question 1155.†

(a) 96 (90 permanent and 6 additional).

(b) The attention of the hon'ble member is invited to pages 160—163 (a) of the "Punjab Civil List" corrected upto 1st April 1922.

(c) It is difficult to ascertain the exact figures, but from the material available it appears that there are 30 agriculturists and 66 non-agriculturists.

Answer to Question 1157.‡

Damage to houses through seepage has only occurred in the village of Dhamrai and the damage is limited to one or two houses. As regards land there is seepage in two villages near the high embankment above Bhimpur bridge, two villages near Dhamrai bridge and three villages near the Sirkian embankment. The extent of the seepage is not very great and rice is grown on such land.

Answer to Question 1161.‡

(a) 18 Gazetted posts are held by Indians in the Forest Department.

(b) (1) 9 are Agriculturists.

(2) 2 are Musalmans.

Answer to Question 970.§

No. 8787-Judl, dated 21st February 1922.

From—The Home Secretary to Government, Punjab,

To—Sardar BAKHTAWAR SINGH, M.L.C., Kathgarh, District Hoshiarpur.

As promised in reply to questions Nos. 970 and 1182 put by you at the Sessions of the Punjab Legislative Council held on 24th October 1921 and 11th January 1922, respectively, I am directed by the Governor in Council to reply as follows:—

(a) A statement is enclosed which answers the hon'ble member's question.

(b) The Government does not propose to take any action and after consulting the Hon'ble Judges of the High Court is not in favour of making the woman punishable under section 498, Indian Penal Code.

* Vol. III, page 14.

† Vol. III, page 69.

‡ Volume III, page 60.

§ Volume II, page 324.

*Statement showing the Total-Number of Cases instituted under Section 498,
Indian Penal Code, during the last five years.*

No. 18.

A.

District	1916	1917	1918	1919	1920
Delhi Province	169	142	154	264	350
Hissar	49	68	43	72	94
Gurgaon	248	214	171	235	218
Karnal	37	45	56	61	77
Rohtak	120	145	121	159	127
Ambala	10	18	10	9	12
Simla	117	114	108	115	129
Hoshiarpur	325	325	311	308	265
Kaoga	443	329	322	350	330
Jullundur	205	165	143	177	184
Ludhiana	415	414	502	527	402
Ferozepore	605	580	479	498	644
Lahore	498	314	395	405	438
Amritsar	290	220	166	179	179
Gurdaspur	340	267	192	213	258
Sialkot	...	...	...	351	354
Gujranwala	...	...	223	188	247
Gujrat	317	201	154	183	247
Shahpur	213	205	188	214	297
Jhang (Civil)	...	...	...	368	326
Jhelum	311	282	223	192	196
Rawalpindi	257	262	235	211	193
Attock	128	152	171	112	114
Mianwali	103	70	53	314	328
Montgomery	265	311	152	307	361
Lyalpur	313	329	254	195	209
Jhang (Criminal)	198	181	123	376	437
Multan	277	259	120	167	134
Muzafargarh	144	166	137	211	229
Dera Ghazi Khan	175	179	126	...	...
Total	6,538	5,850	5,242	5,795	7,531

* Figures for 1916-17 cannot be given as the records were burnt in last disturbances.

*Answer to Question 1187.**

No. 2127 (Judicial), dated the 21st January 1922.

From—The Home Secretary to Government, Punjab.

To—Sardar BAKHTAWAR SINGH, M.L.C., Kathgarh, District Hoshiarpur.

As promised in reply to question No. 1187 put by you at the last session of the Punjab Legislative Council on the 11th January 1921, I am directed by the Governor in Council to state that Government is not aware that owing to the insufficiency of the sums paid for diet and travelling expenses people are unwilling to appear as prosecution witnesses in Chalan cases. The present rules regarding the payment of remuneration to witnesses attending the criminal court are printed at page 17 of Volume II of the "Rules and Orders of the Chief Court of the Punjab." These rules were revised only recently (in October 1920) and were based on the recommendation of a select com-

mittee appointed to consider the question of increasing the rates of diet money of witnesses in criminal cases, and it is too early to take any further action in the matter.

ANSWERS TO QUESTIONS.

1751. **Maulvi Muharram Ali Chishti:** Will the Government be pleased to state what is its procedure with reference to the postponed answers to questions put by the hon'ble members in this Council?

(a) Are the answers postponed for an indefinite period, or is there any limitation prescribed after which the member may expect to receive the answer?

(b) If no limitation is prescribed, will the Government be pleased to consider the advisability of prescribing a maximum limit in order to remove the anxiety and suspense of the questioner and the public?

(c) Will the Government be pleased to consider at least the advisability of stating in the case of each postponed question the approximate time within which the question might be expected to be answered?

Mr. H. D. Craik: The usual practice is for Government to communicate answers to hon'ble members, who have put questions of which the answers are not ready in time for delivery, as soon as the material is obtained. If in any case the hon'ble member does not receive the answer within a reasonable time, he is invited to remind the Government.

It is not possible to prescribe any maximum limit, because the collection of the material from other offices is in some cases a lengthy matter.

The Government will, when giving an immediate answer, indicate, when possible, how long its preparation is likely to take: if the hon'ble member concerned will put a supplementary question asking for this information.

Maulvi Muharram Ali Chishti: Will Government be pleased to state what would be 'a reasonable time'?

Mr. H. D. Craik: It is not possible to define 'reasonable time,' but I can assure the hon'ble member that the Government prepares its answers with the greatest expedition possible.

MEMBERSHIP OF A MUNICIPAL COMMITTEE, DISTRICT BOARD, OR NOTIFIED AREA AND THE OATH OF ALLEGIANCE.

1752. **Maulvi Muharram Ali Chishti:** Will Government be pleased to consider the advisability of making the retention by present incumbents of membership of a Municipal Committee, District Board or Notified Area contingent on the taking on the oath of allegiance to the Crown?

The Hon'ble Khan Bahadur Mian Fazl-i-Hussain: The reply is the same as to question No. 1649,* Part (a).

NON-CO-OPERATORS AND COUNCILS.

1753. **Maulvi Muharram Ali Chishti:** (a) Is it a fact that an influential class among the non-co-operators have announced their intention of entering Council at the next election solely with the purpose of obstructing the working of the Council and of rendering abortive the Reform Scheme?

(b) If so, will the Government be pleased to state whether it has so far decided on any measures to meet the position which would arise should the above declared intention be persisted in, and if so what?

Mr. H. D. Craik : (a) Government has no information on the subject beyond what has appeared in the public press.

(b) Government is not prepared to state what action it would take on the occurrence of a hypothetical contingency.

FRESH TAXATION.

1754. Maulvi Muharram Ali Chishti : Is there any fresh taxation under consideration of the Government? If so, what kind of taxation?

The Hon'ble Sir John Maynard : The plans of Government in respect to fresh taxation have not changed since the date of the announcement made in the speech with which the Budget of the current year was introduced. Only the proposal for the amendment of the Court-Fees Act has yet reached the stage of being brought before the Council. A Bill on this subject will be introduced this Session.

MUNSIFS.

1755. Maulvi Muharram Ali Chishti : Is it a fact that according to the new scheme the maximum pay of 2nd and 3rd grade Munsifs is only Rs. 390, and even this is conditional on their passing the Extra Assistant Commissioners' Examination, otherwise their pay is confined to Rs. 275?

Mr. H. D. Craik : The hon'ble member is referred to Punjab Government resolution No. 21709, dated 24th August 1921, on the subject.

1756. Maulvi Muharram Ali Chisti : Is it a fact that the minimum pay of Munsifs in the United Provinces is Rs. 300 and the maximum Rs. 540 and the annual increments are not subject to passing any extra examination and the duties of the United Provinces Munsifs are the same as of those in the Punjab?

Mr. H. D. Craik : The statements made in the question regarding the pay of Munsifs in the United Provinces are not believed to be correct. Government have no information regarding the other points raised in the question.

Maulvi Muharram Ali Chishti : As the statements are not believed to be correct, may I know if Government has made any enquiry on the point?

Mr. President : I don't think the hon'ble member is entitled to ask that question. He can only ask such supplementary question as will elucidate the original fact enquired about. If the answer given is not clear, he can then ask a supplementary question in order that the answer may become more clear.

1757. Maulvi Muharram Ali Chishti : In proposing the new pay rules for the Munsifs, has the Government given due weight to the recommendations of the Public Services Commission as regards the equality of the pay for the same services in various provinces in India?

Mr. H. D. Craik : It is not known to what precise recommendation of the Public Services Commission the hon'ble member refers. But in fixing the scale of pay for Munsifs in the Punjab, the rates of pay for similar work given in other provinces were taken into consideration.

1758. Maulvi Muharram Ali Chishti : (a) Does the Government know that the condition of passing the Extra Assistant Commissioners' Examination and the difference in the minimum and the maximum pay of the Punjab and the United Provinces Munsifs has created a feeling of dissatisfaction among the Punjab Munsifs?

(b) Does the Government know or will it please enquire if Munsifs in the Punjab have submitted their representation to the High Court on the above mentioned grievances?

(c) What action does the Government propose to take on the above representation and by what time?

Mr. H. D. Craik : (a) The answer is in the negative.

(b) Memorials have been received from Munsifs through the High Court, detailing certain grievances.

(c) The matter is under consideration.

1759. Maulvi Muharram Ali Chishti : Has the Government considered whether or not the passing of Extra Assistant Commissioners' Examination is absolutely essential for the discharge of their work as Munsifs? If this has been considered essential, will Government please state the grounds?

Mr. H. D. Craik : "Yes. Government considers it essential that it should satisfy itself of the knowledge of officers entering its service of the law which they will have to administer."

1760. Maulvi Muharram Ali Chishti : Will the Government please give the over-worked Munsifs reasonable time to pass the Extra Assistant Commissioners' Examination without withholding their annual increments?

Mr. H. D. Craik : The suggestion made in the question is already under consideration, but Government is not at present in a position to make any announcement on the subject.

1761. Cancelled.

GAZETTED POSTS AND COMMUNAL REPRESENTATION IN CERTAIN DEPARTMENTS.

1762. Sardar Dasaundha Singh : Will the Government be pleased to give the number of gazetted appointments given respectively to Hindus, Muhammadans and Sikhs in the years 1921 and 1922 in the following departments :—

(1) Judicial, (2) Exercise, (3) Forest, (4) Police, (5) Education.

Mr. H. D. Craik : The information desired by the hon'ble member will be found in the periodical Civil List, of which a copy is in the Library of the Legislative Council.

JHELUM MUNICIPAL COMMITTEE.

1763. Khan Bahadur Raja Muhammad Akbar Khan : Will Government be pleased to state if it is a fact—

- (a) that in accordance with the Government notification No. 32, dated the 4th November 1895, and the Commissioner's circular letter No. 47-964, dated the 15th November 1895, no relation of a member can be employed or given any contract in any Municipality;
- (b) that Mistri Abdullah, the brother of Mistri Abdul Rahman, Municipal Commissioner, is serving as Inspector of Works in the Jhelum Municipality;
- (c) that Abdul Hakim, the nephew of B. Imam Din, Municipal Commissioner, is serving as a Municipal clerk in the same Municipality;
- (d) that Imam Bakhsh, a relative of Fakir Muhammad, Municipal Commissioner, has been given the refuse-removing contract of the town;
- (e) If the answers to (a), (b), (c) and (d) are in the affirmative, what steps do Government propose to take in the matter?

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

CASES OF THAKAR DAS AND KAHAN CHAND.

1764. Diwan Bahadur Raja Narendra Nath : (a) Is Government aware of the fact that Thakar Das and Kahan Chand, Khatries of Lahore, were tried by Sheikh Ata Alahi, Magistrate of Lahore, and convicted and sentenced on 6th March 1922 as shown below—

(1) Thakar Das, under section 7 of Act 10 of 1911, to five months' rigorous imprisonment including one month's solitary confinement, and further, under section 17 (2) of Act 14 of 1908, to two years' rigorous imprisonment including two months' solitary confinement.

(2) Kahan Chand, under section 17 (1) of Act 14 of 1904, to 18 months' rigorous imprisonment including one-month's solitary confinement.

(b) Is the order awarding solitary confinement in a case which is not punishable under the Indian Penal Code legal? If not, and if the convicts have undergone a part of the solitary confinement, will Government consider the advisability of remitting a part of the sentence of imprisonment or converting the rigorous into simple imprisonment?

(c) If the sentence is legal, will Government be pleased to state whether there are any special circumstances justifying the award of a sentence of solitary confinement to a young man for his first offence?

(d) Will Government be pleased to consider the advisability of issuing to Magistrates an order to the effect that the sentence of solitary confinement is illegal or undesirable in cases of this nature?

The Hon'ble Sir John Maynard : The allegations contained in parts (a) (1) and (2) of the question are not correct. Thakar Das was sentenced as alleged under section 7 of Act 10 of 1911 and the sentence of solitary confinement would seem to be illegal ; he was, however, sentenced alternatively under section 17 (2) of Act XIV of 1908 and section 117, Indian Penal Code, and the punishment of solitary confinement is legal under the Indian Penal Code. These sentences were to run consecutively and Government will take steps to have the illegality in the first sentence corrected.

Kahan Chand was convicted under section 117, Indian Penal Code, not under section 17 of Act XIV of 1908 and the sentence in his case is legal.

(b) The answer to the first portion of this part of the question is in the negative. Government has indicated in reply to part (a) what action it proposes to take.

(c) The advisability of imposition of solitary confinement is for the Magistrate who hears the case to determine. It is not for Government to criticise the discretion of the Courts.

(d) Any order of the kind suggested, issued by Government to the Courts, would be open to the charge of very serious impropriety.

DRAINAGE SCHEME AT ABOHAR.

1765. Diwan Bahadur Raja Narendra Nath : Will the Hon'ble the Minister for Education be pleased to state on what date administrative sanction for the drainage scheme at Abohar was given and on what date the Municipal Committee of Abohar gave the contract for the construction of the drainage scheme ? If the contract was given before administrative sanction was received what were the reasons for thus fore-stalling the administrative sanction ? Was the contract given by the Committee or by the President acting independently of the Committee. In either case what action does Government propose to take against the Committee or the President as the case may be to prevent the recurrence of such an irregularity ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : Administrative sanction for the drainage scheme at Abohar has not yet been given, nor has the Notified Area Committee of Abohar yet given the formal contract for its construction. What the Notified Area Committee actually did was to pass a resolution approving of the contract being given to a certain individual. This was done partly to appease the public who were chafing at what they considered to be unnecessary delay in the matter and partly to obviate delay on formalities when the administrative sanction was received. The action, whatever it was, was taken by the Committee and not by the President acting independently of the Committee. No irregularity has been committed and in the circumstances Government do not propose to interfere with the discretion of the local body in the matter.

COTTON CLOTH SHEETS TO PRISONERS.

1766. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to consider the advisability of supplying to prisoners sheets of cotton cloth of some sort in the hot weather in place of blankets which are of no use in the heat ?

The Hon'ble Sir John Maynard : Sheets of cotton cloth in lieu of blankets were tried some years ago. It was found that they were never used. The cost will be great, and in view of previous experience it appears to be unnecessary. But it will be considered in the Jails Department whether there is any sufficient ground for making the experiment again in a particular jail.

ASSISTANT SURGEONS AND THE USE OF MILITARY RANKS.

1767. Chaudhri Bans Gopal : (a) Is it a fact that the Assistant Surgeons, who volunteered for military service during the war, were, by the terms of the bonds executed by them, entitled to use the military ranks on their service being approved by military authorities ?

(b) Is it a fact that Government has so far withdrawn this privilege that such officers cannot use their military titles or ranks officially ?

(c) If the answers to the above are in the affirmative, will the Government be pleased to state the reasons for their action ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The terms offered by the Army Department of the Government of India through this Government to Assistant Surgeons who volunteered for military duty included the grant of a temporary rank of Lieutenant without any claim to permanent appointment. This Government are not aware of the terms of the bonds alleged to have been executed by Assistant Surgeons on their being enlisted by the Army Department.

(b) It is a fact that Civil Assistant Surgeons can use their military titles so long as they retain their temporary Commissions ; but on their reversion to civil, or on relinquishment of their temporary Commissions, they are no longer entitled to use their military titles officially, but have the option of doing so unofficially.

(c) The reason for this action is the order of the Secretary of State for India conveyed to this Government through the Army Department of the Government of India whose concern it is.

HEAD-QUARTERS OF SHARAPUR TAHSIL.

1768. Mr. Ganpat Rai : Has the attention of the Government been drawn to petitions submitted by the people of Sharapur and its neighbourhood in Sheikhpura District protesting against the transfer of the head-quarters of the Tahsil from Sharapur to Shahdara ? If so, will Government be pleased to look into the matter with sympathy ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Yes. The matter is under consideration.

POLITICAL DISCONTENT.

1769. Maulvi Muharram Ali Chishti : Will the Government be pleased to state what practical work it has done during the last two years to allay the feelings of political discontent from among the classes of people who are dissatisfied on political grounds with the Government, and to reconcile them and to enlist their sympathies on its side ?

The Hon'ble Sir John Maynard : The Government regards the reformed constitution and the large powers exercised by this Council and the deference shown to its wishes as its best means for the removal of political discontent. The aspirations of the people for the extension of education are being met by a very great expansion in the number of schools and of children undergoing education in the period named. The appointment of the Committee on corruption and the action taken upon its report constitute an important step towards the removal of those grievances which arise from corruption in the services. The compensation which is now being distributed to Martial Law sufferers, will, it is hoped, be the means of allaying the bitterness of certain memories. By waiving the recovery of the compensation assessed upon the people of Amritsar the Government has sought to work towards the same end. It is not possible to enter into further details within the limit of this answer; but the object of removing reasonable grievances and allaying discontent is kept always in view.

INCOME OF THE SIMLA MUNICIPAL COMMITTEE.

1770. Maulvi Muharram Ali Chishti : Out of the total income of the Simla Municipal Committee how much in each of the last two complete years has been derived from—

- (a) Government grants or contributions,
- (b) Municipal taxes, license fees, etc.?
- (c) Out of (b) how much was paid by Government and how much by private persons?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : As the hon'ble member chose to amplify his original question it has been impossible to collect the required information in time. The information will be communicated to him when ready.

DENIAL OF THE RIGHT OF FRANCHISE TO RESIDENTS OF SIMLA IN MUNICIPAL ELECTIONS.

1771. Maulvi Muharram Ali Chishti : Is it a fact that the right of franchise has been given to the residents of Simla so far as the local council's elections are concerned, and that the same right has been denied them in respect of the Municipal Committee? If so, what are the reasons for this differentiation?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The reply to the first part of the question is in the affirmative.

For a reply to the second part the hon'ble member is referred to the reply given to Council Question No. 1674* and the reply to be given to Council Question No. 1772.

SIMLA MUNICIPAL COMMITTEE.

1772. Maulvi Muharram Ali Chishti : (a) Arising out of the answer to question No. 426† concerning the Simla Municipal Committee, will

*Volume IV, page 231.

†Volume I, page 573.

the Government be pleased to state what are the facts which showed the apathy of voters and the non-representative character of the members of the "Bazaar Ward" in December 1890?

(d) Arising out of the same answer, will the Government be pleased to state the facts on which it held in 1908 that the committee "Proved unsatisfactory and unrepresentative"?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The old files of 1890 and 1908 have been seen. It will serve no useful purpose to go into the merits of the decisions arrived at then.

Maulvi Muharram Ali Chishti: Has the Government any objection to showing those files to any of the Members?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: Which files?

Maulvi Muharram Ali Chishti: The old files of 1890 and 1908.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: If any question is raised, the matter would be considered.

ELECTIVE SYSTEM IN SIMLA MUNICIPALITY.

1773. Maulvi Muharram Ali Chishti: Will the Government be pleased to lay on the table a statement showing the total number of memorials, petitions and resolutions submitted by the Simla public for the introduction of the elective system in the Simla Municipality during the year 1921 and the first six months of the present year?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: One memorial and one resolution were received during the year 1921 and one petition in January 1922.

REVISING BOARD FOR JAILS.

1774. Maulvi Muharram Ali Chishti: When Government intend to constitute a Revising Board for jails?

The Hon'ble Sir John Maynard: Government has already constituted a Revising Board.

CHAUTANG NALA SCHEME.

1775. Maulvi Muharram Ali Chishti: Arising out of the answer to question No. 1408,* will the Government be pleased to state whether the funds are available to take up the Chautang Nala Scheme in the present year?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The reply is in the negative.

DISTRICT BOARD OF AMRITSAR AND DISPENSARY AT RAMDAS.

1776. **Maulvi Muharram Ali Chishti :** (a) Will the Government be pleased to state what amount of money it has paid to the District Board of Amritsar for building a dispensary at Ramdas and a middle school at Lopoke (Amritsar District) ?

(b) Is the Government aware of the fact that there are complaints about the unsatisfactory state of these buildings ?

(c) Will the Government be pleased to request the Superintending Engineer of the Public Works Department to personally inspect the buildings and to report whether they have been built in accordance with the sanctioned estimates and that there has been no waste of public money ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : I regret that the answer to the question is not yet ready. It will be communicated to the hon'ble member when ready.

As Mr. Ganpat Rai was absent Question Nos. 1777 and 1778 were not put.

CLASSIFICATION AND TREATMENT OF PRISONERS.

1779. **Maulvi Muharram Ali Chishti :** (a) Has the attention of the Government been drawn to a statement recently made in the House of Commons by the Under-Secretary of State for India, in which His Lordship held that the matter of the classification and treatment of prisoners in this Province was within the competence of the Punjab Legislative Council ?

(b) If so, is the Government prepared to endorse the declaration of His Lordship ?

The Hon'ble Sir John Maynard : (a) It has been reported in the public press that the Under-Secretary of State for India made the statement in question. This Government has no further information.

(b) The responsibility for action in reserved subjects rests upon the Governor in Council.

Maulvi Muharram Ali Chishti : May I understand that the Government considers that the matter of the classification and treatment of prisoners in this province is within the competence of the Punjab Legislative Council ?

The Hon'ble Sir John Maynard : Legislation is within the competence of the Council Executive action is not within the competence of the Punjab Legislative Council.

IRRIGATION OF CHAKS IN PAKPATTAN AND DIPALPUR TAHSILS, AND OF LANDS ON THE SUTLEJ VALLEY PROJECT.

1780. **Bawa Hardit Singh Bedi :** (a) Does the Government intend to make any difference as regards intensity of irrigation in the case of the chaks already in the possession of the zamindars of Pakpattan and Dipalpur Tahsils and the lands that will be auctioned or disposed of on any other terms, on the Sutlej Valley Project ?

(b) If so, will the Government kindly state the nature of the difference and the reasons for the difference ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla : (a) There will be no difference except as between perennial and non-perennial irrigation.

(b) The question therefore does not arise.

TRANSFER OF AN OUTLET AT R. D. 101,483 LEFT, SUKH CHEN BRANCH.

1781. Sodhi Lal Singh : (a) Is it a fact that an application emanating from village Sukh Chen, Ferozepore District, was made to the Executive Engineer, Bhatinda Division, Sirhind Canal, 3 years ago for the transfer of an outlet at R.D. 101,483 Left, Sukh Chen Branch, which is defective, and is at a place where the water-course has a tendency to silt up abruptly ;

(b) Is it also a fact that the shareholders of this water-course agreed to this change, and that the owners of the land, through which the new water-course is to run, have also signified their assent in writing ?

(c) Is it a fact that reminders under registered cover were sent to the Superintending Engineer, Ambala, and the Executive Engineer, Bhatinda, but no action has yet been taken upon them ;

If answers to the above are in the affirmative, will the Government be pleased to enquire into the matter ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla : The information is being collected and will be placed on the table when ready.

LIBEL ACTION AGAINST THE TRIBUNE.

1782. Rai Bahadur Lala Hari Chand : Is Government aware that in 1920-21 a suit for damages for alleged libel was brought against the Trustees and the Editor of the *Tribune* by one Lieutenant Hewett ? Is it a fact that the then Assistant Legal Remembrancer appeared as one of plaintiff's Counsel in that case ? Did Government bear any share of the cost of the plaintiff prosecuting that case ?

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

MUTUAL ADVICE AND CONSULTATION AMONG MEMBERS OF GOVERNMENT.

1783. Rai Bahadur Lala Hari Chand : Is it a fact that the members of the Executive Council and the Ministers taken collectively have not met for three or four months ? If so, what steps does Government propose to take to ensure " mutual advice and consultation among Members of Government " as recommended by the Joint Committee ?

The Hon'ble Sir John Maynard : No.

The Hon'ble Sir John Maynard : As the non-official members are given the choice of having answers to their questions given either orally or placed on the table, have the official members also the choice of giving their answers orally if they like.

Mr. President : Yes, they may answer orally if they wish.

The Hon'ble Sir John Maynard: Then, Sir, I wish to answer question No. 1788 orally. The answer is No.

Diwan Bahadur Raja Narendra Nath: Sir, may I ask a supplementary question?

Mr. President: Yes.

Diwan Bahadur Raja Narendra Nath: How often have they met?

The Hon'ble Sir John Maynard: Half a dozen times during the last month.

KIRPAN-MAKING AND SARDAR KHAZAN SINGH.

1784. Captain Sardar Gopal Singh: Will Government please state what has been decided about the *kirpan*-making case of Sardar Khazan Singh, a pensioner, E. A. C., who was making *kirpans* without a licence?

The Hon'ble Sir John Maynard: Sardar Khazan Singh was discharged by the Court that was trying the case against him under the Arms Act. No subsequent action has been taken by Government in this case.

SIKHS SENT TO JAIL FOR SEDITION, AND FOR MAKING OR WEARING KIRPANS.

1785. Captain Sardar Gopal Singh: Will Government please state the number of Sikhs sent to jail for sedition, *kirpan*-making or for wearing long *kirpans* since January 1921 in the Sikh districts showing the figures per district?

The Hon'ble Sir John Maynard: No Sikh has been convicted of an offence for wearing a long *kirpan*. It is only in cases in which the weapon is held by the Court to be something other than a *kirpan* that a conviction is possible.

The information asked for in regard to convictions under section 124-A, Indian Penal Code, and on account of the manufacture of *kirpans* without a license will be obtained and communicated to the hon'ble member.

HASIYAT TAX IN FERROZPORE DISTRICT.

1786. Sodhi Lal Singh: Will Government be pleased to state if it is a fact (a) that the District Board, Ferozepore, has passed a resolution No. 37, dated 9th December 1921, that a *Hasiyat* tax should be imposed?

(b) that those coming under the definition of members of an agricultural tribe as defined in the Land Alienation Act are exempted from the tax;

(c) that there are good many people in the Ferozepore District who do not come under the above definition, but who own a good deal of agricultural land, pay land revenue, local rate, etc., and have agriculture as their only source of income;

(d) if answers to the above are in the affirmative, will Government consider the advisability of disallowing the proposed tax?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: It is correct that in their meeting held on 9th December 1921, the District Board did pass a resolution imposing *Haisigat* Tax. The Board has, however, cancelled this resolution and in the meeting held on 14th July 1922 passed one substituting a Professional Tax.

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

COMMUNAL REPRESENTATION AMONG NOMINATED MEMBERS OF THE
MUNICIPAL COMMITTEE, ROHTAK.

1787. **Chaudhri Shafi Ali Khan:** Is it a fact that there are directions from the Local Government about the nominations of members on the Municipal Committee, Rohtak, in order to keep the number of Hindu and Muhammadan members nearly equal?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: The reply is in the negative.

RESOLUTIONS.

RESOLUTION RE THE CONSTRUCTION OF THE SIND SAGAR CANAL.

Mr. President: The resolution before the House is—

"That this Council recommends to the Government to expedite the survey of the Thal tract and the preparation of detailed plans of the Sind Sagar Canal Project with a view to the submission of the project to Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley Project is well advanced."

The hon'ble mover rose to speak at the end of the discussion yesterday and nobody seemed to be inclined to speak. But I did not call on the mover to reply. Since then a member representing a locality which is of considerable importance in this connection and whose views have not yet been put before the House has intimated his desire to speak. I will therefore allow him to do so.

Lala Atma Ram [South-East Towns (Non-Muhammadan), Urban] (Urdu): Sir, I beg to oppose this resolution most emphatically. The Bhakra Dam Scheme is now an accomplished fact and to leave it in the lurch or postpone it under the pressure of a few members of the Council and to take the Sind Sagar Canal Scheme in hand which is yet in its infancy would be the very antithesis of wisdom and fairplay. The tract lying between the rivers Jumna and Sutlej suffers the most from want of water and it is this tract which is so often visited by famines. The cultivation in this tract depends upon the rains and when they fail it brings about a very bad state of affairs. The Hon'ble Revenue Member had stated this very fact in his speech yesterday. It has been said that the Bhakra Dam Scheme is not so productive and return upon capital expenditure would be small as compared with that on the Sind Sagar Canal. I do not contest the point, but I must say that Government is not to confine its outlook so narrowly to the paying aspect of the question. It owes a duty to the people of that tract and as a matter of fact must look more to the direness of want than to the financial

side of it. The area which it is proposed to bring under irrigation by the Bhakra Dam Scheme is more thickly populated and the Thal Tract is sparsely populated, so that Government will have to take extra pains to bring in new settlers. Besides this there are a few other points which I beg to bring to the notice of the House. The survey of the Sind Sagar Canal is not yet completed, whereas the survey of the Bhakra Dam is a *fait accompli*. It was started in 1904 and finished in 1917. Bhakra Dam Scheme is estimated to cost 14 crores, the Sind Sagar Canal Scheme is estimated to cost about 9 crores. But out of the 14 crores above mentioned the native states will contribute about 4 crores, so that the expense on the Bhakra Dam will not be much above that on Sind Sagar Canal. In view of the facts adduced above I would request the Government not to abandon this scheme nor to adopt a step-motherly attitude towards that unfortunate tract.

Mr. E. R. Abbott (Financial Commissioner): Mr. President, before the House proceeds to vote on this motion I wish to bring before the members certain matters which, I think, have not been properly submitted for their consideration. It has to be explained (I do not think it has been sufficiently explained), that there are at the present moment before the House two classes of petitioners for their votes, the owners of certain lands in the Sind Sagar Doab and the owners of lands in the Hissar and Rohtak Districts, part of the province which years ago were notorious for famines and on which the Punjab Government has in the past spent large sums of money and may in the future have again to spend large sums on famine relief. It is not absolutely certain that both these schemes cannot be commenced "as soon as the work on the Sutlej Valley Project is well advanced"; but the chances are that either the one or the other must be postponed until the rival scheme has been carried out. This being so, we have the spectacle in this Council of the advocates of one of these schemes employing the powerful assistance of the member for the Rural Muhammadan Constituency of Lahore and the representative of the Punjab landholders to get from this House a commitment that their schemes shall be carried out without any consideration of the claims of the opposition or of the rival scheme. Gentlemen, the hon'ble member for Lahore Rural Constituency has well deserved his reputation as an advocate of weight; and the Raja Sahib has for many years presided over courts of law. I am certain they will be the first to admit that it is in the highest degree unfair to give an *ex-parte* decision in favour of one of the parties before the court. But gentlemen, this is what is happening in the present case. I personally know nothing or next to nothing about either scheme. But I have reason to believe that there are points in favour of both. I do not say that the Thal Project should not be carried out first and I do not say that the Bhakra Dam Project should not be carried out first. But from the speech made by the hon'ble mover of the original resolution you would never have guessed that there was any rival scheme in the field at all. All I ask is that the hon'ble mover should recognise the justice of hearing both sides and, if Government will agree to do so, that he should exclude from his amended resolution the words "and to begin is well advanced," that is to say, if Government will undertake to appoint a small committee to consider the rival claims of these projects and to report to the House. This could be done in a couple of months—I think it would satisfy those members of this Council who feel with me that in a case like this the House is actually being rushed into giving an opinion. Few of the members of this Council including myself know what the rival merits of these projects are. I think it is as well that they should be examined by some independent

[Mr. E. R. Abbott.]

authority and the rival merits should be reported to this Council in a form in which members can themselves study them. I beg the hon'ble mover not to press upon the House the last sentence of the amended resolution but to leave it to the next session of this Council for a decision to be arrived at as to what this Council should actually recommend to the Government. If that is not acceptable to the hon'ble member, I strongly urge that this House should not without further information accept the motion as it stands, a motion which is meant to commit the House to recommending to Government to prefer one scheme for which there are very powerful advocates in this House at the expense of another scheme which for all we know may be more advantageous in the general interests of the province as a whole. I do not say that it is the case; I simply say that we should not commit ourselves to one scheme until we know what the other one is.

Sardar Dasaundha Singh [Ludhiana (Sikh), Rural] (Urdu) : Sir, There is hardly any body who is prepared to oppose the extension of canals and spread of education in the country. I would not have opposed this resolution if it had not effected any other scheme of the kind, but as it happens the resolution tries to steal a march over its rival scheme, it therefore behoves us all to discuss the *pros and cons* and the respective merits of the schemes before we pronounce any judgment upon it. It would have been another matter if both the schemes could be taken in hand together, but as it is not possible to do so, it would be advisable to appoint a committee to investigate the merits of the respective schemes and give its considered opinion on the question. The first point which occurs to any one who has even a nodding acquaintance with these schemes is that the Bhakra Scheme is well advanced and well nigh complete in the preliminaries whereas the Sind Sagar Scheme is yet in its knickers and has not attained the maturity of its rival scheme. The second point which invites the attention of the hon'ble members is that the area commanded by the Bhakra Dam is well populated and requires a plentiful supply of water to relieve it of its visitations of famines, etc. The area to be commanded by the Sind Sagar Scheme is thinly populated and new settlers will have to be brought before its full advantage can be reaped. The lands of the former tract are more fertile and productive and the produce of these lands will materially increase the output of the Punjab wheat, whereas the latter districts will be able to produce only for local consumption. Government has to spend large sums on famine reliefs in those tracts and by extension of irrigation there, Government will be saved from that burden. In the circumstances elucidated by me above I do not think we can fairly overlook the claims of the Bhakra Dam Scheme, I therefore beg to say that even if the committee is not appointed, these facts must be borne in mind before arriving at the final decision.

Chaudhri Ghasi Ram [North-West Rohtak (Non-Muhammadan) Rural] (Urdu) : Sir, The Bhakra Dam was designed to extend the canal system in the unwatered tracts of Hissar, Rohtak, Bikaner, etc., which suffer the most from want of water. The result of this want of water has been repeated visits of famines and dearth in those tracts. The water is saltish to drink, and if the canal system is extended, it will improve the drinking water very much. There are various advantages to the poor people of those tracts by the construction of the Bhakra Dam and I trust that this will be begun first.

Malik Firoz Khan, Noon [Shahpur East (Muhammadan), Rural] : Sir there is one great point in favour of the Sind Sagar Scheme, which has been lost sight of by Government, and that is this that when that Act was passed it was a sort of promise, a faithful promise made by Government to the people of the Thal that their canal will be constructed as soon as possible. Sir, that promise was not made for no consideration. Government received a consideration, which was not only very considerable but very heavy. You will see, Sir, that on account of that promise which the Government made to the people that it would dig the canal for the people of that tract, the people of that tract promised to give to the Government no less than 17½ lakhs of acres of land, which before then had belonged to the people. Sir, taking the value of that land at a very moderate price, that is to say, at Rs. 100 per acre (A voice, Rs. 200 per acre), which by no means is a heavy price for canal irrigated land, the value of that land amounts to Rs. 17,25,00,000. In other words, Sir, by making that promise the Government has received Rs. 17,25,00,000 a promise which the Government does not wish to fulfil.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : We have never said that we are not going to fulfil that promise.

Malik Firoz Khan, Noon (continued) : I hope you will fulfil that promise. Sir, there may be arguments put on behalf of the Bhakra Dam, yet the Government cannot get out of this faithful promise made to the people and go round and say : we are going to start another scheme first. It has taken so much land from the people

The Hon'ble Sir John Maynard : Government has not taken any land. We only take the land when the canal is dug. The hon'ble member's charge is unjustified.

Malik Firoz Khan, Noon (continued) : It was taken in this sense that the people cannot improve that land. They cannot irrigate that land, they cannot dig wells. Have they got the right of the disposal of that land ? I submit not. They have not the right to dispose of that property, because that property is not theirs. Then, Sir, that Act was passed no less than 20 years ago. Is that not a long period for those people who have no hopes whatever of getting any return for that consideration ? Government is bound to fulfil this promise held out to the people.

One more thing I would like to say. The Government owns land on the Sind-Sagar Canal to the extent of 15½ lakhs of acres which valued at the same price, i.e., Rs. 100 per acre, comes to Rs. 15,25,00,000. There you have locked up capital which is not being used simply, because the canal is not constructed. The Government owns property worth Rs. 32,50,00,000. If that money were realised and you were to consider the interest on that money at 6 per cent., which is very moderate in these days, you will receive from interest alone a return of Rs. 1,95,00,000, i.e., nearly two crores of rupees. Is that no consideration to start that canal first ? Knowing that the whole cost of the canal is estimated at only about Rs. 9 crores.

Then, Sir, there is one thing more. It has been said that the Hissar people and the Eastern Punjab people are poor. Yes, but the people in the Eastern Punjab are being supported by Native States, which have got a considerable amount of influence with the Punjab Government and the Government of India. The people of Thal are poor and they have no voice

[M. Firoz Khan, Noon.]

excepting the voice that the Hon'ble mover of the resolution has brought before this House. It is because they have no influence that the Sind-Sagar canal has been put off. Soon after the Act was passed twenty years ago, Native States

Mr. President : I do not think the hon'ble member should bring Native States into his argument.

Malik Firoz Khan, Noon (continued) : Sir, I am not discussing the internal affairs of the Native States. I am only discussing the influence that the Native States might be having over us.

Mr. President : You are treading on delicate ground and had better omit reference to Native States.

Malik Firoz Khan, Noon (continued) : Very well Sir, I submit that it is the people of the Thal that are injured and not the people of the Eastern Punjab. The people of the Eastern Punjab are receiving more than their share. You have heard, Sir, some arguments in favour of the Bhakra Dam. There is one thing to be remembered, as the Hon'ble Member in charge said, that the Government do not own any land in the tract to be irrigated by the Bhabra Dam as it does on the Sind Sagar Canal. As has been suggested then, these 83 lakhs of acres of land is being held entirely by Government, and that is a very great consideration.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Not for sale !

Malik Firoz Khan, Noon (continued) : Well, it means the same thing, if I have money in my pocket or land in my possession. I will lay before the House certain views expressed by the Punjab Government. Here is a note that I have taken from the Hon'ble mover. The Punjab Government have already reported to the Government of India that the Sind-Sagar canal project is the easier of the two, and that should be taken in hand first. I will here read out some of the faults of the Bhakra Dam —

" There are certain technical difficulties besides in connection with the Dam which may prove to be insurmountable, as for instance reduction of reservoir capacity due to silt deposit in monsoon seasons. So far as evidence from experiments has been collected, this evidence tends to show that silt deposit may diminish the capacity of the reservoir during the earlier decades by at least 6½ per cent. and possibly by as much as 15 per cent. per decade.

Whatever the diminution be, when the reservoir has its full capacity (i.e., at the start) the irrigation will not be fully developed : by the time that full development of the irrigation has been reached, the capacity of the reservoir will already have diminished, and thereafter, year by year, areas will have to be thrown out of irrigation.

Apparently, after the lapse of a period which may be as short as 45 years and may be as long as 110 years, the reservoir will only have half of its original capacity. Further experiments, continued over a term of years, may result in profound modification of these figures, but such modification may lie in either direction.

In this connection it may be mentioned that the Engineer in charge of the Namal Dam has stated that the capacity of the reservoir there is being

reduced at the rate of 10 per cent. per decade, although the floods which deposit the silt at the Namal Dam occur at infrequent intervals and not continuously during the filling season as they would at the Bhakra Dam."

Therefore, Sir, it will be seen that the Bhakra Dam is not such an easy scheme as has been made out by some of the Hon'ble Members. Moreover, it has been clearly stated by the Hon'ble Member in charge that the return on the capital expenditure on the Sind-Sagar canal will be nearly 19 per cent., and that on the Bhakra Dam about 6 per cent. Then, Sir, who, from the financial point of view, will suggest that the Bhakra Dam should be started first. I suggest that the Government should take up the cause of the people who have remained quiet so long and who parted with their land, and start the Sind-Sagar canal first.

Bai Sahib Lala Panna Lal [North-East Towns (Non-Muhammadan), Urban] (Urdu) : Sir, this resolution has been sufficiently discussed. There are one or two points more which I would like to explain. The Bhakra Dam Scheme is well-nigh mature. Its detailed plans are lying complete. I agree with Malik Firoz Khan in saying that the Thal Project will prove comparatively more remunerative. But, I beg to submit, Sir, that Government should not be taken in by a temptation like this. On the other hand, it should see what its duty towards its poor subjects demands. The famine-stricken inhabitants of the Ambala Division have not been given a preference in the question of a canal. The canal which is opened from that Division irrigates the Native States, while Ambala is unable to utilise it. I would therefore suggest that the work of the Bhakra Dam be first taken in hand. Moreover, this scheme will yield us an enormous quantity of electric power, which can be utilized even at Lahore. I cannot understand why the immature Thal Project should have a preference over the matured Bhakra Dam Scheme. It would be inexpedient to leave at this stage the Bhakra Dam Scheme, whose detailed plans are quite complete. I therefore support Mr. Atma Ram's proposal that the work of the Bhakra Dam be first taken in hand.

Mr. D. J. Boyd (Revenue Secretary) : Sir, as I understand that the Hon'ble Revenue Member yesterday indicated that he will be glad of an expression of the opinion of the House as to the desirability of undertaking the Sind-Sagar Canal scheme first or second. I think, as I was once Deputy Commissioner of Mianwali, I may mention my own views upon the subject. Apart from the question of the relative profitableness of the two projects the two main arguments which have been put forward are on the one side that it is the duty of Government to do what it can to remove scarcity and famine from its jurisdiction, and on the other that it is clearly the duty of Government to carry out the promise made 22 years ago. In balancing these two duties there are two considerations which might be placed before this House. One consideration is that, although it is not generally recognized, Government has already done quite a lot to abolish famine. The year 1920-21 was one of the worst so far as the harvests are concerned, that I can remember in 22 years' service. In consequence of the failure of the crops Government gave permission to the Deputy Commissioners of various districts to open test works in order to test whether real scarcity existed within their districts or not. No one of these test works was a success. I think the test work in Hissar was opened one day when about 63 people attended, and it had to be closed the next day, because not a single soul turned up. The workers were paid on a grain basis, and the same terms were offered as in

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the famine of 1899, but that wage was not sufficient to attract workers for the simple reason that they had enough to eat already. It appears clear that owing to the creation of the canal colonies which not only supply ample grain for the needs of the Province, but also create an enormous demand for Labour, and owing to improvements in communications which permit of mobility of labour, people move from a district where the crops have failed and unemployment prevails to one of the canal colonies where there is food to eat and ample employment for all in search of it. I therefore deduce from this that Government has abolished famine, and it has therefore gone a considerable way to discharge its duty towards the famine-affected tracts of Hissar and Rohtak. On the other hand, more than 22 years ago Government took agreements from the people in the Thal of the Mianwali and Muzaffargarh Districts. These agreements were that when the digging of the canal was commenced, I mean digging of the Sind-Sagar canal, the people would give over the whole shamilat to the Government and Government would return $\frac{1}{2}$ of it irrigated. The actual agreement has not come into operation directly, but indirectly it has been operating for the whole 22 years. This point was to a certain extent brought out by Malik Firoz Khan Noon. People have not been allowed to partition the shamilat, and this condition is necessary, because otherwise vested interests would have been created in the shamilat and when Government is to take over its share, there would be very little left except inferior land. It would have been very difficult indeed to oust people from the low-lying lands which they had been cultivating for a generation. There is a regular scramble to cultivate the best parts of the common land. In this scramble very often serious quarrels take place and the people have to go to the law courts to settle their differences, and some of them even go to jail as a result. This state of affairs has been a cause of anxiety to successive Deputy Commissioners of Mianwali for years past. We have longed for the day when it should be possible to partition the Thal. That, I am glad to say, is within sight, because the Irrigation Department are conducting the level survey of the tract and the soil survey has been started. When these two surveys have been completed about two years hence, it is true that we shall then be able to make the partition. But considering the inconvenience and loss to which the people have been put since the agreements under the Sind Sagar Colonization Act were made, I think that it is now the duty of the Government to carry out the Thal scheme at the earliest possible opportunity.

Mian Muhammad Shah Nawaz : Sir, I moved :—

" That the question be now put."

The motion was carried.

Mian Muhammad Shah Nawaz [Labore (Muhammadan), Rural] (Urdu) : Sir, there have been a good many speeches on the amended resolution. In making a reply I would not make a lengthy speech. I am glad that the Hon'ble Revenue Member has made a detailed statement regarding the relative advantages and disadvantages of the Thal Project and the Bhakra Dam. He has also definitely told us that out of these two projects only one can be taken in hand. The question now before the Council is that when the work of the Sutlej Valley Project is well advanced which of these two projects should be taken in hand, and, in case the work of the Thal

Project is not started, whether the amended resolution should not be adopted. If the Thal Project is to have preference, then this resolution should be accepted and the idea of the Buakra Dam scheme be abandoned.

The Hon'ble Revenue Member has said that in the early Settlement, the Government gave the shamlat land in Thal to the proprietors in Thal. Had the Government known that this land was of a good quality and could be irrigated by a canal, it would not have made over such a large area of land to the proprietors in the early days of British rule. It was for this reason that Government decided to take back from the proprietors the greater portion of this area. But, Sir, the Hon'ble Revenue Member perhaps does not remember the words of Sir Lewis Tupper or the speech which Sir William Mackworth Young made on November 9, 1899. You will excuse me, Sir, if I read out one or two passages from that speech. This is what Sir Lewis Tupper said—

"We propose, not arbitrarily to resume a mistaken gift, but, freely acknowledging that we were committed to a gift which we cannot resume, to acquire by fair bargain that which benefits the people, but little now, but which will, in the proper hands and by the treatment intended, enormously benefit alike the people and the State, because, unless our hopes are frustrated by unforeseen events, a wide wilderness will be converted into a canal-irrigated colony, such as we have on the Chenab."

It is quite clear from these speeches that the Government had not kept in view the theory of a mistaken gift, but had, on the other hand, openly admitted that the shamlat land belonged to the proprietors in the Thal. The agreements were made for the good of both the Government and the proprietors, and the Government intended to excavate a canal in the near future. If the proprietors had known that the work of opening this canal would be again and again postponed, they would never have signed the agreements. The people inhabiting the Thal are very poor and famine-stricken. Their number, however, is not small. There are two railway lines which pass through this territory. Cultivators can also be procured from the adjoining districts. In short, the whole of the Thal area can be easily colonized. And it is an admitted fact that as compared with the Bhakra Dam, the Sind-Sagar canal will prove more remunerative to Government. The Sind-Sagar is also the more advanced project.

Sardar Dasaundha Singh : Sir, will you be kind enough to call on the Chief Engineer to enlighten us on this point? Because some misapprehension might be created as to whether the Bhakra Dam is ready and whether it is more advanced than the other scheme.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : Yesterday I gave all the information that I had with me on the subject. I do not think there is any necessity to give any more information. If anything else is required, I will give it later in my reply.

Mian Muhammad Shah Nawaz (continued) : If the Government thinks itself bound by Act I of 1902, it is legally and literally bound to open the Sind-Sagar canal. If it cannot undertake this work, the only alternative is to repeal the said Act. But the Government and this Council do not like to repeal it, since they have amended my resolution. It has become, therefore, necessary to open the Sind-Sagar canal very soon. The merits of

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both the Sind-Sagar canal and the Bhakra Dam are before the Council. There have been speeches on both sides and there is no apprehension of an *ex-parte* procedure. Either the Council should repeal Act I of 1902 or apply for the sanction of the Secretary of State for the proposed Sind Sagar canal and begin its excavation. It should decide this question once for all and prefer the Thal project to the Bhakra Dam.

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia (Revenue Member): Sir, in the short time that I have at my disposal I shall try to deal with the different points that have been raised by the various hon'ble members who have spoken on the subject. It must be clearly understood that whatever the attitude of the Punjab Government is on this subject we have, as I said yesterday, first of all, to submit our scheme to the Government of India for their sanction as well as for the sanction of the Secretary of State. Without these two sanctions we can not proceed with the subject in hand. Besides we shall have to come to this Council for funds, for as I said yesterday unless and until this Council places at our disposal the necessary funds for the construction of the canal no scheme could possibly be taken in hand. My speech yesterday was a non-committal one and I shall have to take the same attitude today because of the reasons that I have just explained. But one point I will mention as regards the latest orders that have been conveyed to us by the Government of India and with your permission I will read the letter of Sir Sydney Crookshank, the Secretary to the Government of India in the Public Works Department, and which to some extent has also been read by my friend, the mover of this resolution. "The Government of India have perused with interest the note of the Chief Engineer which accompanied the Local Government's letter and are readily prepared to admit that a strong *prima facie* case has been made out for continuing and completing the surveys and investigations necessary for the preparation of a detailed project estimate for the Thal Canal. They are not, however, prepared to affirm, on the limited information at their disposal, that the Bhakra Dam Project should be forthwith abandoned or postponed indefinitely. A note, dated the 7th September, 1921, by the Inspector-General of Irrigation in India, a copy of which is enclosed, certainly appears to indicate that there are circumstances which may eventually lead to the abandonment or postponement of the Bhakra Scheme, but it will be for the Local Government to show, when the Thal Project is submitted for sanction what weight must be given to these circumstances, and it is suggested that it may be advisable for the Local Government to continue their investigations of the former scheme to such an extent at least as may be necessary to decide whether or not it is worth while to pursue the matter further. It will certainly be necessary to place the question before the Secretary of State when the Thal Project is sent up for sanction and to demonstrate to his satisfaction the desirability of proceeding with that scheme to the exclusion of the Bhakra Project which, as affording protection to an extremely precarious area of existing cultivation, would ordinarily be given preference over one which depends for its revenue upon colonization."

"I am to ask that, in preparing the revised project for the Thal Canal, particular attention may be given to the question of the supplies necessary for the Sukkar Barrage Project and Canals in Sind. The Local Government will also doubtless see that the requirements prescribed in the Secretary of

State's despatch No. 46-Financial, dated 30th June 1921, regarding the rate of interest to be adopted for the purpose of the financial statements and the obtaining of the assent of the local legislature to the scheme are fulfilled before the project is submitted for sanction—"

"I am also to suggest, for the consideration of the Governor in Council, that the probability of an early decision upon the scheme would be much enhanced were the preparation of the detailed estimates accompanied by a soil survey executed by officers actually acquainted with the results of irrigation elsewhere and, if possible, also with the problems of colonization."

In view of this letter necessary action is being taken to complete the final project in its final shape. Surveys are being undertaken and as soon as these are completed necessary steps will be taken to submit the question again to the Government of India.

Now as to some of the points which have been made by my friend Lala Atma Ram. He said that there is scarcity of water in Hissar and Rohtak. I think I clearly admitted that point and in the speech by my friend, the Revenue Secretary, it has been sufficiently shown that so far as famine conditions are concerned Government has done a great deal to improve the situation generally. My friend also stated that in Thal the question of famine conditions does not arise. In this connection I will take the liberty of reading a few portions of a letter of Sir Edward Maclagan, our present Governor, who then as Senior Secretary to the Financial Commissioners observed as follows:—

"The Thal has always been liable to occasional bad seasons, but in the present instance five or six bad harvests have occurred consecutively; and so far as the Financial Commissioner can ascertain, the people are right in saying that for many years they never had to face such prolonged drought."

Further on he makes this observation about the conditions of the people.

"It is not too much to say that the well oxen have practically disappeared, having died of starvation and overwork; the cows are also gone, most of them dead; the major portion of the sheep are also dead." The only animals remaining were goats and camels. These last would remain even in a desert.

So, as regards the conditions of famine that portion of the subjects of His Majesty have similar claims on the attentions of Government as their fellow subjects of Hissar and Rohtak. I might say that Government is always anxious to do its level best to carry out its responsibilities, for the protection that has to be afforded to His Majesty's subjects in India.

Another statement which was made by my friend, Sardar Dasandha Singh, is about the Bhakra Dam Project being ready, while the Thal was not and he wanted a statement to be made on the subject. My friend would remember that I said that the Bhakra Dam Project is complete no doubt, but no work can be started unless and until we have made sufficient progress with the scheme already in our hands, I refer to the Sutlej Valley Project. Anything done to jeopardise the work of that scheme would mean not only adding to the cost, but perhaps may lead to some loss if the lands are not sold at full market value. I said also in my speech no doubt that in the lands to be

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served by Bhakra Dam Project the railways and other communications are sufficient and we do not require to provide further facilities in regard to that tract. But in the Thal we have got only one railway.

Mian Muhammad Shah Nawaz: We have got two railways—Mianwali to Muzaffargarh and Malakwal to Hoshiarpur.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (continued): But perhaps further communications are required to be made.

As regards the suggestion which was thrown out by my friend, the Finance Commissioner, Development, that a committee should be appointed to go into the merits of the two cases. I think that is a question which rests with the Government and they are to make an enquiry in whatever way they consider best, and under the present circumstances I do not think there is any necessity of a Committee, and I was glad yesterday that the resolution which was adopted by this Council obviated the necessity of any committee being formed. Mr. Abbott mentioned 'the hon'ble member' and I was in doubt whether he referred to me or to the hon'ble mover of the resolution so I asked him what he really meant, and I was assured by him that he meant the hon'ble mover and not the Member of Government.

As regards the area to be irrigated, I think I gave yesterday some indication of the area that was to be irrigated in Bikaner, and said it was about 11 lakhs of acres. Now, coming to the position of the case as a whole, a charge has been laid against Government that they have unduly delayed the construction of the Thal Canal. With your permission, Sir, I will read a few extracts from another letter from the Government of India which incidentally gives some of the reasons, on account of which that scheme could not be taken up at an earlier date. The hon'ble members of this Council will remember that some time in 1903, i.e., two years after the Sind Sagar Colonization Act was passed, an Irrigation Commission came into the country, and investigated the different problems that were intended to be placed before Government as regards the construction of certain very paying canal projects. In their report, they recommended that the construction of the Sind Sagar Canal should not be put in hand until the Lower Bari Doab Canals and other allied works were approaching completion. They expressed the opinion that it was certain to be more costly and less remunerative. That was the opinion that was held at that time, but certain further investigations have proved that it is more profitable than the comparatively less profitable scheme of Bhakra Dam as it stands at present. They recommended the construction of Thal canal as desirable as large areas of waste land would be converted into crop-producing tract. The Lower Bari Doab Canal was completed in 1917. Certain allied works have also been completed. Now coming to the final stage—

(At this stage the President informed the speaker that his time was nearly over.)

Only a few minutes more, Sir.

Now coming to the final stage, there are two or three things that have happened since then. My friend said, if Government is not prepared to give up this Act, then it must be prepared to give a promise to take the project of Thal canal in hand as early as possible. I think it is the moral duty of

Government to do so, but as I explained the other day, the whole thing depends first of all on the sanction of the Government of India, then on the sanction of the Secretary of State and finally upon the funds that this House places in the hands of the Government for its construction. Certainly, if we happen to repeal the Act, there is the possibility of losing 17 lakhs of acres of area of land which will be a considerable amount to lose, though I must repudiate the suggestion which was made by my friend, Malik Feroz Khan Noon, that this land belongs to the people and the Government had nothing to do with it, and that by this Act they took away these lands from the people. I have already explained that this land was given to zamindars, and it was returned for the purposes of making it more profitable to the provinces, and one-fourth share of it was to be returned irrigated to the cultivators which would become more valuable to the landowners than it is under the present circumstances. While, on the other hand, there are two things to be mentioned. The Bhakra Dam detailed project is ready, but the detailed Thal Canal project is not yet in that happy stage and this will take two years. The Sutlej Valley Canal is in hand and till it has sufficiently progressed we cannot take up any other construction and it will be at least two years more before we can think of undertaking any other canal construction. Time will be then when we can consider which scheme is to be taken first in hand and which after and by that time both the schemes will be in an equal position. Another statement was made by some member, I think by Sardar Dasaundha Singh if I remember correctly, that the Bhakra Dam scheme was put before the Government before the Thal Project scheme was considered. I think that is not the correct statement of the case. The correct statement of the case is that the Thal scheme was considered long before that when the Irrigation Commission came into the country. The Bhakra Dam scheme if I may be permitted to say so was not even born at that time.

Mr. President: I remind the hon'ble member that his time is over.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (continued): Only one minute more, Sir, and I have finished. It is, therefore, for this Council to make a recommendation to Government as to which scheme should be taken up, and the Government in its executive capacity will eventually decide what project is to be taken up after considering all the facts as they stand. The position of Government in this case is that of neutrality and we will leave it to the Council to decide as they consider best and I leave the question to the vote of the non-official members of this Council.

Mr. President: The resolution as amended reads—

"That this Council recommends to Government to expedite the survey of the Thal tract and the preparation of detailed plans of the Sind Sagar Canal Project with a view to the submission of the project to Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley project is well advanced."

The question is—

"That this resolution be adopted."

[Mr. President.]

The House then divided: Ayes 32, Noes 15.

AYES 32.

Mr. Nawab Din, Murad.
 Mian Ahmad Yar Khan, Daultana.
 Malik Firoz Khan, Noon.
 Chaudhri Ali Akbar.
 Khan Sahib Pir Ali Haider Shah.
 Chaudhri Ata Ullah Khan.
 Khan Bahadur Rai Wali Muhammad Khan.
 Khan Bahadur Chaudhri Fazl Ali.
 Sardar Bahadur Gopal Singh, Labana.
 Captain Sardar Gopal Singh.
 Chaudhri Ghulam Muhammad.
 Sayad Ghulam Muhammad Shah.
 Bawa Hardit Singh, Bedi.
 Sayad Husain Shah.
 Sardar Jamal Khan.
 Chaudhri Kharak Singh.
 Khan Sahib Amir Khan.

Khan Bahadur Sayad Mehdi Shah.
 Malik Najabat Khan.
 Khan Bahadur Raja Muhammad Akbar Khan.
 Sayad Muhammad Husain.
 Rana Muhammad Jamil Khan.
 Khan Muhammad Saif Ullah Khan.
 Mian Muhammad Shah Nawaz.
 Chaudhri Nabi Bakhsh.
 Maulvi Mubarram Ali, Chishti.
 Diwan Bahadur Raja Narendra Nath.
 Sardar Sangat Singh.
 Khan Bahadur Khawaja Yusuf Shah.
 Rai Bahadur Lala Sewak Ram.
 Rai Sahib Lala Thakar Das.
 Dr. C. A. Owen.

NOES 15.

Chandhri Daya Ram.
 Sodhi Lal Singh.
 Pir Akbar Ali.
 Lala Atma Ram.
 Sardar Bakhtawar Singh.
 Sardar Balwant Singh.
 Sardar Dasandha Singh.
 Chaudhri Bans Gopal.

Sardar Sahib Risaldar Dilbagh Singh.
 Chaudhri Ghazi Ram.
 Rai Sahib Misar Mela Ram.
 Nawabzada Muhammad Irshad Ali Khan.
 Rai Sahib Chaudhri Raja Singh.
 Rai Bahadur Risaldar Sarup Singh.
 Chaudhri Shafi Ali Khan.

The resolution was carried.

RESOLUTION RE ENHANCING THE PENSION OF CIVIL PENSIONERS.

Dr. C. A. Owen (Representative of the Anglo-Indian community), Sir, I beg to move—

"That this Council recommends to Government to take such steps as may be feasible to give an enhancement of pension to all civil pensioners drawing an annual pension of between Rs. 540 and Rs. 5,000, and failing this, for the present, to appoint a committee consisting of members of this Council to consider the special claims of those few pensioners who were retired on the old scales and rates of pay, and who were recommended for, but failed to obtain special additional pension, and that, pending the submission of their report, some *ad interim* relief may be allowed."

In presenting this Resolution for the generous and sympathetic consideration of this House, it is incumbent on me to explain the circumstances which have necessitated the question of enhancing Civil Pensions. In the first place I would explain that pension is a monetary allowance given monthly by Government to Gazetted and non-Gazetted Officers and inferior establishments after they have retired or been made to retire from public

service rendered in a permanent capacity after a service of not less than ten years. The amount is fixed in accordance with the limits laid down in the Civil Service Regulations on the basis that for each year of service after 10 years' completed service an officer receives one-sixtieth part of his pay subject to half his average pay, but full pension is not given except for approved service. Pension has, moreover, been interpreted as "deferred pay" to which every officer contributes monthly during his public permanent service. The Royal Decentralization Commission admitted that pension was "deferred pay", and the whole tenor of the Civil Service Regulations indicates it. Sir James DuBoulay, speaking in the Indian Legislative Council on the 18th March 1918, expressly stated that pension was "deferred pay." It is therefore clear that the contribution as levied in the manner indicated in Chapter XXXIX under head "contributions for leave and pension" of the Civil Service Regulations, is part of an officer's income during his lifetime, and on his death, should in equity, become part of his estate. The accumulative profits arising from such contribution and retained by Government as a result of death prior to or soon after an officer's retirement, must be enormous, considering the vast number of permanent servants employed by the Government of India and subordinate Governments, and those who suffer in consequence are the widows and children who, in most cases, are left insufficiently provided for owing to the inability of officers to make a suitable provision for them during their lifetime due to the receipt of an inadequate salary which is invariably the case in the subordinate services. It therefore follows that, as a matter of just dealing between employer and employee that any man who has put in more than ten years of the best part of his life in the permanent service of Government, is in all reasonable fairness entitled to his "deferred pay," and that under no circumstances, except some gave offence, should his "deferred pay" so earned be liable to forfeiture. For example, the heirs or family of a man who dies after a service of 20 years have a more just claim to that man's "deferred pay" than the heirs or family of a man who has been compulsorily retired on medical certificate after a smaller (say 15 years') service. Equity, justice, and good conscience, demand that a man, or his family, should not lose that which he by his services has most undoubtedly earned. Under no circumstances is an employee of the Railways or Local or other Bodies deprived of the contribution paid to his Provident Fund Account by his employer. Why then, may it be asked, is a man or his family deprived of that which he has already earned in the service of Government. On Railways, moreover, in order to induce men to serve for long periods, a month's pay is given as a bonus for every year's service that a man has put in, provided he has completed not less than 15 years' service. A man has also to contribute towards his own pension when lent on foreign service, and even this contribution is entirely lost to his family should he die in the service of Government. It is well known that great hardships have overtaken the families of subordinate establishments dying whilst still in service of Government. The question may in all fairness be asked why should a man's family be deprived of the capitalised value of the "deferred pay" which has been earned. As I have already stated, the "deferred pay" in cases where a man dies prematurely, or whose services are dispensed with, is utterly lost to those for whom it has been earned, and virtually becomes an asset of the employer. In other words, the pension rules, in practice, ignore the services of the man who has earned his "deferred pay," and reduces the matter to a wholly one-sided lottery in

[Dr. C. A. Owen.]

which the table stands to win no matter what happens. A man who enters Government service as a permanent hand is practically tied down for life in that service, and it follows that he or his family should, in equity, not be treated otherwise than liberally when he quits it on retirement or otherwise, especially, if he belongs to the subordinate service, the conditions of which are very hard from a pecuniary point of view, as may be readily realized from the fact that, for the greater part of such service, he receives very little more than a living wage. I am aware that these remarks do not bear directly on the subject of the resolution that stands in my name, but they serve to show what happens under existing conditions governing the grant of pensions, and I would ask this House to bear them in mind :—

I would add that the remuneration allowed by Government to temporary or non-pensionable employees is comparatively much higher than that given to permanent men so as to attract them to take up such precarious monthly service which is terminable on a month's notice.

I will turn to another aspect of the case. Several years ago dating from about 1900 and even before that year, it was universally felt that the old rates of pension which were fixed in relation to the then value of the rupee, in 1855, were entirely inadequate to meet the extra cost of living which was steadily and rapidly increasing in India. The situation of distress became so acute that it resulted in the submission of various memorials to the Government of India and other authorities. These memorials were either evaded or partially met by increases being sanctioned in certain cases where exceptional meritorious services were performed. The cumulative effect of the memorials, however, led to the appointment of the Islington Commission of Enquiry. This Commission commenced its labours in 1912, and completed its report in 1915, but the carrying out of its recommendations was delayed till 1919. The Commission among other recommendations, definitely stated that the then rates of pension were inadequate. It should be noted that this authoritative pronouncement was made before the war and had nothing to do with the abnormal conditions that prevails in India to-day, due to the exorbitant rise in house rents, higher wages demanded by domestic servants, unprecedented rise in the cost of food supplies, clothing and other necessary requirements of life, and also to higher charges for Education and Medical treatment, etc. Most of the Commission's recommendations, however, dealt with matters connected with the higher services, i.e., the European service men and other Europeans, and also some Indians, who were the principal beneficiaries both in the matter of enhanced salaries and pensions, and in Government of India, Finance Department, Resolution No. 1085-E.A., dated the 15th November 1919, the recommendations of the Commission were given effect to only in the case of those officers who were employed in certain superior civil services in India. As regards pensions the maximum limit of Rs. 5,000 a year was increased to Rs. 6,000, and the additional pension of Rs. 1,000 given to holders of certain high appointments was increased to a total of Rs. 2500. For holders of lower administrative posts an additional pension of Rs. 1,500 was allowed. These improved rates of pension were sanctioned from 1st April 1919; but were also allowed to officers who had retired after 1913 in consequence of the fact that the Government of India had informed certain officers who had memorialised on the

subject of their inadequate pensions, that should the pension rules be revised in consequence of the memorials submitted by them, or as the result of the recommendations of the Commission, the positions of the officers who had retired by then would be taken into consideration.

The fact also that an improved scale of pay had, at the same time, been sanctioned necessarily, provided a higher rate of pension for pensioners in the future, and this relief should not be lost sight of. This explains the case of the higher paid pensioners.

I will now explain the action taken by pensioners in India, i. e., Provincial service men, most of whom are Indians, and non-Gazetted Officers and men belonging to the subordinate services, most of whom are also Indians. After the issue of the Report of the Islington Commission, finding themselves absolutely neglected and unprovided for in the matter of concessions similar to those allowed to the higher services, the pensioners formed themselves into numerous associations all over India, Burma and Assam, and respectfully and strongly represented their grievances to the Government of India, and Local Governments and Administrations. This House will probably learn with surprise that the only relief granted by Government, in Government of India, Finance Department, Resolution No 55-C.S.B., dated the 14th January 1921, was an all-round paltry temporary monthly increase of Rs. 8½ per head to pensioners drawing pensions not exceeding Rs. 45 per month, subject to re-consideration after three years from 1st December 1920—that is to say, 20 months after the increases sanctioned for the higher services. At this stage it may reasonably be asked what relief did Government give to those pensioners who were drawing pensions ranging between Rs. 540 and Rs. 5,000 per annum. My reply will no doubt astonish this House when I say nothing—not a pie; and it is this class of pensioners who throughout the length and breadth of India, Burma and Assam, have been and are still appealing against this act of gross injustice and inequity on the part of Government in its indifferent attitude towards them. For it must be admitted that if a reason justifies an increase of pension to one class of servant of Government, that very reason justifies an increase of pension to other classes also. Government saw and experienced no difficulty, financial or otherwise, in giving more to those who had been receiving the highest rates of pay and pension, but withheld all relief from those whose necessities were, and are still infinitely greater. It will, I think, not be denied that, if the present economic condition in India was severely felt by the two classes who received enhanced rates of pension, it must have been equally felt by all, and in several cases, more so by the middle class who were left in hardships almost indescribable. It is common knowledge that these poor old and infirm servants of Government are to-day living in great privations and misery, being compelled to deprive themselves and those depending on them of everything but the barest necessities of life. Large numbers are besides being forced to live and die in debt. Their situation is such that, I venture to say, no modern Government, and certainly no modern democracy, would view, with approval, and I trust that this House will not adopt an attitude of financial retrenchment in the case of helpless aged retired state servants when they are borne down with unprecedented hardships caused by the enormous increase in the cost of living, as a plea for withholding that relief without which their fate will be cruel and unbearable. It is with the help of these old good and faithful State servants that Government has been able to consolidate and carry on the stable administration of this country.

[Dr. C. A. Owen.]

and this is evidence by the work that is being continued at the present day by their successors in office who are being granted large increases of pay and pension for no greater or better work. I would here refer to the contract contained in article 351, Civil Service Regulations, that the right of withdrawing or withholding a pension or any part of it on the happening of certain specified events by pensioners is vested with the Government and the Secretary of State. This portion of the contract is being faithfully observed by pensioners so far as they are concerned, but another portion of a contract contained in rule 9(2) of Appendix No. 10, Civil Service Regulations, which lays down that Government pensioner should maintain himself in retirement in accordance with his station in life, cannot be fulfilled without sufficient monetary aid from the Government he has served, as the value of the rupee has now diminished by more than half its original purchasing power, and the whole pension is hardly sufficient to procure house accommodation and food supplies. I am aware that this part of the contract is placed under the rules relating to commutation of pensions, still, I submit, that it positively exemplifies the spirit and intentions of Government as to how their State servants should live in retirement.

As a matter of opinion, it may possibly be urged that there is no reason why the general tax-payers should be called upon to pay for this additional burden for the purpose of relieving destitute pensioners, to which my answer is, that pensioners, are also tax payers, and that all taxation falls on them equally at well, so that this misfortune is common to all.

It has been stated that pension is given as an inducement to secure a better class of recruits for the public service. This bait I would observe may be very effective in the case of the higher services and highest paid appointments, but I can assure this House that this artifice has been exploded as a delusion and a snare in the case of the lower paid subordinate services. In the latter case there is an unmistakable expanding indication, that the better class of recruit is now turning his serious attention to more lucrative and independent mercantile and professional employment rather than slave for a quarter of a century or more in a hard low-paid State service to receive a mere pittance as pension in old age if ever he lives to get it, and even if he does, it is not for long, as at that time of life his straitened existence is fast nearing its end.

I have now arrived at the last stage of the Resolution in regard to the ways and means of meeting its requirements. I know that I will be told that the Government has full sympathy with my proposal, but that it regrets that it is not possible, at present, for financial reasons to give the relief asked for. If such is really the case, I would remind the House that the pensioners cannot live on a diet of lip sympathy. They need money, and need it very badly, and naturally look to this House and Government to give them some relief. Assuming, however, that it is impossible to meet the demand in its entirety, I would venture to urge, for the present, the special claims of those very few pensioners receiving an annual pension between Rs. 540 and Rs. 5,000 who were specially and strongly recommended for a special additional pension which was denied them, and to leave the larger question of relief to all pensioners to such future date when the finances of Government will be able to meet the cost. I earnestly trust that this

date will not be far distant, as, in the ordinary limitations of advanced age, pensioners are a fast diminishing body, and this fact is further accelerated by the fact that, under present adverse conditions of living, and the infirmities of declining years, they are now fast dying in a state of abject poverty. I therefore appeal to Government and this House to take a humane and merciful view of these pensioners, and to grant them a compassionate addition to their slender and inadequate pension. Especially, in the first place, to those pensioners who were strongly and specially recommended for an additional pension for exceptional, long, loyal and meritorious public service of over 30 or 35 years before being required to retire under hard-and-fast rules. The names of these few pensioners can be easily obtained from the Financial Branch which deals with such applications for pension in the Secretariat. The number must be less than 50. I should think as such recommendations are rare. In this connection I would explain that it is an open secret that, although Heads of Departments make such recommendations, and are regarded as the best Judges of the nature of the meritorious service for which they advocate a special reward, yet the Financial Branch which knows little or perhaps nothing of such services, frequently offers an adverse opinion, which I say with all respect is, more often than not accepted by the Government. Of course I am perfectly aware that such differences of official opinion will unfortunately continue to the end of time, but it is to be deeply deplored in such cases, as it offers no inducement for meritorious public service.

To sum up, it is, I would say, to the duty of Government to save its pensioners from privations and distress, and help them to live in retirement in accordance with their station in life; that pensioners are under the disciplinary control of Government in certain circumstances, when their pensions may be alienated or wholly or partially forfeited; that pensioners pay income and other taxes in the same manner as all other tax payers; and that the abnormal economic conditions now prevailing make it impossible for them to live decently and respectably as required by Government. I may add that the Ceylon Government, the Straits Settlement, the Egyptian Government, and all Colonial Governments, have, one and all, granted their pensioners liberal increases of pension without any preferential treatment of any class as has been done by the Indian Government, who, by giving more to those who are scarcely in need, and depriving those who are in sore need, have created a bitter feeling that must, by force of circumstances, tend to alienate the loyalty of the latter class in their attitude towards Government.

In conclusion, and I apologise for taking up so much time of this House, I would ask with all seriousness in its fullest measure that, in the name of justice and humanity, the resolution that I have presented on behalf of these pensioners who are folding their aged infirm hands to this House and the Government, and imploring in the name of God for immediate relief, may be accepted, and a Committee appointed to consider and make recommendations for sanction, and that an *ad interim* relief—say up to 15—20 per cent., which is by no means an excessive amount to help a pensioner to meet in part his great privations and hand-to-mouth existence in his station of life, be given until such time as sanction is accorded.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, I give my hearty support to the resolution, and I hope that the resolution will also elicit strong support from the House also.

[D. B. Raja Narendra Nath.]

The resolution proposes to appoint a committee to consider the special claims of those few pensioners who were retired on the old scales and rates of pay and who were recommended for, but failed to obtain special additional pension. The resolution also recommends to the Government to take such steps as may be feasible to give some sort of relief to the civil pensioners. In connection with this, I draw the attention of the House to an order of Government which was passed some years ago depriving civil pensioners of their right of receiving grants of land. Government owns large areas of waste land and they are distributing that area among persons of agricultural tribes who cultivate them as tenants and as zamindars. Allotments were also made for giving grants of land to members of the aristocracy, but owing to certain orders received from the Secretary of State, the civil pensioners were told that although they had served Government all their life, they were deprived of the privilege of receiving a grant of land because they are receiving pensions. That is a matter which can very well come before the Committee for consideration which the resolution proposes to appoint. When I was in office and it was my duty to distribute grants of land, and if any civil pensioner came to me deserving a grant of land otherwise, but who under the orders could not get any land, I had to tell him 'Go away' you have committed a folly by serving Government for 30 years, and therefore you receive no grant.' (Hear, hear). This invidious distinction should certainly be removed, and I think it would be within the competence of the committee to go into that question. That question can be investigated and certain recommendations made about it regardless of the fact whether there is any provision in the budget or not. Sir, I heartily support the resolution which has been so ably moved by my friend Dr. Owen, and I hope that the resolution will receive very hearty support from the Council even though it contains very few civil pensioners.

Mr. H. D. Craik (Chief Secretary): Sir, both speakers who have addressed the House on this motion have perhaps anticipated my reply up till a certain stage. It is, of course, with very great reluctance that I have to oppose this motion on behalf of Government. Sir, Government admits that the rise in prices and the cost of living generally has no doubt hit the civil pensioners referred to in the motion with very great force, and that existence in the case of many of them is always a struggle, and the struggle has been unfortunately accentuated by the hard times to which all classes are subjected. At the same time, I may point out that a good deal has already been done, as the hon'ble member has admitted, for the pensioners as a whole. I admit that the relief has been partial, and that it has not covered all classes, but I wish to emphasize the case of the poorest class of all, that is, the class of pensioners whose pension is below Rs. 45 a month. All those who received less than this have received during the last few years substantial benefit. The other class of pensioners who have been benefited are the higher class.

Those who were under old rules entitled to draw up to a maximum of Rs. 5,000 a year can now draw up to a maximum of Rs. 7,500 a year. The increase in the higher services was given, not because it was considered that previous pensions were inadequate, but because the Public Services Commission recommended the increase solely in order that the services may be made more attractive. That was a point that was brought out very clearly in a

debate on a precisely similar motion which was moved in the Legislative Council last September. The Hon'ble Finance Member laid very great stress on it. The Royal Commission on the Public Services went very carefully into the question of higher pensions for Government servants and they came to the conclusion that the rate of pensions was fixed many years ago when the rate of exchange was two shillings a rupee which has since declined. That was an argument to which they attached no great importance, and they said "What affects us more is the consideration of the amount needed to make Government service reasonably attractive. It was on that ground, and that ground alone that the higher pensions were increased by the Government of India a year or two ago. Sir, I am aware that this question was debated in the Legislative Assembly and the motion was then defeated. Although they had every sympathy with its objects and reasons, it was purely a question of ways and means and they were not in a position to face the very great expenditure that would be involved in an all-round increase of pensions. The expenditure would fall mainly on the provinces, as the number of pensioners in the Central Government is comparatively small. But the number of pensioners in the whole of India would be almost or nearly 300,000, that is civil pensioners alone, and the amount of money which Government disburses in pensions is nearly 2½ crores of rupees a year. I want, the House to realize that the hon'ble mover has given us no sort of estimate of the expenditure that would be involved by the adoption of his proposal though he has given us an indication of the extent to which he wants the pensions raised. I think he said 20 per cent. The House should be aware before it accepts the resolution that we are asked to commit ourselves to a financial liability of which we have had no estimate whatever—a liability which, I may point out, may increase year by year, and I think it would be a very very unsound principle for the House to accept a motion like this. The whole question really is one, as I said before, of ways and means. Government has been forced during the last few years to spend very large sums of money on increasing the emoluments of its employees in both higher and lower services—but a very much larger sum has gone to increase the emoluments of the lower paid servants of Government. The expenditure in this province for the last few years on this account has run into crores of rupees with the result that the Province is now in a position in which its annual revenue is not able to balance its annual expenditure. We must pay the persons in our employment a wage which will satisfy their ordinary and reasonable desires and will ensure a steady flow of recruits for ourselves. That must be our first consideration. I regret that this is to look at the matter from a low point of view, but after all it is of much more importance from the practical point of view than the question of giving adequate pensions to persons who have left the service. I have tried to make it clear that we cannot enhance the pensions in the same proportion in which we have advanced the salaries. We cannot do both. We must choose between the two. During the last few years we have had to spend large sums of money in increasing the wages of our existing establishments with the result, as I have said, that we are face to face with a position which is nothing less than bankruptcy. The Government have had to appoint a Committee to explore all possible avenues of retrenchment. While we are exploring all possibilities of retrenchment it will be impossible for us to accept the motion which will involve us in very heavy annual expenditure of which no estimate has been submitted.

[Mr. H. D. Craik.]

The Hon'ble Raja Sahib has raised one point on which I desire to join issue. It is not strictly relevant to the motion now under consideration before the House, though it is a point of some importance. I understand the Raja Sahib re-inforced his argument by saying that Government decided some years ago that no grant of lands should be made to civil pensioners. Well, as a statement this is in the first place incorrect. Government did not make any such restriction. It only decided that grants of land on favourable terms should not be made to civil pensioners. I think the House will agree with me when I say it was a perfectly sane decision that civil pensioners should not get grants of lands on favourable terms. The concession which was given in the past was gravely abused and civil pensioners who had no particular claim to recognition were made rich not only during their own lifetime but during the lifetime of generations of their descendants. The concession was abused to an extent which I have no hesitation in saying amounted to a disgraceful scandal. I know of officers who had never risen above mediocrity whose pensions were increased tenfold by grants of lands which they obtained in most cases soon after leaving the service of the Government. That was a system which I always objected to and I hope the House will endorse my view. The system was therefore stopped.

I do not want to say anything more on that point. I shall only emphasise the reluctance with which Government has to oppose this motion. I am sorry I have to oppose it, but it is, I say, a question of ways and means. We are in a peculiarly unfortunate financial situation and we have to choose between matters of conflicting urgency and we are bound, I submit, to spend anything we have where practical necessities of the moment make it most urgent to do so. To the pensioners, therefore, I am afraid we cannot at present extend anything more than our sympathy.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan) (Urdu)]: Sir, by bringing forward this resolution Dr. Owen has done a great service to the poor pensioners. The first part of the resolution recommends an enhancement for retired persons who are in receipt of pensions ranging from Rs. 540 to Rs. 5,000 per annum. The second part of the resolution recommends the appointment of a committee. To my mind the

10 A.M.

second part is more appropriate. A committee might well be appointed, because it will be in a position to arrive at a decision regarding enhancement of pensions after considering every aspect of the case. Dr. Owen has recommended that pensions up to Rs. 5,000 should be raised, but this is going too far, I think. It would seem appropriate to enhance pensions up to Rs. 2,500 per annum. The superannuated high officials received handsome salaries while in service and they are in receipt of substantial pensions. Moreover, they are able to acquire a competence while yet in service and it would be a drain on the revenues of the country to enhance their pensions. The Hon'ble Chief Secretary has told us that to make the service of the high officials attractive they were granted high pensions. It would be hard, I think, to give no increase to persons who are in receipt of small pensions in these days of high cost of living. The enhancement given to persons in receipt of small pension was insignificant. A man in receipt of a pension of Rs. 45 got only 1½ rupees, while the man who was in receipt of Rs. 5,000 had his pension raised by Rs. 2,500. The appointment of a committee would be suitable I think, because the committee will consider the question in all its bearings. Does

the Chief Secretary wish to keep men in receipt of small salaries disappointed and discontented. One of the causes of bribery among officials is the desire to accumulate money with the intention of using it after retirement in the event of a small pension being granted. Bribes are therefore taken to accumulate money for spending the same after retirement. I would request that the resolution be accepted and a committee appointed. Its acceptance will do good to the poor people.

Pir Akbar Ali [Ferozepur (Muhammadan), Rural] (Urdu) : Sir, the Government member has given an effective reply to the speeches made by the Raja Sahib and the hon'ble mover of the resolution. It is a good idea to enhance pensions with the object of giving relief to the poor pensioners. But where will the money come from ? Demands for money are very frequent. The deficit has not yet been made good but efforts are going to be made to empty the pockets of the poor by fresh taxation. I think that even the appointment of a committee will involve a large expenditure. The resolution should be postponed on account of lack of funds. It is too late now to enhance pensions. I agree with Lala Sewak Ram that persons in receipt of high pensions should not be granted an increase. Nevertheless, for the reasons above stated, I oppose the resolution.

Sardar Bakhtawar Singh [Hoshiarpur and Kangra (Sikh), Rural] (Urdu) : Sir, it has been said that the resolution has the sympathy of the Chief Secretary, but what can he do when the financial position is so unsatisfactory. God knows wherefrom the money comes for supplementary demands while funds are lacking when money is needed for the public. The legitimate demands of the public should be fulfilled just like Government demands. I support the resolution and would request that the pensions of the poor people may be raised.

Sardar Dasaundha Singh [Ludbiana (Sikh), Rural] (Urdu) : Sir, Dr. Owen's resolution recommends enhancement of pensions ranging from Rs. 540 to Rs. 5,000 per annum. I gather that the resolution affects him. In view of the prevailing famine I think that the case of those who receive pensions under Rs. 50 is very hard. The resolution does not cover their case. Such pensioners should be given special increases. It is said that an increase has been granted but God alone knows what increase was given. If it has been given it is not adequate. I am not prepared to support the resolution in its present form. Those in receipt of pensions under Rs. 50 should be given increases and not the others who ask for increase merely to lead a life of luxury. In these circumstances I am not prepared to support the resolution.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural] (Urdu) : Sir, Dr. Owen has moved his resolution from well-meaning motives, but I am sorry to have to oppose it in view of the unsatisfactory financial position. There is a deficit and new taxes are being daily threatened. The poverty-stricken people should not be taxed for the sake of the pensioners. Taxation should be avoided. Mr. Romesh Chander Dutt has said that we Indians are a poor people and our expenditure should be curtailed and we should not be overburdened with taxes. Our sympathetic Governor has appointed a Retrenchment Committee for the curtailment of expenditure and in spite of this new resolutions are framed by us every now and then. It is certain that money will have to be found for enhancements by imposing taxes.

[S. Muhammad Husain.]

I want to correct Sardar Bakhtawar Singh who is under a misapprehension when he says that supplementary demands are met immediately. Most of the grants are cases of reappropriation. Some of the demands are inevitable and it would not be proper for us to oppose them. Education is our life and we cannot cut down expenditure on elementary education. There is not a greater sympathiser of the poor than I. When the financial condition improves and there is a surplus we will vote money for the persons who are receiving small pensions. We should cut our coat according to our cloth and realise our responsibility. We have to face other responsibilities involving large expenditure. Out of sympathy for the poor people who will be taxed for defraying the cost of increase I am not prepared for the present to support the resolution.

Mian Ahmad Yar Khan, Daulatana : Sir, I move—

"That the question be now put."

The closure was carried.

Mr. President : The question is : —

"That this Council recommends to Government to take such steps as may be feasible to give an enhancement of pension to all civil pensioners drawing an annual pension of between Rs. 540 and 5,000 and, failing this, for the present, to appoint a committee consisting of members of this Council to consider the special claims of those few pensioners who were retired on the old scales and rates of pay, and who were recommended for but failed to obtain special additional pension, and that, pending the submission of their report, some *ad interim* relief may be allowed."

The motion was lost.

Resolution *re* holding the summer session of the Council at Simla.

Mr. Nawab Din, Murad [East and West Central Towns (Muhammadan), Urban] (Urdu) : Sir, I beg to move :—

"That this Council recommends to His Excellency the Governor that the summer session of the Punjab Legislative Council be held in Simla."

Sir, my resolution is regarding the holding of the summer session of the Legislative Council at Simla. There can be only one objection against the resolution and that is that expenditure will greatly rise and the provincial finance would be burdened. I would say that by holding the summer session of the Legislative Council at Simla there will be no extraordinary increase in expenditure. At present there are 93 members of the Council, of whom twenty-two or twenty-three are officials who have to come down to Lahore from Simla. Four Ministers also have to come down. Thirty-two first class tickets have to be provided for them. The Secretaries to Government are also given first class tickets. The expenditure incurred on these people is higher than before. The travelling allowance paid to them can carry fifty non-official members to Simla, without any appreciable increase in expenditure taking place. The months of July, August and September are the worst months at Lahore. As the Council commences at 7 A.M. great inconvenience is experienced by the members in attending the Council and they have to come without taking water and food. Moreover, they cannot make preparation or study the papers. Apart from this inconvenience the official members have to come down temporarily from Simla leaving their work and have to put up with serious inconvenience. The

holding of the session at Simla will not cost more than Rs. four or five thousand. On the other hand the corresponding convenience and facilities would be boundless. I think that Government ought to accept the resolution.

The Hon'ble Sir John Maynard : Sir, in this connection I would like to make it clear to the Council that the position of the Government on this question is quite neutral. The additional cost of the Simla session over Lahore session may be put at about 12 thousand rupees.

Lala Atma Ram [South-East Towns (Non-Muhammadan), Urban] : Sir, I rise to oppose this resolution. I quite remember that in the first budget session of this Council in 1921 an objection was raised to the going of the Local Government to the hills. Now I find that no less than 15 members have brought forward a resolution to the effect that the summer session should be held at Simla. These two things are quite inconsistent, and we cannot blow hot and cold in the same breath. When the budget for this year was presented in last March, we started with a deficit of about 90 lakhs, and in order to make both ends meet we should try to curtail our expenditure as much as possible. If we pass this resolution, it will mean an extra expenditure on the part of Government. Moreover, this Council has been constituted at a time when the general public had almost boycotted it. If we pass this resolution we shall only be giving the public an opportunity of finding fault with us and by our action I assure you we shall be condemned throughout the whole of the Punjab. If some members are very anxious to pass a few days at Simla, they can easily do so at their own expense, because they are well-to-do people and can afford to bear Simla expenses. Over and above it is now no use to pass this resolution, as almost two years of this Council have expired and there will be at the most one more summer session and that we can have at Lahore quite easily.

Diwan Bahadur Raja Narendra Nath [Punjab Land-holders, (General)] (Urdu) : Sir, the times are strange indeed. I have been reading English newspapers for the past 45 years and have all along been reading the complaint that exodus to the hills should be prevented, and that offices go to Simla for five months and there is increased expenditure. Curiously enough, the people who used to make the above complaint, now that they have got a share in the administration, themselves want to have a share in Simla luxury. This reminds me of a story : There was an indigent peasant who used to sleep on the ground and his back used to get scratched by stones. He bore it in silence. With the lapse of time this peasant became well off and began to sleep with a quilt on. But now the cotton ends began to prick him. It is a pity that the resolution regarding enhancement of pensions was thrown out for lack of money. The poor pensioner cannot maintain his family in these hard times. There is no money for giving him an increase, but we are now asked to vote Rs. 12,000 for holding the summer session of the Council at Simla. If the members of the Council are so very fastidious that they cannot bear the heat I think that in order to escape the burden of increased expenditure, the summer session of the Council might be held either at the end of May or early in October. I am surprised that the hon'ble mover in moving his resolution should have forgotten how inconsistent his proposal was. Here we have no money and they ask us to vote Rs. 12,000 for a mere luxury. I strongly oppose the resolution.

Chaudhri Kharak Singh [Amritsar-cum-Gurdaspur (Rural)] (Urdu): Sir, I quite agree with the gentlemen who are opposed to the resolution as I think that their view is very sound. The Simla session of the Council would cost more than Rs. 12,000 and we shall be perpetrating an inconsistency in allowing this expenditure. If the Council were to sanction expenditure for itself as well as for others, it would mean the bankruptcy of Government. If, however, the Council takes money for itself and will not give it to others this would be selfish of it. It would be better if the Council neither took much money for itself nor gave it to others. Is there much heat now-a-days? We are Indians and should not spoil our habits. Simla is meant for people who belong to cold countries. I think that well-to-do people can put up with some inconvenience during the Council session at Lahore, like the officials. The expenditure is unconscionable. Our members seem to hold odd opinions. On the one hand they are opposed to the going of Government offices to Simla and on the other they themselves want to go up. This is very improper. Economy is a good thing and we must make good the deficit. By saving small sums we shall have saved big sums. The proverb goes 'take care of the pence and the pounds will take of themselves.' I oppose the resolution.

Rana Muhammad Jamil Khan [Jullundur (Muhammadian), Rural] (Punjabi): Sir, my submission is that the money belongs to the public and we should not spend it on our own account. We would not be called honest if we did this. We should even forego the allowance of Rs. 15 per day. We have come to the Council to represent the people and we are no hirelings that we should be given allowances. When there is no money in hand money should not be spent on comforts. Public good can be secured by reducing the salaries of the high officials. We are told that money is required for education. The salaries of high officials should be reduced to save money for the public good.

The Hon'ble Khan Babadur Mian Fazl-i-Husain [Minister for Education] (Urdu): Sir, I wish to speak on this resolution in my capacity as a non-official and elected member of the Council. My friend, the leader of the opposition, Raja Narendra Nath, has objected to this resolution on the ground that the Council session should be held in May, and again if necessary at the end of September. I agree with him entirely that if the Council meets in May or at the end of September, the session should not be held in Simla; but if there has to be a summer session and that is the case the resolution deals with, i.e., a session between May and October, I see no reason why it should not be held in Simla. It has been urged, Sir, that the expense of holding a session in Simla would put an additional burden on our straitened resources. Well, the extra cost has been calculated at Rs. 12,000. The present sum budgetted for the Council is Rs. 2,23,000, and the increase would not be more than 5 per cent. of this sum. Besides there is a fallacy in the argument. Most of the hon'ble members who have spoken against the resolution are serving on the Standing Committees. In that capacity, Sir, I think they have all been to Simla more than once at the public expense and I seem to remember seeing some of them in Simla, almost every time I happened to be on the Mall. The expense of taking these members to Simla, (and the Council has twelve standing Committees) can be reduced by holding Committee meetings during the session there. This would mean a reduction of nearly Rs. 20,000, and so, on the whole, the Government will be the gainer. Why should these

members grudge their fellow members a breath of Simla air at the public expense? Then, Sir, as regards accommodation, I am told there will be no difficulty about getting the use of the Legislative Assembly buildings, so we need not build a Council Chamber there. But, it has been urged that echoes of sentiments, lofty and independent, linger under this roof and members are inspired thereby to be more resolute in opposing Government. But Sir, the Legislative Assembly Chamber shelters even loftier and bolder sentiments and will not the hearts of our members, when they are sitting under that roof, burn with ardent to emulate the eloquence of a Raza Ali Shah, or a Sivaswami Iyer. Then again, Sir, it has been said that members in Lahore are more susceptible to public opinion and can imbibe the enlightened views of the citizens of Lahore. But I should like to point out that the most enlightened, the most progressive and independent stalwarts of India assemble at Simla and can inoculate our members with some of their resolution in opposing Government. Then again it is argued that there are no great newspapers in Simla, to enlighten members about public opinion. Surely I seem to remember having seen the mother of all the press—the Associated Press—walking about in Simla. Then, Sir, some members object to spoiling the simplicity of Indian habits. They say Lahore and Simla should be alike to them and the summer heat should be borne with indifference by natives of this country. But Sir, is Simla then outside India? Are the hills meant only for Europeans. If so, I wonder why the Almighty put them in India at all. No, Sir, I believe He put them there to be used by Indians, and I am in favour of this resolution, though as the Government has decided to remain neutral, I shall not give my vote for it.

Mian Ahmad Yar Khan, Daulatana : Sir, I beg to move—

"That the question be now put."

The closure was carried.

Mr. Nawab Din: Murad [East and West Central Towns (Muhammadan) [Urban] (Urdu) : Sir, in view of the speech made by the Hon'ble Minister for Education I have nothing to add. The Hon'ble Minister has spoken at length on every point.

Mr. President : The motion before the Council is—

"That this Council recommends to His Excellency the Governor that the summer session of the Punjab Legislative Council be held at Simla."

The Council then divided : Ayes 35, Noes 14.

AYES 35.

Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. J. Gibson.
Mr. C. M. King.
Colonel R. C. MacWatt.
Mr. W. P. Sangster.
Mr. M. G. Anderson.
Mr. E. A. Scott.
Chandhri Daya Ram.
Mr. Nawab Din, Murad.
Sodhi Lal Singh.
Mian Ahmad Yar Khan, Daulatana.

Chaudhri Ali Akbar.
Chaudhri Ata Ullah Khan.
Sardar Bakhtawar Singh.
Sardar Balwant Singh.
Sardar Sahib Bisaldar Dilbagh Singh.
Khan Bahadur Rai Wali Muhammad Khan.
Sardar Bahadur Gopal Singh Labana.
Captain Sardar Gopal Singh.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.

[Mr. President.]

Bawa Hardit Singh, Bedi.
 Sayad Hussain Shah.
 Khan Sahib Amir Khan.
 Khan Bahadur Sayad Mehdi Shah.
 Malik Najabat Khan.
 Lala Amar Das.
 Rai Sahib Misar Mela Ram.

Nawabzada Muhammad Irshad Ali Khan.
 Khan Bahadur Raja Muhammad Akbar Khan.
 Chaudhri Nabi Baksh.
 Rai Sahib Chaudhri Raja Singh.
 Sardar Sangeet Singh.
 Chaudhri Shafi Ali Khan.

NOES 14.

Mr. A. Laffi.
 Mr. E. R. Abbott.
 Lala Atma Ram.
 Chaudhri Kharak Singh.
 Sayad Muhammad Hussain.
 Mian Muhammad Shah Nawaz.
 Maulvi Muhammad Ali, Chishti.

Diwan Bahadur Raja Narendra Nath.
 Rai Sahib Lala Panna Lal.
 Mr. Manohar Lal.
 Rai Bahadur Risaldar Sarup Singh.
 Rai Bahadur Lala Sewak Ram.
 Rai Sahib Lala Thakar Das.
 Dr. C. A. Owen.

The motion was carried.

The Council then adjourned till 7-30 A.M. on Friday, the 11th August 1922.

PUNJAB LEGISLATIVE COUNCIL.

Friday, 11th August 1922.

THE Council met at the Council Chamber at half past seven of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

MUNICIPAL COMMITTEE, ROHTAK.

1788. **Chaudhri Shafi Ali Khan :** Is it a fact that the general election of the Municipal Committee, Rohtak, is being held, and fresh nominations are under consideration ?

If so, will Government be pleased to postpone the nominations till the result of the general election is known with a view to keep the proportion between Hindu and Muhammadan members equal, and issue instructions accordingly ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) It is understood that elections are being held for the Municipality of Rohtak between July 10th and August 10th of this year.

(b) Rohtak is a second class municipality; and the hon'ble member's attention is invited to section 32 of the Punjab Municipal Act, 1921, under which the powers of appointment are delegated to the Commissioners to whom a copy of the question and the reply thereto will be forwarded.

COMMUNAL REPRESENTATION IN THE ROHTAK MUNICIPAL COMMITTEE.

1789. **Chaudhri Shafi Ali Khan :** With reference to the answer given to my question No. 829* on the 1st August 1921, will Government kindly state—

(a) what enquiry has been made to ascertain the wishes of the people in this respect, and

(b) what action is being taken now ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) It has been ascertained by enquiry from the Commissioner of the Ambala Division that both Hindus and Muhammadans keenly desire the introduction of the communal system in the Rohtak Municipal Committee.

(b) The case of Rohtak is under consideration along with those of other municipal committees similarly circumstanced.

DISTRICT BOARD, ROHTAK.

1790. **Chaudhri Shafi Ali Khan :** (a) Is it a fact that out of thirty-eight non-official members there are only 7 Muhammadan members, both elected and nominated, in the District Board, Rohtak ?

(b) Is it a fact that in spite of the small number of Muhammadan members on the Board, no preference is given to them, while appointing members by name under section II (3) of the District Board Act, and by nomination.

(c) Will Government consider the advisability of taking necessary steps to ensure due representation to the Muhammadans on the Rohtak District Board?

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

(b) 3 out of the 7 members appointed by name are Muhammadans.

(c) No action is considered necessary by Government as in view of their population the Muhammadans are more than adequately represented on the District Board.

HALF HOLIDAY ON FRIDAY IN GOVERNMENT SCHOOLS.

1791. Chaudhri Shafi Ali Khan : Will the Government be pleased to consider the practicability of declaring a half holiday on each Friday in all the Government schools of the Province in order to give facilities to Muhammadan teachers and students for performing their Juma prayers, instead of any other day of the week, as is permissible under the Educational Code, Article 213, and issue a notification on the subject?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : There is a half holiday on Friday in many Government schools and this is permissible under article 213 of the Education Code.

Government has no reason to believe that a notification on the subject is needed.

SIKH EXTRA ASSISTANT COLONIZATION OFFICER IN LYALLPUR AND MONTGOMERY COLONIES.

1792. Captain Sardar Gopal Singh : (a) With reference to the answer given to my question No. 988* will Government be pleased to state if it is a fact that, since the opening of the Lyallpur and Montgomery Colonies, no Sikh Extra Assistant Commissioner has ever been posted as Extra Assistant Colonization Officer?

(b) If the answer is in the affirmative, will Government please state the reasons?

(c) Could Government not find any capable Sikh officer for these posts?

Mr. H. D. Cralk : (a) Yes.

(b) & (c) Appointments of this kind are not made upon communal considerations.

RESTRICTION ON CARRYING OF ARMS.

1793. Captain Sardar Gopal Singh : Is it a fact that certain restrictions have been imposed upon persons exempted from the provisions of the Arms Act or persons licensed thereunder in the matter of carrying swords, guns, revolvers, etc., in some specific position? If so, what are they?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : It is presumed that the hon'ble member refers to the Government *Communiqué* of 1st March 1922 on the subject of *kirpans*, a copy of which is laid on the table. Government knows of no other restrictions of the nature indicated.

PRESS COMMUNIQUÉ.

For about 8 months past no Sikh has been arrested for wearing a sword or *kirpan*, but as there is some doubt as to the circumstances in which such weapons can be worn by Sikhs the Government wishes it to be known that if these weapons are worn—

- (i) unsheathed, except for purely religious ceremonies, or
- (ii) otherwise than at the side, or
- (iii) by bands of men marching in Military formation, or
- (iv) by way of a show of force,

they will be liable to be confiscated as offensive weapons within the meaning of section 53, Criminal Procedure Code.

Subject to such further orders as may be necessary hereafter, it is not the intention of Government that *kirpans* or swords worn by Sikhs otherwise than as above should be interfered with.

MANUFACTURE OF KIRPANS.

1794. Captain Sardar Gopal Singh : Is the manufacture of any weapon not shown in the schedules of the Arms Act as prohibited, an offence, and is a license required for manufacturing such a weapon ?

Is it a fact that the Punjab Government has never fixed the size of a Sikh *kirpan* ?

Is it a fact that many Sikhs have been challaned by the Police and punished by the magistrates for simply wearing long *kirpans* ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) The manufacture of any weapon which falls within the definition of any arm under section 4 of the Indian Arms Act, 1878, is an offence unless that arm has been exempted by the Governor-General in Council from the operation of section 5 of the Act and a license is required for the manufacture of such weapon.

(b) Yes.

(c) No. Any arrests of the nature indicated have been made for the wearing of swords which as such are not exempt from the provisions of the Arms Act in the Punjab.

REMOVAL OF KIRPANS IN COURTS.

1795. Captain Sardar Gopal Singh : Is there any law compelling Sikh to remove his *kirpan* while appearing before a magistrate without being either in handcuffs or police custody ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The Presiding Magistrate has by law a discretionary authority in dealing with persons of criminal tendencies of a violent nature with a view to ensure proper procedure of the case in court.

SIKHS SENT TO JAIL FOR WEARING LONG KIRPANS.

1796. Captain Sardar Gopal Singh : Will Government please state how many Sikhs have been sent to jails for wearing long kirpans since May 1917 ?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the answer to question No. 1467.* The labour involved in getting the additional information now asked for is so great as to make it impossible to furnish it.

SUMMER SESSION OF THE COUNCIL.

1797. Captain Sardar Gopal Singh : Will Government be pleased to lay on the table a comparative statement showing the expense of holding the summer session of the Council (a) at Simla, (ii) at Lahore ?

Mr. H. D. Cralk : The required statement is laid on the table.

Comparative statement showing approximately the cost of holding the summer session of the Council at (i) Lahore, and (ii) Simla.

If held in Lahore.		If held in Simla.	
	Rs.		Rs.
1. Travelling expenses by rail of members of Council from their several stations to Lahore ...	7,898	1. Travelling expenses of Members of Council from their several stations to Simla ...	17,448
2. Halting allowance of members of Council at Lahore for 15 days at Rs. 15 per day ...	17,550	2. Halting allowance of Members of Council at Simla for 15 days at Rs. 15 per day ...	16,425
3. Travelling expenses of the Secretariat Staff from Simla to Lahore and back ...	1,561	3. Travelling expenses of officers and staff of Council from Lahore to Simla ...	1,158
4. Halting allowance of Secretariat Staff in Lahore ...	520	4. Halting allowance of officers and staff of Council, at Simla for 15 days ...	1,282
		Add probable printing and unforeseen charges ...	8,500
Total ...	37,469	Total ...	39,803

Excess Rs. 12,334 if Council held in Simla.

DEMORILISED INDIAN OFFICERS AND SOLDIERS.

1798. **Captain Sardar Gopal Singh**: Will Government please state whether they propose to find some means of livelihood for discharged and demobilised Indian officers and soldiers resident in the Punjab?

The Hon'ble Sir John Maynard: One hundred and seventy-eight thousand acres of Crown land have been distributed to Indian officers and soldiers resident in the Punjab. Government has also issued orders for the preferential treatment in the allotment of posts of persons who have war services.

PUNITIVE POST AT GHAVIND.

1799. **Diwan Bahadur Raja Narendra Nath**: Will Government be pleased to state if it is a fact that the cost of the punitive post at Ghavind is to be recovered by levying a tax at the following rates:—

Rs. 1 on each menial, Rs. 4 on each tenant, Re 1-4-0 on each landholder, Rs. 60 on each previous convict, and Rs. 80 on each Congress Panchayat Member and on each *Akali* including male minors?

If so, (b) how is an *Akali* distinguished from other Sikhs?

(c) Are *Akalis* or Members of Panchayat subjected to this rate of tax even if none of them has committed an overt illegal act?

(d) If no illegal act has been committed by any one of them what are the reasons for subjecting *Akalis* and Members of Panchayat to even a heavier rate of tax than previous convicts?

(e) Has the above scale of taxation been adopted only at Ghavind or at all places where punitive post has been imposed?

(f) Is it a fact that Tirath Singh, son of Teja Singh, subjected to a tax of Rs. 80 at Ghavind, is a boy nine years old? How many other minors in the villages have been so taxed?

Mr. J. Wilson-Johnston: Information is being obtained and will be communicated in due course.

HINDU TAHSILDAR AND REVENUE ASSISTANT IN SHAHPUR.

1800. **Diwan Bahadur Raja Narendra Nath**: Will Government be pleased to state whether it is a fact that since 1907 up to now with the exception of officiating tenure for a short period, no Hindu Tahsildar has been posted to Bhera Tahsil and since 1910 up to the date of the appointment of the present incumbent, and with the exception of officiating tenure for a short period, no Hindu Revenue Assistant has been posted to Shahpur District? If so, is the exclusion of Hindus from these posts due to any deliberate policy and will Government be pleased to state what that policy is? If no such policy underlies these postings, will Government be pleased to order postings in such a manner in future as to dispel all suspicions of the existence of such a policy?

Mr. H. D. Craik: The first part of the question in so far as it relates to Tahsildars is correct.

As regards the postings of Tahsildars the attention of the hon'ble member is drawn to the reply given to question No. 1154* put by Chaudhri Ali Akbar, Member, Legislative Council.

Since 1910 the post of Revenue Assistant in the Shahpur District has been held on 4 occasions by Hindus, including the present incumbent, and on one occasion by a Sikh. The last two parts of the question do not therefore arise.

LIQUOR SHOP AT MIANI.

1801. Diwan Bahadur Raja Narendra Nath : Did the Municipal Committee of Miani in pursuance of the policy of local option pass a resolution last year, protesting against the location of a liquor shop in the heart of the city, and urging for its removal to a place outside the municipal limits? If so, why has the shop not been removed yet, and when is it going to be removed?

The Hon'ble Lala Harkishan Lal : I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

TRAVELLING ALLOWANCES OF THE TEACHERS AND PROFESSORS OF THE AGRICULTURAL COLLEGE, LYALLPUR.

1802. Diwan Bahadur Raja Narendra Nath : Will Government be pleased to state if the travelling allowances of the teachers and professors of the Agricultural College, Lyallpur, for going out of the Province to examine students in other Provinces are paid by the Punjab Government? If so, what has been the total amount paid on account of such travelling allowances during the past five years?

The Hon'ble Lala Harkishan Lal : I regret that the answer to this question is not yet ready. It will be communicated to the hon'ble member when ready.

BUILDING SITE FOR PAKPATTAN DISTRICT.

1803. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state—

- (a) whether it is proposed to acquire sites for buildings in connection with the new district of Pakpattan about to be opened?
- (b) whether it is a fact that different sites were selected at different times and abandoned one after another? Will Government be pleased to state the reasons which led to the abandonment of one site after the other?
- (c) whether it is a fact that the site now proposed is a very valuable piece of agricultural land which will cost Government much more than some of the other sites available for the purpose?
- (d) If the answer to (a), (b) and (c) are in the affirmative, will Government consider the advisability of acquiring the cheapest site possible in the interests of economy, in consultation with local gentry?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : (a) Government has not definitely decided to form a new district at Pakpattan, and it does not propose at present to acquire sites for that purpose. It will probably be necessary to acquire sites at Pakpattan for the Irrigation Department at an early date.

(b) Government has no record of the selection of sites prior to May 1922.

(c) Government has no information on the subject.

(d) Cheapness is not the only factor to be considered in selecting sites. A strong committee visited Pakpattan for the express purpose of selecting a site for the headquarters of a new district should it be decided to form one. It made a selection after taking all factors into consideration and submitted its report to Government which Government approved. Unless good arguments are advanced against this decision Government will adhere to it.

KOT KHUDAYAR-CHINIOT ROAD.

1804. Rai Bahadur Lala Sewak Ram : Is it a fact that several representations have been made to the Deputy Commissioner, Jhang, the Commissioner of Multan and the Communication Board by the people of Chiniot, complaining against the quality and the small quantity of stone used and the method in which consolidation and remetalling work is being carried out on the Kot Khudayar-Chiniot Road? If so, will Government please enquire into the matter and direct the District Board to take necessary steps to remove the complaint?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : It is a fact that representations have been made complaining against the bad material used to metal the Kot Khudayar-Chiniot Road.

The Executive Engineer of the Shahpur Provincial Division who was deputed to inspect the road has submitted his report and the Deputy Commissioner has been asked to take suitable action on the Executive Engineer's report.

COMMUNAL REPRESENTATION IN THE AMRITSAR DISTRICT BOARD.

1805. Chaudhri Nabl Bakhsh : Arising out of the answer given to my question No. 1138* on the 9th of January 1922, will Government be pleased to state if the report called for from the Commissioner of Lahore Division about communal representation in the Amritsar District Board has since been received by Government? If so, what action, if any, has been taken in this matter?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The report called for from the Commissioner, Lahore Division, about communal representation in the Amritsar District Board has since been received and the whole matter is under consideration.

SUB-REGISTRARS IN THE AMRITSAR DISTRICT.

1806. Chaudhri Nabi Bakhs : (a) Will Government be pleased to lay on the table a statement showing the number of Sub-Registrars in the Amritsar District and the number of Muhammadans amongst them ?

(b) Is it a fact that there is not even a single Muhammadan Sub-Registrar in the Amritsar District ? If so, what steps do Government propose to take for granting to Muhammadans posts of Sub-Registrars in the Amritsar District ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) There are three Sub-Registrars and none of them is a Muhammadan.

(b) Answer to the first part is in the affirmative. As to the second part, attention of the hon'ble member is drawn to the answer to question No. 811* given on 1st August 1921.

EXCLUSION OF CASES UNDER SECTION 77 OF THE PUNJAB TENANCY ACT FROM THE JURISDICTION OF THE CIVIL COURTS.

1807. Mian Bell Ram : Will Government be pleased to lay on the table a detailed statement of reasons which led the Government to exclude all cases stated in section 77 of the Punjab Tenancy Act from the jurisdiction of the Civil Courts ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The reasons for the exclusion of the cases mentioned in section 77 of the Punjab Tenancy Act, 1887, from the jurisdiction of the civil courts are given in Part B of Mr. Fagan's note dated 28th September 1921 of which a copy will be found in the correspondence laid on the table.

EXTENSION OF THE POWERS OF THE REVENUE COURTS BY ACT III OF 1912.

1808. Mian Bell Ram : Will Government be pleased to lay on the table a full statement of reasons which led the Government to extend the powers of the Revenue Courts by Act III of 1912 ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The required statement of reasons is laid upon the table.

STATEMENT OF OBJECTS AND REASONS.

Appendix to a Bill further to amend the Punjab Tenancy Act, 1887 (which afterwards became Act III of 1912).

The first thirty-six words of clause (3) of section 77 of the Punjab Tenancy Act are as follows :—

"The following suits shall be instituted in and heard and determined by Revenue Courts, and no other Court shall take cognizance of any dispute or matter with respect to which any such suit might be instituted."

It has been held by the Chief Court in its Full Bench judgment in the case of Haji Muhammad Bakhsh *versus* Bhagwan Das (P. R. No. 76 of 1909) that the true interpretations of the above words is that a Civil Court may not entertain or take cognizance of a plea by the defendant if that plea

relates to any matter in respect of which such defendant would be entitled to bring a suit in a Revenue Court, and that such a plea must be entirely ignored, even though it may go to the very root of the case. The anomalies created by such a state of the law are many, and the object of the present amendment is to remove them.

By the present Bill it is proposed that, when in any suit cognizable by and instituted in a Civil Court, either party raises a matter which under section 77, Tenancy Act, is cognizable by a Revenue Court only, the Civil Court shall immediately return the plaint for presentation to a Revenue Court, which shall then proceed to determine not merely the matter which is of a purely revenue nature but the whole suit.

The intention in the latter provision is to secure a speedy determination of the suit, and to avoid the complications that would ensue in having two different courses of appeal.

T. P. ELLIS,

J. McO. DOUIE,

Secretary, Legislative Council, Punjab.

Member.

ABUSE OF POWERS CONFERRED ON REVENUE OFFICERS BY SECTION 149,
LAND REVENUE ACT.

1809. Mian Bell Ram : (a) Is it a fact that the power of fine conferred on Revenue Officers by section 149, Land Revenue Act, is sometimes abused ?

(b) If the answer to (a) is in the affirmative, will Government consider the issue of detailed instructions on the subject ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha : (a) Government has no information on the point.

(b) Does not arise.

TRIAL OF REVENUE CASES UNDER SECTION 77 OF THE TENANCY ACT BY
CIVIL COURTS.

1810. Mian Bell Ram : Will Government be pleased to state whether any discussion has taken place during the last two or three years as regards the question whether suits now triable as Revenue Court cases by virtue of section 77 of the Tenancy Act should be made triable by Civil Courts ? If so, will Government be pleased to lay copies of the papers on the table together with copy of their orders on the matter ?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majitha : A copy of the correspondence mentioned in the question is laid upon the table. Government decided to make no change but no formal orders were passed.

REVENUE SUITS.

1811. Mian Bell Ram : Will Government consider the desirability, as long as the present system continues under which Revenue suits are triable only by Revenue officers, of directing that all revenue suits cognizable by an Assistant Collector, 2nd grade, should be heard at the headquarters of a

tahsil by an officer holding his court throughout the year at such headquarters, and of similarly ordering that all revenue suits cognizable by an Assistant Collector of the 1st grade should be heard at the headquarters of the district?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The hon'ble member's attention is directed to the answer given to Council Question No. 331,* asked by Captain Sardar Gopal Singh of Bhagowal, which has been communicated to all Revenue officers.

SHAH NAHR CANAL.

1812. Mian Bell Ram : Will Government consider the desirability of converting the Shah Nahr Canal into a perennial canal?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The suggestion will be considered.

MUHAMMADAN HONORARY MAGISTRATES WITHIN THE JURISDICTION OF THE AMRITSAR DISTRICT BOARD.

1813. Chaudhri Nabi Bakhsh : Will Government be pleased to state why there are no Muhammadan Honorary Magistrates having jurisdiction in the area under the jurisdiction of the District Board, Amritsar?

Mr. J. Wilson-Johnston : The question of communal representation is not involved in the consideration of such appointments.

As Mr. Moti Lal Kaistha was absent Questions Nos. 1814—18 were not put.

INCOME-TAX DEPARTMENT AND LOCAL GOVERNMENT.

1817. Rai Bahadur Lala Sewak Ram : (a) Will Government please state to what extent they are concerned with the methods of the assessment of income-tax in the Province?

(b) Is the establishment employed in the Income-tax Department under the control of the Local Government or not?

(c) Will Government also state if it is within their cognizance to hear local complaints about income-tax?

The Hon'ble Sir John Maynard : (1) The establishment employed in the Income-tax Department is under the control of the Local Government to the following extent only :—

(i) The appointment by the Commissioner of Income-tax of any person to the substantive post of Assistant Commissioner of Income-tax or Income-tax Officer shall be subject to the previous approval of the Governor in Council.

(ii) Any Assistant Commissioner of Income-tax or Income-tax Officer who has been dismissed from office by the Commissioner of Income-Tax shall have a right to appeal to the Governor in Council.

(2) It is not within the cognizance of the Local Government to hear local complaints about income-tax.

COMMUNAL REPRESENTATION IN THE PROVINCIAL EDUCATIONAL SERVICE AND THE SUBORDINATE EDUCATIONAL SERVICE.

1818. **Malik Firoz Khan, Noon :** Will Government be pleased to state the number of Hindus, Muhammadans, Sikhs and Christians in the Provincial Educational Service and in each grade of the subordinate Educational Service—

(a) on the first of January 1921,

(b) on the first of July 1922,

and also state by what percentage there has been an increase or decrease in the matter of each community during this period?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The information is being collected.

RESOLUTION OF THE LAHORE MUNICIPAL COMMITTEE REGARDING *khaddar* UNIFORM FOR TONGA DRIVERS.

1819. **Malik Firoz Khan, Noon :** (a) Did the Government disallow a resolution of the Lahore Municipal Committee about *khaddar* uniforms for tonga drivers?

(c) Did the resolution in question make it obligatory on tonga drivers to wear *khaddar*? or

(e) Did the resolution make it optional with the drivers to wear *khaddar* or any other cloth they liked provided it was of the same colour?

(d) If the answer to (b) is in the negative and to (c) in the affirmative, what lead the Government to disallow the resolution?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : To reply satisfactorily to parts (a) and (b) of the hon'ble member's question it is necessary to give full details of the case which are as follows:—

The Hackney Carriage Act, 1879, applies to the Lahore Municipal Committee and under section 3 of that Act the Lahore Municipal Committee are authorised to make rules, subject to previous sanction for the "regulation and control of hackney carriages." The existing rule of the Lahore Municipal Committee (No. 25) is that all hackney drivers shall wear a khaki drill coat with a khaki pajama and a khaki turban. It is obvious that a hackney driver can wear a pajama and turban of any cloth he likes—*khaddar*, *zin*, *malmal* or any other cloth: but so far as the coat is concerned he is restricted to drill cloth and cannot use *khaddar*. The Lahore Municipal Committee proposed to alter this rule so as to force every hackney driver to wear a *Swadeshi khaddar* coat with pajama and turban of the same material.

The Hackney Carriage Act is solely meant for the "regulation and control of hackney carriages." A rule about uniform, which is not *bona fide* necessary for "regulation and control" of the hackney service, but is admittedly intended to promote a particular industry or to support a particular political creed, however estimable either may be, is therefore clearly illegal. Government suggested that the freedom to use any cloth (including *khaddar*)

the driver likes for pajama and turban should not be taken away, and that the compulsion involved in the existing rule to use *khaddar* for the coat be removed and a driver allowed to use any cloth (including *khaddar*) he likes. It appears from reports of the Municipal Committee's meetings that the Municipal Committee did not appreciate the suggestion which was calculated to assure the greatest possible liberty of the individual, at the same time allowing full scope for the introduction of *khaddar* for uniform.

The answers to the various points therefore are :—

- (a) The matter after reference to the Municipal Committee has not come back yet to Government.
- (b) Yes.
- (c) This was the suggestion Government made in the best interests of the liberty of the individual, and of the patriotic movement in support of *khaddar*. Had the committee passed such a resolution, Government would have accorded its approval to it at once.
- (d) It does not arise.

AKALI ACHAMBA SINGH AND HIS MARE.

1820. **Sardar Balwant Singh**: Will Government be pleased to state if it is a fact—

- (a) that at the time of his arrest Akali Achamba Singh put his mare in charge of the *Jathedar* of the Gurdwara at Chamkaur Sahib (District Ambala);
- (b) that the *Jathedar* having received no instructions whatever regarding the mare from the *Sarkar* made it over to Achamba Singh's relatives;
- (c) that a *parwana* has since been received by the *Jathedar* of Chamkaur Sahib calling upon him either to restore the mare to the *Sarkar* or to pay a fine of Rs. 100.
- (d) if the answers to (a), (b) and (c) are in the affirmative, will Government be pleased to state what action it proposes to take in the matter?

The Hon'ble Sir John Maynard: Information is being obtained and will be communicated on receipt.

CREATION OF A SUB-DIVISION AT CHINIOT.

1821. **Rai Bahadur Lala Sewak Ram**: With reference to the answer given to question No. 385* on the 18th March 1921, will Government consider the advisability of creating a sub-division at Chiniot to remedy the present inconvenience of the people?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia: The suggestion will be considered.

As Chaudhri Ghulam Muhammad was absent question No. 1822 was not put.

As Mian Ahmad Yar Khan, Daultana, was absent Questions Nos. 1823-1824 were not put.

SARDAR DILAWAR SINGH.

1825. Mr. K. L. Balla Ram : (a) Will the Government be pleased to state when Sardar Dilawar Singh was arrested and what was his weight when he was admitted to the Lahore Central Jail?

(b) Is it a fact that during the space of a few months Sardar Dilawar Singh has suffered from insomnia, pneumonia and renal colic and is still suffering from albumen and urates and his weight has decreased by 22 lbs.

(c) If so, will the Government be pleased to state what steps it proposes to take in this matter?

The Hon'ble Sir John Maynard : (a) Dilawar Singh was arrested on 24th December 1921.

His weight was 96 lbs. on 21st February 1922, that is (apparently), after conviction.

(b) He complained of insomnia for a few days after admission. He has not had pneumonia. On admission he stated that he had previously suffered from renal colic, and he had an attack of it on 2nd June 1922. No albumen has been found in his urine, oxalate crystals have been found microscopically. His weight is 91 lbs.

(c) Dilawar Singh will receive proper medical attention.

CROWN VS. LALA LAJPAT RAI AND OTHERS.

1826. Mr. K. L. Balla Ram : (a) Is it a fact that in Crown vs. Lala Lajpat Rai and others the Government remitted one of the sentences passed by the court on the ground that the offence could not be distinguished from the offence under the Seditious Meetings Act for which he was sentenced at the same time, and that two punishments could not be inflicted for the same offence?

(b) Is it a fact that Sardar Dilawar Singh and Lala Gowardhan Das of Lahore have been convicted separately under section 6 of the Seditious Meetings Act, section 145 of the Indian Penal Code and section 17 (2) of the Criminal Law Amendment Act for the same offence but under different sections?

If so, will the Government be pleased to state whether the above convictions are legal?

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

As Lieutenant Sardar Raghubir Singh was absent questions Nos. 1827-1830 were not put.

ABUSE OF KIRPANS.

1831. Khan Bahadur Sayad Mehdi Shah : With reference to the answer given to question No. 459 * on 25th July 1921, will Government be pleased to state :

- (a) the number of murders committed during the last one year in which *kirpans* were the weapons used by the murderers ;
- (b) whether in view of the number of murders so committed they are prepared to reconsider their attitude and devise some remedy for the safety of the public against the abuse of *kirpans* ?

The Hon'ble Sir John Maynard : (a) Two murders and two attempted murders.

(b) The Shromani Gurdwara Parbandhak Committee issued certain instructions as to the proper methods of wearing and using the *kirpan* as a religious emblem : and Government instructed its officers to assume that weapons which answer to the ordinary description of a sword are swords and not *kirpans* ; if they are worn or used in a manner contravening the instructions of the Shromani Gurdwara Parbandhak Committee. No other orders appear to be called for at present. The number of acts of violence committed with axes and clubs is substantially greater than the number given in part (a) to this question.

INDIAN EDUCATIONAL SERVICE.

1832. Malik Firoz Khan, Noon : Will Government be pleased to state the names of officers appointed to the Indian Educational Service during the period 1st January 1921 to 31st July 1922 ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The following officers were permanently appointed to the Indian Educational Service from 1st January 1921 to 31st July 1922 :—

1. Rai Bahadur Bh. Gopal Singh Chowla, M.A.
2. Lala Sheo Ram, Rai Sahib, B. Sc.
3. Bishen Singh, Sardar Sahib Sardar, B.A.
4. Sheikh Nur Ilahi, M.A.
5. Mirza Muhammad Said, M.A.
6. Lala Hari Das, M.A.
7. Mr. F. Tydeman, B.A.
8. Mr. J. B. Seth, M.A.

Of these first five were appointed by the Secretary of State on the recommendation of the Punjab Government in 1920, while the last three were appointed by the Secretary of State on the recommendation of the Ministry of Education.

PROVINCIAL EDUCATIONAL SERVICE.

1832. **MAHARAJA KIRAN KHAN, NOON :** Will Government be pleased to state the names of the officers appointed to the Provincial Educational Service during the period 1st January 1921 to 31st July 1922?

The Hon'ble KHAN SAHIB KHAN FAKI-I-HUSAIN :

Their names are as follows :

1. Sada Nand, M. Sc.
2. M. Muhammad Rashid, M.A.
3. Bhai Tara Singh, M.A.
4. M. Ghulam Mohi-ud-din, B.A., B.T.
5. Lala Harkishan Das, M.A.
6. M. Ahmad Hussain, M.A.
7. Bhai Narayan Singh, B.A.
8. Lala Narain Dass, Gupta, B.A.
9. Lala Sohan Lal, Ghibbi, B.A.
10. Lala Sukh Goyal, Nijhawan, B.A.
11. Pandit Hem Raj, B.A., B.T.
12. Bhai Bhagat Singh, B.A., B.T.
13. Chandni Gyan Singh.
14. Bhai Bhagwan Singh, B.A.
15. M. Hakim Ali, B.A.
16. Lala Guran Datta Mal, M.A., B.T.
17. Bhai Mahan Singh, M. Sc.
18. Lala Visanda Ram, B.A.
19. M. Abdul Latif, B.A.
20. M. Muhammad Ishaq, B.A.
21. Lala Lachhman Das, B.A.
22. M. Barkat Ullah, M.B.
23. Pandit Bhagwan Das, B.A.

This shows that 23 appointments were made, and of these 10 went to Hindus, 6 to Muslims, 6 to Sikhs, and 1 to a Christian.

SUBORDINATE EDUCATIONAL SERVICE.

1834. **MAHARAJA KIRAN KHAN, NOON :** Will the Government be pleased to state the names of officers appointed and promoted to the various grades of the Subordinate Educational Service during the period 1st January 1921 to 31st July 1922?

The Hon'ble KHAN SAHIB KHAN FAKI-I-HUSAIN : The information is laid on the table.

Old Government Schools—Anglo-vernacular Section.

Name	Grade.
	Rs.
1. L. Bhagwan Das, Vaish	200—250.
2. Sh. Fazal Lahi	200—250.
3. L. Shoo Ram	200—250.
4. L. Amir Chand	200—250.
5. L. Ram Lal, Kanwar	200—250.
6. M. Abdul Ali	200—250.

	Name.	Grade.	Rs.
7.	L. Madho Das Totola	...	200-250
8.	L. Shankar Das Bhatia	...	200-250
9.	L. Ram Chand	...	200-250
10.	Bh. Hira Singh	...	200-250
11.	Ch. Hukam Chand	...	200-250
12.	L. Sant Ram	...	200-250
13.	Mr. Ganesh Mahadev Bedekar	...	200-250
14.	Bh. Dalip Singh	...	200-250
15.	Syad Muhammad Yaqoob Shah	...	200-250
1.	L. Karim Narsin	...	140-180
2.	Muhammad Ayub Khan	...	140-180
3.	Bh. Ishar Singh	...	140-180
4.	Sh. Rahim Bakhsh	...	140-180
5.	M. Muhammad Hussain Quraishi	...	140-180
6.	M. Rahim Bakhsh, Quraishi	...	140-180
7.	M. Ahmad Din, Quraishi	...	140-180
8.	L. Shankar Lal Aggarwal	...	140-180
9.	L. Karm Chand Passi	...	140-180
10.	Sh. Ghulam Muhammad	...	140-180
11.	L. Sunder Lal	...	140-180
12.	Pt. Ram Kishan	...	140-180
13.	M. Sadruddin	...	140-180
14.	Sodhi Jagat Singh	...	140-180
15.	L. Bhagrat Rai	...	140-180
16.	Mr. Qurban Husan Ullah	...	140-180
17.	L. Dev Raj Bhalla	...	140-180
18.	M. Muhammad Nawaz Khan	...	140-180
19.	M. Abdur Rahman Quraishi	...	140-180
1.	M. Nabi Bakhsh	...	110-135
2.	L. Har Dayal, Pushkarna	...	110-135
3.	L. Yagga Datta	...	110-135
4.	L. Devi Ditta Mal	...	110-135
5.	M. Imam-ud-Din	...	110-135
6.	Sh. Asghar Ali	...	110-135
7.	M. Muhammad Sadig	...	110-135
8.	N. Muhammad Nazir	...	110-135
9.	Bh. Bhagat Ram Singh	...	110-135
10.	M. Aziz Bakhsh	...	110-135
11.	L. Diwan Chand	...	110-135
12.	L. Ram Charn Das	...	110-135
13.	L. Kanahi Ram	...	110-135
14.	M. Abdul Majid	...	110-135
15.	M. Maqbul Ahmad, Quraishi	...	110-135
16.	Bh. Harbans Singh	...	110-135
17.	M. Muhammad Aslam	...	110-135
18.	L. Lekh Raj	...	110-135
19.	L. Tara Chand Jain	...	110-135
20.	Pt. Dawarsh Nath	...	110-135
21.	M. Miskhan-ud-Din	...	110-135
22.	B. Sher Singh	...	110-135
23.	L. Daulat Ram Nayyar	...	110-135

Name.		Grade.
		Rs.
24.	L. Dalpat Rai	110-135
25.	M. Sardar Muhammad	110-135
26.	L. Kishori Lal	110-135
27.	M. Umar-ud-Din	110-135
28.	Bh. Naranjan Singh	110-135
29.	Bh. Gobind Singh	110-135
30.	M. Ajaib Ali Shah	110-135
31.	Bhai Jawand Singh	110-135
32.	Qazi Zafar Hussain	110-135
33.	Bh. Ujjagar Singh	110-135
34.	Bh. Ujjagar Singh	110-135
1.	L. Amar Nath Khosla	80-100
2.	M. Allah Baksh	80-100
3.	M. Nasir Ahmad	80-100
4.	L. Tek Chand	80-100
5.	M. Wajid Ali	80-100
6.	Pt. Jawala Sahai	80-100
7.	M. Muhammad Din	80-100
8.	L. Lekh Rai	80-100
9.	Bh. Harman Singh	80-100
10.	Mufti Abdur Rashid	80-100
11.	L. Harbarn Das	80-100
12.	L. Hari Dyal Sardana	80-100
13.	Synd Nur Hussain	80-100
14.	L. Daulat Ram Furi	80-100
15.	Bh. Chanchal Singh	80-100
16.	Bh. Lakh Singh	80-100
17.	L. Ram Chand	80-100
18.	M. Ghulam Dastgir	80-100
19.	M. Ghulam Mustafa	80-100
20.	L. Attar Chand	80-100
21.	Pt. Ram Lal	80-100
22.	L. Girdhari Lal, Dhillon	80-100
23.	L. Basant Rami	80-100
24.	Muhammad Yusef, Bader	80-100
25.	M. Fazal Ahmad	80-100
26.	M. Abdur Rashid	80-100
27.	L. Tara Chand	80-100
28.	L. Dharm Chand	80-100
29.	M. Ghulam Muhammad Khan	80-100
30.	L. Harbhugwan Khanna	80-100
31.	M. Muhammad Amin	80-100
32.	L. Milap Chand	80-100
33.	M. Ali Muhammad	80-100
34.	Ch. Muhammad Shafi	80-100
35.	L. Giani Chand	80-100
36.	Mian Sahadey Singh	80-100
37.	L. Hans Raj	80-100
38.	L. Kashi Ram Naurang	80-100
39.	M. Muhammad Abdul Aleem	80-100
40.	M. Muhammad Abdallah	80-100

<i>Name.</i>	<i>Grade.</i>
	<i>Rs.</i>
41. L. Anant Ram	80—100
42. M. Hakim Ali	80—100
43. L. Manshar Lal	80—100
44. L. Bhim Sam	80—100
45. Bh. Sampuran Singh	80—100
46. B. Mela Ram	80—100
47. Bh. Surjan Singh	80—100
48. L. Ram Sharan	80—100
49. L. Amar Nath Khosla	80—100
50. M. Fazal-i-Karim	80—100
1. M. Muhammad Abdallah Makhdum	55—70
2. L. Parbhu Dyal	55—70
3. Bh. Indar Singh	55—70
4. Pt. Bal Mokund	55—70
5. M. Kharait Ali	55—70
6. M. Faiz-ulla Khan	55—70
7. M. Jamal-ud-Din	55—70
8. L. Harbans Lal	55—70
9. M. Mohsin Ali	55—70
10. L. Maghar Mal	55—70

List of newly permanently appointed Teachers in new Government High Schools after April 1921.

<i>Name.</i>	<i>Grade.</i>
	<i>Rs.</i>
1. M. Aggar Khan	140—190
2. M. Ghulam Rasul Shang	140—190
3. L. Taki Ram	80—100
4. L. Kamshi Ram	80—100
5. M. Amir Baksh	80—100
6. M. Muhammad Mustaq	80—100
7. L. Ram Ditta, Vaish	80—100
8. Pt. Guran Ditta Mal	80—100
9. L. Bishan Das	80—100
10. M. Said Ahmed	80—100
11. L. Jagan Nath Ahluwalia	55—70
12. Bh. Harnam Singh Hoon	110—135

CLASSICAL AND VERNACULAR SECTION.

Old Government Schools.

<i>Name.</i>	<i>Grade.</i>
	<i>Rs.</i>
1. M. Rahmat Ali Rahmat	140—10—190
1. P. Vishnu Datt	110—5—135
2. P. Brij Bhushan	110—5—135
3. P. Kanshi Ram	110—5—135
4. M. Muhammad Abdur Rahman	110—5—135
5. M. Abdul Qayyum	110—5—135
1. M. Iqbal Din	80—4—100
2. S. Muhammad Shah	80—4—100

CLASSICAL AND VERNAQULAR SECTION.

Old Government Schools.

Name.	Grade.
Rs.	
3. L. Diwan Chand	80-4-100
4. M. Abdat Ghani	80-4-100
5. M. Chiragh Din	80-4-100
6. P. Nath Ram	80-4-100
7. P. Ram Lal	80-4-100
8. P. Dina Nath	80-4-100
9. L. Jai Chand	80-4-100
1. L. Manak Chand	55-3-70
2. Ladia Ram	55-3-70
3. M. Muhammad Ismail, Khokhar	55-3-70
4. L. Hira Nand	55-3-70
5. L. Hari Ram	55-3-70
6. M. Nar Muhammad Khan	55-3-70
7. L. Labha Ram	55-3-70
8. L. Sahi Ram	55-3-70
9. M. Muhammad Mazaffar	55-3-70
10. P. Jiwan Das	55-3-70
11. P. Sri Ram	55-3-70
12. P. Jashta Nand	55-3-70
13. B. Jiwan Singh	55-3-70
14. M. Mahbub Bakhsh	55-3-70
15. P. Giridhar Datt	55-3-70
16. P. Narsingh Das	55-3-70
17. M. Fazl Ilahi	55-3-70
18. M. Muhammad Amin	55-3-70
19. M. Ghulam Ahmad	55-3-70
1. M. Allah Bakhsh	35-3-50
2. F. Ramei Dhar	35-3-50
3. M. Ghulam Nabi	35-3-50
4. M. Patch Muhammad	35-3-50
5. M. Ghulam Ali Khan	35-3-50
6. M. Ala-ud-Din	35-3-50
7. M. Karim Bakhsh	35-3-50
8. M. Raqib-ud-Din	35-3-50
9. B. Harnam Singh	35-3-50
10. M. Sultan Ahmad	35-3-50
11. L. Bata Ram	35-3-50
12. L. Bishan Das	35-3-50
13. B. Karm Singh	35-3-50
14. L. Shahzade Chand	35-3-50
15. M. Muhammad Siddiq	35-3-50
16. M. G. ulam Rasul	35-3-50
17. M. Abdul Aziz	35-3-50
18. M. Sadr-ud-din	35-3-50
19. P. Thakar Datt	35-3-50
20. M. Hamid-ud-din	35-3-50

Newly Provisionalised Schools.

Name.	Grade.
Nil	140-10-190
Nil	110-5-135
Nil	80-4-100
1. M. Hafiz Ullah	65-3-70
2. M. Muhammad Ibrahim	55-3-70
3. M. Niaz Muhammad	55-3-70
4. M. Sajjad Ali	55-3-70
5. P. Ram Partap	55-3-70
6. P. Sada Nand	55-2-70
7. M. Sadiq Ali	55-3-70
1. P. Indar Muni	35-3-50
2. M. Nur Ahmad	35-3-50
3. B. Balwant Singh	35-3-50
4. B. Hashim Singh	35-3-50
5. M. Bashir Ahmad	35-3-50
6. L. Amar Nath	35-3-50
7. M. Ghulam Jilani	35-3-50
8. L. Wasn Ram	35-3-50
9. M. Khair Muhammad	35-3-50

From 1st January 1921 to 31st July 1922 the communal distribution of appointments in various grades of the Subordinate Educational Service has been as follows :—

Class.	HINDUS.		MUHAMMADANS.		SIKHS.		CHRISTIANS.	
	Old Government Institutions.	New Government High Schools.	Old Government Institutions.	New Government High Schools.	Old Government Institutions.	New Government High Schools.	Old Government Institutions.	New Government High Schools.

ANGLO-VERNACLULAR SECTION.

I	11	...	5	...	1	...	...	...
II	7	...	9	2	2	...	1	...
III	14	...	14	...	6	1	...	...
IV	26	3	19	3	3	...	...	...
V	4	1	5	...	1	...	...	...

CLASSICAL SECTION.

I	...	...	1	...	...	...	...	...
II	...	...	2	...	...	...	...	...
III	5	...	4	...	...	...	...	...
IV	11	2	7	3	1	...	...	...
V	5	3	12	6	2	2	...	...

COMMUNAL REPRESENTATION IN CERTAIN GOVERNMENT DEPARTMENTS.

1835. **Malik Firoz Khan, Noon :** Will Government be pleased to state the number of permanent appointments held by Musalmans, Hindus and Sikhs on the 1st of January 1921 and 30th of July 1922 in—

- (a) Forest Provincial Service,
- (b) Public Works Department Provincial Service,
- (c) Irrigation Provincial Service, and
- (d) Munsifs.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : It is regretted that the material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the hon'ble member as soon as available.

ESTABLISHMENT OF A COLLEGE OF COMMERCE.

1836. **Lala Atma Ram :** Arising out of the answer to question No. 1130* asked on the 9th January 1922, will Government be pleased to state what decision has been come to regarding the establishment of a fully equipped and well staffed College of Commerce up to the Bachelor of Commerce standard?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The question is still under the consideration of the University.

REFORM OF THE PUNJAB UNIVERSITY.

1837. **Lala Atma Ram :** Will Government be pleased to state whether there was any intention to reform the Punjab University following the recommendations of the Calcutta University Commission.

If the answer to the above be in the affirmative, will Government be pleased to state as to what progress has been made in this direction?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : (a) The matter is under consideration by the University.

(b) A copy of a letter received from the University is laid on the table.

No. 1286, dated Senate Hall, 20th April 1921.

From—The Hon'ble Sir JOHN MAYNARD, M.A., K.C.L.E., C.S.I., I.C.S., Vice-Chancellor, University of the Punjab, Lahore.

To—The Under-Secretary to Government, Punjab, Home (Education) Department, Lahore.

With reference to your letter No. 2142-G., dated the 27th February 1920, I am directed to report the opinion of the Punjab University on certain of the more important issues raised by the report of the Calcutta University Commission.

I.—The proposal to make the Intermediate Examination the stage of admission to the University.

1. Subject to what is said in the next following paragraph on the subject of an institution of a new and special type, the University does not consider it feasible at present to make the Intermediate Examination the stage of entrance to the University.

2. The University would favour the creation of a new type of institution devoted to a practical course of study as distinguished from a literary curriculum. Admission to such an institution would be obtained by promotion from the 8th Class. It would provide for a 4 years' course ending with the Intermediate Examination on the understanding that students passing an Intermediate from this institution would be eligible for admission to an appropriate degree course. If Government or any other body proposed to create such an institution the University would be in favour of establishing a special Board to deal with this type of institution. No students attending this institution would be required to pass the M. S. L. C. Examination, but those candidates who had passed the M. S. L. C. Examination would not be excluded from admission to the institution.

3. The University would be prepared to establish a new Board which should devote itself solely to the supervision of the new type of College, to guide the new experiment, arrange for visit of inspection, to draft outlines of the tests, draw up detailed courses, from Committees or Boards of Studies to assist it in carrying out these duties, and make arrangements for the conduct of examinations and the appointment of examiners. This would be a small Board with a maximum of ten members, with the Director of Public Instruction or the Director of Industries as an ex-officio member, and with an adequate representation of the various interests concerned in particular of the professional and industrial interests.

4. In the event of application for the affiliation of institutions in which the 9th and 10th School Classes are combined with the 1st and 2nd year of study for the Intermediate Examination, the University would be prepared to consider such cases favourably.

II.—The relations of the University to centres of University Education outside of Lahore.

5. The University does not desire to place any obstacles in the way of the formation of new Universities at suitable centres within the present territorial limits of the Punjab University, but on the contrary to encourage the formation of such new Universities. Apart from the formation of such new Universities, it considers that for the present there should be but one University for the territorial limits over which it now has jurisdiction: that is to say, that it is not desirable to form one University of Lahore incorporating the Colleges in Lahore, and another University for the Mofussil Colleges.

6. The University considers:

- (a) That there should be no divorce between the higher and the lower teaching above the Intermediate stage.
- (b) That there should be an enrichment and not limitation in the scope of Colleges including the Government College, Lahore.
- (c) That the University provide an academic organisation to co-ordinate and supplement, wherever necessary and practicable, the teaching given by the Colleges.

7. The University approves the continuance and extension of the present Honours School system: but has appointed a Committee to consider the suggestions which have been or may be made regarding it, and to propose any necessary modifications in it.

III.—The system of governance of the University.

8. The University desires the liberalisation of the system of its governance, and will shortly proceed to work out detailed proposals to this end.

INTRODUCTION OF CIVICS AS A SUBJECT OF STUDY IN SCHOOLS, ETC.

1838. **Lala Atma Ram** : Will Government consider the advisability of introducing Civics as a subject of study both in English and Vernacular in all the recognised as well as in the Normal schools and the Training College of the Province ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The matter is under consideration, but the successful introduction of the subject depends much on the publication of suitable text books. This matter is also under consideration.

Provision has already been made in training institutions for the teaching of this subject.

PUNJAB UNIVERSITY EXAMINATIONS' RESULTS.

1839. **Lala Atma Ram** : (a) Will Government be pleased to state the percentage of successful candidates in the Intermediate, B. A. and B. Sc. Examinations of the Punjab University for the last 4 years ?

(b) Is it a fact that this year the results of the Intermediate, B. A. and B. Sc. Examinations are specially disastrous? If so, will Government kindly give the causes, if any, which have led to this ?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The statement giving the necessary information is attached :—

	1918	1919	1920	1921	1922
Intermediate (Arts Faculty) ...	63.2	60.8	68.6	71.3	56.7
„ (Science Faculty) ...	46.4	45.2	64	66.9	50.8
„ Science Medical Group ...	42.2	40.9	56.09	64.85	47.7
Bachelor of Arts ...	56.3	49.3	58.5	51.7	46.09
Bachelor of Science ...	56.3	55.3	69.8	52	62.07

2. Before the publication of results of any particular examination the University Authorities compare the percentage of the year with those of the previous five years (Punjab University Calendar, page 87, Reg. 14 and 14 A.)

These results were not considered disastrous by the authorities concerned.

ACTION AGAINST OFFICIALS SUSPECTED OF TAKING BRIBES.

1840. **Rai Sahib Lala Panna Lal** : Will the Government be pleased to state if instructions, as recommended by the Corruption Committee, have been issued to the Heads of Departments to watch and proceed against officials, and, if so, has any action been, so far, taken against any official suspected of taking bribes ?

The Hon'ble Sir John Maynard : Instructions have been issued to all Heads of Departments, Commissioners and Deputy Commissioners, but up to the present no report has reached Government of specific action taken against any individual, save in the case of the Police Department.

GRANT-IN-AID TO SCHOOLS IN JULLUNDUR CANTONMENT.

1841. Rai Sahib Lala Panna Lal : Will the Government be pleased to state—

- (a) the number and names of High Schools at Jullundur Cantonment,
- (b) the number of students attending each school, and
- (c) the amount of grant-in-aid and other financial help given to each school with the name of the department or fund that pays it?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain :

- (a) Two ; Hennessey and Victor.
- (b) Hennessey (Secondary Department only) = 162
Victor (including Primary Department) = 549
- (c) The Hennessey High School has been brought on the list of institutions aided from provincial revenues, with effect from April 1922, but no grant has yet actually been sanctioned.

The Victor school is not on the list of aided institutions.

Rai Sahib Lala Panna Lal : May I know why the Victor School is not on the list of schools which are given grants?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : I myself don't know that.

PUNITIVE POLICE AT VILLAGE DHUDIAL.

1842. Mr. Ganpat Rai : (a) Will Government please state if Punitive police has been posted at village Dhudial, tahsil Chakwal, District Jhelum? If so, what are the reasons for taking such action?

(b) What is the population of village Dhudial, giving details as to the number of Muhammadans, Hindus, and Sikhs?

(c) Are all the inhabitants of the village going to be penalized with the costs of the punitive police? If not, is it proposed to recover such costs from a particular community or class of persons? If so, from what particular community or class of persons, and why?

The Hon'ble Sir John Maynard : (a) Punitive police has been imposed on the village of Dhudial, tahsil Chakwal, district Jhelum. They have been imposed because of the following misdeeds:—

Heavy crime during the past 3 years, including two murders, one culpable homicide, one dacoity with murder, one assault on a public servant, one theft with preparations for violence, 12 burglaries, 2 cases of grievous hurt, one riot and 8 miscellaneous cases. In addition, 3 cases committed elsewhere—one

murder and two burglaries—were found to have been committed by inhabitants of the village. Apart from this heavy roll of 'ordinary' crime, there have been smuggling, defiance of authority by Akalis, intimidation of loyalists and attacks on them.

(b) The population of the village is 3,197. Information as to the respective numbers of Muhammalans, Hindus and Sikhs is not readily available.

(c) The cost of the post is to be recovered from the Hindu and Sikh inhabitants only, as it is persons of these classes who have been responsible for the crime and disorder necessitating the punitive police post.

CHOS ACT.

1843. **Sardar Bakhtawar Singh :** With reference to my questions Nos. 987* and 1181† will Government be pleased to state the result of the enquiry held by the Commissioner, Jullundur Division, into the working of the Chos Act in the Hoshiarpur District? If no result has yet been reached, will Government please state at what stage the enquiry stands and when it is expected to be completed.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia : The enquiry by the Commissioner is not yet complete and his final report is awaited. In the absence of this final report it is not possible to state what stage the enquiry has reached.

DISTRESS IN LANDS FLOODED BY THE RIVER SUTLEJ.

1844. **Sardar Bakhtawar Singh :** Is it a fact that since the time when rectangles were last awarded to those agriculturists whose lands were flooded by the River Sutlej, lands of many more farmers have been destroyed entirely in the same way? If so, is the Government ready to help them in any way?

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

ARMS RETURNED OWING TO INCREASE IN FEE ON ARMS LICENCES.

1845. **Sardar Bakhtawar Singh :** Will Government please lay on the table a statement showing for each district of the province the number of guns and pistols or revolvers deposited by the people since the increase of fees on licences for firearms?

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

* Vol. II, page 324.

† Vol. III, page 96.

ADMISSION OF SIKHS TO THE GOVERNMENT COLLEGE.

1846. **Sardar Bakhtawar Singh** : Is it a fact that many Sikhs were refused admission to the Government college this year? If so, will Government please state whether the Sikh students had their due share,—i.e., 20 per cent. of the admitted students? If not, why were they deprived of their due share, and will Government please see that next year this deficiency is made up?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : The necessary information on account of Summer Vacation is not at present available, but will be communicated to the hon'ble member when ready.

WORKING HOURS OF THE DISTRICT COURTS AND OFFICES IN THE LAHORE DISTRICT.

1847. **Raj Bahadur Lala Sewak Ram** : Is it a fact that the working hours of almost all the district offices and courts in the province are in the mornings during the summer? If so, will Government consider the advisability of permitting the district courts and offices in the Lahore district to fix their working hours in the mornings during summer?

The Hon'ble Sir John Maynard : The practice varies in different localities. The court hours are usually fixed by the local authorities to suit the convenience of the public and the Bar, and Government does not propose to interfere in such arrangements.

As Sardar Randhir Singh was absent Questions Nos. 1848—1856 were not put.

SUB-INSPECTOR DILAWAR ALI AND DACOITIES IN BATALA.

1857. **Captain Sardar Gopal Singh** : Will Government please state the number of dacoities that took place in the "Illaga" of Batala Sadar Police Station in the district of Gurdaspur in the time of Dilawar Ali, Sub-Inspector of Police?

Is it a fact that ever since Dilawar Ali, Sub-Inspector of Police, has been transferred from Gurdaspur District all the dacoities which were not traced as long as he was in that Thana have been and are being traced and many dacoits have been sentenced?

The Hon'ble Sir John Maynard : It is regretted that the answer is not yet ready, but it will be communicated to the hon'ble member in due course.

COMMUNAL REPRESENTATION IN THE POLICE FORCE.

1858. **Captain Sardar Gopal Singh** : Will Government please give the total number of Police constabulary in the Punjab showing the number of each class and creed in the Punjab Police Force in the ranks of Deputy Superintendent of Police, Inspectors, Sub-Inspectors, Head Constables and Constables, separately?

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

POLICE DIARIES.

1859. **Mian Ahmad Yar Khan, Daultana** : Is it a fact that an accused or his Counsel are neither allowed to see the police diaries nor can they get a copy of them? If so, will the Government be pleased to take such steps as may be necessary for the removal of this restriction?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the law on the subject which is contained in sections 39, 159 and 161 of the Indian Evidence Act.

BOY PROSECUTED FOR CARRYING KIRPAN IN HIS HAND.

1860. **Captain Sardar Gopal Singh** : (a) Will Government please state what was the offence of the boy who was prosecuted by the Commissioner of Jullundur Division while running to reach his school in time carrying his *kirpan* in his hand.

(b) What punishment was awarded to the said boy and under what law?

(c) Will Government please reconsider his case and release the boy if he has been sent to jail?

The Hon'ble Sir John Maynard : No case of a boy arrested while running to school occurred. The incident cited was one of a full-grown youth who was evidently well aware of the regulations :—

(a) The offence committed was under Section 19 of the Arms Act.

(b) A sentence of fine was passed under that section, the fine was not paid and the convict was accordingly imprisoned in default.

(c) Government is not prepared to reconsider the case as the convict can pay the fine and so obtain his release from jail.

JUDGMENT OF THE SESSIONS JUDGE, AMBALA, RE KIRPANS.

1861. **Captain Sardar Gopal Singh** : Will Government be pleased to state what action they have determined to take in view of the recent judgment of the Sessions Judge, Ambala, that, so far as the Sikhs are concerned, the *Kirpan* is free from all kinds of prohibitions including manufacture?

The Hon'ble Sir John Maynard : The hon'ble member is referred to the answer given to Council Question No. 1693.*

CONSTRUCTION OF GURDWARAS ON MUNICIPAL OR GOVERNMENT LAND.

1862. **Captain Sardar Gopal Singh** : Will Government be pleased to state whether the Sikhs have constructed any *Gurdwaras* in the province since January 1920 to date, on land belonging either to a municipality or to Government without first obtaining permission from the Municipal Committee concerned or from Government, as the case may be?

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithla : Government has no information on this point.

Captain Sardar Gopal Singh :—Has there been any occurrence of this kind or not.

The Hon'ble Sardar Bahadur Sundar Singh, Minister : The reply already given is quite clear. The Government has no information.

COMMUNAL REPRESENTATION IN EXAMINATION RESULTS.

1863. Captain Sardar Gopal Singh : Will Government be pleased to state whether any instructions have been issued to the effect that in future examinations number of "passes" in the case of students of the Government College and the Medical College are to be in direct proportion to the provincial strength of the various communities, Hindu, Muhamadan, etc.?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : No.

PUNITIVE POLICE AT GHAWIND.

1864. Rai Bahadur Lala Sewak Ram : Will Government be pleased to state if it is a fact (a) that at Ghawind the number of cases of serious crime has greatly diminished during the past six months ;

(b) that there exists a deep and widespread feeling against punitive police having been posted there ;

(c) if the answers to the above are in the affirmative will Government be pleased to remove the punitive police from Ghawind at an early date ?

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

As Khan Muhammad Abdullah Khan was absent Questions Nos. 1865—1870 were not put.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY GRANT, PUBLIC HEALTH GRANT.

Mr. President : We shall now proceed with the items in the continuous list of Government business.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : With the Town Improvement Bill Sir ?

Mr. President : No, the grant for Rs. 15,000.

PUBLIC HEALTH GRANT.

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

"That a supplementary sum not exceeding Rs. 15,000 be granted to the Ministry of Education to defray the charges that will come in course of payment for the year ending the first day of March 1923 in respect of Public Health."

Sir, although there is no amendment on the agenda to this demand yet I owe it to the Council to explain the why and wherefore of this before the Council proceeds to vote upon it; since the Council has begun to take so keen an interest in matters financial. I have begged the Council to grant Rs. 15,000 which are to be utilized for sanitary improvements which, as every body knows, the whole province is badly deficient in. The various local bodies, *viz.*, the District Boards, the Municipal Committees are applying to the Sanitary Department of the Punjab Government, in ever increasing numbers for the initiation, preparation, completion, of sanitary schemes like water supply, drainage and other cognate schemes. The Sanitary Department has to entertain extra staff according to the quantity of work in hand to cope with the excessive work and this arrangement admirably suits the needs. This grant of Rs. 15,000 is to meet the expenses of the extra establishment which will have to be entertained and for want of which many important schemes are held up. The Council last year very kindly granted a sum of Rs. 18,000 for a similar purpose. I may, with your permission, explain, Sir, that this sum of Rs. 15,000 is in fact an outlay, a sort of advance on which the Government receives a return of 13 to 18 per cent. by way of commission on the capital expenditure involved in the execution of a scheme. The Government is thereby financially againer and not a farthing is spent from the provincial revenue. This sum of Rs. 15,000 will be more than covered by the commission we hope to obtain by supervising the execution of schemes. There are a few schemes already under construction—the Water Works at Khushab, the Drainage at Khem Karan and Jullundur and Tube-wells at Hansi and Rewari. There are at least 15 different places waiting for the inception of various schemes which are at present under the consideration of Government and waiting for administrative sanctions. The Sanitary schemes at Bhalwal, Tandlianwala and Maghiana are being held up for want of extra staff which will be taken in hand on the grant of this demand.

These are the objects in view for which I ask the Council to grant me the sum. I assure the Council that Government will be the gainer financially and every pie of this advance will be recovered by way of commission.

Maulvi Muharram Ali, Chishti [Lahore (Muhammandan); Urban] (Urdu): Sir, I am sorry that I have to oppose this grant. The grant is, for the purpose of health. I must say at once that I do not oppose it on the ground that it is a mischievous object or not a useful purpose. My opposition to this is based on the fact that we have a deficit of a crore and a half in the present Budget and after that the supplementary demands of lacs and lacs of rupees have been readily allowed by this Council. Then there are some personal demands for the convenience of hon'ble members. Already a demand was made through a Resolution in this Council begging Government to increase their daily allowance from Rs. 10 to Rs. 15. Government was of course moved by pity and had to please the members by granting the increase solicited which only increased burden on tax-payers. Yesterday a Resolution was passed begging Government to hold Council meeting at Simla. If Government meets this new demand with the same sympathetic manner out of pity on the members (a large number of whom spend their summer time in the plains but who cannot bear the burden of Legislative work in the hot season of Lahore and want a cool place like Simla for performing the arduous work which is entrusted to them), the expenditure will fall on the poor tax-payer. The expenditure incurred by tax payer on account of the new Council comes to about to 2½ lacs per annum and the

[M. Muharram Ali Chishti.]

pay of the members and the Ministers represent a sum of about 2½ lacs more. The burden of all these 5 lacs must be borne by the poor Punjabee tax-payer. Some more demands for convenience of the hon'ble members may be expected shortly, because it is not improbable that, having in view the heavy expenditure of living at Simla, they may have to pray for further increase in their daily allowances. Under the circumstances the poor tax-payer is seriously thinking whether he was better off under the old bureaucratic system which was more stingy and miserly in the matter of expenditure or under the present reformed system of Government which spends money with such large-hearted liberality—of course I will never be so impertinent as to use the word extravagance. When the expenditure is so heavy I will make it a point for future not to support any grant (except those which may be of a most important and emergent character), unless and until a Resolution is passed in this Council in the next Session that members are ready to forego all their travelling and daily allowances and the Ministers are ready to forego at least half of their princely pay. I don't mind the fact if my present opposition may prove a cry in the wilderness, but I have come here with some fixed principles of protecting the poor tax-payer, and no fear of the defeat of my motion, will deter me from sticking to the principle and the purpose for which I have come to this Council.

Chaudhri Ali Akbar [Kangra-cum-Gurdaspur (Muhammadian), Rural] (Urdu) : Sir, so far as I can see I really

S. A. M.

can not find any grounds for attacking this grant, especially when the Hon'ble Minister for Education has so lucidly and cogently explained its need. If it is a matter of giving vent to one's pent up feelings, or if it is intended to create an impression upon the public in the gallery or outside it the member who opposed the motion is welcome to do it anywhere except in the Council Chamber. We, Sir, come from distant places in the hot season not to be made the butt of long, laboured ill-conceived and ill-timed orations but to do some solid work. We are responsible to our constituencies for doing some material and tangible work here in the Council and not to fritter away our time in meaningless oppositions. My hon'ble friend has waxed very eloquent on the question of the hill exodus, perhaps he is afraid that he will not obtain so many admiring and gullible audiences at Simla as he can obtain here at Lahore which he represents.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadian), Rural] (Urdu) : Sir, the deficit in the Budget is a matter which should make us think twice before we launch upon any expenditure. But, Sir, I am one of those who think whatever the conditions of finances may be, we must not withhold any expenditure from education. Education is the most crying need of the day, education is the health and it is the wealth of the generations to come. Education is the bedrock of our nation to be. I am prepared to say that we may even starve but we must educate our children.

Mr. President : The grant asked for is for sanitation not for education. Please speak to the motion.

Khan Bahadur Chaudhri Fazl Ali (continued) : Similarly no body can doubt the need of sanitary improvements. The public health should be the first consideration of a civilised Government. It is not possible for men living in cities which can boast of hospitals, to imagine the insanitary surroundings

of villages. I personally do think it a sin to oppose any measure which would improve their sanitation. If the generations to come perish in the insanitary habitations, if they die for want of pure water what good will the savings in the provincial revenues do to us. I therefore, strongly support this demand and hope the Council will not be misled into false economies.

Rai Sahib Lala Thakar Das [North-West Towns (Non-Muhammadan), Urban] (Urdu) : Sir, I do not wish to oppose this demand on any ground of principle as others have. I do believe that sanitation is very necessary for the people, I do realise that pure water and a drainage system are absolutely essential for each and every place. But I want to know, Sir, wherefrom that sum is to be got when there is so much deficit in the Budget. On the one hand it is shown that provincial revenues are worse by 1 crore and 54 lakhs and on the other hand we see supplementary demands put before the Council ceaselessly. In the circumstances what a man of ordinary understanding fails to comprehend is, where is the money to be obtained from. It will avoid unnecessary discussion in the Council if this technicality could be explained. I would very much like to know how it is intended to meet this expenditure of Rs. 15,000.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Urdu) : Sir, I notice that the hon'ble members who have spoken on this demand have expressed in unmistakeable terms their abiding sympathy and interest in the objects for which this grant has been begged of the Council. The chief plank of opposition is that there is a deficit in the budget and that we have no money to spare. As I have already stated this sum of Rs. 15,000 is a sort of investment. It is an advance, it is an outlay; of which we will recover every penny in the form of commission which is taken from the local bodies for which the work is executed. In the face of such a clear statement, I fail to understand why and where the financial considerations come in. I am on that account led to believe that the opposition is for opposition sake and not out of any consideration for the public finances. I would put it directly and explain it to the hon'ble member from Pind Dadan Khan that if he were asked to-morrow to advance a loan of a few hundred rupees, by a certain person in want at a rate of interest higher than prevailing, would he not very gladly borrow the money, if he has not himself any, and advance it to the other because it gains him some interest. He will borrow it himself at six per cent. and advance it at nine per cent; thus making a clear saving of 3 per cent. I really cannot speak of those member and their arguments who have opposed the motion on financial grounds in terms which would be parliamentary. No reasonable and sensible man can take exception to this grant at all. I trust the Council will grant it.

Mr. President : The question is—

"That a supplementary sum not exceeding Rs. 15,000 be granted to the Punjab Government (Ministry of Education) to defray the charges that will come in on account of payment for the year ending the 31st day of March 1923 in respect of Public Health."

The motion was carried.

MOTION RE TALWARA SAW MILL.

The Hon'ble Sardar Bahadur Sardar Sundar Singh, Majithia (Revenue Member) : Sir, I do not wish to move the motion about Talwara Saw Mill that stands in my name.

REPORT OF THE DRAFTING COMMITTEE ON THE PUNJAB TOWN IMPROVEMENT BILL.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, the Drafting Committee, in accordance with the directions given by this Council, submitted its report to the Council Office yesterday at noon. It will be noticed, that the Legal Remembrancer took great pains and discovered a large number of mistakes which I trust are the last to be discovered. One can never be sure about these things and we trust now the Bill is free from all errors or omissions. I propose, Sir, that the report of the Drafting Committee on the Punjab Town Improvement Bill which has been circulated to members, be approved.

Maulvi Muharram Ali, Chishti [Lahore (Muhammadan), Urban] (Urdu) : Sir, I rise to a point of order. Under Standing Order 47, two days' clear notice of each and every amendment must be given to the members of the Council and according to clause (3) of the same Order, if any member required any Urdu translation of the amendment it must be supplied. Now, it was only a few minutes ago that the amendment made by the Select Committee had been supplied in English and no Urdu translation had been supplied. A considerable number of the members of the Council did not know English at all, and there were more than one hundred amendments proposed by the Select Committee. It might be said that the amendments were only verbal, or some alterations and addition of words, punctuation, etc., but that might be the view of the members of the Select Committee. I have the greatest deference for their legal knowledge but the views of lawyers differed on such points. Even a comma or the alteration or the substitution of a single word, might alter the whole sense of the Section according to the view of one person and it might be a quite safe and innocent alteration according to the views of another. I put it to you, Sir, whether you have been able, in the few minutes, to have even a glance at these numerous amendments. I confess that I could not have even a glance at the amendments, to say nothing of comparing them with the original clauses of the Bill. I would like to know if any other English knowing member had the opportunity of performing this impossible task? Further what about the non-English knowing members who could not even know what the English report was? I might point out that clause (3) of Standing Order 50 did not supersede the provisions of Order 47 and it did not dispense with the necessity of the notice required under Order 47. It was as clear as day light that under the circumstances most of the members and especially the non-English knowing members would be blindly voting in favour of the motion which was before the Council. Sir, I want a ruling on the point from you and if the ruling is against me, I have no alternative, according to the constitution, but only to bow before it. But I wish that my objection may remain on the record. The Bill is not of an emergent nature and it could be postponed for some time in the interests of proper observance of the rules and also in all fairness to the members of the Council.

Mr. President : I don't think clause 47 has anything to do with the matter. That clause is about the notice required for amendments. The clause that deals with the present matter is 50 sub-clauses (2) and (3). That clause, I take it, is purely self-contained.

Now, as regards the large number of amendments, there are certainly a very large number of amendments, but the Council has had its own representatives on the drafting committee. It has had not only the Legal Remembrancer and the Member in charge of the Bill, but also the Deputy President to see that these amendments which have been made are purely drafting amendments, and I think we may take it that the Deputy President and the other members of the drafting committee will have adhered strictly to the instructions.

If, however, the Hon'ble Minister for Education wishes that the matter be put off, I have no objection, but, on the other hand, if he wishes to proceed with the Bill, he can certainly do so.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: Sir, I do not see, by any stretch of imagination, any object in putting off the measure.

Mr. President: The question now is—

"That the report of the drafting committee on the Town Improvement Bill be approved."

The motion was carried.

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

"That the Punjab Town Improvement Bill be passed."

Manvi Muharram Ali Chishti [Lahore (Mubammadan), Urban] (Urdu): Sir the smile on the Education Minister's face which greets me at the time of any rising show that he is over-joyed at the idea that the Bill would be passed notwithstanding my opposition. But men who hold independent views are not afraid of the majority and they have the moral courage to make known their own convictions even at the risk of a defeat.

I was a member of the Select Committee on the Bill and I stated my objections to the Bill in the note of dissent attached to the report. To summarise them briefly I might state that they were as follows:—

- (1) The Bill would create a double system of executive bodies with some concurrent powers and would lead to a frequent conflict between the Municipalities and the Boards of Trust. In case of a conflict, Government's decision would be final and it would reduce local Self-Government to a nullity.
- (2) It would over-burden the already over-burdened Province with most heavy financial burdens.
- (3) The initiative for the enforcement had been left with Government and not with the people. During the debate it had been said over and over again that the members of the municipal committees were over-powered by the influence of their electors and it could hardly be expected that they would be prepared to adopt any measure against the wishes of their voters. Were they (the Hon'ble Members of the Council) not bound to pay the greatest regard to the wishes of their constituents? He would not believe for a moment that the Members of Municipalities were in any way less intelligent or less careful of the interests of their constituents than the Members of the Council. It would have been better if the initiative had been left with

[M. Muharram Ali Chishti.]

Municipal Committees and I strongly resent the remarks made against the qualifications and competency of Municipal Commissioners.

- (4) Indians were most sensitive in the matter of maintaining the old residential houses of their ancestors. The Europeans could have no idea of the great regard which the Indians had for the monuments of their ancestors. It may some times amount to death to them to part with those old monuments for which they had special love and fascination. The action under this Act would cause the greatest discontent among the urban population of Lahore and Amritsar which were first of all to become victims of the Act. It would be a strong weapon in the hands of Non-co-operators and would cause intense resentment and distrust against Government. The Hon'ble Minister might have to leave his portfolio after the prescribed period but he would be leading a garland of razors in the neck of Government. I am saying this on the basis of my own study of the present situation. The Hon'ble Minister had several times in the course of his speeches been pleased to describe the persons who had the misfortune of differing from him as devoid of all common sense : and as ignorant persons. But I hope that the Hon'ble Minister would not repeat that charge against me who have been a political worker and a public man since the last 40 years when the Hon'ble the Education Minister was playing in arms as a mere child. I earnestly hope that the Hon'ble Minister would not be so hard in making hits at me and he would be pleased to show some consideration, if not regard, to the experience of his elders.

The House is aware that I wanted to move the following amendment in the Bill :—“ That in clause I, after sub-clause (3) the following be added :—

- (4) No agriculture land is defined in the Punjab Alienation of Land Act, 1900, as amended by Act I of 1907, belonging to a member of an agricultural tribe (who is declared to be a member of an agricultural tribe or groups of agricultural tribes by notifications issued by the Local Government in the local official Gazette under section 4 of the Punjab Alienation of Land Act), shall in any case be acquired under the provisions of this Act.”

However I was not permitted by the Hon'ble the President to do so on technical grounds. Had this amendment been moved and carried by the House, I could have understood the position of the rural members in supporting the Bill because it would not have touched their statutory rights. But the Bill in its present form does not contain any such safeguard and according to the provisions of the Bill the Trust would be at liberty to take forcible possession of agricultural land not only within municipal limits but beyond those limits also. Some time ago a Bill was introduced on behalf of the Hon'ble the Minister of Agriculture by Mr. Abbott, *i.e.*, the Land Purchase Bill. The provisions of that Bill provided only legal sanction for private purchases of agricultural land for industrial purposes. All the rural members of the Council opposed the Bill in a body on the plea they were very zealous of their statutory privileges. Now, I venture to ask those hon'ble members that with what consistency could they now vote

for a Bill which authorized the Trust to take forcible possession of the land of agricultural tribes and this also after depriving them of the privileges contained in the Land Acquisition Act, i.e., the privilege of taking 15 per cent. profit on the market price and also of an appeal to the High Court. The measure was a most drastic one and I do not think for a moment that the rural members opposed the Land Purchase Bill because it emanated from the Ministry of Agriculture through Mr. Abbott, and that they would support the present Bill because it comes from the Hon'ble Mian Fazl-i-Husain. Nor I can imagine that the zamindar members were hostile to Mr. Abbott's Bill because it concerned the zamindars in *all* the district in the Punjab, and the present measure was *only* intended to apply to the zamindars of Lahore and Amritsar, and therefore they did not care much because there was no *real* sacrifice in that. I hope that my hon'ble friends will be consistent in the matter.

I invite special attention to the fact that all the Bills which emanated from the Education Ministry were merely copies of the Acts passed by the Councils of other provinces. After all, copying does not require much brain work. The real brain work lay in comparing the different circumstances in the different provinces. Copying is after all copying. I do not grudge the great influence which the Hon'ble Mian Sahib enjoys over the rural members (especially Muhammadans) of the Council. Indeed, I would have congratulated him if the influence had been based on some solid grounds and was not transitory. I had not joined the Council with the object of forming parties and the House was aware that I had never practised the tactics usually employed for this purpose. However, I must say that the tactics are well-known even to the very young men of the present age and if a man did not resort to those measures, it was not because they required any very extraordinary intelligence and high talents. I have remained an independent man all my life and I wish that I might remain the same for the remainder of my life. I can never be domineered over or discouraged by being in a temporary minority because I know that truth must ultimately prevail. The Hon'ble Minister and his party might have their temporary joys and laughs, but they must remember the old saying that "he laughs best who laughs last." In conclusion, Sir, I beg to submit that I have done my duty by protesting against a repressive law which is hanging over the heads of my constituents and the choice lies with the Council. I repeat that I have done my duty.

Sayad Muhammad Husain [Montgomery (Muhammadan), Rural]—
Urdu: Sir, This Council is accused of having supported this Bill because it has been introduced by the Hon'ble Mian Fazl-i-Hussain, while the one introduced by the Hon'ble Mr. Abbott was dropped for lack of support. I am really surprised to find Maulvi Muharram Ali Chishti labouring under such a misapprehension. As a matter of fact we have been supporting all useful measures that were introduced into the Council, whether they were introduced by the Hon'ble Minister for Education or any other member of Government. As for the present Bill is it not our duty to effect improvements in, and provide better sanitation for the towns of this Province? Will it not be a blessing if the present congestion in the dark lanes of this city is removed and the citizens are provided with more healthy and better ventilated houses? It is not the moral duty of all members returned from urban constituencies to improve the sanitation of their towns and rescue their citizens and their children from the iron grip of tuberculosis from which so many of them suffer on account of living in squalid surroundings? I am surprised to find that even the hon'ble member for Lahore city has opposed

[S. Muhammad Husain.

this useful Bill. To-day I find that the members returned from cities are opposing a measure which is to prove useful for their own cities. Hence their statement that the members from rural areas are apt to give them no support in matters which concern towns, is proved to be incorrect. The hon'ble Sayed Mehdi Shah who represents a rural population and has been to such cities as Allahabad and Benares, will be able to say how considerably the health of those towns has improved on account of the enforcement of the Towns Improvement Act to them. Again it has been said that if this Bill is placed on the statute book, the zamindars would be deprived of their rights which they enjoy under the Alienation of Land Act. No member should be taken in by a statement of this sort. We have every hope that whenever Government would acquire any land under the provisions of this Bill it shall grant the proprietors compensation in the shape of squares, etc., for earning their livelihood.

Maulvi Muharram Ali Chishti (Urdu): But the Government does not hold out any such promise.

Sayad Muhammad Husain (continued): I know it perfectly well that Government has been doing so and I myself was compensated in that way. We must repose confidence in Government that it will continue this practice. Another objection urged against the Bill by Maulvi Muharram Ali Chishti was that this Bill is detrimental to the preservation of our graveyards to which we are religiously attached. I do not believe the Government has ever disturbed cemeteries. On the other hand I know that whenever improvement was carried out an adequate provision was made for the preservation of graveyards. I know there were several graves in the premises of the Mayo Hospital and the Medical College, Lahore. They have not at all been disturbed, but are now in a better condition. I think the hon'ble member for Lahore would be failing in his duty towards his constituents if he did not support this Bill, which will surely prove useful for them. With these remarks I support the Bill.

Diwan Bahadur Raja Narendra Nath [Panjab Land-holders (General)] (Urdu): Sir. The Land Improvement Bill has evoked a very hot discussion. Two kinds of dangers have been pointed out in connection with this Bill and I admit the possibility of both. I perfectly agree with the hon'ble member for Lahore city. Even in the Select Committee I tried my level best and succeeded to a certain extent in making provisions for meeting these dangers. In spite of all this, I am afraid, the Bill will not be acceptable to the public. Sir, the people are now more free and their desire for self-determination is increasing day by day. They do not like any one to interfere with their present way of living. At the same time they have no liking for hygiene and better sanitation. I do not want the Punjab not to succeed in the attainment of its desire for effecting improvement in towns and therefore I am not going to oppose this Bill. But I would request the Hon'ble Minister for Education to use the Bill very carefully. He should be very careful in extending this Act. The spirit of my amendments which have not been accepted should not be lost sight of.

Mr. K. L. Ballia Ram (Representative of the Indian Christian Community): Sir, I gave expression to my views as to the feasibility and de-

sirability of this measure the other day which in my opinion when passed will be one of the wisest doings of this Council. But I find that there are some who still persist in opposing it.

Before I go any further, Sir, I would like to meet some of the arguments which have been put forward by my friend, Chisti Sahib, in opposing the Bill. He says it is likely to cause friction between the municipality and this new Trust. I think he is perhaps right to a certain extent. Municipalities perhaps do not want to part with any vested authority—and it is only human nature—but a very adequate representation has been given to the municipalities under this Act. My experience both as Municipal Commissioner and as an executive officer of the Municipal Committee tells me that all local bodies in the Punjab, so far as any progressive measure is concerned, have been weighed in the balance and found wanting. If they had discharged their duties faithfully perhaps there would have been no need to introduce a new measure, but I can give facts and figures that they have not been able to widen a single small street even. Whenever a question comes up of widening a street, so many considerations, so many *likazas*, so many *siforishes* come that they have to give it up. Then my learned friend says it will be very expensive. That is what he said so far as I understood him. I think it will pay its own way. It is a self-supporting thing. It might in its initial stage involve expenditure, but even if it does, I think it is worth while doing it, considering the great blessings which this measure will bring to the people. Then, my friend has emphasised the fact that it will be an extra weapon in the hands of the non-co-operators to carry out their agitation against Government. I think my friend has got a very poor conception, a very poor estimate of the non-co operators. In many ways I cannot see eye to eye with them, but I can say this much that they are more progressive in some ways than the so-called loyalists and co-operators. At least they are for more air, more light, better ventilation and better health.

My friend has unnecessarily brought forward our zamindars in the course of his argument. I can assure them that this measure is not going to touch them at all. So far as I know the geography of Lahore there is a lot of land available in the suburbs of Lahore, and it is not going to cause any inconvenience to anyone. So on that account my zamindar friends need not be at all anxious that it is going to touch their freedom in any way. It is quite true that nobody likes to part with his house, however meagre, however poor, however bad it might be, on account of the associations it has for him, but the question is whether it is good for the people to live in those conditions. A child likes to play with fire. Will my friend allow him to play with fire, because he loves it? Or take another example. Supposing there is a case of cholera in a house. Under the law the man must be removed to the Infectious Diseases Hospital where special facilities exist for him. Nobody likes to part with his near and dear one in those conditions, but will Maulvi Sahib insist that the man should live in his house because he is related to him. It is not only because it is good for the patient to be removed, it is also because he may not spread infection to others. So it is not parting with your own house, it is what is good for others. Then some people laid a great stress on the fact that it is going to interfere with one's liberty. I maintain that this measure is likely to give more liberty to the people in the long run. (A voice, No, not at all). Those who say otherwise, I think have got a very narrow view of liberty. They do not know what liberty is (Hear, hear). Liberty consists in living under

[Mr. K. L. Rallia Ram.]

better conditions, having more air, more ventilation, better health. That will create better notions of liberty in a nation than to live in those cramped conditions which are found in Lahore. I would rather like to be in jail than to live in those conditions. I think the jail is a much better place in spite of the hardships that the people speak of which they have to bear in jail; I think they are much better off from that point of view. God forbid! If I were to be punished, I would make a request to Government to take me to a jail rather than to leave me in the city under those conditions. Can my friend say that he has ever heard of any measure being unanimously welcomed by the people, however good it is? There is no such thing in the world as unmixed good. It is sure to inconvenience some, I admit, but we should see what will be the result of it. Nobody is going to rob anyone of his home. That is a mistaken idea. The question is to give them better homes and I am sure when these people get better homes, with better surroundings, better sanitation, they will be more attached to those homes than they are at present. They will take greater pride, if not they, at least their sons; and they will bless their parents and they will bless the Minister for Education for introducing this measure. I congratulate him for bringing it forward and I give him my heartiest support.

Khan Bahadur Chaudhri Fazl Ali : [Gujrat West (Muhammadan), Rural] (Urdu) : Sir, I did not like to speak on the Bill, which entirely concerned the urban members. But in the course of this debate reference has been made to agricultural lands lying close to cities, and, therefore, I would like to say something in that connection. The underlying feature of this Bill is to improve the sanitation of towns. I am surprised to find that even some of the urban members are opposing it, although the Bill is calculated to remove congestion in cities and provide the peoples with more healthy and better ventilated houses. Sir, we lend this Bill our entire support not because it emanates from the Hon'ble Minister for Education, but because it benefits the urban inhabitants. We, the zamindars, have ever since this universe was created been serving humanity with the produce of our lands and all our belongings. Even now we are ready to offer our agricultural land to townsfolk to give effect to this Bill. In short, serving humanity is the be-all and end-all of our existence. We sent our youths to the war, when the towns could not provide even two companies for the Indian Defence Force. These constitutional Reforms are the reward of our sacrifices. We support the Bill, therefore, whole-heartedly. The urban members would be failing in their duty if they do not thank the Hon'ble Minister for Education who has introduced such a useful Bill.

Mr. Ganpat Rai, [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan)] : I do not wish to take the valuable time of the Council, but certain members seem to be under the impression that this Bill is the creation of the Hon'ble Minister for Education, and in that connection I would like to place before the House certain facts for the information of those members. I may tell them that this Bill is not a Bill of the Hon'ble Minister for Education. He is only responsible for improving it, and introducing it and nothing more, because the skeleton of the Bill in question was originally chalked out in 1920 under the presidency of the Hon'ble Mr. C. M. King when this Council had not come into existence.

It is that very Bill, it is that very draft which has been simply introduced by the Hon'ble Minister for Education in this Council which came into existence after the reforms. So, there should be no opposition on the ground that the Bill is the creation of the Hon'ble Minister for Education.

Secondly, Sir, I am sure the hon'ble member, who has opposed it, knows that I and certain other Municipal Commissioners of Lahore and Amritsar were invited to sit on that Committee which sat before the Reforms came into existence, and it was after considerable discussion with, and suggestions taken from, those members of the Lahore and Amritsar Municipalities that this skeleton was drafted. In that skeleton, which was framed more or less on the lines of a similar Bill in the United Provinces, only two members of the Municipality were proposed as members of the Trust, but after fighting in the Select Committee (I do not take the credit for myself, I give it to others as I was only one of the Associates in the Select Committee) we have now got three members of the municipality on the Trust when it will be created. Now, we have left the Government to nominate three members, and that is with the view that experts are wanted, and an official as President, for this reason that municipalities are not going to pay a penny. Now, the question is who is to be the master of the purse, the person to whom the money belongs or the persons who will simply give advice. It will be the Government agency which will arrange for the large sums of money necessary and therefore in fairness they should have one more member, and that is the President. Then it is assumed that the Government nominees will be hostile to the elected members of the municipality. Why should we assume that? I can assure the hon'ble members who opposed that there is no idea in any way of fettering the liberty or freedom of the municipality. The other point, which was touched on by Raja Narendra Nath, was with regard to self-determination. I cannot understand why any interference with the Municipal rights should at all be anticipated. I ask, Sir, have the Municipalities done anything towards removing the congestion in different areas where reforms are badly needed, and is it simply in order to shelve an important measure like this that the question of self-determination is now brought forward? I am afraid the Raja Sahib has failed to read the Bill carefully. There is self-determination, because when the Local Government makes a notification to extend this Act to a certain municipality, there is self-determination given in the form of two-thirds of the members of the municipality.

Diwan Bahadur Raja Narendra Nath : That was my amendment.

Mr. Ganpat Rai (continued) : All right I give credit for that to Raja Sahib, although he wants to oppose the Bill. I do not want any credit for myself. I have only done my humble service to the town which I have adopted. I say that you have got your rights of self-determination, because if two-thirds of the majority object to the extension of the Act, it shall not be extended. Now my friend, Maulvi Sahib, has suggested that this Bill will be a good handle for the non-co-operators. I am rather surprised, because my friend has on other occasions used similar arguments against repression and against the sanction of additional police.

Maulvi Muharram Ali Chishti : I never supported repression. I supported the resolution for maintaining peace, law and order.

Mr. Ganpat Rai (continued) : That is a question of opinion. It can be seen from the debates of the Council which have been printed. My hon'ble friend the Secretary, Lahore Municipality, has already replied to the argument as regards the improvement of sanitation and as regards non-co-operators. Therefore, I need not go into it. Now, Sir, another argument which my learned friend Maulvi Sahib has used is that the land of the rural members is going to be taken away from them under this Act because under the Land Alienation Act this cannot be done. Is this pleading the cause of the poor? Is this pleading the cause of the deserving persons, or is it simply an argument of sentiment put forward in order to provoke the Zamindar members to oppose this Bill. I appeal to Maulvi Sahib and I also appeal to other members who have opposed to look into the Census report. Are not members of the agricultural tribes living and owning house properties in these Municipalities? I say every agricultural community, Rajput, Jat, Dogra, every agricultural community owns house property within the limits of Lahore and Amritsar Municipalities. Sir, I think that this Bill confers, so far as the question of residence is concerned, a little more privilege on the people to acquire areas so that they may have free air and ventilation. Therefore, I submit that the reasons advanced are not reasons which will appeal to the hon'ble members to throw out this Bill which is no doubt in the interests of both the agricultural as well as the non-agricultural communities. With these remarks I support the motion.

Sardar Dasaundha Singh [Ludhiana (Sikh), Rural] (Urdu) : (Sir), so far as I have studied this Bill it is perfectly harmless and conducive to the welfare of the city people. The hot discussion in which certain members have indulged is perhaps due to the fact that to-day is the last sitting of this session. But it is regrettable that there have been so many personal attacks in the course of this debate, which practice, if not abandoned, will result in the long run in embittering feelings. I, however, support the Bill.

At this stage the closure was moved and carried.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu) : Sir, I had been thinking that this Bill had reached its final stage and would pass easily. It has been carefully studied for over a year. But it is regrettable that the hon'ble member for Lahore City, representing the Muhammadan population, has opposed it in a long speech in the course of which he made some personal attacks. But I am glad to hear the speeches of other members in support of this Bill, and for that I have to thank them. The speeches of to-day's sitting will impress not only the citizens of Lahore and the people of India, but will tell the people of England how selflessly the zamindars of India sacrifice their own interests for the benefit of others. This Council should thank them. I shall be very brief in my closing remarks.

It has been said that I have only copied this Bill from the Acts of other provinces. I think, Sir, copying of good points is not an unpraiseworthy act. It has also been said that the Bill is not a sound one because it has been drafted by a man who is not well advanced in age. That I am still young is no fault of mine; I would, however, quote Maulana Sa'adi who says

"Buzurgi" lies in wisdom not in years. Again it has been said that this Bill is calculated to deprive the Municipal Committees of certain rights. Sir, here in the Council there are several gentlemen who are members of Municipal Committees, and none of them has opposed the Bill on this ground. But on the other hand this objection is raised by an hon'ble member who several times only stood for Municipal election. The Bill has also been criticised on the principle of 'majority of votes.' I would say that when a candidate (for election in a Municipal Committee) is elected by a majority of votes where is the harm in observing the same principle here?

Next, I come to the 'business principle.' This Bill, Sir, will extend only to large towns of this Province, and their suburbs. If any portion of the adjoining land is acquired the proprietor will be compensated according to the market value of that portion. The argument that the land of zamindars will also be forcibly acquired under the provisions of this Bill is totally incorrect and I would request the rural members not to be taken in by such statements. Again it is equally incorrect to say that the Bill will invest the Government with greater powers than it is already exercising under the Land Acquisition Act. The principle of giving 15 per cent. over the market value as provided in the Land Acquisition Act has not been observed in this Bill, and this is due to the fact that the market value of lands outside a city is already considerably higher than the value of agricultural land generally. Thus the 15 per cent. increase would be an unnecessary burden on the Provincial Revenues. Another objection urged against the Bill is that if it is placed on the Statute Book it will involve the Government in fresh troubles. No doubt I have been and shall remain in touch with political considerations, but I am surprised to hear from my hon'ble friend, who represents an urban constituency, and one so important as the city of Lahore, saying in this period of reforms that this Bill will involve the Government in troubles.

Maulvi Muhartam Ali Chishti: And involve the people also.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (continued): But, Sir, this humble Minister has already great regard for the people. The present Government is one which acting on the advice of this Council, will adopt only that measure which will really conduce to the welfare of the people. I shall try my best to urge the Government, which is in fact the agent of the people, to enforce this Act as soon as possible.

Sir, now I come to another point urged against this Bill and that point is that this Bill will create a 'double system.' I will meet this objection by saying that this apprehension has no weight, for no such trouble has arisen in towns like Bombay, Calcutta and Madras. Again it is said that this Act will involve an expenditure of several crores of rupees. Well, Sir, neither I am to spend this money from my pocket, nor the hon'ble member from his pocket. The Government is to spend the people's money for the people's benefit, and the return is certain.

I am glad to hear the speech of my friend who is the Secretary of the Lahore Municipal Committee. I hope other members also will be very careful in giving their votes.

Mr. President: The question is that—

"That the Punjab Town Improvement Bill be passed."

The motion was carried.

STATEMENT *RE* THE GURDWARA LEGISLATION.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, the Hon'ble Sir John Maynard made a statement about the Gurdwara legislation at the opening of this session. Government has more than once announced that it sympathises with the Sikh movement for reform of the Sikh Gurdwaras and shrines, and that it is prepared to help so far as it lies in its power to promote the cause of reform and is ready to assist therein so far as is compatible with its duty to protect the interests of all those who are affected thereby. Efforts made from time to time have unfortunately not met with success, as the task of reconciling various interests to the satisfaction of all parties was an exceedingly difficult one. It has now been urged upon Government that a Bill which embodies the considered views and wishes of the Sikh members of the Legislative Council on obtaining the Government of India's sanction be placed before this Council, so that the Council may be in a position to decide whether to pass it as it stands or with such modifications as may commend themselves to it. This view is being carefully considered by Government, and as soon as a decision is arrived at, it will be duly announced and suitable action taken in accordance therewith. There is one thing of which I can with confidence assure the Council and the public outside the Council, that Government is not only willing but is anxious to take up legislation at as early a date as possible, and with due regard to the interests of all concerned to make it as acceptable to those who seek reform as the claims of justice will allow. The matter of legislation, however, is the one over which Government has no final control, and it is the privilege as well as the duty of this Council to undertake it.

The Council then adjourned *sine die*.

Note.—By an order of His Excellency the Governor, dated the 13th of August 1922, the Council was prorogued unto a date to be hereafter fixed.

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PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Monday, the 30th October 1922.

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 :—

Lieutenant-Colonel D. M. Davidson, C.I.E.

✓ J. G. Beazley, Esquire.

✓ D. Milne, Esquire.

✓ Lieutenant-Colonel W. C. H. Forster.

✓ Lala Bishen Das.

✓ J. F. Mitchell, Esquire.

ANNOUNCEMENTS FROM THE CHAIR.

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

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

The Punjab Municipal (Amendment) Act, 1922.

The Punjab Small Towns Act, 1922.

The Punjab Village Panchayat Act, 1922.

GOVERNOR'S ASSENT TO BILLS.

Mr. President: I have also to acquaint the Council that the Punjab Town Improvement Act, 1922, has received the assent of His Excellency the Governor.

PANEL OF CHAIRMEN.

Mr. President: I have to announce to the Council that I have appointed the following gentlemen to serve on the panel of Chairmen for the present session :—

- (1) Diwan Bahadur Raja Narendra Nath,
- (2) Khan Bahadur Sayed Mehdi Shah,
- (3) Khan Bahadur Malik Muhammad Amin Khan, and
- (4) Sardar Dasaundha Singh.

APPOINTMENT OF LIBRARY AND HOUSE COMMITTEES.*

Mr. President: I have to announce to the Council that I have re-appointed as members of the Library and House Committees of the Council the same gentlemen as were appointed last session.

REVISED INSTRUCTION NO. 4.

Mr. President: I desire to inform the Council that I have issued a revised instruction under Standing Order 31. The new instruction No. 4 will now run as follows :—

Under Standing Order No. 31, I shall take the decision of the Council on motions put before it by voices, calling in order for "ayes" and "noes," I shall then, if the voting is unanimous, say "The 'ayes' (or 'noes') have it." If the voting is not unanimous, I shall say, "I think the 'ayes' (or 'noes') have it," and if this view is not challenged, shall then say "The 'ayes' (or 'noes') have it." The use of this expression means that the motion is carried (or lost). If my view is challenged and some member rises in his place to ask for a division, I may ring the division bell at once, but if there appears to be no reasonable doubt as to the result of the voting, I may repeat my opinion to see if it is again challenged. If division is still asked for, the division bells will be rung for two minutes to enable members not present in the Chamber to return to their places. On the expiry of two minutes the doors of the Chamber will be closed. I shall then again put the question and again take the vote of the House by voice, and again state my opinion as before. If this is not challenged it will be understood that the claim to a division is withdrawn. Otherwise I shall then call upon the "ayes" to stand in their places and their names will be marked off by officials of the Chamber or by tellers on lists prepared for the purpose. A similar procedure will be followed in the case of the "noes." As an experimental measure the practice at present in vogue of calling upon members to stand in their places by blocks will be abandoned. The lists will then be handed to the Secretary who will count the votes and present to me the totals of "ayes" and "noes." I shall then announce the result of the division and the doors of the Chamber will be re-opened. The lists will be preserved and printed in the Council Proceedings. Should any member find he has given his vote not in the way he intended, he may rise in his place and, on a point of order, ask for a correction to be made in the lists, but he must do this before the Secretary has presented the lists to me duly totalled.

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

QUESTIONS AND ANSWERS.

PUBLIC MONEY SPENT ON COMMITTEES AND CONFERENCES.

†1871. Dr. C. A. Owen: (a) Would Government please say how much public money has been spent in the Punjab on committees and conferences since the reforms came into force?

*See page 312, Vol. VI.

† Dr. C. A. Owen being absent, his questions were put by Mr. Gaupat Rai with the permission of the Honourable the President.

(b) How much of the total has been spent on committees appointed in consequence of resolutions of the Punjab Legislative Council?

The Honourable Sir John Maynard : (1) To obtain the information required by the honourable member it would be necessary to obtain the name of each member, official or non-official, attending any conference on any date since the reforms began and to ask the Accountant-General to excerpt the amount of his travelling allowance from the accounts. This would entail an amount of labour so great that Government regrets it cannot undertake it.

(2) Government will in future arrange that a record shall be kept by the officers who pass the travelling allowance bills of members of committees of this House and other permanent committees appointed by Government. This will to some extent meet for the future the requirements of the honourable member.

Cases of Diphtheria at Bishop Cotton School.

1872. Dr. C. A. Owen : (a) Is it a fact that several cases of diphtheria have occurred this year among the boys at Bishop Cotton School?

(b) How many cases have occurred since the beginning of the school term and on what dates?

(c) How many boys have been found to be "diphtheria carriers" outside the number of those attacked by the disease?

(d) Was the fact of so many cases of infection brought to the notice of the Civil Surgeon and on what date?

(e) What steps, if any, were taken by either the Civil Surgeon or the Health Officer to prevent a recurrence of the disease and on what date?

(f) If there have been "diphtheria carriers" in the School, what steps were taken by the authorities concerned to prevent these carriers from communicating the disease to others?

The Honourable Khan Bahadur Mian Fazl-i-Husain : The necessary information is being collected and will be communicated to the honourable member when ready.

(Question No. 187 by *Pir Akbar Ali* was not put.)

COMMUNAL REPRESENTATION IN FEROZEPORE DISTRICT BOARD.

1874. Pir Akbar Ali : (a) Will the Government be pleased to state the number of elected members in the Ferozepore District Board per community?

(b) Is it a fact that the Muhammadan population in the Ferozepore District is about 50 per cent.?

(c) Is it also a fact that the number of Muhammadan members in the District Board is small in proportion to the Muhammadan population? If so, will the Government be pleased to consider the desirability of granting separate representation to them in the District Board according to their numerical strength?

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

(a) Muhammadans 10

Hindus 5

Sikhs 21

(b) The answer is in the affirmative.

(c) The matter is under the consideration of Government.

DIRECT METHOD OF TEACHING.

1875. **Pir Akbar Ali:** (a) Is the Government aware that the direct method of teaching is not suitable for the teaching of the Urdu language?

(b) Will the Government be pleased to obtain the opinions on this point of teachers employed for teaching infant classes?

(c) If after enquiry it seems to establish that the direct method of teaching does not suit for teaching Urdu, will the Government kindly issue instructions to the teachers employed to teach infant classes to the effect that they should give up this method of teaching?

The Honourable Khan Bahadur Mian Fazl-i-Husain: It is not understood what is meant in the question by the direct method of teaching the Urdu language. The term direct method is generally applied to a method of teaching a foreign language (for instance, the teaching of English in Indian schools or of French in British schools) and not to the teaching of a vernacular. The direct method very briefly means the direct association of a word or name with the object denoted by that name and obviously this method is not employed in the teaching of a vernacular language in which the children have learned to associate objects with their names before they come to school.

It is presumed that the question has reference to the 'look-and-say' method of teaching reading which has recently been attempted in the teaching of Urdu in this province. It was felt that properly employed the look-and-say method might lead to a more rapid acquisition of the ability to read on the part of primary pupils especially in the lower classes where there has unfortunately been much stagnation. Enquiry shows that the average primary school teacher is too inexperienced to make good use of this method and in such cases inspectors do not encourage it. The object of the department is to simplify the work of the primary school teacher so as to hasten universal literacy with all possible speed, and with this end in view method should be subordinated to results.

CONTROL OF VETERINARY AND AGRICULTURAL DEPARTMENTS.

1876. **Sardar Kartar Singh:** (a) Is it a fact that the Veterinary and Agricultural Departments are not under the control of Veterinary and Agricultural experts?

(b) If so, does the Government propose to put these departments under the control of professional experts?

The Honourable Lala Harkishan Lal: (a) The Veterinary and Agricultural Departments are under the control of the Director of Agriculture, an appointment which has not hitherto been held by a Veterinary or Agricultural expert though it is at present being held as a temporary measure by an officer of the Agricultural Department.

(b) Government hopes before long to be able to put the Agricultural Department permanently under the control of an agricultural expert, but to treat the Veterinary Department in a similar manner would, at present, be an

unjustifiable expense, and in this case the control will remain with a member of the Indian Civil Service probably with the assistance of a Veterinary adviser.

PROMOTION OF MEMBERS OF PROVINCIAL VETERINARY SERVICE TO
IMPERIAL SERVICE.

1877. Sardar Kartar Singh: (a) Is it a fact that not even a single member of the Provincial Veterinary Service has up to this time been taken into the Imperial Service as has been done in the sister Department of Agriculture?

(b) If so, does the Government propose to do so?

The Honourable Lala Harkishan Lal: (a) It is a fact that no member of the Provincial Veterinary Service has been considered fit as yet for promotion to the Imperial Service.

(b) Attempts are being made to provide an opportunity to Provincial Service officers to fit themselves for promotion.

SEEPAGE OF WATER FROM THE LOWER JHELUM CANAL.

1878. Malik Firoz Khan, Noon: (a) Is it a fact that seepage water is appearing in the villages of Wan Miana, Jholpur, Dhingranwali, Tahsil Bhalwal, District Shahpur, and causing damage to the lands in those villages?

(b) Is it a fact that the landowners are suffering serious damage owing to the seepage of water from the Lower Jhelum Canal?

(c) If the answers to (a) and (b) are in the affirmative, will the Government kindly consider the question of so regulating the water in the Lower Jhelum Canal that it does not damage the lands mentioned above or else compensating fully the landowners by allotting to them other lands equal in value to the total loss sustained by them?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: "It is a fact that signs of water-logging have become apparent in the villages mentioned. A careful investigation is being made, and suitable measures will be prepared for remedying the trouble when the investigation is complete.

KOT KHUDAYAR-CHINIOT ROAD.

1879. Rai Bahadur Lala Sewak Ram: Arising out of the answer given to my question No. 1804* asked on the 11th August 1922, will Government be pleased to lay on the table the report of the Executive Engineer, Shahpur Provincial Division, and state what action, if any, has so far been taken

*See page 363 of volume IV.

by the Deputy Commissioner of Jhang ? If no action has so far been taken, will Government be pleased to direct the Deputy Commissioner to take early action in the matter ?

The Honourable Lala Harkishan Lal : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

COMMUNAL REPRESENTATION IN MONTGOMERY DISTRICT BOARD ELECTIONS.

1880. Rai Bahadur Lala Sewak Ram : Is it a fact that Government has introduced the system of communal representation in the elections for the Montgomery District Board ? If so, will Government be pleased to state whether the number of seats allotted to different communities is to be regulated according to the population of each community or according to the voters of each community ? If the former, will Government be pleased to reconsider its orders and order the latter, as is the case in Council elections.

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

Rai Bahadur Lala Sewak Ram : Will Government be pleased to state what other system has been introduced ?

Mr. President : That is a new question and outside the scope of the original question. The answer already given is definite by itself and covers the original question.

RESTRICTIONS ON THE SALE OF SULPHURIC ACID.

1881. Mian Ahmad Yar Khan, Daultana : Will the Government be pleased to enforce some measures preventing people from keeping more sulphuric acid than a fixed quantity without a license ?

The Honourable Sir John Maynard : The question is under consideration.

MILITARY ASSISTANT SURGEONS IN CIVIL EMPLOYMENT.

1882. Dr. C. A. Owen : Arising out of the answer given to my question No. 959* on the 24th October 1921, will the Honourable the Minister for Education be pleased to furnish a complete list up to date of Military Assistant Surgeons serving in the Punjab (excluding Imperial and Railway appointments), showing against each name—

- (1) the date of entering the Punjab ;
- (2) (i) permanent appointment on transfer to the Punjab ;
(ii) appointment held at the present time ;
- (3) order of precedence in the Punjab Civil Cadre amongst its own members (I.M.D.).

*See page 320 of volume II,

The Honourable Khan Bahadur Mian Fazl-i-Husain: Information asked for is placed on the table.

List of Military Assistant Surgeons serving in the Punjab.

Names in order of Precedence.	Date of entering the Punjab.	Permanent appointment on transfer to the Punjab.	Appointment held at the present time.	REMARKS.
1. Major W. C. L. Deaka, I.M.D.	8th December 1895	Senior House Surgeon, Mayo Hospital, Lahore.	Civil Surgeon, Gujranwala.	
2. Major W. C. M. Charlton, I.M.D.	7th May 1899	Civil Surgeon, Gujranwala.	Civil Surgeon, Ambala.	
3. Major H. W. V. Cox, I.M.D.	22nd July 1899	Medical Officer, Southern Punjab Railway, Rhynda.	Superintendent, Punjab Lunatic Asylum, Lahore.	
4. Mr. E. F. Göttinger, I.M.D.	1st October 1904	House Surgeon, Albert Victor Wing, Mayo Hospital, Lahore.	Civil Surgeon, Gurdaspur.	
5. Mr. B. E. Murray, M.B.O.S., L.R.C.P., I.M.D.	17th February 1908	House Surgeon, Albert Victor Wing, Mayo Hospital, Lahore.	Civil Surgeon, Shahpur District at Targodha.	
6. Mr. H. C. Phillips, I.M.D.	18th March 1908	Superintendent, Punjab Vaccine Institute, Lahore.	Superintendent, Punjab Vaccine Institute, Lahore.	
7. Lieutenant E. D. Sha, I.M.D.	9th September 1908	Mayo Hospital, Lahore.	Deputy Medical Superintendent, Mayo Hospital, Lahore.	
8. M. T. W. Traynor, I.M.D.	26th September 1908	Assistant Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	Civil Surgeon, Gujrat.	
9. Lieutenant A. E. Clark, I.M.D.	27th November 1910	House Surgeon, Obstetric and Gynaecological Wards and in-charge, X-Ray Department, Mayo Hospital, Lahore.	Assistant to the Civil Surgeon, Lahore.	
10. Mr. G. McGuire	5th December 1910	Assistant Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	Junior Secretariat Establishment, Simla.	Serving temporarily under Government of India.
11. Captain W. J. P. Martin, I.M.D.	5th July 1911	Station Staff Dispensary, Simla.	Medical Officer, Kalka.	
12. Mr. J. E. R. Hoppelette, I.M.D.	(a) 21st February 1912 21st March 1921	Mashobra Dispensary, Simla.	Deputy Medical Superintendent and in-charge X-Ray Department, Civil Hospital, Amritsar.	Officiating.

(a) Date of entering Civil employ.

Name in order of Precedence.	Date of entering the Punjab.	Permanent appointment on transfer to the Punjab	Appointment held at the present time.	REMARKS.
13. Major A. W. Truter, I.M.D.	(a) 1st April 1918 21st February 1921.	Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	Superintendent, Camp Central Jail, Attock.	
14. Mr. H. J. J. Fordham, I.M.D.	8th August 1918.	Resident Medical Officer, Lawrence School, Ghora Gali.	Civil Surgeon, Dharmala.	
15. Mr. A. R. D'Abron, I.M.D.	17th December 1918.	Assistant Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	Resident Medical Officer, Lawrence School, Ghora Gali.	
16. Mr. A. F. J. D'Arcy, D.O.M., I.M.D.	(a) 20th March 1920. 16th April 1922.	Mashobra Dispensary, Simla.	Mashobra Dispensary, Simla.	
17. Mr. A. C. Vistar, I.M.D.	25th March 1920.	Assistant to the Health Officer, Simla.	Assistant to the Health Officer, Simla.	
18. Mr. A. H. Day, I.M.D.	2nd June 1920.	Mashobra Dispensary, Simla.	House Surgeon, Albert Victor Hospital, Lahore.	
19. Captain P. St. C. Truett, I.M.D.	31st December 1920.	Deputy Medical Superintendent in-charge X-ray Department, Civil Hospital, Amritsar.	Deputy Medical Superintendent in-charge X-ray Department, Civil Hospital, Amritsar.	
20. Mr. G. W. Hardy, I.M.D.	21st May 1921.	Mashobra Dispensary, Simla.	Kulu Dispensary, Kangra District.	
21. Mr. W. H. G. Thomas, I.M.D.	26th July 1921.	Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	Deputy Superintendent, Punjab Lunatic Asylum, Lahore.	
22. Mr. W. K. Coombs, I.M.D.	4th August 1921.	In-charge X-Rays and Electrical Department, Mayo Hospital, Lahore.	In-charge X-Rays and Electrical Department, Mayo Hospital, Lahore.	
23. Lieutenant A. W. Dyer, I.M.D.	1st March 1922.	Deputy Medical Superintendent and Resident Medical Officer, Ripon Hospital, Simla.	Deputy Medical Superintendent and Resident Medical Officer, Ripon Hospital, Simla.	

(a) Date of entering Civil employ.

TRANSFERRING THE HEADQUARTERS OF A MUNSI TO JAMPUR.

1883. Rai Bahadur Lala Sewak Ram : Arising out of the answer given to my question No. 1438* on the 1st August 1922, if Jampur in the Dera Ghazi Khan District is liable to be cut off by floods, would Government be pleased to consider the advisability of providing facilities to the litigants of Jampur to come to Dera Ghazi Khan for filing suits, etc. ? If not, will Government re-consider my suggestion, and if any difficulty is experienced with regard to accommodating the *Munsif* in the Tahsil buildings, will Government be pleased to hire some other building for the purpose at Jampur ?

Mr. H. D. Craik : A Munsif cannot be sent to Jampur as it is reported that there is not sufficient work for him. One of the two additional Munsifs in the Dera Ghazi Khan District has very recently been withdrawn and posted elsewhere. No accommodation for a *Munsif* is available in any Government building at Jampur and suitable accommodation cannot be hired as the town is small and confined.

TRANSFER OF A MUNSI TO KOT ADU.

1884. Rai Bahadur Lala Sewak Ram : Arising out of the answer given to my question No. 1489* put on the 1st August 1922—

(a) Will Government be pleased to re-consider my suggestion as there is sufficient work for a Munsif at Kot Adu in the Muzaffargarh District ?

(b) If any difficulty is experienced with regard to accommodating the *Munsif* in the Tahsil buildings, will Government be pleased to hire some other building ?

Mr. H. D. Craik : (a) The Civil work of the Kot Adu Tahsil is not sufficient to occupy the whole of a Munsif's time so Government is not prepared to post a Munsif at that town.

(b) No answer to this part of the question is now needed.

SANGHAR A.-V. HIGH SCHOOL, TAUNSA

1885. Rai Bahadur Lala Sewak Ram : Arising out of the answer given to my question No. 1544† put on 2nd August 1922, will Government be pleased to state whether the Education Department has since inspected the Sanghar A.-V. High School at Taunsa in Dera Ghazi Khan District, and whether it has any objection to recognising the school ? If there is no objection, will Government be pleased to consider the question of giving a suitable grant-in-aid to the said school at an early date ?

The Honourable Khan Bahadur Mian Fazl-i-Husain : I regret the information is not at present available, but will be communicated to the honourable member when ready.

CROWN VERSUS LALA JAGAT NARAIN.

1886. Rai Bahadur Lala Sewak Ram : (a) Will the Home Secretary to Government, Punjab, kindly state whether he had perused the judgment of

* Page 60, volume IV.

† Page 109, volume IV.

the trying magistrate, M. Hakim Din, Magistrate, 1st class, dated 10th February 1922, in the case *Crown versus Lala Jagat Narain*, B.A., son of Lakhmi Das, Khatri of Lahore, before answering my question No. 1562,* dated 2nd August 1922? If not, will he kindly do so now and state if his answer to my question No. 1562 is in conformity with the judgment?

(b) Will Government be pleased to re-consider my suggestion in the original question and release Jagat Narain Chopra?

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

(b) No.

ENHANCEMENT OF LAND REVENUE IN TAHSIL LEIAH IN MUZAFFARGARH DISTRICT.

1887. Rai Bahadur Lala Sewak Ram: Will the Government be pleased to lay on the table the answer to question No. 1566† put by me on the 2nd August 1922?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: As regards part (a), the answer to the first two sections of the question is in the negative and accordingly the remainder of part (a) and part (b) do not arise.

HILL TORRENTS IN DERA GHAZI KHAN.

1888. Rai Bahadur Lala Sewak Ram: Will the Government be pleased to lay on the table the answer to question No. 1569‡ put by me on 2nd August 1922?

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

REGISTRATION OF QUALIFIED NURSES.

1889. Dr. C. A. Owen: (a) Would Government be pleased to state if there is any form of registration in the Province for fully qualified nurses?

(b) If the answer is in the negative, would Government be pleased to consider the matter?

(c) Will Government be further pleased to take such action as may be necessary in order to obtain the recognition by British Medical authorities of the suggested Provincial register so that persons entered therein may be admitted without further question to registration in Great Britain?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (a) The reply is in the negative.

(b) In case need and demand for it are established Government will be prepared to consider the matter.

(c) Yes, when registration is decided upon.

WATER SUPPLY OF THE SIDHNAI CANAL.

1890. Mian Ahmad Yar Khan, Daultana: (a) Are the Government aware of the fact that there is a general complaint as regards the water supply in Sidhnai Canal?

* Pages 123-24, volume IV.

† Page 125 of volume IV.

‡ Page 126 of volume IV.

(b) Is it a fact that the canal only receives that water which remains unutilized by the other canals?

(c) Will the Government be pleased to improve the water supply of the Sidhna Canal and fix a proportionate share for it according to its area?

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

WATER SUPPLY OF THE LOWER BARI DOAB CANAL.

1891. Mian Ahmad Yar Khan, Daultana : (a) So the Government aware that there is a general complaint as regards the water supply of Rajbah 3-B of the Lower Bari Doab Canal and of all its minors (specially the tail minors) ?

(b) Will the Government be pleased to direct the officers concerned to improve its condition ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The information is being collected and will be placed on the table when ready.

1892. Cancelled.

REVISION OF ELECTORAL ROLLS.

1893. Rai Bahadur Lala Sewak Ram : With reference to the answer to my question No. 1277* put on 2nd March 1922, will Government be pleased—

(a) to issue orders for revision of Electoral Rolls ;

(b) to give 3 months' clear notice for objections and corrections ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :—

(a) Government intends to take up the question of the revision of Electoral Rolls in December 1922.

(b) In consultation with District Officers Government has reached the conclusion that it will not be possible to give more than 3 weeks' clear notice for objections and corrections.

Rai Bahadur Lala Sewak Ram : Will Government be pleased to give at least two months for objections and corrections.

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia : No.

COMMUNAL REPRESENTATION IN CERTAIN DEPARTMENTS OF GOVERNMENT.

1894. Rai Bahadur Lala Sewak Ram : Arising out of the answer to my question No. 1165† put on 10th January 1922, will the Honourable the Finance Member be pleased to state whether the number of qualified Hindus who present themselves for appointment to the Police Department is so insufficient as not to enable Government to increase the recruitment of Hindus to this department ?

The Honourable Sir John Maynard : The figures given to the honourable member in the reply to Council Question No. 1165, would show that 39

*Page 185, volume III.

†Page 61, volume III.

per cent. of the total Police appointments go to classes other than Muhammadans and Sikhs. There is always a difficulty about securing a sufficient supply of Hindu candidates for employment in this department.

TRAVELLING ALLOWANCE TO GOVERNMENT SERVANTS.

1895. Chaudhri Ali Akbar : (a) Is it a fact that in the financial year 1921-22 there is an increase of Rs. 27,97,829 in the travelling allowances of Government servants over the year 1913-14 ?

(b) If it is so, what are the causes which have occasioned so big an increase ?

(c) If the increase is due to the new scale of travelling allowance for Government servants having come into force, will Government be pleased to consider the desirability of reverting to the old scale ?

(d) In the event of its not so doing, will it be pleased to fix a fixed monthly travelling allowance for the touring officers ?

The Honourable Sir John Maynard : (a) The figure given is approximately correct.

(b) Increase in the number of Government servants, increase in railway fares and increase in rates of travelling and horse allowances granted on account of the general rise in prices, as well as liberalization of the rules regarding travelling allowance for transfers.

(c) The increase is not entirely due to the new scale of travelling allowance in force and Government does not consider that it would be expedient or fair to revert to the rates in force in 1913-14.

(d) The proposal to fix monthly travelling allowances would not solve the difficulty as the cost of travelling has increased as well as the number of Government servants. The recommendations of the Retrenchment Committee on the subject when made will receive very careful consideration.

PROPORTION OF LANDS OF OLD LANDHOLDERS IRRIGATED IN THE LYALLPUR DISTRICT.

1896. Khan Bahadur Sayed Mehdi Shah : (a) Is it a fact that in the villages Pindi Musa, Khai, Garh, Shadi Killianwala, etc., in the Lyallpur District, the old landholders can only get 50 per cent. of their lands irrigated ?

(b) Is the custom different in the Sheikhpura District where the old landholders get 100 per cent. of the land irrigated in Nankana Sahib, etc. ?

(c) If so, will the Government be pleased to explain the cause of this difference ?

(d) Will the Government please see the desirability of granting the same concession to the old zamindars of Lyallpur ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : The information is being collected and will be communicated to the honourable member when ready.

MAGISTERIAL AND EXECUTIVE ENQUIRIES IN CASES AT GURU-KA-BAGH.

1897. Mr. Ganpat Rai : (a) With reference to the correspondence that has passed between the Secretary of the "Congress Guru-ka-Bagh Enquiry Committee" and the Chief Secretary to Punjab Government, and

published by the Government, will Government be pleased to specify the cases giving full details of them in which magisterial and executive enquiries have been held and publish the result of such enquiries at an early date?

(b) Will Government be pleased to state whether notice of the place, date and time, together with the name of the magistrate or executive officer who was deputed to hold enquiry, was published for public information, and, if so, in what manner?

(c) Will Government be pleased to lay on the table the copies of the record of such enquiries as were made by magistrate or executive officers and publish them for general information?

Mr. H. D. Craik: It is regretted that the material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the honourable member as soon as available.

Mr. Ganpat Rai: May I ask, Sir, whether any magisterial inquiry has been held?

The Honourable Sir John Maynard: Three magisterial inquiries and seven police enquiries have been held.

COMMUNAL PROPORTION IN HISSAR DISTRICT POLICE.

1898. Rai Sahib Chaudhri Lajpat Rai: Will Government be pleased to state—

- (a) the number of Police Sub-Inspectors and Inspectors and Deputy Superintendents of Police in the Hissar District;
- (b) the number of Hindus and Muhammadans, respectively, amongst them;
- (c) the number of Hindu Jats, Hindu Rajputs, and Gaur Brahmans amongst them;
- (d) the number of residents of Hissar District amongst them irrespective of religion?

The Honourable Sir John Maynard: It is regretted that the answer is not yet ready, but it will be communicated to the honourable member in due course.

HINDU JATS OF HISSAR AND PUBLIC SERVICES.

1899. Rai Sahib Chaudhri Lajpat Rai: (a) Will Government be pleased to state how many Hindu Jats, Hindu Rajputs and Gaur Brahmans of Hissar District have been appointed as Naib-Tahsildars, Sub-Inspectors of Police, Tahsildars, Munsifs and Extra Assistant Commissioners within the last ten years?

(b) Is it a fact that not a single Hindu Jat of Hissar District has ever been appointed as Naib-Tahsildar, Tahsildar, Munsif, Sub-Inspector of Police or Extra Assistant Commissioner, and if it is a fact, will the Government be pleased to state the reasons why the Hindu Jats did not get their due share in these services?

Mr. H. D. Craik: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

COMMUNAL REPRESENTATION IN THE HISSAR DISTRICT BOARD.

1900. Rai Sahib Chaudhri Lajpat Rai: Will Government be pleased—

- (a) to state the reasons for introducing communal representation in the Hissar District Board against the express representation of the Board, *vide* its resolution No. 1, dated 4th October 1922, to the contrary;
- (b) to lay on the table all the correspondence on the subject between the Deputy Commissioner, Hissar, and the Government?

The Honourable Khan Bahadur Mian Fazl-i-Husain: The honourable member's question proceeds on an assumption the correctness of which is not admitted.

THE PUNJAB VILLAGE PANCHAYAT ACT (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain: [Education Minister]: Sir, I beg to present the Select Committee's report on the Punjab Village Panchayat Act (Amendment) Bill. This report has been circulated to the members of Council and I have no doubt they have noticed that the changes made by the Select Committee are mostly of a drafting nature. There are three changes which are of importance. The first one is in clause 3; the second one in clause 6 and the third one is in clause 10. It is unnecessary for me to say anything more at this stage.

THE PUNJAB DISTRICT BOARDS (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Fazl-i-Husain: [Education Minister]: Sir, I beg to present the Select Committee's report on the Punjab District Boards (Amendment) Bill. Honourable members must have noticed that the Bill has not actually benefitted by the presence of all the members of the Select Committee but those members who attended the meetings devoted considerable time to going into all the questions and have made very many changes and I have no doubt, have improved the Bill considerably. The Bill as amended will in course of time be taken into consideration and I have nothing to add at the present stage.

THE PUNJAB COURT-FEES BILL.

The Honourable Sir John Maynard: [Finance Member] Sir, I beg to move—

"That the Punjab Court-Fees Bill be referred to a Select Committee consisting of—

1. Mr. W. R. Macpherson,
2. Pir Akbar Ali,
3. Mr. Nawab Din, Murad,
4. Rai Bahadur Lala Sewak Ram,
5. Mr. Manohar Lal,
6. Mr. N. H. Prenter and
7. The Mover;

and that the Select Committee be directed to send in its report by the 6th November 1922."

Honourable members will recollect that this Bill was introduced in the last July session of this Council and in accordance with a motion which was carried in the Council it was circulated for obtaining opinion. It has now been circulated and the opinions are available for examination by a Select Committee. The Bill was published in July with its translation and has been in the hands of the members for some time. But it actually dates even further back than that. On a former occasion when I spoke about this Bill I said that this Bill was put forward by members of the pre-Reforms Council who desired to try methods of improving the finances of the Province and in accordance with that suggestion of the pre-Reforms Council the subject was discussed by a mixed committee of officials and non-officials in the autumn of 1920 and the present proposals are the outcome of their deliberations with such modifications as have since been made. The object of the Bill may be stated very briefly. We have a deficit which amounts to something like 123 lakhs of rupees every year. This Bill in a full year has been calculated to produce the sum of Rs. 25 lakhs.

Sir, I shall be very brief. There have been no changes in the scale of court fees since 1870. The only slight change that has been made has been in the method of calculating the computing value of agricultural land which pays land revenue. That was modified in 1918 and now stands at ten times the land revenue.

The changes that are proposed are these that *ad valorem* scale of fees on plaints, and on the memoranda of appeal is proposed to be raised to 50 per cent. and certain other items are proposed to be increased by a larger sum. For instance, a complaint in a non-cognizable case which has hitherto been charged 8 annas will henceforward be charged to Re. 1; general petition now one anna, two annas; and a *mukhtarnama* and *wakalatnama* now charged 8 annas will be charged Re. 1.

Mr. President: The question is:

"That the Punjab Court-fees Bill be referred to a Select Committee consisting of—

- (1) Mr. W. B. Macpherson,
- (2) Pir Akbar Ali,
- (3) Mr. Nawab Din, Murad,
- (4) Rai Bahadur Lala Sewak Ram,
- (5) Mr. Manohar Lal,
- (6) Mr. N. H. Prenter, and
- (7) The Mover;

and that the Select Committee be directed to send in its report by the 6th of November, 1922."

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadian) Rural]: Urdu—Sir, I would not like to make a lengthy speech. I would be very brief. This Bill is calculated to make justice more costly. It has already evoked very adverse criticism in the press. To raise *ad valorem* court-fees by 50 per cent. is most injudicious. The poor litigants are already dissatisfied with the current rates, for when a case is finally adjudicated upon, one can hardly recover one-fourth of the sum involved in the suit and for which one has paid the necessary amount of court-fee. The Bill

[Mr. Ganpat Rai.]

provides for raising court-fees still more, for example *advalorem* court-fees are to be raised from 7½ per cent. to 12½ per cent. This increase, Sir, would inevitably saddle the poor people who come to seek justice in our courts with a greater burden, and I wonder if it is a sound policy. Is not justice already very expensive that it is intended by this Bill to make it more expensive still? It has never been the policy of any Government to deprive its subjects from seeking justice by making it costly. This Bill is going to be introduced into the Punjab Legislative Council simply because other provinces have done likewise. I oppose this measure and appeal to Sir John Maynard, whose sympathies for the poor are so universally known to make justice cheaper and not dearer.

Sayed Muhammad Husain [Montgomery (Muhammadan) Rural]: Sir, I am sorry I cannot reconcile myself to this Bill. I thought it my duty to oppose it at the time of its introduction. I think it still my duty to oppose its being referred to the Select Committee. In my opinion, this Bill is uncalled for, unjust.....

Mr. President. I think I should mention it to the Council that at the last session they considered the principle of this Bill, and to a certain extent they have committed themselves to the principle of the Bill. I allowed Mr. Ganpat Rai to speak partly because it has not been ruled in this Council that when once the House has accepted the principle of a Bill, the matter can not be discussed again and partly because this is a different session. However I think it my duty to point out to the House that they have already once discussed this point. Subject to these remarks, I will allow the discussion.

Sayed Muhammad Husain. (continued): Sir, because I cannot reconcile myself to the Bill, I offer to the Select Committee some remarks for their consideration which I will now make. I am very glad that the honourable Mr. Manohar Lal is in the Committee. He has full knowledge of the subject. I know it, Sir, fully well that it must be the aim of all sound financial policy to effect an equilibrium in the finances of the Province. There should neither be any surplus nor any deficit. Retrenchment is the order of the day. Everywhere there are two ways of equalising expenditure and income: (1) either by having recourse to fresh taxation or (2) by retrenchment. It is not the time for Government to move for any special taxation. The report of the Retrenchment Committee is not yet before the Government, and I think that before the Government has had time to consider it, it is not justified in asking the House to give permission for fresh taxation. I say, Sir, that the levy of court-fees is unjust. I call it unjust because it is against all principles of present-day taxation. It loses sight of uniformity, universality, and capacity to pay. All the load of taxation will fall with a crushing weight upon the poor, the orphan, and the widows who are unable to pay. Supposing an unscrupulous fellow takes hold of the property of a widow, who cannot pay, what will be the result. Justice will be denied to her...

The Honourable Sir John Maynard (Finance Member): No fees are required for suits in *forma pauperis*.

Sayed Muhammad Husain—(continued): I know, Sir, but I think it is an open secret that very few cases are admitted. A man who possesses money has greater chances of success than the poor. I understand, Sir, no doubt that there is an exception made for the poor; but very few men avail themselves of this.

Then, Sir, it is known everywhere that all Governments, whether democratic or bureaucratic give free and prompt justice to all. At the time when the British people first of all drew their *Magna Charta* from King John the first words of the *Magna Charta* were "free and prompt justice", and yet we wonder to find that the greatest friend of the Province, our Sir John Maynard, instead of giving free justice is going to add fresh taxation to the liberality of justice. Justice should be free, and should not be fettered. The idea that this Bill emanates from a man whose sympathies for the poor are universal, is unthinkable. He is perhaps to be excused in this way that he thinks that the finances of the Province are so miserable that there is no other chance. I think he could have found other ways had he not lost sight of modern methods of taxation. I implore Mr. Manohar Lal, who is the greatest economist of the day in India, that he should see carefully to this oppressive measure. It is not a measure worthy of the day. It is our goal that we should shift our taxation from the poor and the rich must pay for the poor who are also human beings like ourselves.

Then, Sir, I say that it is unwise. I say it is unwise morally, economically, fiscally and politically. Morally it is unwise because it gives an incentive to dishonesty. It places a premium upon perjury and penalty upon integrity. The whole public conscience will be demoralised, which is an evil of great magnitude. Then I say *economically*, because it is most inelastic. All taxation must be elastic. Fiscally it is unwise, because it (the scale of court fee) has now reached a stage when any raising of that scale instead of bringing in more revenue to Government will reduce the income. In this connection I shall quote one great authority Mr. Joshi who writes "When one tax is settled at a level at which people are beginning to feel it acutely, it pays not to add to that tax but to try another kind." I think the Honourable Minister for Agriculture will bear me out that the putting of additional taxation on excise instead of bringing additional revenue, has brought it down. By increasing the court-fees, people will give up going to law courts and they will decide their cases by panchayats. There is already the Congress which is trying to induce the people not to go to law courts. It is starting non-co-operation panchayat courts. The result will be a very great fall in the revenue to Government. I wish that this point should be taken into consideration. Then, Sir, it is very unfortunate that this is not the time for any fresh taxation. People want to discredit Government by saying that they are selling justice. They bring in different sorts of stories. Just now the Government has passed the Panchayat Act with free justice and it would be an anomaly to free the people from taxation one with the hand and with the other to put on them a heavy taxation. These are the things which I have stated for the consideration of the Select Committee which has so eminent men as Sir John Maynard, Mr. Manohar Lal and others. It is for them to make the taxation as light as possible, for the poor.

Manvi Muharram Ali Ghishti [Lahore Muhammadan (Urban)] (Urdu): Sir, I perfectly understand that I should refrain from making a lengthy speech at this stage of the Bill, for it would unnecessarily waste the time of the Council and also injure our finances. According to my calculations if I prolong my speech at this stage, the Honourable Sir John Maynard will have to incur a loss of as many five rupees for each minute which I take. I would therefore be very brief in my remarks. It is absolutely impossible to carry on the administration of a country without taxation. There are certain

stories about alchemists that by discovering certain herbs they can transform copper into gold. Well, Sir, our Government have not yet discovered anything of that nature and we have therefore to resort to taxation. Although new taxation is an unpleasant measure still to meet our deficits it has become indispensable, and there are many things unpleasant in this world. I do not agree with my friend Sayad Muhammad Husain that sometimes he draws our attention to the old law courts of the Moghals and sometimes to those in the days of Maharaja Ranjit Singh. Is there any one who would wish to have justice from courts similar to those in the days of Maharaja Ranjit Singh? We are always exhorted to keep pace with civilization, but it is quite out of date to cite as an example the courts of justice which existed in the days of Maharaja Ranjit Singh. I am no economist but the fact is that we have to devise means for meeting a deficit of a crore and a quarter.

How can it be done without levying new taxation? If the court-fees are not increased and instead increase of land revenue is proposed, do you think the poor agricultural classes will receive the proposal quite complacently? This new taxation by raising the court-fees is therefore only the lesser of the two evils. While I was listening to the speeches of my two honourable friends I was expecting that they would suggest some other alternative how to balance our accounts. But they have simply opposed it without suggesting a remedy to meet the deficit. With these remarks I support the Bill.

Malik Feroz Khan, Noon [Shahpur West (Muhammadan) Rural] : Sir, I never thought that, considering the financial stringency that the Government and the Council are now facing, a measure which was calculated to bring in a high revenue would have created any more discussion especially when the matter had been already discussed in the Council at a previous session. When my learned friend in that corner (Mr. Ganpat Rai) was speaking, I thought he was not really so serious. But when I saw the Pir Sahib speaking in opposition to a resolution of this nature I was really shocked, because he is a gentleman who knows the working of the finances of the Province, and who has been on the Finance Committee which has been discussing ways and means for getting out of bankruptcy. We have been trying to find out means to meet the deficit and in our deliberations we have been counting upon this Court-fees Bill as one of the means of meeting the deficit of a crore and a quarter per annum. It is quite an easy matter to get up and say 'we do not want this measure, we do not want taxation'. But I ask the honourable member to come and sit in the Finance Member's seat and try if he can do without finances and then give his verdict before opposing this measure which has been brought forward in order to help the administration of law and justice in this country. Sir, this is a deficit which has got to be met. The utmost the Retrenchment Committee can do is to retrench only to the extent of 15 lakhs per annum and that is a mere drop in the ocean, and I am not certain whether the Government will be able to...

Sayad Muhammad Husain : I rise to a point of order, Sir. The report of the Retrenchment Committee is confidential and the honourable member has no right to allude to it.

Malik Feroz Khan, Noon : (continued) Sir I was not on the Retrenchment Committee and I know nothing as to its findings, or proceedings. I am only talking commonsense. Sir, you will realize that a reduction of 15 lakhs is a mere drop in the ocean. I submit, Sir, that the Court-fees Bill is one of the means of reducing the deficit which our rural members should not hesitate in

agreeing to because if they did not agree to the Court-fees Bill they would have to agree to a greater evil, that is, the increase in the occupiers' rate, which the Government wish to prevent. Then we can go to the Finance Member and say: "Please wait for another year before you increase the occupier's rate. We seriously realize the situation and we are prepared to help you and not to hinder you in carrying on the government of this Province." This is a measure which I hope will receive the prompt support of the Council and that no time will be wasted on the question.

The Honourable Sir John Maynard (Finance Member): Sir, I have a very few words to say, but I wish to take this opportunity of impressing one or two very simple facts upon this Council. We have recently calculated with very great care what is the approximate amount of our normal recurring deficit. Let me in the first place explain to you broadly how this deficit has come about. In the first place, owing to a very great increase in the cost of commodities Government has been compelled to raise very largely the wages of all its servants. The cost of that has been 140 lakhs per annum. That is the result of higher prices. In the second place the cost of maintenance of irrigation works has gone up by a very large sum. It is approximately an additional 48 lakhs per annum. In the third place, partly owing to well-intentioned action on the part of certain people, intentions which I do not for one moment want to question, the excise revenue of the Province has been diminished by a sum approximating to 50 lakhs per annum. And finally the beneficent department have under the Reform administration very naturally a claim to a substantially increased share of the revenue. The total result of 140 lakhs on account of increased wages of Government servants, 48 lakhs the extra cost of maintaining irrigation works and 50 lakhs loss on excise together with the increased outlay on education and other beneficent purposes has been to place the Province in the position of the normal recurring deficit upon which we must count for some time to come unless we take special measures to reduce it. The amount is 123 lakhs per annum. That is the deficit which the Province has to face. Now, Sir, many gentlemen must have banking accounts of their own and they probably know the sort of way in which bankers deal with a client who overdraws his account. If the client is a reliable man the banker will for a certain time tolerate this sort of overdraft, but the moment will come when he would say to the client: "This must cease, you must pay up your overdraft, you must balance your income and your expenditure." Then the client is faced with the alternative of increasing his income by some method or of decreasing his expenditure. Sir, a speaker has said that it is only a question of sufficient retrenchment in order to recover this recurring deficit of 123 lakhs per annum. This is a pure illusion. Unless the honourable member is ready to face the necessity of completely destroying the work of the beneficent departments it will be impossible for him to reduce anything approaching the sum which we have to find. And what must be the result. I have spoken of the private individual whose income does not equal his expenditure. I have spoken of the manner in which his banker will be likely to deal with him. The position of a province with the Government of India is precisely analogous. The Government of India is our banker. For a time, for a reasonable time, the Government of India are prepared to allow our overdrafts. If they see that we are making a strenuous and genuine effort to balance our accounts then the Government of India as our banker may be disposed to deal with us in a lenient fashion and give us time to do the work which we have to do. But if they see that this Council ignor-

[Sir John Maynard.]

ing its true responsibility as a helper of Government, declines to assist in the work of meeting the balance, the result must be that the Government of India would decline our financial overdrafts any longer and we shall find ourselves compelled perhaps at a most inconvenient moment to adopt measures of taxation even more strenuous than those which are now proposed.

Mr. President : The question is—

"That the Punjab Court-fees Bill be referred to a Select Committee consisting of—

- (1) Mr. W. R. Macpherson,
- (2) Pir Akbar Ali,
- (3) Mr. Nawab Din Mursad,
- (4) Rai Bahadur Lala Sewak Ram,
- (5) Mr. Manohar Lal,
- (6) Mr. N. H. Prenter, and
- (7) The Mover ;

and that the Select Committee be directed to send in its report by the 6th November 1922."

The motion was carried.

THE PUNJAB MUNICIPAL (AMENDMENT) BILL.

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

"That leave be granted to introduce the Punjab Municipal (Amendment) Bill."

As is well understood, Sir, the Punjab Municipal Act was passed in the year 1911. Since then those who have been working the Act have realized that it is not a measure without faults. Since then a number of files came into being in the Secretariat of the Punjab Government showing where the various provisions of the Bill were at fault, where there were defects due to vagueness, where there were defects due to insufficient powers having been given to the municipality. In the year 1918 the Government of India Resolution on local self-government was sent to various local Governments. In connection with the resolution the Punjab Government in 1918 called a committee of officials and non-officials to go into the whole matter. Several members of this Council were members of that committee. Certain proposals were made and circulated amongst the district officers and the local bodies. Their answers were received and certain proposals were formulated. In 1921 after the introduction of the Reforms all these proposals were considered by the Government. It was considered that these pre-Reform materials were perhaps not sufficient and therefore a circular letter was last year issued to all the members of this Council requesting them to send their suggestions for the improvement of the Punjab Municipal Act. In reply to this invitation certain members of this Council did me the favour of sending in their suggestions. Again those suggestions were considered with the result that the Bill was drafted, and that is the Bill which has now been circulated and has also been published.

Sir, the underlying principle of this Bill will be better understood if I draw the attention of the honourable members to the grievances of India with regard to local self-government administration. We used to put them under two heads. One was the undue interference by officials in the administration of local self-government, that is to say, we used to say the local bodies were over-officialized. It was also said that there were too many officials on these local bodies. The second complaint against local self-government was that the local bodies were not given sufficient powers to enable them to show what they could do. They could not impose taxation. It was felt that it was an indignity which the local self-government could not any longer tolerate, and that they should be freed from fetters which the Central Government was imposing upon them. Therefore I proceeded to do what I could to meet these two objections and I found that a great deal could be done so far as this official bondage is concerned. I think during the last 22 months a great deal has been achieved. As many as 25 municipalities have got non-official presidents since January, 1921. Formerly there were only 21.

We have added 25 non-official presidents to the list of those that rule their own destinies independent of official control. That I claim is an achievement in the Local Self-Government Department of which the Province may well be proud. I trust, Sir, that within a short time—probably a month or so—another list will be added to this list, with the result that as many as 37 municipalities will have non-official presidents within two years of the introduction of the Reforms. I can assure you, Sir, that, as a matter of fact, very few will be left which have not the blessing of a non-official president. How long they will retain that blessing it is not for me to say. So far as the official element in the local bodies is concerned, it has been greatly reduced. Take the case of the premier municipality of the capital town. It has, I believe, only one official member, and it consists of no less than 28 non-officials out of 32 members.

Coming now to the changes introduced through the Bill they can be put under three heads. The first is extension of power. It will be noticed, Sir, that clause 12 gives more extensive powers of taxation than the local bodies possessed before. It is to be noticed that so far as their powers of investments are concerned, they will be free as is apparent from clause 11. It will also be noticed that the indignity, which I know certain local bodies resented deeply, will be removed by clause 10.

Coming then to more extensive powers, it will be noticed that clauses 16 and 20 will give the local body an authority over the machinery which we all employ for securing cleanliness and removing nuisances. Clause 21 gives more extensive power to the local body to give to the rate-payers of the local body better supply of water. Clause 23 will enable the municipality to see what it can do to have undesirable premises screened off. These are some of the things that the municipalities under new legislation will be able to do which they were not able to do before. General powers and facilities in the administration are provided for by clauses 22, 27, 30 and 31. While the Bill is intended to give more extensive powers to local bodies, precaution is taken for safeguarding the individual, and clause 32 is designed to see that the local bodies do not become arbitrary in the exercise of their discretion and an appeal is provided for by that clause against their orders in certain cases. Under the second head, the legislation now placed before the Council consists of facilities in administration and removal of doubts and defects. This

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

brings me, Sir, to another aspect of the Bill which is more important that is to say, the constitution of the committee. It will be noticed that clause 4 of the Bill provided that the percentage of elected members in all these municipalities will be at least 75 per cent. In fact it is going to be nearly 80 per cent.....

Mr. President: I do not wish to unduly restrict the Honourable Minister, but I cannot allow the contents of the Bill to be discussed at length at this stage. Is there any reason to suppose that the motion for leave to introduce the Bill will be opposed?

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): It is very difficult to make a guess at this stage; but I have no reason to believe that there is any strong desire on the part of the members to oppose it. The constitution of the committee is certainly liberalised. At a later stage to-day, I will be able to show in what way the improvements have been effected. There is, what the great oracle of Lahore has said, an innovation, i.e., the introduction of the oath of allegiance which has been included in the Bill in order to carry out the suggestions of one of the Honourable members of this Council. More of it will be said later. These are the main provisions of the Bill, and I trust, generally speaking, that it will meet with the approval of the Council. Of course, it cannot be said that the Bill does not need any improvement. With these remarks, Sir, I move that leave be granted to introduce the Punjab Municipal (Amendment) Bill.

Mr. President: The question before the Council is—

"That leave be granted to introduce the Punjab Municipal (Amendment) Bill."

Mr. Ganpat Rai [Lahore and Ferozepore-and-Sheikhupura (Non-Muhammadan) Rural]: Sir, I did not like to speak on the motion. I thought some other gentleman will take my place but not finding one ready, I am obliged to say a few.....

Mr. President: Does the honourable member actually intend to oppose the introduction? If not, I cannot allow him to make the remarks.

Mr. Ganpat Rai: I do not propose to oppose the motion for leave to introduce the Bill.

Mr. President: Then I cannot allow the honourable member to make any remarks.

The question is—

"That leave be granted to introduce the Punjab Municipal (Amendment) Bill."

The motion was carried.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I beg to introduce the Punjab Municipal (Amendment) Bill.

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

"That the Punjab Municipal (Amendment) Bill be referred to a Select Committee consisting of—

(1) Mr. Ganpat Rai,

(2) Khan Bahadur Khwaja Yusuf Shah,

- (3) Khan Bahadur Syad Mehdi Shah,
- (4) Mr. K. L. Ralla Ram,
- (5) Sardar Kartar Singh,
- (6) Pir Akbar Ali,
- (7) Mr. A. Lohifi.
- (8) A member to be nominated by the President,
- (9) Mr. N. H. Prentex, and,
- (10) The mover."

Mr. President: Perhaps I had better make an explanation regarding the President's nomination under Standing Order 41. When the list of business shows certain names of members of proposed Select Committees within brackets at the end of the list of proposed members, then those bracketed names are the names of members referred to in Standing Order 41. The indication to be derived from these brackets is that these names are not open to discussion by the Council. They are simply appointed under Standing Order 41, and the inclusion of the name of the Deputy President or of a chairman within brackets indicates that that gentleman has been nominated by me.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): Sir, what I have said with reference to my first motion has I believe already shown how far the act has been improved. So far as clause 4 is concerned, Sir, it has been fortunate enough in receiving some comment from the organs of public opinion in Lahore but when I see what that comment is, I feel, Sir, more or less, despondent as to the attainment of *Swaraj*. I should have thought that on a simple measure like this, criticism would be at least well informed. It appears, Sir, that those who took it upon themselves to criticise the measure had neither an opportunity of looking at the present Act nor of understanding it. At present under the Municipal Act of 1911, the number of nominated officials can be as much as 33 per cent. of the total strength of the municipality. Under the Bill, Sir, the total number of nominated members, both official and non-official, can never exceed 25 per cent. Therefore that criticism that from a percentage of 33 a great advance has not been made to a percentage of 25 shows that the real change has not been appreciated by the critic. The change is from 33 per cent. official members to 25 per cent. nominated members, both official and non-official. However, there is one thing which makes rather hopeful of the approaching of *Swaraj* and that is the development of a sense of humour in an Anglo-Vernacular daily of Lahore...

Mr. President: I think the honourable member must not discuss contents of a particular newspaper in the discussion any further. I should have stopped him in the very beginning. If he wishes to discuss the contents of a newspaper, he should actually state what was contained in the newspaper by saying that there has been such and such criticism and refute that criticism. I think reference to a particular newspaper is undesirable.

The Honourable Khan Bahadur Mian Fazl-i-Husain (continued): I will certainly bow to your ruling in regard to references to newspapers. Now Sir, the innovation referred to is the oath of allegiance under clause 6 which is being introduced in this Bill. In the first place it is not an innovation. It is only a copy of the Madras reformed Legislature's innovation. We are only following the precedent of a Presidency which is one of the most enlightened if not the most enlightened province in India. Whether this innovation of

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

the Madras Presidency is worth copying or not, I myself, Sir, entertain grave doubts. But there is nothing like placing the matter before a responsible house like the present one and finding out whether this House approves of it. However, Sir, I really see no harm in the oath of allegiance being introduced in the Municipal Bill when it has been provided for in the Indian and Provincial legislatures. This provision has been criticised from two different standpoints. One criticism is why bring in this system of oath-taking at all? If so, this criticism could well be applied to legislatures as well. From another quarter a criticism has been made that the oath of allegiance imports dignity to the members. That dignity might well be given to members of the legislatures; but when it comes to giving it to members of local bodies also you are making it too cheap and therefore the members of the municipalities and district boards should not have that dignity. How far that criticism will appeal to the members of this House, some of whom do not think it beneath their dignity to work in municipalities, I cannot say. But to me it appears that the matter is not of very great or vital importance, but is only one of sentiment; and when matters of sentiment come in I am more inclined to place them before a large number of people. I think I have explained the genesis of this excellent innovation. I have also said that it is not a matter of such supreme importance over which any one need go into ecstasy. It is the possibility that it may do some good or at all events that it can do no harm that has made me introduce the provision and as such I will be very pleased to hear any suggestions that may be made either here, or in the Select Committee. With these words, Sir, I move that the Bill be referred to a Select Committee.

With your permission, Sir, I will just correct the list of members that I read out. That list has provided for ten names. If you permit me, Sir, I would like to add two more names to it. One is that of Mr. J. G. Beazley, an expert in the Department of Local Self-Government, and one whose assistance I should very much like to have in the Select Committee. The other name is that of the oldest municipal board worker, I mean Rai Bahadur Lala Hari Chand. If you permit, Sir, I would like to add these two names to the list I have already read out.

Mr. President :—The question is that—

“ The Punjab Municipal (Amendment) Bill be referred to a Select Committee consisting of—

1. Mr. Ganpat Rai,
2. Khan Bahadur Khwaja Yussaf Shah,
3. Khan Bahadur Sayad Mehdi Shah,
4. Mr. K. L. Rallia Ram,
5. Sardar Kartar Singh,
6. Pir Akbar Ali,
7. Mr. A. Latif,
8. Mr. J. G. Beazley,
9. Rai Bahadur Lala Hari Chand,
10. Mr. Manohar Lal,
11. Mr. N. H. Prenter, and
12. The mover.”

Rai Bahadur Lala Sewak Ram : Sir I beg to move the following amendment—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th of January 1922."

I only wish to say a few words in support of this amendment. This Bill is such an important measure and has introduced such drastic changes into the old Act that it would be advisable to circulate it for two or three months so that we may have the advantage of having the opinions of various local bodies and the press who may be able to tell us whether this Bill may be accepted as it is and if not, we should have the benefit of their views.

In these circumstances I do not like to say anything more to refute the arguments advanced by the Honourable Minister for Education because I will have some other opportunity. I hope he will accept that the Bill be for the present circulated for eliciting public opinion.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, I give full support to the motion that has been put forward by my friend Rai Bahadur Lala Sewak Ram. If the Bill contained only a few formal changes, a few changes in the draft then there would have been no necessity of asking for time to elicit public opinion. As the Honourable Minister has himself explained it gives some wider powers to the municipal committees than existed in the former Act, I wish to draw your attention and the attention of this House to the well recognised principle that it is possible for people to misgovern or overgovern themselves. Therefore we should think twice before widening the powers of any body whether it contains a large portion of elected members or not. When I read through the Bill section by section I discovered in it an attempt to embody in it provisions which exist in the Town Improvement Act, while clause 39 of the Bill gives such wide powers to the Committee that the tax-payers should be allowed to have their say as to whether it is safe to give these wide powers to any Committee. The clauses 170 (a) to 170 (f) introduce a new . . .

Mr. Ganpat Rai : There are not so many sections in the Bill.

Diwan Bahadur Raja Narendra Nath (continued): The clause of the Bill is clause 40 but that clause 40 proposes the addition of certain sections to the main Act. Those sections are to be styled 170 (a) to 170 (f). These new sections which are all embodied in one clause introduce a very radical change and the opinion of the public ought to be ascertained whether powers like these should rest in any municipal committee, however large, may be the number of elected members. Then I find a somewhat drastic change introduced in clause 43 on which also public opinion should be ascertained. The Bill came to our hands only three or four days ago. It might have been published in the Gazette but it has not attracted the amount of attention which it should have. At any rate as has been explained by the honourable Mover attention has been concentrated only on the clause which prescribes an oath of allegiance to the Crown. For this reason I think it will be advantageous to the Honourable Minister and to the Government and to the people who are to be affected by the Bill that opportunity should be given for eliciting public opinion on such an important measure as this Bill. I hope that this amendment which I am moving will be acceptable to the Hon'ble Minister and if he does not find his way to accept it I hope the Council will accept it.

Mr. President : The question originally before the Council was—

"That the Punjab Municipal (Amendment) Bill be referred to a Select Committee."

To that an amendment has been moved—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of January 1923."

The question is that the amendment be made.

Pir Akbar Ali [Ferozepore (Muhammadan) (Rural)] (Urdu): Sir, I oppose the amendment moved by Rai Bahadur Lala Sewak Ram. When the Honourable Minister has explained that the Bill is based on public opinion which has already been obtained, its postponement is not proper. Postponing the matter now means another six months and hardships to the Municipal Commissioners and I am one of them. I do not understand why Rai Bahadur Lala Sewak Ram and Diwan Bahadur Raja Narendra Nath, who were hitherto in favour of extending the powers of local bodies, should now come forward to object to the present measure. The Bill is an important one and accordingly I oppose the amendment.

Mr. Ganpat Rai : [Lahore and Ferozepore-cum-Sheikhupura (non-Muhammadan) Rural] : Sir, The Honourable Minister for Education has explained that it is a very proud day for the Province that he is enabled to introduce this Bill. He said that there are now 25 non-official presidents of municipalities. Sir, though I welcome the Bill, surely I cannot congratulate him. I welcome the Bill because this will give us an opportunity to propose amendments to the old Act. To claim that this is a great advance towards local self-government. . . .

Mr. President : Will the honourable member please speak to the amendment ?

Mr. Ganpat Rai (continued) : Sir, can I not speak generally on the motion that has been made by the honourable member ? I am speaking on the principle of the Bill.

Mr. President : In view of the argument that if the amendment is passed and the Bill is circulated for opinion you will have lost the chance of speaking on the principles of the Bill at this stage, you may proceed with your discussion of principle.

Mr. Ganpat Rai (continued) : I said that I welcome the introduction of this Bill because it will give an opportunity to improve the old Act but I do not congratulate the Honourable Minister on several provisions which he claims to constitute a great advance. Sir, the first point is that he is now reducing the official element to 25 per cent. He says that in the old Act it was 33 per cent, and now he has reduced the total nominated agency, officials and non-officials, to 25 per cent. I think I may be allowed to say that he is relying on the literal reading of the present Municipal Act. In practical experience we find that the nominated element is even now 33 per cent. I may be allowed to say that though these nominated members might not be termed officials but anyhow they are demi-officials. These are the persons who are appointed to support the official side because they are nominated. They think it is their duty to do so. I have an experience of 30 years of the local municipality and I have also spoken to the nominated members and they have said we are nominated by the officials and therefore we have to be loyal to them.

Khan Bahadur Khwaja Yusuf Shah : May I rise to a point of order? The nominated members of the Municipal Committee are being run down.

Mr. Ganpat Rai : I am not running them down. I am praising them for their loyalty to their masters. Now the principles of local self-government were introduced so far back as 1884 and one would have expected that in the year 1922 with the reformed Council, with a reformed Minister belonging to the advanced party of the Province he would do away with this clause of 25 per cent. At least the Minister should make the distinction as regards the first class municipalities. He has proved a weak Minister. Then as regards the very delicate question, that is the oath of allegiance, I submit that it is quite unnecessary. The Honourable Minister has brought it in, as some people say, to keep out certain persons whose loyalty is even beyond question. He says in doing this he is following the precedent of Madras Presidency. I should have thought that being an astute lawyer and an able gentleman he would create something for himself and not follow what was once called the benighted Presidency. The mere argument that he is following the Madras Presidency is no argument. Now one argument which has been advanced and which I repeat is this that the Councils differ from local Bodies. Here His Excellency the Governor is the representative of His Majesty the King-Emperor and exercises almost all the powers which are given to His Majesty the King in the British Parliament. I ask whether the learned Minister.

Mr. President : The honourable member is going too much into the details of various sections. He may illustrate his question of principle by reference to a section or two but he must not make a long speech on any particular question.

Mr. Ganpat Rai (continued.)—Thank you, Sir, I shall do that. But the Honourable Minister repeated this argument three times. So, as there is no comparison between the Council and the local bodies, the introduction of this provision in the Bill is uncalled for. The analogy of the Council does not apply. May I ask the Honourable Minister whether he has studied the County Council Act. If he has not, I hope he will do that before the Bill comes before the Council next time.

Then as regards other matters he has said something about the power of taxation without any restriction. That may be so. He, however, reserves to Government the power to approve. Then, Sir, knowing perfectly well that the Secretary of the Municipal Committee is a servant of the Committee, and is paid out of the funds of the committee, he has retained the provision that his appointment cannot be made by the Municipality unless it is confirmed by Government. Is that an advance? I submit, Sir, that it is not an advance, but a retrograde step. I cannot congratulate the Honourable Minister for the improvements which he thinks he has made. He has rather gone on the other side. With these remarks, Sir, I oppose the motion.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) urban] (Urdu) : Sir, I do not want to discuss the Bill at this stage. I think much has been said in its favour as well as against it. Any way it is a measure that does not give full satisfaction. I believe the Honourable Minister is not averse to accepting any reasonable amendment as he has shown in the case of the Punjab Village Panchayat (Amendment) Bill. In my opinion it would be better if the Bill is published and the public is given

[M. Muharram Ali, Chishti.]

an opportunity for criticism. It has been stated that public opinion has already been obtained but I submit that such a measure should be widely published. It primarily relates to the public and should be laid before it. If the Court-fees Bill has been postponed, which means a loss of lakhs of rupees, I do not see what objection there can be in postponing the present Bill. The Honourable Minister cannot ignore my (Lahore City) constituency which is a very important one, and as long as it is not given an opportunity to consider this Bill, the Bill cannot be acceptable. At any rate I cannot help appreciating the Honourable Minister's coming forward with a number of improvements. I do not understand why there should be any opposition against the proposition about the oath of allegiance. The local bodies for which this oath has been proposed are under the Honourable Minister, who is under this Council. When the oath of allegiance is taken in this Council, I do not see why it should not be taken in the local bodies. I am afraid the Honourable Minister has missed one point and that is that instead of a member of a committee, in my opinion, a candidate for membership should take the oath of allegiance since it is possible that after his election he may refuse to take the oath and the seat may remain vacant for some time as has been the case in this Council about a non-Muhammadan seat. Such a course would also obviate the need for by-elections. In short, I like certain propositions and do not like others. I do not think that there would be any harm in laying the Bill before the public for free criticism and hence I support the amendment. You can't have things out and dried all at once?

Malik Firoz Khan Nun, [Shahpur west (Muhammadan) Rural]: Might I ask the Honourable Minister in charge if he has specified any definite time before which the Committee has to send in its report?

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, the trinity wishes that this law should not be sent to the Select Committee and that it should be published so that the public may know of it. If this is the aim then I have no objection in agreeing to their wishes. I am prepared to undertake that the Bill will be sent to all the papers on the Government list and allow the months of November and December for public criticism; that the Select Committee will not meet earlier than the 2nd January 1923 to consider it and that their report will be laid before the Council in its session to be held in February next.

Mr. President: In view of the Honourable Minister's explanation, is the honourable the mover of the amendment prepared to withdraw the amendment?

Rai Bahadur Lala Sewak Ram: Yes, Sir, I apply for leave to withdraw my amendment.

The amendment was by leave withdrawn.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)]: Sir, I move—

"that Rai Sahib Lala Panna Lal and Maulvi Muharram Ali Chishti be added to the Select Committee."

Maulvi Muharram Ali Chishti has already been styled as the Oracle of Lahore and he represents the Urban Muhammadan constituency.

Mr. President: I am afraid the honourable member should have given notice of his amendment. I don't know whether the Honourable Minister will have any objection to the amendment.

The Honourable Khan Bahadur Mian Fazl-i-Husain: (Education Minister): I would have had no objection but for the fact that already there are 12 members in the Committee two of whom are representatives of the Lahore Municipality, Mr. Ganpat Rai and Mr. Rallia Ram. I do not think it necessary to have more men on the Committee.

Diwan Bahadur Raja Narendra Nath: I did not give notice of the amendment because if the amendment of Lala Sewak Ram had not been withdrawn or if the assurance of the Honourable Minister had not been given, this motion to refer to the Select Committee would not have been before the Council.

Mr. President: I allow the amendment to be moved under the circumstances. The original motion was—

"That the Bill be referred to a Select Committee consisting of—

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|------------------------------------|---------------------------------|
| 1. Mr. Ganpat Rai, | 6. Pir Akbar Ali, |
| 2. Khan Bahadur Khwaja Yusuf Shah, | 7. Mr. A. Latiff, |
| 3. Khan Bahadur Sayad Mehdi Shah, | 8. Mr. J. G. Benzley, |
| 4. Sardar Kartar Singh, | 9. Rai Bahadur Lala Hari Chand, |
| 5. Mr. K. L. Rallia Ram, | 10. Mr. Manohar Lal, |
| | 11. Mr. N. H. Prenter, and |

12. The mover."

To this an amendment has been made.

"That the names of Rai Sahib Lala Panna Lal and Maulvi Muharram Ali Chishti be added to the Select Committee."

The question is that the amendment be made.

Rai Bahadur Lala Sewak Ram: May I be allowed to move another amendment?—

"That the name of Diwan Bahadur Raja Narendra Nath be added to the Select Committee."

He is a man of 30 years' experience and he may therefore be added to the list. I have taken his permission to propose his name.

Mr. President:—That amendment may be made part of the original amendment. Does the Honourable Minister wish to say anything on the subject?

The Honourable Khan Bahadur Mian Fazl-i-Husain, (urdu) Sir, the Select Committee already consists of 12 members. It is suggested to add 3 more, viz., Rai Sahib Lala Panna Lal, Maulvi Muharram Ali Chishti and Diwan Bahadur Raja Narendra Nath. It has been stated that the Raja Sahib has 30 years' experience of Municipal Committees. I knew it, but the thing is that he had disappointed me by not attending sittings of the Select Committee for the consideration of the Punjab District Board (Amendment) Bill. Moreover the addition of more names would make the Committee unwieldy, although I would much like to see many men on the committee. I think the Government should not be forced to start a habit of appointing unwieldy Committees.

Mr. President:—The question is:

"That the Punjab Municipal Amendment Bill be referred to a Select Committee."

The motion was carried.

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

"That the Select Committee should consist of—

- | | |
|------------------------------------|---------------------------------|
| 1. Mr. Ganpat Rai. | 6. Pir Akbar Ali, |
| 2. Khan Bahadur Khwaja Yusuf Shah, | 7. Mr. A. Latifi, |
| 3. Khan Bahadur Sayad Mehdi Shah, | 8. Mr. J. G. Beazley, |
| 4. Mr. K. L. Rallia Ram, | 9. Rai Bahadur Lala Hari Chand. |
| 5. Sardar Kartar Singh, | 10. Mr. Manohar Lal, |
| | 11. Mr. N. H. Prenter, and |
| 12. The mover." | |

To this an amendment has been made.—

"That the names of Rai Sahib Lala Panna Lal, Maulvi Muharram Ali Chishti and Diwan Bahadur Raja Narendra Nath be added.

The question is that the amendment be made.

The Council then divided : Ayes 22, Noes. 36.

AYES 22.

Lala Atma Ram.
Lala Bishen Das.
Bawa Hara Singh, Bedi.
Chaudhri Kharak Singh.
Mr. K. L. Rallia Ram.
Rai Sahib Misar Mela Ram.
Rana Muhammad Jamil Khan.
Sayad Muhammad Raza Shah.
Mian Muhammad Shah Nawaz.
Chaudhri Nabi Bakhsh.
Maulvi Muharram Ali Chishti.

Diwan Bahadur Raja Narendra Nath.
Rai Sahib Lala Panna Lal.
Lientenant Sardar Raghubir Singh.
Rai Sahib Chaudhri Raja Singh.
Mr. Manohar Lal.
Sardar Sangat Singh.
Rai Bahadur Risaldar Sarup Singh.
Khan Bahadur Khawaja Yusuf Shah.
Rai Bahadur Lala Sewak Ram.
Khan Bahadur Malik Muhammad Amin Khan.

Rai Sahib Lala Thakar Das.

NOES. 36.

The Honourable Sir John Maynard.
The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia.
The Honourable Khan Bahadur Mian Fazl-i-Husain.
Mr. H. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latifi.
Mr. J. F. Mitchell.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lient.-Col. D. M. Davidson.
Mr. W. P. Sangster.
Lient.-Col. W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Mr. Nawab Din, Murad.

Sodhi Lal Singh.
Mian Ahmad Yar Khan, Daultana.
Malik Firoz Khan, Neon.
Pir Akbar Ali.
Chaudhri Ali Akbar.
Chaudhri Ata Ullah Khan.
Khan Bahadur Rai Wali Muhammad Khan.
Khan Bahadur Chaudhri Fazl Ali.
Chaudhri Ghazi Ram.
Sardar Bahadur Gopal Singh Labana.
Chaudhri Ghulam Muhammad.
Sayad Ghulam Muhammad Shah.
Sayad Hussain Shah.
Khan Bahadur Sayad Mehdi Shah.
Malik Najabat Khan.
Khan Bahadur Raja Muhammad Akbar Khan.
Chaudhri Muhammad Hayat Khan.
Mr. W. R. Mackpherson.

The amendment was lost.

Mr. President : A point of order was raised just now as to a member canvassing another for his vote. I did not reply at the time because while the division bell is ringing there is always a certain amount of disorder and it is difficult to reply. I did not myself see Malik Firoz Khan Noon or any other member canvassing for votes but if he do so his action was highly improper.

Mr. President : The question now is—

"That the Punjab Municipal (Amendment) Bill be referred to a Select Committee consisting of—

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|------------------------------------|---------------------------------|
| 1. Mr. Ganpat Rai, | 7. Mr. A. Latifi, |
| 2. Khan Bahadur Khwaja Yusuf Shah, | 8. Mr. J. G. Bezley, |
| 3. Khan Bahadur Sayed Mehdi Shah, | 9. Rai Bahadur Lala Hari Chand, |
| 4. Mr. K. L. Ballia Ram, | 10. Mr. Manohar Lal, |
| 5. Sardar Kartar Singh, | 11. Mr. N. H. Prenter, and |
| 6. Pir Akbar Ali, | 12. The mover." |

The motion was carried.

THE INDIAN STAMP (PUNJAB AMENDMENT) BILL.

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

"That leave be granted to introduce the Indian Stamp (Punjab Amendment) Bill."

The proposals which are incorporated in this Bill were originally mooted as in the case of the Court-fees Bill by certain members of the pre-Reform Council who desired to safeguard provincial finance and the question was considered by a mixed committee of officials and non-officials which met in the autumn of 1920. The ultimate result was the preparation of a Bill corresponding very closely to a Bill which has already been passed in the Province of Bengal. The Bill was circulated for opinion in June 1922, and the opinions were obtained for consideration when the time came for considering them. The object of the Bill is to increase the provincial revenues and to help to make up that great deficit of which I have spoken at an earlier time this afternoon. I had some difficulty in calculating the precise fiscal effect of this Bill, but as far as I am able to calculate it will give us an additional annual income of 8 lakhs. I should explain that my Bill does not cover the whole ground of the Stamp Act. It omits from consideration thirteen very important items of the schedule including charges for receipts, for cheques, for bills of exchange, and for the policies of insurance; all these are omitted on the ground that it is not desirable to differentiate taxation upon them in different provinces. That is to say, there are thirteen items which my Bill does not touch at all which are left to the Government of India to deal with. Omitting these items there has been 50 per cent general increase. The general effect of my bill if it is accepted, would be that with certain exceptions to the most important of which I shall allude, the charges are raised by 50 per cent. The most important exception is that bonds, partition deeds and mortgages without possession if under the value of Rs. 500 are treated very much more leniently. Up to the value of Rs. 200 there is no enhancement in my bill on these items. There is an enhancement between Rs. 200 and Rs. 500, but it does not amount to so much as 50 per cent. Above the value of Rs. 500 the enhancement is 50

per cent. The effect of this exception is extremely important because something like three-fourths of all deeds of this class are of the value of under Rs. 500.

As to the former charges under the head Stamps I should just say briefly that the changes stand precisely where they did in 1879 and hardly any changes have been made since 1869. With very small difference the charges have practically remained unchanged since 1869 and this is virtually the first proposal to enhance them in any important particular. Taking a leaf out of the book of my friend Maulvi Muharram Ali Chishti, I may say that each minute's delay in passing the Bill means a loss to this Province of Re. 1-10 annas.

Mr. President: The question is—

“That leave be granted to introduce the Indian Stamp (Punjab Amendment) Bill.”

The motion was carried.

The Honourable Sir John Maynard.—(Finance Member) : Sir, I now beg to introduce the Indian Stamp (Punjab Amendment) Bill.

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

“That the Indian Stamp (Punjab Amendment) Bill be referred to a Select Committee consisting of—

1. Pir Akbar Ali,
2. Mr. Nawab Din Murad,
3. Rai Bahadur Lala Sewak Ram,
4. Sardar Dasaundha Singh,
5. Mr. N. H. Prenter, and
6. the Mover;

and that the Select Committee be directed to send in its report by the 6th November 1922.

I think I need say no more than what I have already said on the subject of the Bill. The only point is that the Bill was circulated for opinion in June 1922. The opinions received are available for the perusal of the Select Committee.

Mr. President. The question is—

“That the Indian Stamp (Punjab Amendment) Bill be referred to a Select Committee consisting of—

1. Pir Akbar Ali,
2. Mr. Nawab Din, Murad,
3. Rai Bahadur Lala Sewak Ram,
4. Sardar Dasaundha Singh,
5. Mr. N. H. Prenter, and
6. the Mover;

and that the Select Committee be directed to send in its report by the 6th of November 1922.”

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan), Urban] (Urdu) : Sir, there is great deal of difference between this Bill and the Court-fees Bill. Civil litigation is a sort of luxury and court-fee is paid by the public only in the event of extreme necessity, i.e., when they are obliged to lodge a suit. The Stamp Act, on the other hand, is a desideratum. It is needed when two brothers, two shopkeepers, or two agriculturists have to make an agreement. The Bill should, therefore, receive some consideration. The Court-fees Act provides a concession for a pauper but the Stamp Act provides no such concession. For this reason the Bill should receive greater consideration. It is not appropriate to cite old references. The present members will consider the matter for themselves. I cannot say what is the source of the information that has reached the Honourable Finance Member. The Bill should be published like the Court-fee Act. Honourable Finance Member, has suffered a loss of Rs. 8 lakhs. Having lost Rs. 5 a minute in connection with the Court-fees Act, a loss at the rate of Re. 1-10-0 per minute will not be much.

Mr. President : If the honourable member's intention is that this Bill be circulated for opinion, I shall be glad if he at once moves that amendment. I do not know whether he is talking on the original question or to an amendment.

Maulvi Muharram Ali, Chishti, (continued) Urdu : Sir, I move—

"That the Bill be circulated for eliciting opinion thereon by the 16th of January 1923."

I trust that the Honourable Finance Member will agree to accept the amendment moved by me.

Mr. President : The original motion was—

"That the Indian Stamp (Punjab Amendment) Bill be referred to a Select Committee consisting of—

1. Pir Akbar Ali,
2. Mr. Nawab Din Murad,
3. Rai Bahadur Lala Sewak Ram,
4. Sardar Dasarandha Singh,
5. Mr. N. H. Prenter, and
6. The mover,

and that the Select Committee be directed to send in its report by the 6th November 1922."

To this an amendment has been moved—

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th of January 1923."

The question is that the amendment be made.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders, (General)]: Sir, I want to say a few words. I give my full support to the amendment that has been moved by my friend on my left. I see no reason to discriminate between the modes of practice of the Court-fees Bills and this Bill. If there is any reason to discriminate, it is in favour of giving time for eliciting opinion. After all this delay is immaterial. The Bill will be put forward before the next session; so there will be no material disadvantage, whereas has been pointed out, by my friend, the man in the street is absolutely unaware of the change. I do not wish therefore, to say anything more. I do not want to repeat what has been said by my friend, Maulvi Muharram Ali, Chishti, and I give my full support to his amendment.

Mr. Ganpat Rai [Lahore and Ferozepore *cum* Sheikhupura (non-Muhammadan) Rural]: Sir, one would have expected that such sympathiser of the Province as the Honourable the Finance Member would have taken the members of this House and the public into confidence, and satisfied them that every method of retrenchment has been tried and that therefore there was no alternative but to resort to this Bill. This having not been done, I am of opinion that he is not justified in placing before the Council this Bill. Now the object of the Stamp Law is to provide for the acquisition of a moderate increase of revenue from stamp duties to be levied on certain descriptions of instruments and to check frauds which might imperil the security of the public as well as of revenue by preventing forgeries of all descriptions. I have had occasion to read in a book called Justice Field's Law of Evidence. In the introduction he observes—

"That a reference to the stamp at the time of execution is one of the means of testing the genuineness of a written instrument. The officers entrusted with the administration of this branch of the revenue every now and then have a discretion to alter stamp papers. These marks are peculiar in their own way and are not easily distinguishable by any, but the manufacturers themselves and in consequence are sure to elude the vigilance of the forgers."

What I submit is this that the first object of introducing the stamp duty in the world—I do not want to go into the history—has been to check forgeries of the documents. The main object has not been the acquisition of revenue. The stamp revenue was unknown in India before the commencement of British rule and it came into India for the first time by Regulation VI (Bengal) of 1797 and later on other Regulations were passed extending it to other provinces.

Sir, the point which I wish to point out is this, that the object was not to get revenue from this source but was mainly to check forgeries. By passing an all-India law in 1860 the stamp revenue increased greatly and when the administrators of the time saw this they at once introduced an Amendment Act in 1862, reducing the stamp duties to the relief of the tax payer. Now what I wanted to bring before this house was that this mode of taxation was unknown to Indians before the British people came to this country and the British people themselves introduced this measure not as a means of revenue but to check forgeries.

Mr. President: The question now under consideration is whether the Bill is to be circulated for eliciting public opinion. A little while ago I allowed you on a similar question to speak on the principles of the Bill. On consideration I think I was wrong. If the present amendment is rejected, you can speak regarding the principle of the Bill during the discussion on the original motion. If the amendment is passed and opinions are obtained, the Finance Member will then have to move that the Bill be referred to a Select Committee. This will give a further opportunity for discussion of principle, you will do well therefore to confine yourself at present to the question whether the Bill be referred to Select Committee or circulated for opinion.

Mr. Ganpat Rai (continued): My last point is that the Stamp Act is intended to be applied by persons in their own transactions. It rests not merely on the lawyers, but on the laymen. Therefore it is necessary that it

should be circulated amongst the masses so that the people may be able to know the enhanced duties which they will have to pay and clearly understand their fresh obligations before the matter is properly brought before this Council. I do not think there will be any use in running hurriedly. After all the time required by the amendment is only a few months. I may mention that the last Act, the Act of 1899, was introduced on the 15th of October 1897 and was passed only on the 20th January 1899. Such a long interval was allowed because of the importance of the measure. The present Bill may be an emergent measure, but it is a permanent Act, and it is not intended to apply for a particular period, say for six months or one year. We are not asking the Council to allow a period of more than one year as was the case in the Government of India Act. It is only a period of two months so that the people may be able to express their views as regards the particular Bill. With these remarks I support the amendment moved by my friend.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan) Rural]: Sir, this is a measure proposed for a purpose similar to the one that has been discussed in this Council a little earlier today, and I should not have thought that any honourable member having once heard the consensus of opinion of the members of this Council on the last Bill would try to oppose this one. As far as I can see, Sir, the last Stamp Act was passed in 1899, that is nearly 28 years ago, and as my hon'ble friend pointed out leave to introduce it was asked for in 1897, so that 25 years or a quarter of a century has elapsed since the introduction of the Act. It needs no argument to say that the value of the rupee as it stands today is nothing compared with the value of the rupee in the year 1899. So if there is no other argument in favour of a Bill of this nature, that argument alone that the price of the rupee has fallen would have been sufficient to justify this Council in allowing this Bill to be sent to the Select Committee. Further, Sir, public opinion has to a large extent been already elicited on this matter. So if we postpone it till January and circulate it for public opinion, it will only postpone a measure which is intended to stabilise our finances. I suggest that no time should be lost in sending this Bill to the Select Committee and having it passed into law. After all the increase is only 50 per cent.

The Hon'ble Sir John Maynard (Finance Member): Sir, when Mr. Ganpat Rai referred to the fact that 18 months were allowed to lapse between the introduction of the Bill and the passing of the Stamp Act of 1899, my mouth watered. But it was in that dim past when people could afford to sit down and think for a year and half about a matter of this nature. Mr. Ganpat Rai was young in those days and he does not perhaps realise to the full how much more strenuous our modern life has become. Nowadays I fear we are unable to sit down and wait for a year or two and quietly think over the question. Sir, I can tell the House that the mere fact that such a long time was allowed does not prove that the question was carefully considered. On the contrary, my experience is that when a year and-a-half is allowed, it means that it is put away and forgotten entirely. When people are forced to come to a decision they can generally think about it if necessary in a few hours, but when the chance is given to them, they sometimes allow themselves rather longer.

Sir, this Bill has actually been circulated to public associations and when the Select Committee meets I should have pleasure in laying before it

[Sir John Maynard.]

some opinions of a very drastic and uncomplimentary kind upon the Bill. But no one can suppose that the public had not had access to it. Sir, the Council need be under no apprehension that the matter has not been properly brought before the public. I am unable to accept the amendment, because it deprives the province of the prospects of one quarter of the total annual receipts. No sufficient reason has been given to deprive the province of this revenue.

Mr. President : The original question was—

“ That the Indian Stamp (Punjab Amendment) Bill be referred to a Select Committee, and that the Select Committee be directed to send in its report by the 6th November 1922.”

To this an amendment has been moved.

“ That the Indian Stamp (Punjab Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 16th January 1923.”

The question is that the amendment be made—

The amendment was lost.

Mr. President : The question now is—

“ That the Select Committee consist of—

Pir Akbar Ali,
Mr. Nawab Din, Murad,
Rai Bahadur Lala Sewak Ram,
Sardar Dasanda Singh,
Mr. N. H. Prenter, and
The mover.”

The motion was carried.

Mr. President : Finally, I put the whole motion—

“ That the Bill be referred to a Select Committee and the Select Committee be directed to send in its report by the 6th November 1922.”

The motion was carried.

THE SIMLA HOUSE AND RENT BILL.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain : Sir, on behalf of the Hon'ble Minister for Agriculture I wish to state that the sanction of the Government of India to the introduction of the Simla House and Rent Bill has not yet been received. Therefore the motions for introducing the Bill and referring it to a Select Committee cannot be made to-day. If in the course of the next few days sanction is obtained, the Bill will be taken up during this session later on.

The Council then adjourned till 2 P.M. on Tuesday, the 31st October 1922.

PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 31st October, 1922.

THE Council met at the Council Chamber at two of the clock. Mr. President in the Chair.

ANNOUNCEMENT FROM THE CHAIR.

PROCEDURE RE STATING THE QUESTION.

Mr. President : Members will have observed that I yesterday made a change in the procedure as to stating the question. On each occasion after the speech of the mover was concluded, I rose and stated the question. The object of this is to formally place the House in possession of the question, which it must dispose of in some way or other before it can proceed with any other business. This statement of the question does not mean that debate is precluded. On the contrary, it is an invitation to the House to discuss the matter. Though the same preliminary words are used in thus stating the question for the consideration of the House as are finally used at the close of the debate, the final putting of the question further involves the calling for votes, and debate is not closed until the President calls for votes. I may add that this procedure has the ample authority of the House of Commons, the Council of State and the Legislative Assembly.

2. A slight change in procedure will also be adopted as to the method of taking the wishes of the House as to leave for withdrawal of motions or resolutions. The practice in this Council has been to take the decision of the House on this point by putting the question. It will have been observed, however, that a member who desires leave to withdraw a motion, does not move a formal motion but merely asks for the leave of the House. This practice is borne out by the relevant Standing Orders 32 and 67, which impose no obligation on the member to move a formal motion for leave, nor is it intended that he should do so nor is any discussion permitted without the leave of the President. I shall therefore follow the practice of the Council of State and the Legislative Assembly and merely ask the Council whether it is their pleasure that the member has leave to withdraw.

The withdrawal of Bills under Standing Order 51 is on a different footing. In this case the member in charge has to move a formal motion for leave to withdraw ; discussion is permitted and a formal question would be put.

NON-OFFICIAL RESOLUTIONS.

RESOLUTION RE GURU-KA-BAGH.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural] : I beg leave, Sir, to move the following resolution :—

" That this Council recommends to the Government—

- (a) that further arrests in connection with Guru-ka-Bagh be stopped ;
- (b) that a committee consisting of five Sikh members of the Council be appointed to bring about a settlement between the Mahant and the *Shromani Gurdwara Parbandhak Committee* ;
- (c) that all persons arrested or convicted in connection with the Guru-ka-Bagh be released as soon as the settlement is effected."

[Sardar Dasaundha Singh.]

For the last several years, at any rate for the last three or four years, the Sikh situation has been growing more and more serious. Unfortunately the impression of the Sikh community or at any rate of the majority of the people is that the *Gurdwara* reform movement has been unduly obstructed and that sympathy has not been shown for the movement which they expected and it is on that account that the situation had been growing more and more serious. This belief has been very much strengthened by the fact that in this movement the Sikhs have made from their point of view enormous sacrifices. After the horrible tragedy at Nankana Sahib they could very reasonably expect hope for a satisfactory settlement but this passed by and everything cooled down and they grew more and more disappointed. Now once again the situation has become quite as critical, if not more critical than before. Apart from the *Gurdwara* reform movement this new situation that has arisen out of the Gura-ka-Bagh affair demands very speedy settlement, otherwise there is every danger of matters growing much worse. Now in connection with the Gura-ka-Bagh affair when a Sikh thinks that about 1,500 Sikhs have received serious beating and have undergone that sort of humiliation and that another 3,500 have gone to jail or have been arrested, simply on that account, one feels very strongly on the point and if I were to frame my resolution in that spirit it would have been a much stronger one. In fact when I sat down to frame my resolution I did put it very strongly, perhaps even more strongly than the amendment of my honourable friend Sardar Sangat Singh but I thought over it and again thought over it. It took me days and days to think over the matter and to find out some reasonable solution. I came to the conclusion that strong words would not avail in the end and that it is only by putting forward some reasonable way out of the difficulty that something could be achieved. I quite foresaw at the time that I would be criticized very strongly at least in the Sikh press for bringing forward such a tame resolution, and that expectation of mine has not gone in vain. Far from taking it as a reasonable way out of the difficulty they take it as something which will weaken their position. But all the same I think that this is something which should be acceptable to both the sides, to the Government as well as to the Sikhs. The first thing that should be done to bring about some sort of a reasonable settlement is to cool down the excitement that is prevailing. Now it may be argued on the other side that in this matter if arrests are stopped then there is very little left there for Government to do. It may be, Sir, that the Government benches may take this point of view, but there is another and a very serious aspect of the case. On the other side, you see, Sir, that it is not for that small bit of land that the whole masses of people are fighting. They have gone there, hundreds of them, to be beaten and to be humiliated and thousands of them have gone there to be arrested and to be convicted. That shows the strength of the movement, that shows that it is based upon righteousness, that they feel for the reform, and that they are determined to achieve the reform. It may be that the Government does not care for the way in which they are carrying it out, all the same the earnestness and zeal is there. If, on the other hand, the Government too proceeds then there is every fear of very serious consequences. Therefore it would not be in any way taken as a climb down for the Government if they generously condescend to take this action. Because if the Government does not take this generous step there is absolutely no hope for any way out of the difficulty. How long will the Government continue arresting people for that small bit of land? Supposing the Government stops arrests then it may

be argued that the Sikhs will take possession of that small bit of land. Well, Sir, they are already in possession of the *gurdwara*. The Government may as well say that is not a legal possession. Well, supposing even if it be argued in the same strain, supposing they take possession of that bit of land, what does it matter when they have already taken possession of the *Gurdwara*. Therefore to my mind these objections do not have much weight. Then, Sir, it may be that now the *Gurdwara Parbandhak* Committee people or the Sikhs who have made such heavy sacrifices, it may be that just at present they are not in a mood to enter into any settlement. They do not even approve of my resolution.

But my submission, Sir, is that it does not deter me from pressing forward my resolution, because I hope the feelings of the Government may be moved and they may then be in a mood to come to some sort of a settlement. So far as the question of the settlement is concerned, that too is not a very difficult affair, because though I have not seen the Mahant, I have heard from various sources that there is every hope of a settlement.

Then, Sir, it may be said that the personnel of the committee that I suggest is wholly and solely of Sikhs. That too is in no way defective, because in this matter where the *Gurdwara Parbandhak* Committee have to be approached and the Mahant has to be approached, the Sikhs alone can do it properly. I do not think it will be of much use to have a non-Sikh gentleman on the personnel of the committee.

Then, Sir, if that settlement is effected, and I hope it will be effected, then the third part of the resolution is a necessary corollary to the first two parts; because I do not think, when that affair is settled that the Government will be in any way keen to have those persons, who have been arrested, tried and convicted, serve their full term in jail. Therefore, I again put it to the House and I appeal to the Council to take a reasonable view of the whole thing and to see that I have moved it in a spirit that may be acceptable to all parties and also to see that this critical situation is somehow or other relieved. I hope that the members of the House will take it as the only solution which is possible.

Mr. President : The question before the Council is—

“That this Council recommends to the Government—

- (a) that further arrests in connection with Guru-ka-Bagh be stopped;
- (b) that a committee consisting of five Sikh members of the Council be appointed to bring about a settlement between the Mahant and the *Shromani Gurdwara Parbandhak* Committee;
- (c) that all persons arrested or convicted in connection with the Guru-ka-Bagh be released as soon as the settlement is effected.”

Rai Sahib Chaudhri Raja Singh : [Ambala Division (Sikh) Rural]—(Urdu) :—Sir, I strongly support this resolution. The great feats of the Sikh community will ever remain on record. The very mission of our Gurm Gobind Singh was based upon the solid rocks of righteousness and truthfulness, and strenuous efforts have always been made for the propagation of that mission. The sacrifices which our community has made in this connection are not to be met with in the history of any other community. The followers of such a Guru will not therefore be deterred from following the foot-steps of their fore-fathers. This brave community has ever remained loyal and ready to offer its best youths for the service of the Government and it is not long ago that the Great European war has been brought to a successful termination through its zeal and sacrifice. Unfortunately our community took upon itself to effect a

[B. S. Chaudhri Raja Singh.]

reform in the *gurdwaras*, and since it was a religious question, the movement began to evoke universal sympathy. The high-handedness with which the mahants wasted the incomes accruing from the *gurdwaras* and the licentiousness of their character were no longer to be tolerated. The Government were also requested to make some *gurdwara* legislation, but while the *gurdwara* Bill was being prepared the Mahants at Nankana Sahib killed 150 Sikhs in broad day light and several hundreds were sent to prison. Again Guru ka-Bagh has been in possession of the *Gurdwara Parbandhak* Committee for the last one year-and-a-half and the Sikh *Akalis* have been cutting wood from this Bagh without being obstructed by the Mahant. Sir, I cannot understand how this cutting of wood as fuel for the *langar* could be held unlawful in view of the fact that the *gurdwara* itself was in possession of the *Akalis*. About 4,000 persons have been arrested and more are expected to be arrested. The relation of the ruler and its subjects should be like that of a father and his son. The Government should therefore adopt a policy of conciliation towards the Guru-ka-Bagh affair. With these remarks I support the resolution.

Mr. President : This resolution contains three distinct propositions. The first proposition as moved is a recommendation that further arrests in connection with Guru-ka-Bagh be stopped. In regard to this an amendment is to be moved to the effect that further arrests should cease only after a settlement has been effected and the mover of the amendment evidently had in mind that the settlement would be effected on the lines proposed to be recommended by the second head of the resolution somewhat modified if the Council so decides. If the Council decides not to recommend an attempt at settlement the amendment would have little sense. It seems necessary therefore for the Council to decide first whether it will or will not recommend an attempt at settlement. The third head of the proposed resolution is that persons arrested or convicted in connection with the Guru-ka-Bagh should be released as soon as a settlement is effected. To this notice of amendment has been received that these persons should be released forthwith. Here again one of the proposals, in this case the original proposal, depends on the Council deciding whether they wish an attempt at settlement to be made at all. If not, then that original proposal becomes meaningless, though the amendment thereto would still be consistent with the decision of the Council as to the settlement. Thus the Council would practically only have the choice of adopting the amendment or of making no recommendation at all on this point.

The conclusion then is that it will be convenient for the Council first to decide whether the second head of the original resolution is to stand or not.

I propose therefore to divide the resolution and to take up this question of settlement and the connected amendment first. I will then take the decision of the Council as to original head (a) and the amendment thereto, and finally as to original head (c) and its amendment. I have not mentioned the second amendment of which notice has been given by Sarfar Sangat Singh nor the third amendment tabled by Maulvi Muharram Ali, Chishti. Both of these go beyond the scope of the original resolution and are therefore out of order under Standing Order No. 34, and I shall not allow them to be moved.

The question now before the House is therefore—

“That clause (b) of the original resolution stand part of the resolution.”

I call upon Maulvi Muharram Ali, Chishti, to move his first amendment which concerns the composition of the proposed committee.

Diwan Bahadur Raja Narendra Nath [Punjab land-holders, General] : Sir, I wish to speak on clause (b) of the resolution before Maulvi Muharram Ali, Chishti, moves his first amendment. Have I the permission of the Honourable the President to do so?

Mr. President : An amendment is being proposed, and whether it is carried or not, the original proposition, either amended or not, as case may be, will be put to the House. You will have ample opportunity then to speak on the clause. Will that satisfy you?

Diwan Bahadur Raja Narendra Nath : Very well, Sir.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, the amendment which stands in my name is as follows :—

"That for existing clause (b) of the resolution, the following be substituted :
'that a Committee consisting of five Sikh members of this Council, to be selected by all the Sikh members of this Council, be appointed to bring about a settlement between the mahant of the *Guru-ka-Bagh* and the *Shromani Gurdwara Parbandhak Committee*.'"

The addition I propose to be made in the resolution is only necessary and there are two reasons for my proposing it so. In the first place it explains how the personnel of this committee is to be formed, for Sardar Dasaundha Singh's resolution was somewhat obscure on that point. Secondly, if it were to be understood that the Government were to make the selection, the public outside would perhaps mistrust the committee however conscientiously its members might have discharged their duties. I hope therefore that none in this House would take exception to my amendment. I do not believe there is any member of this Council who does not have a respect for the religious susceptibilities of the Sikh community. But it is quite another matter that in a mood of religious frenzy and excitement some of them have defied the law. But all the same there is no justification on that score alone for such offenders escaping according to law. The law only provides hanging, imprisonment, whipping and fine as punishments. Beating by *lathies* and hunting crop are nowhere to be found on the Statute Book. The use of these *lathies* has been most undignified for the Government. On the other hand a lover of constitution will not share any sympathy with those who break law and order or those who take the law in their own hands. Thus I have disclosed the shortcomings in the conduct of both sides. Any how it is necessary that a settlement should be brought about first and then those who have been arrested may be released. I do not propose this for the maintenance of the prestige of the Government, but I do so for the prestige of the law. I do not like to say anything more at this stage of the resolution, but I hope the House will not hesitate in accepting my amendment.

Mr. President : The original question was—

"That clause (b) stand part of the resolution"

To this an amendment has been moved—

"That for existing clause (b) the following be substituted :

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

The question is that the amendment be made.

The Honourable Sir John Maynard : Sir, I would like to say just this much that I have no objection to the insertion of the words "to be selected by all the Sikh members of this Council." That I understand really affects the amendment. There is no objection on the Government's part.

Mr. President : I do not know whether I am to gather that the Government is prepared to accept clause (b) with the amendment.

The Honourable Sir John Maynard : I only said that I had no objection to the amendment.

Rai Sahib Lala Thakar Das : [North-West Towns (Non-Muham-madan) Urban] (Urdu) : Sir, I have always been a friend and well-wisher of the Government, and I have come to this Council to co-operate with them. I sincerely wish that law be respected, but so far as this resolution is concerned I would advise the Government to lend it their full support. History tells us that whenever a movement becomes religious it always succeeds. This *Gurdwara* reform movement has also become a religious one. In the case of Gura-ka-Bagh affair if the *Akalis* began to cut wood a satisfactory settlement could have been arrived at between them and the mahant without allowing this movement to drift to such an extent. I would respectfully ask the Government to cease beating the *Akalis* by *lathies*, for it is altogether illegal. The prestige of the Government will in no way be affected by adopting this resolution. For, I was just now mentioning to a gentleman that if an aeroplane were to fly from here at one o'clock it will reach Pind Dadan Khan at 3-30 p.m. That is, it can devastate this vast area by throwing bombs in so short a time. Thus the Government which are so resourceful cannot be said to have lost anything of their prestige by accepting this resolution.....

Mr. President : I am afraid I have not yet heard a single word from the honourable member as to the question of the committee and its composition.

Rai Sahib Lala Thakar Das (continued) : With these remarks, Sir, I support the amendment.

Sardar Dasaundha Singh (Urdu) : Sir, I have no objection to this part of Maulvi Muharram Ali's amendment, although I do not agree with the reasons which he adduced in its support. So far as the personnel of the committee which I propose in my resolution is concerned it makes no difference if the five members are selected by Government or elected by the Sikh members of this Council. As for the sympathy he has expressed for, and the support he has lent to my resolution, I heartily thank Maulvi Sahib. But had I been aware of his second amendment beforehand, I would not have moved this resolution at all. This part of his amendment has deprived my resolution of all its importance.

Mr. President : That amendment is not before the House at all now. The question before the House now is as to how the five members are to be appointed, whether they are to be appointed in the manner in which you suggest or are they to be selected from among and by the Sikh members of the Council. The other portion of Maulvi Muharram Ali Chishti's amendment is not yet before the Council.

Sardar Dasaundha Singh : Sir, may I know how these can be taken up separately.

Mr. President : I have already explained the procedure I propose to adopt. The President is fully entitled to divide a resolution into parts to be taken up separately.

Sardar Dasaundha Singh : But the order should remain the same.

Mr. President : No, the order will not remain the same. The first question to decide is whether this Council wishes to recommend to Government that a settlement should be made and whether in the manner you suggest or in the manner suggested by Maulvi Muharram Ali, Chishti.

Sardar Dasaundha Singh (Urdu) : All right, Sir. The amendment already moved by Maulvi Muharram Ali, Chishti, is acceptable to me.

Mr. President : The original question was—

“ That clause (b) stand part of the resolution.”

To this an amendment has been moved that the following clause should be substituted :—

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

The question is that the amendment be made.

The amendment was carried.

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

“ That clause (b) of the resolution as amended stand part of the resolution.”

3 P.M.]

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] : Sir, I give my cordial support to this part of the resolution. The situation is a very critical one and there have been certain unfortunate courses of action adopted in connection with the Guru-ka-Bagh which have in fact evoked universal sympathy. The beating which was administered at the Guru-ka-Bagh has produced general discontent. Not only this. The beating in order to disperse the assemblies that were on the way to Guru-ka-Bagh has already been condemned by public opinion. Last of all I do not see how there can be any justification for the stopping of supplies of provisions to *Akalis* assembled at the Guru-ka-Bagh. In the *communiqués* of the *Parbandhak Committee* loud complaints have been made about the stoppage of these supplies and as far as I can recollect no contradiction.....

Mr. President : I do not think that is quite relevant to the matter before the House.

Diwan Bahadur Raja Narendra Nath : Thank you, Sir. I am only giving my reasons for the general sympathy which has been shown by the people, and my reasons for bringing about a speedy settlement which is necessary to put an end to the whole affair. As was pointed out by my friend, Rai Sahib Lala Thakar Das, the matter has taken a religious aspect and wherever religion comes in, it is very difficult to

[Diwan Bahadur Raja Narendra Nath.]

convince people by means of arguments. The *Akalis* think that in doing what they are doing they are not committing any breach of law but they are only following their own conscience. They are following the sacred precepts of their religion. In the circumstances, I think that a speedy settlement is necessary. I therefore give my full support to this part of the resolution.

Sayad Muhammad Husain [Montgomery (Muhammadan) Rural] : Sir, the demands made in this part of the resolution are very reasonable. The whole thing was a religious affair from the very beginning. The Sikhs were not at all at war with Government. They are at war with the ignorance, egoism and oppression of the mahants. It was never a political movement. (Hear, hear). I am very glad to learn that two Hindu representatives of the Council have taken such a sympathetic attitude. I think this is the beginning of the end of the whole perplexing question. Another feature which I see is this, that all the Hindu leaders of India (of course the Muhammadans have their sympathies with this movement), men like Pandit Madan Mohan Malaviya and men like the Jagat Guru and other people of the same calibre, they have come forward and have shown their sympathies towards the reform of the *Gurdwaras*. This is a very good sign of the times. The Government will find no difficulty whatsoever in framing a Bill to suit the demands of the Sikh population as a whole. As regards the constitution of the committee, I think there will be no use in having Sikh members unless some power is delegated to them. The thing has been accentuated considerably and we see the attitude of the mahants. They would not be prepared to come to a compromise with the Sikh community. Therefore no compromise will be possible. What I propose is this, that these members should be given some power. I would ask for full power.

Mr. President : The honourable member is going much beyond the matter that is before the House. He asks, I gather, that powers be given to the Sikh members to finally decide the matter. The matter before the House is that recommendation be made to Government to appoint a committee to try and effect a settlement.

Sayad Muhammad Husain : It was only part of my recommendation. It was a suggestion which I wanted to give.

Mr. President : You are not entitled to bring any suggestions which are not before the House.

Sayad Muhammad Husain : I withdraw the suggestion, Sir. Would any Muhammadan, any Hindu, any Christian tolerate hundreds of men being mercilessly butchered in cold blood in Nankana ?

The Honourable Sir John Maynard : Sir, I take exception to the use of the word "butchered."

Mr. President : The Honourable the Finance Member takes exception, and quite rightly, to the use of the word 'butchered.' I would ask the honourable member to withdraw that word.

Sayad Muhammad Husain : Very well, Sir. (Laughter). Now that the great leaders such as Diwan Bahadur Raja Narendra Nath, Pandit Madan Mohan Malaviya have made themselves one with the cause, it is time that the

Government should take early action. With these words I support clause (5) of the resolution.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan) Rural]: Sir, I cordially associate myself with this part of the resolution. The Sikh situation at the Guru-ka-Bagh is extremely serious and delicate. *Akalis* in batches continue to proceed to Guru-ka-Bagh in order to cut trees from there for the use of the kitchen of the Guru and are courting arrests coolly and calmly. Government, on the other hand, is determined to maintain law and order at all costs and is making arrangements for the accommodation in jail of ten thousand *Akalis*, in spite of the financial difficulties of our province. The number of *Akali* arrests has already reached the stupendous figure of 3,500 and more are likely to follow. The Sikhs, however, deserve well of the Government as they had done so well in the recent great war. Sir, instead of handling the situation with tact, judgment, foresight and wisdom, from the very start, the Government adopted a policy of drift with regard to the *Gurdwara* movement. It tried to find a way out by hugger-mugger arrangements, but it failed to achieve its object. The history of the *Gurdwara* legislation is the history of a man who cannot make up his mind when to strike and when not to strike at all.

No wonder then that the policy of drift has recoiled on Government's head. It is therefore futile to expect that the religious frenzy of the brave Sikhs, which has been turned to martyrdom can be cooled by beating down the *Akalis* with *lathi* and by inflicting heavy sentences of imprisonments on them. In their hour of trial the Sikhs have shown a wonderful spirit of self-possession and iron military discipline. They have borne the *lathi* blows on all parts of the body with great fortitude and courage, which is worthy of the Sikh nation, and without uttering a single cry of agony or anger. Even the worst enemies of the *Akalis* cannot but admire this wonderful spirit of self-restraint and non-violence. Unfortunately, Sir, the hammering was accompanied, in some cases, by such barbarous incidents as the dragging of the wounded by the hair and the denial of water to the injured persons.....

Mr. President: I must again point out that I think that long dissertations as to what has happened raise a second point. The relevant question is whether a settlement should be made, and I do not think narrations of this kind will help it very much.

Mian Muhammad Shah Nawaz (continued). Consequently the *Akalis*, whether they were in the right or whether they were in the wrong, have extorted universal sympathy by their sufferings and sacrifices and the only way now left is to come to some settlement. Well, Sir, I am glad that the beating has been stopped, and the Government has learned wisdom from experience. A nation like the Sikhs that is united to one man with regard to the *Gurdwara* movement, which it considers to be a religious movement cannot possibly listen to the argument of *lathi* blows just as the Mussalmans of India refused to listen to the arguments of brute force in respect of the Khilafat question. It is clear, therefore, that the arrests and convictions can be of no avail and cannot ease the present critical situation. Such a serious and complicated situation can only be managed by an amicable settlement to the satisfaction of all parties concerned. I desire to ask, Sir, whether any serious effort was made by the officials on the spot to bring about an amicable settlement between the Sikhs and the *Atahant* before the *lathis* were employed to beat

[M. Muhd. Shah Nawaz.]

down the *Akalis*. A clear reply on this point is needed. Surely it was not difficult for the officials to bring about some sort of settlement. Indeed *Mahant* Sunder Das had already compromised with the *Akalis*, although now he alleges that the compromise was arrived at under coercion and undue influence. If the Government will go on maintaining law and authority in the manner it is doing at present at *Guru-ka-Bagh*, it will not increase respect of law; on the contrary, it will feed forces of lawlessness. With these remarks, Sir, I am entirely in favour of appointing a committee to bring about some sort of settlement.

Captain Sardar Gopal Singh (Representative of Indian Army): Sir, with your permission I rise to say a few words that when a person or persons act with a *bond-fide* motive, his or their actions cannot be called offences. Regarding *Guru-ka-Bagh* unfortunate affair I must say that the Sikhs knowing *Mahant* Sunder Das' conduct approached him in January 1921 and the *Mahant* repenting his past doings, came to terms with the Sikhs. In support of this I read out a few words from the speech of the Honourable Khan Bahadur Mian Fazl-i-Husain on the 5th of April 1921, where he says "It is alleged that the *Akali Dal* of *Wachhoha* went to the *Guru-ka-Bagh gurdwara* and settled terms with *Mahant* Sunder Das." There is another extract from the printed report about the *Gurdwara* movement of *Hakim Ikram-ul-Hak*, Deputy Superintendent, C. I. D., which he produced as part of his evidence in the *Nankana Sahib* case in the Court of Mr. J. P. S. Parsons, Special Magistrate, on the 6th April 1921, and was marked as Exh. P. 1.

"On the 31st January (1921) a party of forty men and five women of the *Akalia Dal* under *Dan Singh*, *Jathedar* of *Wachhoha*, arrived at the *Guru-ka-Bagh Gurdwara*, *Sansa*, from *Amritsar*. The *Mahant*, *Sunder Das*, was aware of their intention and had collected fifty or sixty men to meet them. There were also about 300 villagers present. Terms on which the *Mahant* might remain in possession of the *Gurdwara* were announced to him. These were that he should take *Amrat* work-in consultation with a committee and marry his paramour..."

Mr. President: Does the honourable member make himself responsible for the accuracy of this statement. It is only the statement of a witness in Court. I do not think the House can take cognizance of what a witness may have stated in Court.

Captain Sardar Gopal Singh (continued): I take it as accurate because no action was taken against it by Government.

Mr. President: I think you must give up reading the extract. I do not think it is admissible.

Captain Sardar Gopal Singh: I meant to show that the dispute had been settled by the *Shromani Gurdwara Parbandhak Committee*. When the things were going on so smoothly for the last 18 months, and the *Akalis* had been using the wood for *Gurdwara langar* for so long a time without any restrictions either from Government officials or the *Mahant*, I do not know why things changed so suddenly. It all showed that the Sikhs were going there with *bond fide* motives which action of theirs cannot be called an offence either under section 447 or 379. Suppose, for the sake of argument, that the action of the Sikhs was not right, that they were not justified in entering the *Mahant's* land, the simple and right thing for Government would have been

to ask the *Mahant* to take legal proceeding in a Court of Law. The Government was not and is not justified to take such drastic unprecedented measures. I cannot recall a single instance of Government giving such protection to any one ever since the advent of the British Government in India over 150 years ago.....

Mr. President: I must again ask the member not to go into long details of what has happened but to speak to the point whether a settlement is to be effected or not.

Captain Sardar Gopal Singh: Now I say that things have gone so far that it is the best thing for us and Government to come to a settlement in some way. It is clear that we can come to some terms because there is no other way; really in my opinion we have failed. The sooner the committee is appointed and the things have been gone into, the better. I give my strong support to the resolution.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (Non-Muhammadan) Rural] (Urdu): Sir, I had no mind to take part in this debate, but since I have been taking a very keen interest in the *Gurdwara* Bill I would like to make a few brief remarks. Once while we were going to Nankana Sahib we met a certain *Mahants* at Chichoki Malian perhaps. I had been a counsel for one of the *Mahants* and he therefore did not repose any confidence in me. I told him that the *Gurdwara* Bill will not do them any good, that they should effect a compromise and remove their differences among themselves before their brotherhood and that if there be any recalcitrant, he should be turned out of the brotherhood. So from the very beginning I had a firm conviction that this question could not be settled by *lathies* but by arbitration alone. I would not have risen to support this resolution had not the great suffering and non-violence practised by the *Akalis* made a deep impression upon my mind. Had the circumstances been otherwise I would have opposed it on two grounds. Firstly, because the personnel of the proposed committee is to consist of Sikhs alone and no non-Sikhs is to be placed on it. Secondly, because this proposed committee is not to be equipped with any power. There should be some sanction behind it to compel the *Mahant* to make a compromise. In the present circumstances and with these remarks I support this resolution.

The Honourable Sir John Maynard: (Finance Member) Sir, I wish to say how deeply distressed is the Government to find itself thus in conflict with an important section of a noble and generous people. It has been a most deep distress to us all to find ourselves thus in conflict. The position of Government has been that it is its express duty to uphold the law. If it fails to uphold the law then it is not discharging the very first duty of the Government. It upholds the law not for itself but on behalf of those who are injured and when men come and say: "Here are aggressors who threaten us in our possessions" does any one seriously think that it is possible for the Government to say "this matter is no concern of ours". Would it not be to abdicate the very first duties and obligations of every government to refuse to uphold the law in such circumstances? In this case what Government has done is to uphold the law and so long as the man who says that he is injured, who produces proof of his possession, so long as that man says to Government: "Save me from these men who threaten me in my possessions", so long must it be the duty of the Government to do what he asks. It has been a great surprise to me to hear

[Sir John Maynard.]

that there are members of the legal profession who can possibly uphold a different view. Compromise has always been most desirable. Compromise has always been a thing which Government itself has desired. Mian Shah Nawaz asked the question as to whether any attempt has ever been made to arrive at a settlement of this difficulty. I did not answer that immediately. The answer is, yes. Attempts have been made to arrive at a settlement of this difficulty.

Mr. Ganpat Rai : When ?

The Honourable Sir John Maynard (continued) : Attempts have been made during the past six weeks since the trouble became acute to arrive at a settlement of this difficulty. More than one particular method has been devised and particular officers have been deputed in the hope that they might achieve success. That is the answer. It is now proposed, and we all hope that the proposal may prove fruitful, that certain members of this Council will be chosen by other members to achieve the compromise. Sir, I welcome this, but may I ask what all the Sikh members of this Council have been doing for the past two months? Was it not open to them to attempt to make this settlement before? Does it require the authority either of Government or of this Council for men to go and seek settlement on a fair basis between one party and another? The answer to this is, 'no.' But they have slept over their duties and now only it is proposed that they should wake up. I trust now that the moment of awakening has come that they will do their duty and make a fair settlement between the two parties. Government welcomes at any time a settlement but it must be a fair settlement. It must not be carried out perforce by a man who finds himself assailed by a crowd of so-called non-violent people entering upon his property and endeavouring to cut down his trees. It must be a fair settlement. When that is achieved the question raised by Sardar Sangat Singh as to the action on the part of Government naturally drops. With these words, Sir, I support the clause (b) as amended by Maulvi Muharram Ali Chishti.

Mr. President : The question is—

“ That clause (b) of the resolution as amended stand part of the resolution.”

The motion was carried.

Mr. President : The question now is—

“ (a) that further arrests in connection with the Guru-ka-Bagh be stopped.”

To this an amendment is proposed to be moved by Maulvi Muharram Ali Chishti. I now call upon him to move the amendment.

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

“ That for existing clause (a) the following be substituted ‘that after the settlement is effected no further arrests in connection with the Guru-ka-bagh be made.’ ”

Settlement means nothing if the arrests are stopped beforehand. This is not even logical. Therefore this should happen after the settlement. I do not know whether this amendment suits Sardar Dasaundha Singh, the mover of the resolution, or not, and I may be mistaken in putting it forward, but

what I do understand is that the stoppage of arrests before the settlement means the unconditional surrender of the Government. *Mahant* Sundar Das may be a wicked man and so are some of the *mutwallis*, etc., of our mosques, but no one has the right to turn them out by force. Despite my sympathy with the Sikhs I do not wish to create a precedent of civil disobedience for other communities so that they may also take possession of their sacred places whenever they like. I am against civil disobedience. Be he a *Mahant* or any one else, turn him out by law. If every one takes the law into his own hands, the state of the country will become critical. I am not a supporter of the "prestige" that the executive officers want to maintain, but I believe in the maintenance of the prestige of law which is conducive to the well-being of the country. I would not insist on my amendment if it be against the wishes of the mover, but I wish that no step should be taken whereby it could be said that civil disobedience has been successful. The Hindus have only prevaricated. I may get a bad name, but I say everything frankly. I have sympathy with the Sikhs for their sufferings, but I do not want the law to be flouted. If you don't want anarchy, chaos and Bolshevism in the country, you should protect the law. I regret that I have been able to please neither the Government owing to its policy of repression, nor my friends in this matter. But truth is always bitter and yet it has to be stated.

The Honourable Sir John Maynard: I presume the honourable member feels that there should be no more arrests even though offences may be committed.

Mr. President: The Honourable the Finance Member points out that the wording of the amendment is a little ambiguous. Is it the intention of the amendment that arrests should not be made in case no further offences are committed or that arrests should not be made even if further offences are committed? Will you just make your point clear?

Maulvi Muharram Ali Chishti: I mean if no further offences are committed. In the original resolution it is stated that the stoppage of arrests must precede the settlement. That I do not think is reasonable.

Mr. President: State exactly what you mean. One would naturally hope that when a settlement has been made there would be no further occasion for offences. But supposing offences do occur of this kind in spite of the settlement, will the amendment mean that no arrests should be made even in those cases?

Maulvi Muharram Ali Chishti: If the offences do not cease arrests must be made. I am quite clear on that point. (*Hear hear*). I never meant that there ought to be a general passport for committing offences. That is not my view.

Mr. President: The original question was—

"that clause (a) stand part of the resolution."

To that an amendment has been moved—

"that for existing clause (a) the following be substituted: 'That after the settlement is effected no further arrests in connection with the Guru-ka-Bagh be made.'"

The question now is that the amendment be made.

4 P. M.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural] (Urdu) :—Sir, in moving this resolution I had tried not even to allude to the point of law in connection with the Guru-ka-Bagh affair. I have, therefore, felt pained that the discussion has drifted to this point in spite of the fact that the matter is *sub judice*. It would have been better if Maulvi Muharram Ali had not used such expressions as "civil disobedience," "taking the law into one's own hands" etc. The question before us is not what the Sikhs are doing but it is how to solve the problem in which the Sikhs and the Government are now entangled. The proposal to stop the arrests first is in order to create a calm atmosphere and hence by the Maulvi's amendment the resolution becomes inoperative, otherwise as the Honourable Finance Member has said the settlement could have been arranged ere this. There is not one among the Sikh members who has not gone to Amritsar four or five times and tried his best to bring about a settlement, but there will be a vast difference between then and now if the arrests are stopped without which no settlement can be arranged. I hope the honourable member who appears to be so sympathetic, will, in the circumstances, withdraw his amendment and I appeal to him to do so if he wants to make the resolution a success. Otherwise the charge of using mealy-mouthed language levelled by him against the Hindus, will, if I may be excused to say so, also apply to him. I also want to emphasise to the other members of the House that the success depends upon the stoppage of arrests. If this is not done the passing or not passing of the resolution is one and the same thing.

Rai Bahadur Lala Hari Chand [West Punjab Towns (Non-Muhammadan) Urban] (Urdu) : Sir, I am against this amendment. Sardar Dasaundha Singh, the mover of the resolution, knows best in which circumstances he can be successful. The affair between the Sikhs and the Government is growing worse every day. The resolution is excellent and if we succeed peace and order will prevail. At this time all the communities are in sympathy with the Sikhs. All the leaders of the Congress, Khilafat, etc., who have seen the beating, have shown sympathy with them. Much has been said about taking the law into one's hand but I submit that anyhow this matter should be put an end to. Therefore further arrests must cease and I hope that Maulvi Muharram Ali will accordingly withdraw his amendment.

Rai Sahib Lala Thakar Das [North-West Towns (Non-Muhammadan) Urban] (Urdu) : Sir, On hearing what the mover has said I consider the resolution quite meet and proper. I would have supported every word of Maulvi Muharram Ali's speech but I think there are difficulties which require sagacious and prompt handling. If the arrests are not stopped and the committee of five Sikh members appointed to bring about the settlement goes to the *Gurdwara Parbandhak* Committee, that body would not even recognise them. There are signs of peace visible in the country. Non-co-operators have become weak and desire to enter into the Councils. I would, therefore, respectfully request the Government to act generously in this matter and to reject the amendment.

Maulvi Muharram Ali Chishti (Urdu) : In view of what Sardar Dasaundha Singh has said I do not wish to take this responsibility on my shoulders and accordingly beg leave to withdraw the amendment.

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

The Honourable Sir John Maynard (Finance Member) : Is it permissible to object ?

Mr. President : It is permissible for you to object.

The Honourable Sir John Maynard : I believe that there is very serious misunderstanding on the part of some of the members who have spoken and I wish to make it clear.

Mr. President : Do I understand that you object ?

The Honourable Sir John Maynard : If it means that the honourable mover of the amendment is prepared to accept the view that further arrests should not be made, then I object to the withdrawal very strongly.

Maulvi Muharram Ali, Chishti (Urdu) : I only withdraw my amendment. I will vote on the original resolution as I like. This withdrawal does not affect my opinion on the original resolution either way.

The Honourable Sir John Maynard : Then, Sir, I have no objection.

The amendment was by leave withdrawn.

Mr. President : The question now is the original question—

“ that clause (a) stand part of the resolution.”

The Honourable Sir John Maynard (Finance Member) : As I understand my friend Rai Bahadur Lala Hari Chand and also my friend Sardar Dasasundha Singh when they advocated the stopping of arrests prior to an attempt for settlement. I think that there was on their part a very serious misunderstanding of the actual position. Government is at present upholding the law. It only makes arrests, because the law is violated. If arrests were stopped, that would mean that Government would stand aside and allow the law to be violated. If the Government should decide to allow the law to be violated, i.e., not to make any further arrests when offences were committed, there could be no utility in effecting a settlement because everything that the *Parbandhak* Committee desired would already have been yielded to them. The fact that Government ceases arrests would mean that the *Akalis* were doing what they wished to do, i.e., were carrying out their own will. Therefore, there would be no possible advantage in attempting to make a settlement. The settlement would already have been made and entirely in favour of one party only.

Mian Muhammad Shah Nawaz : Perhaps what Sardar Dasasundha Singh means is that arrests may be postponed for a short time and if a settlement cannot be arrived at the arrests can go on as at present.

The Honourable Sir John Maynard : Here are persons going to a particular piece of land with the object of cutting wood from it. If they are allowed to do so then their claim is conceded. If they are stopped that means that they are arrested. If the arrests are stopped, it means that the question has been decided in favour of one party, and that is not a fair settlement.

Mian Muhammad Shah Nawaz [Lahore (Muhammadan), Rural] (Urdu) : Sir, with your permission, may I ask Sardar Dasasundha Singh

[M. Mohd. Shah Nawaz.]

whether he thinks or believes that pending the settlement the *Akalis Jathas* will not proceed to the *Guru-ka-Bagh* ?

Sardar Dasaundha Singh : [Ludhiana (Sikh), Rural] (Urdu) : I cannot say anything about this, nor can I give any undertaking as I have not made any enquiry from the *Gurdwara Parbandhak* Committee on this point. Moreover, if I could stop *Akalis* from proceeding to the *Guru-ka-Bagh* I should not have come forward in the Council with this resolution and the matter would have been settled there and then.

Mr. Ganpat Rai : Sir, I want to ask Sardar Dasaundha Singh one question and that is whether he has inquired from the *Parbandhak* Committee that they are willing to accept their intermediation as proposed in this resolution.

Sardar Dasaundha Singh [Ludhiana (Sikh), Rural] (Urdu) : I have already stated in clear terms that I have consulted neither the *Mahant* nor the *Gurdwar* Committee. The latter do not like even the moving of the present resolution. They are not in a mood to come round. Therefore in order to be able to enter into negotiations with them it is essential to stop the arrests.

Maulvi Muharram Ali, Chishti (Urdu) : If this is the position of affairs as has been explained by my honourable friend Sardar Dasaundha Singh then while he asked me to withdraw the amendment I shall request him rather to withdraw his resolution.

Sardar Dasaundha Singh (Urdu) : If the majority of members, in spite of their professions of sympathy, desire that I should withdraw the resolution, I would gladly do so ?

Rai Sahib Lala Panna Lal [north-East Towns (non-Muhammadan), Urban] (Urdu) : Sir, what I do not understand by this resolution is whether the Government should apply to the *Akalis* for settlement by lowering its prestige since the *Akalis* have not applied for any settlement. Such an application from the Government means nothing but that it folds its hands before the *Akalis*. If the question of prestige comes in in minor matters like the appointment of Inspectors and the like, I do not see why that question should be lost sight of now. Therefore the arrests should only be stopped if the *Akali Jathas* do not proceed to the *Guru-ka-Bagh*. Hence the amendment of Maulvi Muharram Ali should not have been withdrawn by him.

Chaudhri Ali Akbar [Kangra-cum-Gurdaspur (Muhammadan), Rural] : Sir, in supporting the motion of Sardar Dasaundha Singh, I would ask the Honourable Member for Finance where was Government sleeping when the Sikhs previously took possession of various shrines ? It is a pity that there is a class of persons which incites the Sikhs on the one hand and the Government on the other. In my opinion water should be poured on the blazing fire and therefore further arrests should be stopped. No settlement can be made without this. The stoppage of arrests would create confidence in the Sikh Members of the Council thereby strengthening them for the work of bringing about the much needed settlement. There is no harm if further arrests are even suspended for a few days. If the *Gurdwara* Bill had been passed before, these events would not have taken place. I remember the words of Sardar

Bahadur Sardar Mehtab Singh that there are people who, while articulating words of sympathy with the Sikhs, do not allow the passing of the *Gurdwara Bill*. With these words I support the resolution.

Pandit Daulat Ram Kalis [East and West Central Towns (non-Muhammadan), Urban] (Urdu): Sir, there is an important question before the Council. Does it want to accept the principle of 'might is right'? On one side there is the single-handed Mahant, while on the other *jatha* after *jatha* is proceeding to the Gurn-ka-Bagh to take possession of the land of the Mahant. If the Government yields to-day private property will be assailed by others also and the property of poor people will be in danger. No civilised Government would hesitate in protecting private property from pillage. I think only the clause of resolution passed by the Council should remain. I strongly oppose the second clause.

Mr. Nawab Din Murad [East and West Central Towns (Muhammadan), Urban] (Urdu): Sir, I am sorry to oppose this clause of the resolution. When two parties are at war with each other, both of them are asked to stop activities at once but here one party is asked to halt while no one takes responsibility from the other side. The country is not only inhabited by the Sikhs, but other communities—Hindus and Musalmans also live here. If such a precedent is established it will be followed by every one. Bearing this in mind I strongly oppose this part of the resolution. If the mover does not give an undertaking that *jathas* will not proceed to the Gurn-ka-Bagh the arrests should not be stopped.

Rai Bahadur Lala Sewak Ram [Multan Division (non-Muhammadan), Rural] (Urdu): Sir, I give my full support to the original resolution put forward by Sardar Dasaundha Singh. This resolution is quite clear. Unless the arrests stop, how can the compromise take place. On the one hand the Government continue arrests, on the other there will be five members of this Council sitting in some other place trying to bring about a compromise. They will come to no terms, because when the arrests are going on, the people will be getting excited and they will come to no compromise. What Sardar Sahib really means is that there should be a kind of armistice, then these five members will be able to bring about a compromise, and if the compromise takes place there will be no further quarrel between the two parties. Therefore I beg to submit that the arrests may be stopped first and in the meantime negotiations may be started between the five elected Sikh members of this Council and the members of the *Shromani Gurdwara Prabandhak Committee*. This is the right and proper way to proceed with the matter and I therefore support Sardar Dasaundha Singh's original motion as it stands.

Rai Sahib Chaudhri Lajpat Rai [Hissar (non-Muhammadan), Rural] (Urdu): Sir, it has been said that the arrests at Gurn-ka-Bagh should be stopped, and that the *Akalis* may take over possession. This means that this Council permits the committing of an offence. I do not want to be a party to this. If no undertaking of any kind is given on behalf of the other party, how can the arrests be stopped. I therefore oppose the motion.

Mr. K. L. Rallia Ram (Representative of Indian Christians): Sir, I am sorry I was not present in the early deliberations of this Council on the subject; but in view of what I have read about the subject and what has been going on in the country and in the press one need not be told much. At the very outset, Sir, I would like to make it clear that I do stand for law and order, but at the same time I do appreciate very much the noble effort made by the mover of this resolution to bring about peace in the country and to

[Mr. K. L. Rallia Ram.]

revive those good relations which have subsisted between the Government and the Sikh nation. It is true that they have violated law, but we must see the motive behind it. Everybody would agree that they have not rebelled against Government. They have violated law to a certain extent so far as the technicality of the law is concerned. The situation is getting very serious. It should be for the Government to see that peace and tranquillity are restored. We must not be quarrelling about words. We must take a very practical view of things even at the risk of losing our prestige.

A number of arguments have been advanced, but we must take a very comprehensive view. Is the Government prepared, for the sake of argument, to imprison two lacs of people? If you go on arresting like this, I think a day will come when the Government will say 'we have no room for them.' It is better therefore for the Government at this stage to relax the law a little and to try to arrive at a definite understanding. Whenever there is any quarrel between two people one must yield; unless one party yields there can be no understanding. The question now is who should yield first, the Government or the Sikhs. The Sikhs say 'it is our own affair and we do not want the interference of the Government.' The Government say 'we have to maintain law and order.' I would therefore suggest as is done in all cases that the man who is more powerful, the man who is braver, the man who is more civilised, should yield. I think it is in keeping with the law of chivalry that the Government should yield. The Government would be the wiser for it and it will be admired. After all it is a family quarrel and perhaps the Government is as much concerned as we are. It is very difficult for the Government, perhaps, to understand the innermost feelings of the people. I had an occasion to go to Amritsar once and I must admit that I was very much impressed with the religious zeal which these *Akalis* showed, the zeal, the bravery and the fortitude which they exhibited. It is quite probable that they are overpowered by zeal, and, they may have shown fanaticism, but there is a genuine effort and Government should come forward to help them. I would very much recommend that temporarily the Government might stop these arrests, and if no conclusion or definite understanding is arrived at Government is at liberty to start arrests again. I do not mean that Government should relax law altogether, but there are practical issues. There was the war with Germany and when the time came there was a truce to settle peace terms. How was that arrived at? Germany might have said 'you stop the war first' and the British and the Allies might have said 'you stop first.' I think both stopped simultaneously. This is what happens in all wars. If we adopt the same means now I am sure we would be contributing to the happiness and contentment of the Province at this critical moment. I quite appreciate the difficult position of the Government, but I think that no harm will be done to any one if the arrests are stopped temporarily. I am sure, that wiser counsel will prevail with this Council.

The Honourable Lala Harkishan Lal (Minister for Agriculture) (Urdu): Sir, I would only submit that the debate has gone far beyond the point at issue. The dispute is between the *Mahant* and the *Akalis*. Mr. Rallia Ram, however, has gone out of his way to speak of war, as it were, between Government and the Sikhs. He first supported Sardar Dasaundha Singh but afterwards added the word 'temporarily'. I would now draw attention to the real subject-matter of the debate. When it is asked that Government should stop arrests for a time the question arises who will fix the time-limit. Will it be fixed by the five gentlemen or by some other

body. The *Akalis* daily go to the Guru-ka-Bagh and create a cause for dispute. How is this difficulty to be got over? If conditions which will not cause friction between the parties are restored Government is ready for a settlement. Complaints have reached Government that *Akali* Sikhs are bent upon cutting wood in Guru-ka-Bagh, without any scruple. No gentleman has stated what the *Parbandhak* Committee will do in case the *Mahant* or Government express their readiness to make a settlement, whether if there were no police present in Guru-ka-Bagh the *Parbandhak* Committee will be in possession of the disputed land at Guru-ka-Bagh, or whether in the event of such possession the land would be again restored back. Certainly not. It would be impossible to get back possession. Efforts should be directed towards effecting a compromise between the parties. All that Government desires is a compromise between them. When this is the case it is not necessary for Government to allow any opportunity or stop arrests. Government would be only too glad if peace is made. It will, however, be improper for it to ask any court to issue an order to that effect. To insist that Government should show preference to one of the parties before the prospects of a settlement materialise would be a gross mistake. If, instead of asking Government to appoint a committee of five persons, the Council had asked them to make efforts towards a settlement this would have been more appropriate. Government is no party against the *Akalis*. Such an idea is entirely wrong. As a matter of fact Government is ready for a settlement.

Pandit Daulat Ram Kalia: 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.

Sardar Dasaundha Singh [Ludhiana (Sikh) Rural] (Urdu): Sir, when I put forward this resolution I hoped that it would be accepted. I had no idea that even the non-official members would oppose it. It is a matter for surprise that only one aspect of this most important question should have been taken into consideration. The Honourable Member, Finance, has considered only the legal aspect of the case. My point is that the possession of the *Gurdwara* was obtained in the same manner in which efforts are being made to obtain possession of the land attached to the *Gurdwara*. A year ago a settlement was made with the *Mahant* and it was stipulated that in case he committed a breach of the tenets of the Sikh faith he would be dismissed. It is urged that the Sikhs want to take possession of the private property of others and that it is the first instance in history that so much suffering has been endured for the sake of a small plot of land. This is not a question of ownership of property. The *Akalis* are prompted by religious considerations and they are putting up with all this suffering for the sake of religion. The question now is for how long the present attitude towards the *Akalis* will continue. Those who see the Sikhs going into the temple get excited too and become ready to make sacrifice. Over 100 Subedars having gone to jail it is clear that the Sikhs under the impulse of religious fervour are sacrificing worldly gain and position at the altar of their religion. I would make a strong appeal to the members of the House to consider the matter in all its bearings and to evolve a plan that will enable us to tide over the present difficulty. Either they should vote for my resolution or suggest some other solution. If even this moderate proposal

[Sardar Dasaundha Singh.]

is not accepted by the House it is possible that the situation may grow worse and the matter may assume serious proportions. The House should give its well-considered opinion on my resolution.

5 P. M.

The Honourable Sir John Maynard: Sir, I feel quite sure that there are many owners of property, in particular of property in land, in this Council. Probably with the exception of a certain number of officials almost everybody owns property and almost everybody owns property in land. The officials are an exception; they do not own any property. (Laughter). Sir, I want the owner of property to think, to consider for himself what is the precise meaning of the proposal that Government shall cease to give protection to property. I want the owners of property to ask themselves what would be the effect of a decision on the part of Government that it would henceforth not protect property, that any person who for any reason, religious or sentimental or other, desired to take the property belonging to somebody else that Government in consideration of the genuineness of his feelings and the strength of them should decide to stand aside and allow that person to take possession of that property. It is so serious a matter that I trust that before voting upon the question which is before the House every member of it will ponder deeply the serious consequences of encouraging persons in the belief that this House supports them in an attack upon property and does not expect Government to uphold the law.

Sir, I am going to quote one or two sentences which have fallen from the various members in the House in the course of this discussion. There will come a day when if those sentences are recorded in the records of this House they will feel ashamed and wonder that they were ever uttered by them. "What does it matter if the *Akalis* take this little bit of land? It is so little that it does not matter that the rights of property are violated, that it does not matter that Government gives up the fundamental and first duty of its existence, because it is a little bit of land so little that the evil is of no concern." That is one of the sentences which I believe will be read in future by the gentleman who uttered it with wonder and with shame. Another was: "Let Government be generous and give up this land." Generous with what? Not with its own property but with the property of one who is threatened by lawless persons however excellent their intentions, however deep their feelings. It is the property of such a man which Government is invited to be so generous as to give up and if the Government were to be so generous as to give up the property of this one man why should it not be equally generous as with the property of other persons. And this gentleman who ordinarily does not allow his sentiments to carry away his commonsense asks us to "relax the law a little." Where shall this process stop? If the law is to be relaxed, how much? Just a little to-day, and to-morrow just a little more and the next day just a little more. And where is it going to end except in chaos?

Sir, when I say that members will read their own speeches on the subject with shame and wonder, I believe I am not in any way exaggerating the situation. This House is the partner of Government in the sacred duty of maintaining the law. Is this House to urge upon Government the duty of relaxing the law and of abandoning it and giving up the protection of those who claim protection? I do not believe in the possibility of this House so condemning itself as to pass such a resolution as this. (Loud cheers).

Mr. President: The question is—
"That clause (c) stand part of the resolution."

The Council then divided : Ayes 14, Noes 27.

Ayes 14.

Sedhi Lal Singh.
Chaudhri Ali Akbar.
Sardar Balwat Singh.
Sardar Dasaundha Singh.
Sardar Sahib Risaldar Dilbagh Singh.
Rai Bahadur Lala Hari Chand.
Mr. K. L. Rallia Ram.

Sayad Muhammad Husain.
Lieutenant Sardar Raghubir Singh.
Rai Sahib Chaudhri Raja Singh.
Sardar Sangat Singh.
Rai Bahadur Lala Sewak Ram.
Rai Sahib Lala Thakar Das.
Lala Uttam Chand.

Noes 27.

The Honourable Sir John Maynard.
The Honourable Sardar Bahadur Sardar
Sundar Singh, Majithia.
The Honourable Khan Bahadur Mian
Fazl-i-Husain.
The Honourable Lala Harkishan Lal.
Mr. T. D. Craik.
Mr. J. Wilson-Johnston.
Mr. A. Latiff.
Mr. J. F. Mitchell.
Mr. N. H. Prenter.
Mr. A. J. Gibson.
Mr. C. M. King.
Mr. E. R. Abbott.
Lieutenant-Colonel D. M. Davidson.

Mr. W. P. Sangster.
Lieutenant-Colonel W. C. H. Forster.
Mr. D. Milne.
Mr. G. Anderson.
Mr. J. G. Beazley.
Mr. Nawab Din, Murad.
Pandit Daulat Ram, Kalra.
Rai Sahib Chaudhri Lajpat Rai.
Rai Sahib Misar Mela Ram.
Rana Muhammad Jamil Khan.
Chandhri Nabi Bakhtish.
Maulvi Muharram Ali, Chishti.
Rai Sahib Lala Panna Lal.
Khan Bahadur Khawaja Yusuf Shah.

The motion was lost.

Mr. President: Now we come to clause (c) of the original resolution, to this an amendment has been tabled.

"That all persons arrested or convicted in connection with the Guru-ka-Bagh be released forthwith."

Sardar Dasaundha Singh: May I say one thing, Sir. Inasmuch as the first part of my resolution has failed, I beg to withdraw this clause. It is useless to proceed with it.

Clause (c) of the resolution was by leave withdrawn.

Mr. President: The amendment also falls to the ground. The only point that now remains is the preamble that—

"This Council recommends to the Government."

I do not think that requires any voting on as it is fully understood.

Sardar Dasaundha Singh: I beg leave to withdraw this motion also.

Mr. President: I am sorry the matter has been voted on in this Council and it is therefore not possible to withdraw clause (b) at this stage. As clause (a) of the resolution has been lost and clause (c) has been withdrawn by the mover with the leave of the Council, the resolution as passed by the Council will stand thus:—

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

RESOLUTION re MULTAN RIOTS.

Mr. Ganpat Rai [Lahore-Ferozepore-cum-Sheikhupura (non-Muham-madan) Rural] : Sir, I beg to move :—

"That this Council recommends to the Government to appoint a committee, on which there should be not less than four non-official members of this Council, to enquire into the truth or otherwise of the allegations made in the press or by organised public bodies against the conduct of the Police and Civil officers in connection with the recent riots at Multan."

Sir, it is my painful duty to move this resolution, and I assure the House that in moving this resolution I may say that I am not doing so with any direct or indirect intention to create any tension between the different communities or as a hostile critic of the Government, or to cast unnecessary slur on any public servant or official. It is only with the desire that true facts may be brought to light and if there are any public servants or officials who are guilty of any neglect of duty, they may be properly dealt with and in future the safety of the public may be more assured.

The Honourable Sir John Maynard (Finance Member) : Sir, is it permissible for the honourable member to read out his speech.

Mr. Ganpat Rai : These are only my notes. It may be said that departmental inquiries have been made or may be made but having regard to the horrible deeds and doings, the departmental inquiry in these days into a serious matter will not command public confidence. Say whatever you may like, if the Government wishes to enlist public confidence, which it is its duty to have, it should not hesitate to accept an innocent resolution like the one I have moved. This has been modified to show that my object is public good and support of Government, and I hope the Government will not oppose this resolution.

Sir, I do not wish to rely on any anonymous writings or hearsay. An inquiry was made on the spot by a committee of some of the honourable members of the Council. One of them was a gentleman who lately occupied the position of a District Magistrate. I mean my friend the Honourable Diwan Bahadur Raja Narendra Nath. Another gentleman who has got a stake in the country was associated : I mean my friend Rai Bahadur Lala Sewak Ram. There was still another gentleman whose patriotism for his country and balance of mind is well known to several officials and non-officials. I mean Bakhshi Tek Chand, Advocate of the High Court of Lahore. Now these gentleman went to Multan, inspected the spot, made inquiries and had interviews with the local executive officials in charge of the District. I shall give a few extracts from their report. I hope the Government officials have read it seriously, and I will, therefore not detain the Council very long. I shall now read an extract from the report :

Mr. President : Is the honourable member going to put in the whole report? If he wishes to quote from a document, the House is perfectly entitled to insist that the whole of it should be put in. If he is going to quote some extracts, and the House does not object, of course I have no objection.

Mr. Ganpat Rai. I am very glad, Sir, that you have asked me to put in the whole report. I will put in the whole report, and would like Government to get it printed and circulated broadcast so that everybody who has not read the report may be able to know what the facts are.

Mr. President : I do not know if the House is going to insist on the

whole being put in ; but if it does not, I have no objection to your quoting extracts. Does any member wish to insist on the whole report being put in.

No member signified a desire to do so.

Mr. Ganpat Rai : Of course I wanted to read the whole of the document but in order to save time, I read only the extracts. The first extract which I am going to read is this

Pir Akbar Ali [Ferozepore, (Muhammadan,) Rural] : Sir, I rise to a point of order. The honourable member has not said from what document he is going to quote. He must first let the House know the original document from which extracts are going to be read out.

Mr. President : He has already told you what document he was reading from. Perhaps, Mr. Ganpat Rai, you will again explain.

Mr. Ganpat Rai (continued) : This is the report of the representatives of the Hindu Sabha. The representatives were Diwan Bahadur Raja Narendra Nath, Rai Bahadur Lala Sewak Ram, Bakhshi Tek Chand and Lala Gulshan Rai, and the extracts I am going to read out are from their report published in the newspapers, and prepared by these gentlemen and signed by them.

Pir Akbar Ali : I again rise to a point of order. The honourable member has not told me in what newspaper it was so that I may be able to get hold of the issue and see the report for myself.

Mr. President : There is no reason to ask in what newspaper the report has been published. I asked the House if it wished the whole to be put in and they did not indicate their desire. I now ask the honourable member to read out his extracts.

Mr. Ganpat Rai : I read an extract from that report :

" On their way inside Pak Gate they desecrated a *Shivalaya*. Outside the Pak Gate the mob strengthened by the residents of Bhaiti Sarai, looted the houses of Hindu residents in Bhaiti Sarai and there desecrated another *Shivalaya* a *Dharamsala*, Jog Maya, a *Shivalaya*, and in the vicinity of a police station

Mian Ahmad Yar Khan, Daultana. [Multan (East) (Muhammadan) Rural] : Sir, I rise to a point of order. The resolution is about the conduct of the civil and police officers and this does not concern the conduct of the Police officers.

Mr. President : Yes, I do not quite see the bearing of this on the resolution. If you explain to me, I will reconsider it

Mr. Ganpat Rai (continued) : I will explain, Sir. It is alleged that several religious places were burnt down and demolished within a very short distance of the police posts, and the police officers did not raise their little finger to stop it. I want to show to the Council that the police officers did not exert themselves in trying to prevent the burning of these places. These extracts give the situation exactly, and they also show what several officers did. I want the ruling of the President whether I should go on.

Mr. President : I have not stopped you.

Mr. Ganpat Rai : Sir,.....

Pir Akbar Ali : I submit, Sir, that the cases to which this report relates are still *sub-judice*. The report touches those points which have to be decided by the court.

Mr. President : I am not in a position to say whether this report touches cases which are still *sub-judice*. But if it has a bearing on any cases that are *sub-judice*, you must not read it.

Mr. Ganpat Rai : I am not taking any of the cases that are still *sub-judice*. My resolution is only about the civil officers and police officers not doing their duty. I know a Special Magistrate has been deputed to try cases, and he is sitting. Therefore, I refrained particularly from touching those cases which are still pending. The extract which I was reading goes on:-

"Another mob starting from the south of Chouk of Masjid Wali Muhammad went looting the Hindu houses through Gali Machhihat. Outside Delhi Gate the mob, strengthened by the Mussalman residents of the locality, looted and burnt a large number of Hindu shops in the vicinity of the police posts. *Batis*, etc., were heaped in front of the shops and set fire to.

"Religious places Nos. 1, 3 and 4 are quite near the police post. We believe that if the Police force had taken energetic measures in time all this rioting, looting, incendiarism, and desecration of Hindu and Sikh places of worship would have been, at least partially, prevented and the damage caused considerably minimised. We are told that after the incident of collision with the telephone wire the immediate duty of the Police force was to escort the *tasias* safely out of the city. But we do not consider this explanation sufficient."

So, Sir, you can see that the report by the persons who prepared it should be considered credible, by the head of the district. As I said it is a very moderate report. They have mentioned in it only what had actually happened so far as the Police and other officers are concerned. I may mention before I quote further that the gentleman who was the President of the Committee who wrote the report has been for some time the Deputy Commissioner of Multan. He is not an ignorant man going from Lahore and staying there for a couple of days and saying all this. We have got all this from a responsible gentleman who was the Deputy Commissioner of Multan.

"It must be remembered that on the occasion of the Muharram, Police force is stationed at three important places. The strongest force, consisting of Police as well as of some Military, is stationed at the Koop, in the centre of the city, quite near Masjid Wali Muhammad. The telephone wire incident took place near this place. The Lohhat Bazaar and Gali Machhihat also begin from near this vicinity. We recognise the Deputy Commissioner cannot be expected to know the detailed contour of the city, but this could not have been said of the Indian Police officers, and Magistrates, both stipendiary as well as honorary, some of whom are natives of Multan. The Police could have at once stopped the approaches to Lohhat, Machhihat, and Chhattarhat Bazaars, prevented the mobs from going through these avenues, and escorted the *tasias* safely through Pak Gate as well. The Police and Military force at the Koop was quite sufficient for the purpose. At any rate we must remember there was a second Police force of great strength stationed outside Haram Gate near the old Government School. Usually this force is not

removed till the *tasias* after coming out of the Pak Gate have passed beyond this station. This force could have easily prevented the looting and burning of shops inside and outside Haram and Pak Gates. But this was not done. Again the third police force is stationed outside Lohari Gate, near Town Hall, and yet under the very nose of the Police force Hindu shops outside Lohari Gate were looted and burnt. We are told that while the *tasia* processions were in progress, the Police *chowkis* at the gates were not strongly guarded. It is said they had a small number of constables each. We are willing to believe this, so far as Bohar Gate, Daulat Gate, and Delhi Gate are concerned. But on the third instant no damage was done near Bohar and Daulat Gates, and only some damage near Delhi Gate. Most of the damage on this day was done in Chhattahat Bazaar, Pak Gate, Haram Gate, and Lohari Gate, where curiously enough the Police strength was much larger."

I do not wish to give more lengthy extracts from this report, but this report says that two other religious places of Hindus just behind the Town Hall and in between police station and police *chowki* were desecrated.

Sir, the other report which is also a dispassionate one is from a representative body which will sacrifice everything and which will have advised the people who have suffered most to show toleration in order to maintain the Hindu-Muhammadian unity. As I have said before my object is not to create any tension between the two communities and therefore I am bound to refer to the report of that body who have sacrificed, are sacrificing and are advising the people to sacrifice and be most tolerant in order to keep that unity. The report of that body has been criticized by a large number of public men and others that they have intentionally minimised the happenings at Multan. It cannot be said that this body has given a partial view of them and by this I mean.

The Honourable Sir John Maynard : I should be (glad if the whole report of this body is placed on the table.

Mr. Ganpat Rai : I am much obliged to the Honourable Finance Member. I shall be pleased to put in the whole document.*

Mr. President : I understand that Mr. Ganpat Rai was quoting from a report made by the Congress.

Mr. Ganpat Rai : Yes, Sir, it is the report by the Khilafat and Punjab Provincial Congress.

Mr. President : This is a different report to the one you were referring to before ?

Mr. Ganpat Rai : This is a different report to the one I was referring to before. Shall I read the whole of that report, Sir, or only extracts ?

Mr. President : If the honourable member is going to waste the whole of his time in reading reports he will have no time left for his speech.

Mr. Ganpat Rai : Sir, I want that the whole House may be in possession of the whole report but I expect that this will be done before the vote is taken.

I will read a few more extracts :

* Vide appendix to these debates.

[Mr. Ganpat Rai.]

" (1) All are agreed that a little firm action at the start would have nipped the mischief in the bud. But there was a woeful lack of firmness amounting to indifference and the rioters were left entirely unchecked to work their sweet will.

" (2) The gravest acts of incendiarism and loot have all taken place in the 'immediate vicinity' of police stations and the police looked passively on and did not stir their little finger to check or disperse the mob even at the urgent entreaties of the people. Nearly 25 shops were set fire to in the square just inside the Lohari Gate and the *Kotwali* is just 100 yards from the square, the Town Hall across the road and the police *chowki* is just about 40 yards away on the other side. Even after three days the fire was still smouldering and had not been put out.

At the Delhi Gate where nearly 15 shops were looted the police *chowki* is only 20 yards away from the nearest shops which were completely looted. At Pak Gate where nearly 10 shops were rifled of their contents which were heaped up on the road and set fire to and three or four shops gutted, the police station is only 30 yards off and just facing the scene of the occurrence. One Lala Girdhari Lal, a Barrister, was besieged in his house by a crowd of nearly 50 persons who hammered at the doors trying to break in and his house is exactly opposite the police post nearly 30 yards away. He never received any assistance at all and he was beaten badly until he became unconscious and jewels and cash worth Rs. 1,000 were taken away. Two *Dharamsalas* outside Pak Gate were set fire to, the *Shivlayas* inside them desecrated and the images broken and Guru Granth Sahibs burnt and the places were only 50 or 60 yards behind the police post. As a matter of fact the people alleged that many of the policemen smilingly looked on at the horrible acts perpetrated before them and in some cases egged on the rioters. In one instance when a temple in front of the *Kotwali* was being set fire to the Police in the *Kotwali* were simply looking on and did not do anything at all."

As I said I do not like to detain the Council by reading further extracts but I want to say this much that the reports are signed by responsible members of this Council and other gentlemen outside the Council, Advocates and Secretaries and the Vice-President.....

Mr. President: The honourable member has only five minutes more.

Mr. Ganpat Rai: Well, Sir, I have seen Government *communiqués* issued from time to time in connection with the riots at Multan but have these *communiqués* satisfied public opinion? Has Government by issuing those *communiqués* gained the confidence of the people? If they have not, then I hope they will not oppose this resolution in their own interest, for if they do so people will draw their own conclusion as in the court of law when a man does not put forward a document and witnesses, the Judge draws his conclusion against him and the verdict of the Court is against that man. What will be the verdict of the people? If the Government is straightforward and frank, it will say: here are your representatives, they have made certain allegations against the Police and other officers, we will inquire into the truth or otherwise of those allegations.

Sir, as I have said in the beginning I am not doing this with a view to gain favour in the press, or with a view to put the Government into difficulty,

or with a view to create any tension between any community but with a view to see that if the Police have not done their duty the Government will take action as it has done in other political matters.

I challenge anybody to contradict my statements not by just making a speech but by facts and figures. I appeal to the Government in their own interest. The Committee I suggest will give them credit if credit is due to them. I do not want to condemn them. Is the Police to rule the country or is their conduct subject to control? With these remarks I move my resolution and I hope the Government will be pleased to accept it.

The Council then adjourned till 2 O'clock on Wednesday, the 1st November 1922.

APPENDIX.

REPORT OF THE PROVINCIAL KHILAFAT AND CONGRESS COMMITTEE
ON MULTAN RIOTS.

ON hearing of the grave situation that had arisen at Multan on the occasion of the last Moharram we were deputed by the Punjab Provincial Congress Committee to go to the spot immediately with a view to get at the true facts and ease the situation as far as possible. We accordingly left Lahore on the night of the 5th September along with 3 doctors, Dr. Jagan Nath Luthra, Dr. Nand Lal Rampal, and Dr. Kashyap, and with about 18 Congress and Khilafat Volunteers in case medical or other help were necessary. We were also accompanied by 3 reporters of the *Bande Matram*, *Partap* and *Zamindar*. We reached Multan on the morning of the 6th at 5-30 A.M. and we found the station premises under a strong military guard. Hearing that there was some sort of Martial Law (according to the popular reports) in the city and that nobody was allowed to enter before 7 A.M., we stayed for an hour at the station and then proceeded to the Congress Office in the city. We found military stationed at all the gates of the city and learned that there was no Martial Law as such but that the civil authorities were in command with the help of the military whom they had called in. We also came to learn that the Deputy Commissioner had after consultation with some prominent men of the city, issued instructions prohibiting the formation of groups of more than 5 persons in the streets of the city and also suspending all traffic between the hours of nine at night and six in the morning.

Our principal object was to find out the exact state of affairs and give as correct a version as possible so as to put an end to all vague and alarming rumours which have already done and are likely to do a lot of mischief. We, therefore, interviewed a large number of men of both the communities, went both to the Congress and Khilafat Committee Offices visited the various localities where mischief had been done and have also had the benefit of a long conversation of an hour and a half with the Deputy Commissioner, Mr. H. W. Emerson, and the Commissioner of the Division, Sh. Asghar Ali, Mr. Broadway, Deputy Inspector-General of Police, and Sh. Abdul Rashid, Superintendent of Police. There was practically no scene of occurrence which we did not visit nor any allegation made by parties which we did not investigate. We did not take down any statement in writing or on oath, nor was it possible for us to take all the evidence that was offered; but we carefully scrutinized every bit of information and cross-examined the informants as thoroughly as possible.

The genesis of the trouble is very difficult to determine. A *Tazia* known as the *Tarkhanwala Tazia* was being taken along when at a corner the dome of the *Tazia* came in contact with telephone wires and fell down. The *Tazia* was put down and the dome was fixed on somehow and when it was again lifted up the dome fell a second time. This much is common ground. But the Muhammadans assert that a stone was thrown at the dome of the *Tazia* which made it fall the second time. Most of the evidence on this point is very conflicting, and it is not possible to arrive at any conclusion as to whether a stone was thrown or not. The Hindus, of course, deny that any stone was thrown. Whether any stone was thrown or not, it seems to be

fairly certain that the crowd at that time believed or was led to believe that a stone had been thrown at the *Tasir*. Several persons told us that some mischief-makers sedulously tried to make the people believe in the story of the stone and that it was due to their efforts that the report got abroad among the crowd which is usually in a very high state of excitement on such occasions. This theory of mischief-makers being active at this moment is not improbable, but without further and convincing evidence we cannot arrive at the conclusion that this story was got up by some interested persons to excite and influence the crowd. But as we said before, the crowd believed that a stone had been thrown and soon became uncontrollable. We were also told by persons that another rumour too had got abroad at this time that the mosque of Wali Muhammad had been burnt by the Hindus, although as a matter of fact no mosque had been damaged at all. If the story of the rumour is true (we cannot express any opinion on this point) then one can imagine the frenzy the mob would be in. Anyway the crowd got out of hand and large bodies of them made off in different directions burning and looting and assaulting the Hindus they came across. This was at about 12-30 or 1 P.M. on Sunday, the 3rd September. As far as we could ascertain this was how the trouble started.

The official theory that was explained to us is that the trouble about the stone and the *Tasir* was soon got under and the Police and Deputy Commissioner tried their best to hasten the progress of the procession and take it out of the city gates as soon as possible, that for half an hour after the above incident there was not actual trouble at all but when the *Tasir* was near the gates of the city, a scuffle took place in a side street which soon developed into a riot and the Police could not do anything with the rioters then and there, because they were occupied in escorting the *Tasir* out which was the matter of prime importance. We are sorry we cannot accept this theory, for there is overwhelming evidence that the trouble started as soon as the dome of the *Tasir* fell down a second time and different parties proceeded in different directions inflamed with passion and out for mischief.

Before proceeding further there are certain points which are particularly striking and as all parties are practically unanimous in voicing them they cannot be lightly ignored.

(1) All are agreed that a little firm action at the start would have nipped the mischief in the bud. But there was a woeful lack of firmness amounting to indifference and the rioters were left entirely unchecked to work their sweet will. The Military were not called in till 3-30 or 4 P.M. though the trouble started at 12-30 and the Military was at a distance of only 2 or 3 miles. This too was done at the instance of the Railway Station authorities who found a mob actually at the station looting the booth keepers outside the station and apprehended danger to the station premises.

(2) The gravest acts of incendiarism and loot have all taken place in the "immediate vicinity" of Police stations and the Police looked passively on and did not stir their little finger to check or disperse the mob even at the urgent entreaties of the people. Nearly 25 shops were set fire to in the square to just inside the Lohari Gate and the Kotwali is just 100 yards from the square, the Town Hall across the road and the Police Chaaki is just about 40 yards away on the other side. Even after 3 days the fire was still smouldering and had not been put out.

At the Delhi Gate where nearly 15 shops were looted the Police Chaaki is only 20 yards away from the nearest shop which was completely looted. At Pak Gate where nearly 10 shops were rifled of their contents which were

heaped up on the road and set fire to and 3 or 4 shops gutted, the Police station is only 30 yards off and just facing the scene of the occurrence. One Lala Girdhari Lal, a Barrister, was besieged in his house by a crowd of nearly 50 persons who hammered at the doors trying to break in and his house is exactly opposite the Police post nearly 30 yards away. He never received any assistance at all and he was beaten badly until he became unconscious and jewels and cash worth Rs. 1,000 were taken away. Two *Dharamsala* outside Pak Gate were set fire to, the *Shiwala* inside them desecrated and the images broken and Guru Granth Sahibs burnt and the places were only 50 or 60 yards behind the Police Post. As a matter of fact the people alleged that many of the Police men smilingly looked on at the horrible acts perpetrated before them and in some cases egged on the rioters. In one instance when a temple in front of the Kotwali was being set fire to the police in Kotwali were simply looking on and did not do anything at all. This has been deposed to by a very respectable gentleman.

(3) Only the riff raffs of the town took part in these riots and almost all the respectable men kept aloof and seem to have been more concerned with their own safety than with trying to keep down the riotous element.

(4) There have been many instances where Hindus have protected Muhammadans and Muhammadans, Hindus. Neighbours have generally behaved well and it is only the outside mob which did any harm at all.

(5) On the 3rd the offensive was taken by the Muhammadans and the Hindus who were at first panic-stricken seem to have defended themselves only later on. On the first day the disturbances died down by about 5 P.M. when the military took possession of the City under the orders of the Civil authorities. No arrests were, however, made on this day and we cannot help thinking that rigorous action against the rough elements would have saved any further trouble.

On the 4th morning a Muhammadan tonga driver was beaten by the Hindus and this, it is alleged, started the trouble on that date again. The Hindus seem to have taken the offensive on this day and even to have resorted to acts of reprisals. There was rioting by both the parties on this day and the authorities seem to have reached the places of disturbance always a little too late. About 12 noon, however, on the 4th arrests began to be made and after this there were practically no more riots, though the people were still nervous. As a matter of fact the situation was not considered free from danger till the 7th when the Muhammadan shops were opened. The Hindus had not opened the shops yet till the 7th, but it was expected that they might do so on the 8th. The Police did not begin investigations till the 6th when they began to take down the complaints. We understand that the Deputy Commissioner has appointed both Hindu and Muhammadan officers jointly for purposes of enquiry so as to leave no cause for complaint that any one community is being favoured or that the investigating officers are ignoring one community in favour of the other.

As to the damage done, it was possible to estimate it fairly accurately even at this stage. The damage to persons seem to be fairly even on both sides. The number of killed cannot exceed 10 and will either be equal or there will be only very slight difference. There have been no deaths of either women or children nor is anybody missing now. Nobody was thrown into a well, least of all women and children, but wild rumours on this score are current and have caused a lot of heart burning in both communities, but there is no foundation for any such thing at all. Lot of property has been thrown

into wells. We found a Hindu who said he had been thrown into a well by a mob but he scrambled out and is alive. He appeared before us and gave the story himself. No cow has been burnt, though a stock of hay has been set fire to. Several Hindu women about 10 or 15 to our knowledge were assaulted and ornaments snatched from their person. We saw two cases where the ears were torn by forcible seizure of earrings, but in most cases the women seem to have surrendered the ornaments themselves when threatened. These assaults are extremely cowardly and condemned by everybody there. Allegations of a graver character with regard to molestation of Hindu women were made, but these have not been substantiated and are probably entirely false. For instance, it is commonly reported that a woman's breasts were cut off, but we have not been able to trace this case in spite of persistent efforts. It was also rumoured that the bodies of two Muhammadan children were found in a trunk in the custody of two Hindus who had been arrested, but this has been found to be false and unfounded. The most unfortunate thing is that the feelings are so inflamed that wild accusations are recklessly made and implicitly believed in.

The crowd also indulged in wanton destruction of Hindu temples and idols and *Dharmshalas* and burning of *Guru Granth Sahib*. This conduct is indefensible even if it be believed that the crowd had been inflamed by a false story of the burning of a mosque. So far 3 temples and 3 *Dharmshalas* and 4 or 5 copies of the *Granth Sahib* has been destroyed and burnt. Against this is to be set the fact that 3 copies of *Koran Shirif* have been fished out of a well near a mosque in a mutilated condition and it is alleged that the copies were thrown in probably as an act of reprisal.

The loss to property is very great and here the Hindus have suffered the most. About 35 shops have been burnt, about 25 or 30 shops looted, contents thrown out and burnt on the road and about 30 houses have been looted and 10 or 15 burnt.

The looted property in most cases has been either thrown about or into a well or burnt on the road. Only cash or ornaments have been taken away. About 10 Muhammadan shops have been burnt, one shop at least was looted and silks, etc., burnt on the road and one house was looted. The total destruction of property leaving out the jewels, etc., will amount to at least 10 or 15 lakhs.

The local people are looking after all cases of hardships and are not in need of any help in men from the outside. As a matter of fact the doctors and volunteers whom we took with us returned the next day as there was no real need for them. Pecuniary help to some of the poor and unfortunate people who have suffered innocently would be useful. Here too the local people are doing their best but more help will prove useful.

(Sd.) LAL KHAN,
Vice-President, Provincial Congress
and Secretary, Provincial Khilafat Committee.

K. SANTANAM,
General Secretary,
Provincial Congress Committee.

SIRAJ-UD-DIN,
Financial Secretary, Provincial Khilafat Committee
and Municipal Commissioner,

Dated 8-9-22.

Lahore.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text suggests that organizations should implement robust systems to track every aspect of their operations, from procurement to sales.

2. The second section addresses the challenges faced by organizations in managing their resources effectively. It highlights the need for strategic planning and budgeting to ensure that funds are allocated efficiently. The author argues that without a clear financial strategy, organizations risk mismanagement and loss of resources.

3. The third part of the document focuses on the role of technology in modern business operations. It discusses how digital tools can streamline processes, reduce errors, and improve overall efficiency. The text encourages organizations to embrace innovation and invest in the latest technologies to stay competitive in the market.

4. The fourth section explores the importance of human resources in organizational success. It stresses that a skilled and motivated workforce is the backbone of any business. The author provides insights into effective recruitment, training, and retention strategies to build a strong team.

5. The final part of the document discusses the legal and regulatory aspects of business operations. It outlines the key laws and regulations that organizations must comply with to avoid legal repercussions. The text advises businesses to consult with legal experts to ensure full compliance with all applicable laws.

PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Wednesday, 1st November 1922.

THE Council met at the Council Chamber at two of the clock. Mr. President in the Chair.

QUESTIONS AND ANSWERS.

(Questions Nos. 1901 and 1902 were not put.)

PREPARATORY COLLEGE AT AMBALA.

1903. Rai Sahib Lala Panna Lal: Will the Government be pleased to state whether it has under its contemplation the establishment of a Preparatory College at Ambala City in the building of the existing Government High School?

The Hon'ble Khan Bahadur Mian Fazl-i-Husain: I will gladly answer the question when the term 'Preparatory College' is defined or explained.

GOVERNMENT PRINTING ESTABLISHMENTS AND PRIVATE COMPETITION.

1904. Rai Sahib Lala Panna Lal: Will the Government inform this Council if its attention has been drawn to Messrs. Lal Chand & Sons' Note on the Government Printing establishments and their competition with private trade, and if so, what action the Government proposes to take in this matter?

The Hon'ble Sardar Bahadur Sardar Sundar Singh: The answer to the first part of the question is in the affirmative; Government does not propose to take any action in the matter.

SCHEME TO FOSTER NEEDY INDUSTRIES.

1905. Rai Sahib Lala Panna Lal: Will the Government be pleased to inform this Council as to what scheme it has matured to afford financial help to needy industries in the Panjab?

The Hon'ble Lala Harkishan Lal: It is proposed to make advances to assist needy industries in the same manner as taccavi advances are made to needy agriculturists. Under the present law such loans would have to be recovered in case of default by means of a civil suit which makes any large extension of the system impossible. A Bill is now being prepared for submission to the Council providing for the summary recovery of overdue loans through the execution procedure of Civil Courts. If the Council passes this Bill it will be possible for Government to make advances to the extent of the funds which may be placed at the disposal of the Ministry of Agriculture for the purpose.

CHAK No. 81 V. L., LOWER BARI DOAB CANAL COLONY.

1906. Pir Akbar Ali: Is it a fact—

- (a) that in chak No. 81 V. L., Lower Bari Doab Canal, Montgomery District, rectangle No. 25 was at the time of the auction of the land of the said chak reserved for *abadi* purposes;
- (b) that ten *ikatas* in the centre of the said rectangle have already been distributed to sundry persons for making their houses, and houses have actually been built on these 10 *ikatas*;
- (c) that the remaining *ikatas* of the said rectangle have now been ordered to be given for agricultural purposes to certain persons;
- (d) If so, is there now any land left (i) for extension of *abadi*, (ii) for making a mosque or other similar building, (iii) for a dung hill, (iv) for *kamins'* houses;
- (e) If the answers to (a), (b) and (c) be in the affirmative and to (d) in the negative, will the Government consider the desirability of cancelling the order of distribution of land of the said rectangle for agricultural purposes and reserving it for *abadi* purposes or selling it at a reasonable price to the persons already living in the said rectangle?

The Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia: The Punjab Government has no information on the subject but will forward the honourable member's question to the Commissioner, Multan Division, for disposal under his orders.

GURU-KA-BAGH AFFAIR AND INJURED *AKALIS*.

1907. Mr. Ganpat Rai: Will Government be pleased to state—

- (a) the total number of *Akalis* and others against whom force was used in the course of dispersal and who received injuries in connection with Gura-ka-Bagh affair, giving details of such persons with their residence and districts;
- (b) the injuries caused to such persons, giving separately the number of simple and grievous hurts and the number of persons who died of such injuries?

Mr. H. D. Craik: (a) No accurate return is possible but the local officers estimate that the total number of persons against whom force was used was about 1,650. Some of these received no injuries at all, but the total number injured (including slight injuries) is estimated roughly at 1,500. Government is not in a position to give the names, residence, etc., of these persons.

(b) Government is not in a position to supply details, but so far as it is aware none of the injuries resulted in death and no case of grievous hurt has been verified except that of one man who is said to have had two ribs broken.

GOVERNMENT AND MEDICAL AID TO INJURED *AKALIS*.

1908. Mr. Ganpat Rai: Will Government be pleased to state—

- (a) whether adequate arrangements had been made by the Government for medical treatment of injured persons, and if so, what?

(b) whether such persons were medically attended to by Government doctors on the spot?

The Honourable Sir John Maynard : (a) The early dispersals in the neighbourhood of Amritsar were attended by a commissioned officer of the Indian Medical Service. A Sub-Assistant Surgeon was also posted permanently at the canal bridge when dispersals near Amritsar were discontinued and was available for medical relief when *jathas* were dispersed. Later, when action was confined to opposing trespass at Guru-ka-Bagh, he was moved there.

(b) Government doctors gave medical attendance in the early dispersal, but at a very early stage the *Akalis* refused to receive attention from Government officials. They were attended to by the *Shromani Gurdwara Parbandhak Committee* doctors but Government facilities continued to be offered.

AN AKALI AND AMRITSAR GOVERNMENT HOSPITAL.

1909. Mr. Ganpat Rai : Is it a fact that a Government doctor refused to treat an *Akali* at Amritsar Hospital? If so, why?

The Hon'ble Sir John Maynard : It is not a fact that any Government doctor refused to treat an *Akali* at Amritsar Hospital. Medical relief has not been refused to any one on the ground of his being an *Akali*. Numerous *Akalis* have been treated in the Civil Hospital at Amritsar.

Mr. Ganpat Rai : Is it a fact that a complaint was published by the *Parbandhak Committee* that there had been such a case; and was that complaint contradicted?

Mr. President : The question that you put has been definitely answered.

Mr. Ganpat Rai : It is a supplementary question, Sir.

Mr. President : It is not a supplementary question. A supplementary question is meant to elucidate any matter of fact regarding which an answer has been given. This is clearly a new question.

ARRESTS AT GURU-KA-BAGH AND USE OF FORCE.

1910. Mr. Ganpat Rai : Will Government be pleased to state—

(a) why arrests were not effected at Guru-ka-Bagh in the first instance instead of using force in dispersing?

(b) why arrests have subsequently been resorted to instead of using force?

Mr. H. D. Craik : The law authorises the forcible dispersal of unlawful assemblies which do not disperse when required to do so. The use of this method, or of the method of arrest for the offence committed, is discretionary, and circumstances require sometimes the one and sometimes the other.

Mr. Ganpat Rai : Whether the beating was stopped on a representation being made to Government or whether Government acted on its own initiative?

Mr. H. D. Craik : I am not prepared to answer this.

HONOURABLE MINISTERS AND POLICY OF USE OF FORCE AND ARRESTS.

1911. Mr. Ganpat Rai: Will the Government be pleased to state (a) whether the Honourable Ministers or Minister were consulted as to the using of force in dispersing *Akalis jathas*?

(b) Whether they were consulted as to effecting of arrests?

(c) If they were consulted, what was their advice—if not consulted, why so?

The Honourable Sir John Maynard: I would refer the questioner to my reply to question No. 21* asked by Dewan Bahadur Raja Narendra Nath on the 23rd February 1921.

Mr. Ganpat Rai: Is it because Government does not desire to make it public? Is that the answer?

The Honourable Sir John Maynard: The answer is as given to question No. 21,* asked by Diwan Bahadur Raja Narendra Nath on the 23rd February 1921.

Mr. Ganpat Rai: Does Government not want to make it public?

Mr. President: Is that answer not sufficient? I think you have got a clear reply.

ARRESTS IN GURU-KA-BAGH.

1912. Mr. Ganpat Rai: What is the total number of persons arrested in connection with Guru-ka-Bagh affair up to date?

Mr. H. D. Craik: The total number of persons arrested up to the 19th of October was 2,357.

ACCOMMODATION IN THE AMRITSAR JAIL.

1913. Mr. Ganpat Rai: Will Government be pleased to say whether there was sufficient accommodation in the Amritsar Jail for keeping the persons arrested in connection with the Guru-ka-Bagh affair? If not, what other arrangements were made for accommodating them?

Mr. The Honourable Sir John Maynard: The Jail at Amritsar is a subsidiary jail, having a limited amount of accommodation. When the accommodation in it was exhausted, arrangements for the reception of prisoners were made elsewhere.

PROVISIONS FOR THE GURU-KA-BAGH GURDWARA.

1914. Mr. Ganpat Rai: Is it a fact that provisions were not allowed to reach the *Akalis* in the Guru-ka-Bagh Gurdwara, and, if so, under what law were these stopped?

Mr. H. D. Craik: A copy of the District Magistrate's order dated the 28th of August 1922 is laid on the table.

ORDER.

The large bands of *Akalis* collected at Guru-ka-Bagh, Tahsil Ajnala, are illegal assemblies. They are being supported by provisions sent to Guru-ka-Bagh from surrounding villages and from Amritsar City in carts and *ekkas*.

Subscriptions are being collected in Amritsar City and provisions are being purchased and sent out to Gurn-ka-Bagh. The consignors and carriers of such supplies are engaged in the commission of a cognizable offence under section 143/109, Indian Penal Code, i.e., the abetment of an illegal assembly. The commission of this offence must be prevented under section 149, Criminal Procedure Code. I therefore direct the police officers of the pickets at the Rana-wala and the Chinawala bridges on the Lahore Branch of the Upper Bari Doab Canal to prevent the transmission of such supplies to the illegal assemblies at Gurn-ka-Bagh. Carts, other conveyances and animals carrying such supplies as appear to be intended for the illegal assemblies should be stopped and the attendants interrogated. If there is good reason to believe that the supplies are intended for these assemblies the carriers should be directed to return them whence they came. If the carriers refuse to do so, the supplies should be sent to me in Amritsar for orders.

The 28th August 1922.

J. M. DUNNETT,

District Magistrate.

Mr. Ganpat Rai : As the order does not state under what law the supplies were stopped, can the honourable member quote the law ?

Mr. H. D. Craik : It was by an order of the District Magistrate, a copy of which is placed on the table.

Mr. Ganpat Rai : With due deference to the honourable member, I fail to see any law quoted in the District Magistrate's order.

Mr. H. D. Craik : It is clearly quoted.

Mr. President : The law is quoted. It is under section 149 of the Criminal Procedure Code.

STENOGRAPHERS OF DEPUTY COMMISSIONERS AND SESSIONS JUDGES.

1915. Mr. Ganpat Rai : (a) Will Government be pleased to state why the salary of the stenographers attached to the offices and courts of Deputy Commissioners and Sessions Judges is very poor as compared with the salary of those of the offices and courts of the High Court, Punjab Government and the Punjab Council ?

(b) Will Government be pleased to remove the complaint of the stenographers attached to the courts and offices of Deputy Commissioners and Sessions Judges ?

Mr. H. D. Craik : I regret that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

ZAMINDARS OF THE BEAS RIGHT BANK, GURDASPUR DISTRICT.

1916. Mr. Ganpat Rai : (a) Has attention of Government been drawn to the grievances of the zamindars of the Beas Right Bank, Gurdaspur District, as contained in the petition of May 1922 ?

(b) If so, will Government be pleased to state what steps have been taken to remedy their grievance ?

The Honourable Sardar Bahadur Sardar Sunder Singh Majithia : The answer to the first part of the question is in the negative as no such petition has been received by Government. The second part therefore does not arise.

ALLEGATIONS OF BRIBERY AGAINST A POLICE OFFICER AT NANKANA SAHIB.

1917. Mr. Ganpat Rai : (a) Is it a fact that on June 1st, 1922, i.e., two months after the resolution of the Punjab Government on the report of Corruption Enquiry Committee, information in writing was conveyed by a pleader to the Deputy Commissioner, Sheikhpura District, to the effect that on the 23rd May 1922 an allegation of bribery has been made against a police officer at Nankana Sahib in the open court of the Magistrate at Nankana Sahib ?

(b) If it is a fact, has any enquiry been made into this matter ? If so, by whom and with what results ; if not, why not ?

The Honourable Sir John Maynard : The Deputy Commissioner has no knowledge of any such written information by a Pleader nor has he been able to discover any papers relating to the incident in his office. The case in question appears to be one under Indian Penal Code 241, decided by the Magistrate, 1st Class, at Nankana Sahib. In this case it was alleged on behalf of the accused that the real culprits had been let off by the Police for monetary consideration. The accused were invited to put in a written statement detailing their accusations against the Police and to produce evidence in support of it. No written statement was filed nor did the defence evidence bear out the allegations.

Mr. Ganpat Rai : Then do I understand, Sir, that Deputy Commissioner has not made any inquiry on his own initiative ?

The Honourable Sir John Maynard : I want notice of this question.

MULTAN RIOTS AND THE NUMBER OF INJURED.

1918. Mr. Ganpat Rai : Will the Government be pleased to state—

- (a) the number of persons (i) Hindus, (ii) Muhammadans, and (iii) others injured during the recent Multan riots, specifying with similar detail the number of simple and grievous hurts ?

The Honourable Sir John Maynard : The honourable member's attention is drawn to the Press Communiqué of the 18th September 1922, a copy of which is laid on the table.

PRESS COMMUNIQUÉ.

THE following which contains the latest reports from Multan with regard to the recent disturbance is published for information :—

Situation is improving. A meeting was held to-day largely attended by Hindus and Muhammadans. Unanimous resolutions were passed regarding the opening of a Multan Relief Fund, the constitution of a General Committee for the collection of funds and payment of compensation and of a smaller committee for the assessment of compensation. Over twelve thousand rupees was promised at the meeting and it was decided to make a joint appeal to the Muhammadan and Hindu communities of the Punjab to sub-

scribe towards the fund. All communities are fairly represented on the two Committees and the Deputy Commissioner was appointed Chairman of both, the latter was also given the power to nominate Tahsil Sub-Committees for the purpose of collecting funds. A moderate spirit was shown by both sides at the meeting which was a very marked success and represents the first real movement towards conciliation. The total number of persons arrested up to date is 876, of these 244 were arrested under the Security Sections and 132 under Cognizable Sections. Of the latter 104 are Muhammadans, 28 are Hindus. On the first day nine arrests were made, on the second day 181. The police and troops could have made more arrests on the first day but had they done so they would have completely lost control of the situation and the loss of life and property must have been very much greater than it was. The first duty of the Police and troops was to expedite the taking of the *tasias* out of the city, in the hope that this would ease the situation. After the first day every effort was made to make arrests. Casualties are : deaths seven (Muhammadans two, Hindus five) ; grievous hurt 45 (Hindus 34, Muhammadans 11 ; simple hurt roughly 500 (Muhammadans 150, Hindus 350).

MULTAN RIOTS AND THE DEAD AND INJURED.

1919. Mr. Ganpat Rai : Will Government be pleased to state—

- (a) the number of deaths due to injuries caused during the riots at Multan, giving details as to the number belonging to each community and cause of each death ?
- (b) the number of the dead and injured of each community under 18 years of age ?

The Honourable Sir John Maynard : (a) The total number of deaths was seven (namely, two Muhammadans and five Hindus);

(b) It is not known that any persons under 18 years of age were killed or injured.

FEMALES ASSAULTED AT MULTAN RIOTS.

1920. Mr. Ganpat Rai : Will the Government be pleased to say—

- (a) whether during the recent Multan riots any females were reported to be victims of ordinary or indecent assaults ;
- (b) whether any jewellery was reported to be taken away from their person ; if so, to what community these females belonged ?

The Honourable Sir John Maynard : (a) The Deputy Commissioner has received complaints that some women were ill-treated in a certain quarter of the town but no formal criminal complaints were lodged by any person to this effect.

(b) Government have no information.

MULTAN RIOTS AND DAMAGE TO PROPERTY.

1921. Mr. Ganpat Rai : Will Government be pleased to state—

- (a) the total number of houses and shops of each community which were burnt at Multan during the recent riots ;
- (b) the total amount of damage caused to the property and goods of each community according to the estimates given by their owners ?

The Honourable Sir John Maynard: (a) According to the information in the possession of Government the total number of buildings burnt during the Multan riots were, apart from religious buildings, 35 Hindu shops and houses and 9 Musalman shops.

(b) Government have no information as to the estimates of damage submitted by the owners of these buildings, but according to an estimate made in consultation with a local committee and submitted by the Commissioner a few days after the riots the damage to Hindu buildings was put at Rs. 1,00,250 and the damage to Muhammadan buildings at Rs. 14,400.

MULTAN RIOTS AND SACRED PLACES.

1922. Mr. Ganpat Rai: Will the Government be pleased to state the number of Hindu temples, Sikh *dharmshalas* and Muhammadan mosques which were desecrated, burnt or damaged at Multan during the recent riots, and what is the total estimate of the damage so caused to each community?

The Honourable Sir John Maynard: Five Hindu places of worship were burnt during the riots. Sacrilege was committed at 12 Hindu or Sikh places of worship. So far as Government is aware no Muhammadan mosques were desecrated or burnt or damaged. Government have not received any estimate in terms of money of the damage caused to religious buildings.

TRIAL OF MULTAN RIOT CASE BY A EUROPEAN MAGISTRATE.

1923. Mr. Ganpat Rai: Will the Government be pleased to state whether a representation was made by a section of inhabitants of Multan that a European officer be sent to try cases in connection with the recent Multan riot? If so, has any such officer been appointed; if not, why not?

Mr. H. D. Craik: When His Excellency the Governor and the members of his Executive Council visited Multan in the middle of September the most prominent members of both the Hindu and Muhammadan communities asked that a European officer should be sent to try cases arising out of the recent riots. A European Magistrate has been sent to Multan for this purpose. I may add that I am endeavouring to send a second European Magistrate to Multan for trying cases.

Mr. Ganpat Rai: I want to know, Sir, whether it is a mistake or not.

Mr. H. D. Craik: I am endeavouring to make arrangements to send another European Magistrate.

Mr. President: The answer is definite. The answer says that a European Magistrate has been sent for the purpose.

Mr. Ganpat Rai: I want to know, Sir, whether this answer is not a mistake.

Mr. H. D. Craik: No.

(Question No. 1924 by Malik Feroz Khan Noon, was not put.)
1925. cancelled.

CHRISTIAN ABADKARS OF JHANG DISTRICT.

1926. Rai Bahadur Lala Sewak Ram: Is it a fact that some of the Christian *Abadkars* (occupancy tenants) in Francisabad in Jhang District have not been given full proprietary rights even when they have deposited their required *Malikana*?

(b) If so, will Government be pleased to enquire and do the needful in the matter?

The Honourable Sardar Bahadur Sardar Sundar Singh Majithia.—

(a) Government has no information on the subject.

(b) Government will call for a report.

DIRECT ROAD BETWEEN KAMALIA AND LAHORE.

1927. Rai Bahadur Lala Sewak Ram : (a) Is it a fact that there is no metalled or unmetalled direct road between Kamalia and Lahore?

(b) If so, will Government be pleased to move the Railway authorities to open one side along the Railway line between Shorkot road and Chichoki Mallian for public traffic, if it is possible for them to do so?

The Honourable Lala Harkishan Lal : (a) An unmetalled road connects Kamalia with Lahore *via* Harrapa or Chichawatni and Niaz Beg.

(b) As the answer to part (a) of the question is in the negative the question (b) does not appear to arise.

Rai Bahadur Lala Sewak Ram : May I know if it is a direct road?

The Honourable Mr. Harkishan Lal. I should think it is a direct road.

METALLED ROAD FROM TOBA TEK SINGH TO CHICHAWATNI.

1928. Rai Bahadur Lala Sewak Ram : Will Government be pleased to give grant-in-aid to the District Boards of Lyallpur and Montgomery to put in hand the construction of a metalled road from Toba Tek Singh to Chichawatni?

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

KAMALIA MUNICIPALITY AND PAUCITY OF FUNDS.

1929. Rai Bahadur Lala Sewak Ram : Is it a fact that Kamalia Municipality for want of funds cannot give sufficient money for the purchase of medicines to the Civil Hospital situated at Kamalia?

(b) If so, will Government be pleased to give a grant to the said municipality?

The Honourable Khan Bahadur Mian Fazl-i-Hussain : I regret that the reply to this question is not yet ready. The information is being collected and will be supplied to the honourable member as soon as received.

TRANSFER OF MUNSIFF'S COURT FROM SHORKOT TO JHANG.

1930. Rai Bahadur Lala Sewak Ram : (a) Will Government be pleased to state the reasons which led to the transfer of Munsiff's court from Shorkot to Jhang?

(b) Will Government be pleased to consider the desirability of transferring the same back to Shorkot?

Mr. J. Wilson-Johnston : It is regretted that material for the reply to this question is not yet forthcoming. The information is being collected and will be communicated to the honourable member as soon as available.

TRANSFER OF THE MUNSIF'S COURT FROM LYALLPUR TO SAMUNDARI OR
TANDLIANWALA.

1931. Rai Bahadur Lala Sewak Ram : Will Government be pleased to transfer one of the Munsifs' courts from Lyallpur to Samundari or Tandlianwala ?

Mr. J. Wilson-Johnston : It is regretted that the material for the reply to the question is not yet forthcoming. The information is being collected and will be communicated to the honourable member as soon as available.

NON-OFFICIAL RESOLUTIONS.

RESOLUTION *re* MULTAN RIOTS.

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

"That this Council recommends to the Government to appoint a Committee, on which there should be not less than four non-official members of this Council, to enquire into the truth or otherwise of the allegations made in the Press or by organized public bodies against the conduct of the Police and Civil Officers in connection with the recent riots at Multan."

The question is that the resolution be adopted.

The Honourable Sir John Maynard (Finance Member) : Sir, I rise at a very early stage in this discussion because I feel it is of very great importance to impress upon members of this Council how much depends upon the discretion of their attitude towards this resolution.

Although the resolution proposes an inquiry into certain deficiencies on the part of Government officials it is evident that it is extremely likely that it will arouse differences of opinion between the members of the two great communities and therefore desiring with all my heart as I do desire, the continuance of amicable relations between the two communities or at all events the avoidance of anything which can possibly increase the tension already existing between them, I look upon it as a matter of great importance that members of this Council in dealing with this resolution should weigh their words carefully and that nothing should escape from them which can exacerbate bitterness of feeling. That I believe is a counsel which will appeal to the members of this House.

Now, Sir, the honourable mover of this resolution has virtually told us that his charges are identical with those charges which have been put forward in the two reports from which he has made quotations. One of these reports is signed by two members of this House together with two other gentlemen, and another was made I think on behalf of the Punjab Provincial Congress Committee and signed by Malik Lal Khan and Mr. Santanam. If I understood him correctly the whole of his case is contained in the allegations contained in these two reports. Taking that as the substance of the allegations, I propose in the course of my speech to deal with each allegation separately and to explain precisely what the true facts were and what are the inferences which should be drawn from them. But before we get to that stage it is necessary that members of this House should be in a position to form their opinion on the reasonableness of the allegations, it is necessary that they should have before them some sort of picture from which they will be able to understand my account of the facts. I feel certain this House will

desire in the first place to have a fairly clear idea in its own mind whether there is anything approaching a *prima facie* case for such a very exceptional proceeding as a special inquiry.

Sir, the city of Multan is a great city. It has 90,000 inhabitants. The circumference of the inner circle of the city within the walls is something like 3 miles. Outside this inner core, which is the city proper, there are a number of outlying quarters or suburbs. These are very extensive. The whole area extends over several miles in diameter. Now I want everybody to understand this. You have a central core, a walled-in-city, and outside it a number of outlying suburbs. Practically no damage was done in the central part of the city. All the desecrations, the burnings, the ill-treatment of women and all the rest of it was done in the outer circle. The importance of this point will be clear later on when I deal with the specific charges levelled against the authorities.

Now as to the arrangements for the particular ceremony which took place on the day of the riot—the *Muharram* procession—there are 33 *tazias*, some more important, some less important. Their routes are carefully prescribed for them by the license which is given to the people who make themselves responsible for each *tazia*, and the routes lead not to a one single *karbala* outside the city but to a number of *karbals*, that is to say there are a number of *tazias* proceeding in different directions to different *karbals*. That is the point which I want the members of this House to carefully grasp. Each *tazia* was accompanied, as is usual, by magistrates, both officials and honorary magistrates, by a certain number of notables whose duty it was to assist in getting the procession moving by the exercise of their influence and preventing any disorder; and also a suitable number of police. The police was very largely—I shall deal with it presently—occupied in accompanying the processions. All the available police were on duty on the occasion. The total number of police on duty was 1 Inspector, 9 Sub-Inspectors, 3 Head Constables and 146 foot constables. In addition to these there was a small reserve of 1 Inspector, 1 Sub-Inspector, 3 head constables and 25 foot constables. Thus the total number of foot constables was 171 and they had to deal with a number of routes going in various directions through this great city, having a population of 90,000 and extending over a good many miles. There was also a small reserve of troops (ninety men) stationed according to the usual custom near the Pak Gate. Now, of course, if there had been any indication that there was going to be any trouble, the authorities would have made additional arrangements. The authorities had no reasonable grounds for fearing that there would be any trouble, while they had every reason to believe that the whole thing would pass off quietly. There have been troubles in the past but the last serious one was in 1880 and there was one also of less importance in 1897. On the present occasion there was not the least indication of any impending trouble, and there was no reason for making any exceptional arrangements.

In addition to the police arrangements the whole force of civil officers of the district including the Deputy Commissioner himself with his 6 Extra Assistant Commissioners, Tahsildar and 2 Naib-Tahsildars were on duty with the *tazias*. There were also 10 Honorary Magistrates and a good many leading citizens accompanying the *tazias*. This then is the situation—all these people going with the *tazias* on different routes to their different destinations but only 171 foot constables plus 90 troops available to keep order. As soon as the trouble began (when the top of a *tazia* was some-

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how removed by accident or otherwise) and the fact was communicated to the Deputy Commissioner, he at once took steps to summon additional troops. As soon as he had been able to discharge the primary duty of getting the *tazias* on the move that was his primary duty for he could not allow the *tazias* to remain in the street after passions had been roused—he at once took steps to summon additional troops. There was absolutely no delay in sending for them. The number of additional troops at once summoned was 300. The whole number of Indian infantry in the Multan Cantonment was only 900, so the demand for 300 additional men was a very substantial demand to make. It was at all events as much as the situation at that moment seemed to justify. Let me ask the members of this House to realize what I have already said to them that the first necessity upon these occasions is to keep together all the forces you have under your control, not to dissipate them by sending two or three hither and thither, to keep them together and to keep the *tazias* moving so that they may not stop and trouble may not occur between the mourners and the people of the houses by which they are passing. That is the first thing which you have to grasp—the fundamental principle. It is necessary to keep your body of men together, you must not dissipate them, you must not send them in all directions, you must keep them where they are needed and you must keep the *tazias* moving. And this is the policy which the Deputy Commissioner followed. He kept his forces together, he kept the *tazias* moving and he did not scatter his forces or allow the *tazias* to stay where they were. The result of this policy is illustrated by the fact which I have already mentioned to this House. I have told you that practically no serious damage was done to the central core of the city. The great and serious damage was done in the outlying quarters. Now the reason of that was this that the Deputy Commissioner did not allow the processions to halt inside the city. He pressed them on to get outside the city and when they had gone outside he did not allow them to return into the city. The result was that that portion of the city, the central part within the walls, was safe from the serious consequences that might otherwise have resulted. (Hear, hear). There, Sir, is the first and most conspicuous triumph of this policy of keeping the *tazias* on the move and not allowing the risk to occur of a quarrel and fight between the mourners and the people that lined along its route. Now, Sir, from some of the criticisms that have been levelled at the authorities for the incidents at Multan it is evident that it is not realised that the 171 constables and 90 troops were a very very small number to deal with all the difficulties arising along the thirty-three different procession routes through this great city when trouble had once begun, and with all the rest of the area too. It is also not realised how very few moments will suffice for any serious amount of damage to be done. Sir, I think there are something like 90 members in this House. Twice that number will make the whole number of constables that were available. Including the troops the total number of men to deal with the riots in this city of 90,000 inhabitants may be said to be twice the number of members in this House. In these circumstances the best that could be done was to keep the available forces well together and to keep the *tazias* moving.

I now come, Sir, to the particular charges levelled by the two committees against the authorities in Multan. I think I may say at the beginning that I recognise that these two sets of people who made the enquiries were by no

means unreasonable in some respects. They recognise certain admirable features in the management of the affair by the authorities. I should draw attention to this point in addition to drawing attention to particular charges. I notice that the Punjab Provincial Congress Committee's report is dated the 8th September. The Committee must have been at Multan on the 6th, that is to say, two days after the last day of the riots. They seem to have spent two days in Multan. Their first criticism is that 'a little firm action at the start would have nipped the mischief in the bud. But there was a woeful lack of firmness amounting to indifference and the rioters were left entirely unchecked to work their sweet will. The military were not called till 9-30 or 4 P.M. though the trouble started at 12-30 and the military was at a distance of only two or three miles. This too was done at the instance of the railway station authorities.' Sir, the first message sent by the Deputy Commissioner to the military authorities was by telephone. The military authorities had to receive the message not by the most direct methods. The Deputy Commissioner had first of all to send the telephone message from the Kup or central place in the city to the Central Exchange and from there to the Cantonment Exchange and from the Cantonment Exchange the message had to be conveyed by a messenger one and a half miles to the office of the Station Staff Officer. The Station Staff Officer had to collect together the British Officers of the unit concerned and then the troops had to reach the town which was at a distance of some three miles. Is it not perfectly clear why it was that the troops did not arrive earlier? There was no delay in sending the message. The physical difficulties must be remembered. There was no direct method by which the message could be conveyed more rapidly and all that could be done under the circumstances was done. There was no lack of firm action.

Then comes, Sir, what I regard as the most important and serious of the allegations which I find repeated also in the second report by two members of this House in conjunction with two others. It is said that the most serious acts of incendiarism and looting took place in the immediate vicinity of police stations and the police looked passively on. Sir, I now invite the attention of this House to a few facts and figures that I have before me in detail. They show what the true position was in regard to each of these police posts. Let me remind the House that I have told them that the first duty was to get the *tazias* moving. That work could only be done when the police were available to accompany the mourning processions. Most of the police having been told off for this duty, I am going to tell you the actual number of men that were available at these different posts. The first is at the *Kotwali*; near the Lohari Gate where there were two head constables, one orderly, two telephone clerks, four men to guard the lock-up, one orderly, one tracker and one sentry. Of these four were actually engaged in guarding the prisoners in the *hawalat*. At Chihlyak there were one head constable, one telephone clerk and one sentry. At Shishumahl there were one investigation constable, one telephone clerk and two sentries. At the Kup, a very important point, the central point in the city, there were one telephone clerk, two investigation constables and one sentry. Then, at the Lohari Gate, which is near the Town Hall where shops were burnt, the number of men available were one telephone clerk, one investigation constable and one sentry on duty. These were all that were available here and they were not able to prevent the burning and looting of the shops. At the Bohar Gate there were one head constable on special duty, one telephone clerk and four constables on duty with the Deputy Superintendent of Police. At the Daulat Gate

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there were one telephone clerk, one man with the fire engine, and one sentry on duty. Then I came to the Haram Gate. There were one telephone clerk, one sentry on duty, one investigation constable and one man sick, and one in charge of the post. At the Pak Gate, Sir, there were one telephone clerk and one sentry on duty. At the Delhi Gate the position was the same, one telephone clerk and one sentry on duty. At the railway post there were one telephone clerk and one sentry. These are the actual numbers that were present and the House may well judge whether these men were in a position to do what the enquiry committee suggest they ought to have done. This is my answer, Sir, to the allegation and I believe that it is a very complete and conclusive answer. Then I find the next charge made is that the police in some instances looked on smilingly and in some cases even egged on the rioters. Sir, this is a pure invention (*hear, hear*). It is a mere reckless lie. Those who invented this story were unable to give the names of the men thus charged. There were vague rumours among the people and the enquirers regardless of their responsibility to the public entered the vague rumours in their report as though they were facts. On that point I will say nothing more.

Then the next point in the report of Mr. Santanam and Mr. Lal Khan is this, and it is a matter upon which we are all able to congratulate ourselves. It is said that in many instances the Hindus protected the Muhammadans and in many others the Muhammadans protected the Hindus. Now, Sir, that is a thing which, while discussing this sad occurrence, we must all bear in mind. Those who did the mischief were few and those who sought to protect others were many. May I ask the House to remember this when it comes to a question of bringing charges against one community or the other.

There is one more charge in the first unofficial report, Sir, which I wish to answer and that is on the question of arrests. It is said that no arrests were made on the first day of the occurrence. These gentlemen did not go very closely into facts. As a matter of fact the number of arrests on the first day was nine. This House would doubtless wish to know precisely why it was that more arrests were not made on the first day. The members of this House should realise that when you arrest a man you must have men to keep him in custody. He can not be arrested and then left in the air. There must be some constable to guard him. This was not possible with the few men available as I have already explained. It was not possible to carry on the arrests even on the first day on any considerable scale.

Now, Sir, I give you an account of a particular incident because, I think, it will help more than anything else to understand the extreme difficulty of making arrests under the conditions which existed in Multan. This was an incident which was witnessed by the Deputy Commissioner himself. He saw a party of something like a dozen men beating a man. He had at the time one chaprassi with him. He had no arms with him, nothing of the kind. He rushed into the crowd, took away the stick of one of the men who were beating, and began to beat the attacking party; and then they ran away (*hear, hear*). Should he have run after them with one chaprassi. It is not a very easy thing to catch 12 men when they run away after committing a crime. It was not possible for the Deputy Commissioner, having saved the man, to run after the culprits and to make arrests. This incident I have given you only as an illustration of what was happening. This is only one

of 50 other similar incidents that were going on all over the city. Small parties making attacks, committing crimes and then bolting away when the police arrived. It was not possible to catch them. That is the explanation of why more arrests were not made on the first day. Only nine arrests were actually made on that day.

Then I find that the Congress Committee pass on to incidents that took place on the 4th of September. Here they say "the authorities seem always to have reached a little too late". Remember it was a great city with ninety thousand inhabitants stretching over several miles with many *mohallas* and many streets; and what actually happened was this, that from moment to moment news arrived of fresh outbreaks that such and such a disturbance was going on at such and such a place. Immediately off go the police and the officers to stop the disturbance. It is only when a disturbance in a particular area is reported that it is possible for arrangements to be made to proceed to deal with it. When officers hear of trouble in isolated quarters of the city, they proceed at once to the place to deal with it. By the time they arrive, they probably find that the mischief has already been done to some extent in some places. I do not deny that if you have a force of 15,000 troops in a city like Multan, they would be able to occupy every portion of the city. But, Sir, we do not maintain military forces on that extensive scale. I have already explained to you the actual number of the Indian Infantry that were present in the cantonment. It was only 900. Here again I would like to describe a particular incident to make plain to you why the authorities were too late sometimes in reaching the scene of outbreak. When on the 4th of September, the Deputy Commissioner reached behind the Town Hall, he was told of a riot.

Mr. President: The Honourable Finance Member has already exceeded his time, but I think the Council will wish me to allow him to proceed.

Cries of 'yes, yes.'

The Honourable Sir John Maynard (continued): This was on the 4th September. The Deputy Commissioner, Mr. Emerson, on reaching the Town Hall was told of an outbreak which occurred on the road just behind the Town Hall about 150 yards from where he was, but at a point not visible to him because of intervening buildings. He dashed off in a car, and caught seven or eight men, but the rest ran away. All this passed in five minutes. Of course they had been able to cause a certain amount of damage. This was hardly over when in front of his eyes he saw a party of raiders come down the street, clambering over the roofs of houses, and begin breaking open and rifling shops. Off he went again in his car and caught seven or eight men again. The whole of two incidents, occupied not more than 20 minutes. Now, Sir, this sort of thing was going on in a dozen other places. Does any reasonable man say that it was not an extremely difficult situation? Would it be possible for any human being to foresee precisely in what quarter some body of scoundrels was doing damage? All that could be done was to hold the forces together, and wait for the report. As soon as it came, start off and deal with the situation, as Mr. Emerson, the Deputy Commissioner and his officers actually dealt with each situation as it arose.

One more point I want to show in this report of Malik Lal Khan and Mr. Santanam, because it shows that Malik Lal Khan and Mr. Santanam

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were not altogether unappreciative of good work done. That is towards the close of their report. They say :—

“The Deputy Commissioner has appointed Hindus and Muhammadans jointly for the purpose of inquiry so as to leave no cause for complaint.” I am glad that they do recognise the very strenuous efforts which were made to see that justice was done and that no partiality was shown.

I now proceed to the inquiry which was made a few days later by two members of this House with two other gentlemen. The first criticism in this is that if the police force had taken energetic measures in time, all this rioting, looting, incendiarism and desecration of Hindu and Sikh places of worship would have been at least partially prevented and the damage caused considerably minimised. Now, Sir, I have already endeavoured to explain to this House what the true position was, and I have given actual figures showing how the forces were actually distributed. It is very easy to sit quietly in a dak bungalow after the mischief is done and think what you would have done. It is very difficult to deal with these serious difficulties in the midst of confusion as they arise, and with the very small forces available.

Then comes the second point which is this. The authors of this report say that the *Kap* force could have stopped trouble, and that they were sufficient for the purpose. I have already given you the number of police and you probably recollect that they were extremely few. I will mention it again. There was one telephone clerk, one investigation officer and one sentry. (*Laughter*). As a matter of fact at the particular places which the authors of the report have mentioned is this connection the riot was stopped at once by troops and police, and the damage here done was little.....

Diwan Bahadur Raja Narendra Nath : May I know how these numbers have been ascertained ?

The Honourable Sir John Maynard (continued) : They have been ascertained from the records of the Deputy Commissioner. In the particular places to which this criticism refers the agitation was stopped at once by police and troops. In this work Captain George, the British Officer in charge, took a personal part and little or no damage was done.

Next, Sir, I find other allegations about affairs outside the Haram and Pak Gates. Here again the reserve police at the Pak Gate, and the troops at the Haram Gate, and also the military reserve at the Lohari Gate have been called up for other duties at other points and were not present at the time looting took place. One cannot be present at two places at the same time. They were on an important duty elsewhere. Then the report goes on to discuss some of the incidents of the 4th of September, that is the second day of the riot. Here I have to note that some of the mischief which the authors of this report believe to have been done on the 4th was actually done on the 3rd.

And now I come to a fact which invites the very special attention of the House. One knows that people who make inquiries in this manner cannot always get to facts. At the same time when they level any serious charges against men who have done their utmost and deserve well of the people for doing their utmost to put a stop to unfortunate incidents such as

those which occurred at Multan, one does expect that a certain amount of consideration should be shown and the facts should be very carefully sifted before a report is drawn up.

Diwan Bahadur Raja Narendra Nath : Consideration has been shown.

The Honourable Sir John Maynard : Well, Sir, I am going to quote the accounts given in these two reports of a certain incident. I do not know which account is wrong, but as the point is stated differently in the reports, one of them must be wrong. This is what the report by the two members of this House says : " One of the Hindu victims was taken in a dying condition from a well who expired a few hours later." And this is what the other report says : " We found a man who said he had been thrown into a well, but he scrambled out and is alive. Nobody was thrown into a well, but wild rumours on this score are current and have caused a lot of heart-burning in both communities." Either this gentleman was thrown into the well or he was not. One of the reports is wrong, and if the statement that he was thrown in is the wrong one then the report which said it has helped the spreading of a rumour which has caused a lot of heart-burning in both communities is the right one.

There is one more allegation in the report which was written by the members of this House with two other gentlemen. It said that it is a pity that investigation by the police was not started at once. Well, this was made impossible by the rioters who were still looting and committing incendiarism. Now I again ask the members of this House to imagine what happens when a force of 171 constables and 90 troops are dealing with rioters in a city with several square miles of area. You cannot deal with rioters and arrest people and start investigation all at the same time. Imagine the possibility of one man doing several things all simultaneously. There are limits to the possibility of one man doing several things at the same time. The orders of investigation were given first on the morning of the 4th September, that is on the second day of the riots. But the day was so occupied in dealing with the riots that it was not possible to start investigation at once. No sooner had the Deputy Commissioner given the orders on the 4th for investigation than the rioting began again. As soon as the trouble was all over and it was thought quite certain that there would be no more riots the investigation started on the 6th. This is the reason why the investigation did not start at once and it appears to me that if the authors of the report had tried to put themselves in the place of those officers who were struggling with the rioters they would not have so lightly suggested this as a charge against them.

I now come to a satisfactory feature of this report. The report says : " We realise that the Deputy Commissioner (Mr. Emerson) did his best to minimise the evil influences which were working," and it goes on to say that the Deputy Commissioner at great personal risk saved many Hindus from being roughly handled by the rioters. If the authors of the report had gone a little bit further and realised the admirable services which were done by Mr. Emerson, then I think I would have been spared the necessity of exposing before the Council the errors and mistakes in it. I have still much more material but I must spare the House. I could say much more. I have already said how great is the debt which the people of Multan and not only the people of Multan but

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the people of cutlying villages all of whom might possibly have been subjected to something similar that occurred in Multan, how great was the debt which all these men, indeed the province as a whole, owes to Mr. Emerson and the officers and helpers who worked under him. Admirable work was done by the police—admirable work. The very men who are now levelling charges against them were at that time sending in letters, sending in telegrams imploring the authorities for the assistance of the very police whom they now malign. When there is trouble then ask for the help of the constable. When the trouble is over then malign him.

I doubt, Sir, whether it is necessary after all these facts to go any further into the question of reasons for not holding an enquiry of the character that is suggested, but it is best that I should put them very briefly. It is suggested that there should be another non-official inquiry. Sir, we have had two non-official inquiries already and I do not think that the analysis of them which I have put before the House is such that a third non-official inquiry made after this interval is the least likely to be satisfactory. Then, Sir, let me say this. The trials in Multan are still proceeding. That is an inquiry also. The magistrates are dealing with specific cases. How can it be suggested that when these trials are proceeding that someone else from outside should go into the facts and ascertain by summary process and by general methods the truth of the incidents that have occurred. The truth is that such an exceptional step as an inquiry made by members of this Council must be justified by proof of a *prima facie* case for inquiry. There is no such case and I think that I have completely demolished the arguments that were supposed to have existed. Mr. Emerson acted with great firmness, tact and judgment, and was admirably supported by all officers and all ranks and there is not a shadow of evidence to suggest anything different. There is one additional reason why an inquiry such as the one suggested would be in the highest degree injudicious. The members of such a body must necessarily themselves be members of the two rival communities. Is it not evident that such a committee as this would inevitably end in a struggle between members of each of the two parties and the recriminations which will follow will only increase the bitterness which already exists?

Mr. Ganpat Rai: I wish to say a few words, Sir, and then I will withdraw.

Mr. President: If you wish to withdraw the resolution, I am afraid I cannot allow you to make a speech.

Mr. Ganpat Rai: I have consulted my friends, and I have come to the conclusion after hearing Sir John Maynard's speech that there will be no use asking for such a committee, as no further facts will be elicited.

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

"That the question be now put."

Mr. President: The first point is whether leave is to be given to withdraw. If the House desire to reject leave to withdraw the resolution, they can do so.

Mr. Ganpat Rai: If the majority do not want to permit me to withdraw, I am not afraid. If the House wishes to insist, I have not the least objection. I am quite ready.

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

Mixed cries of 'No, Sir' and 'Yes, Sir'.

The Honourable Sir John Maynard: I should like to represent it to the House that in view of the possible recriminations that would occur, it would be desirable to allow the mover to withdraw this resolution.

Malik Feroz Khan, Noon: Sir, I am very glad to see a very conciliatory spirit in my friend Mr. Ganpat Rai who moved this resolution.

Mr. President: Is Malik Feroz Khan speaking to the resolution or does he wish to address the House on the point regarding leave to withdraw.

Malik Feroz Khan, Noon: I would like to suggest one or two things to Mr. Ganpat Rai and if he is agreeable to do this, then I would recommend to the House to allow him to withdraw. But if he does not, then it is exceedingly unfair to the officers who have been maligned to allow him to withdraw. In that case it should be defeated and the House should prove it to the officers concerned that they have our full support.

Mr. President: I am afraid I cannot allow a discussion as to whether this permission should be given to withdraw. It seems to me to be undesirable. The ordinary thing is to decide the matter without discussion. Still if you state what you wish to ask Mr. Ganpat Rai, I will decide whether the question should be asked of him.

Malik Feroz Khan, Noon: What I am going to ask Mr. Ganpat Rai is something very innocent. I want to say that the honourable member who has made his speech based it on the reports of the two committees which have been fully discussed by the Finance Member and it has been proved to the Council that those two reports are really worthless (*certes of No, No*) and therefore the allegations which the honourable member has brought forward against the civil and police officers based on the two reports should be withdrawn. If he withdraws what he said in his speech and the House accept then I suggest that the House allow him to withdraw his resolution. That is a fit resolution to be withdrawn. If not then votes should be taken and the Council should clearly show that it is upholding the action of the officers.

Rai Bahadur Lala Hari Chand: When I was leaving Multan there was a talk about conciliation. Sheikh Muhammad Bakhsh called on me and said that we should meet one day and we should reconcile. I have received a letter to-day saying that 3rd November has been fixed as the date for the meeting and asking me to go to Multan. I am going to say.....

Maulvi Muharram Ali, Chishti: I rise to a point of order. I want to ask whether the honourable member is entitled to make a speech on the subject matter as he is going to do. I understand the ruling of the Chair to be that at this stage the member is only permitted to state whether he agrees to the withdrawal or not. Nothing more than that can be said and if my honourable friend is allowed to state his reasons, I think others may also be allowed to state their reasons.

Mr. President: What I said was that after Malik Feroz Khan has said what he wants Mr. Ganpat Rai to accept, I may ask Mr. Ganpat Rai whether he accepts or not. Then Rai Bahadur Hari Chand asked that he

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might be allowed to say a few words. I do not know what he was going to say, whether he is going to speak to the question of leave to withdraw the resolution or any other matter. I think the best course will be to ask Mr. Ganpat Rai whether he is prepared to accept the proposal of Malik Feroz Khan, Noon. Then I will again ask the House whether he has leave to withdraw or not. The question, Mr. Ganpat Rai, is are you willing to withdraw your aspersions on the Civil officers and the Police which have been made in your speech

Mr. Ganpat Rai: In the report or in my speech?

Mr. President: I do not think the honourable member is in a position to withdraw what was said in somebody else's report. He must withdraw what was said in his own speech. If he reads extracts from a report in his speech, he makes himself responsible for those extracts because he endorses them and therefore he must express regret for having read them, or withdraw them.

Mr. Ganpat Rai: Sir, I may be allowed to say a word or two before I say yes or no. Malik Feroz Khan, Noon and Mian Ahmad Yar Khan, have been speaking to me since yesterday and after Honourable the Finance Member finished his speech and when his speech was being translated, they were talking to me and begging of me to withdraw my resolution without any condition and I am surprised at the attitude now taken up by them. I see no reason to withdraw and I am not going to withdraw.

Bai Bahadur Lala Hari Chand: Sir, it will create bad feeling if the resolution is discussed. Therefore the resolution should be withdrawn. We are going to Multan

Mr. President: Mr. Ganpat Rai, you said you were not prepared to withdraw your speech. Are you prepared to withdraw your resolution at all?

Mr. Ganpat Rai: After hearing the Finance Member's speech I believe that nothing would be gained by an inquiry and because of the respect which we have for him I would ask for leave to withdraw the resolution.

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

(Mixed cries of "yes, yes," and "no, no".)

Mr. President: Leave to withdraw is refused.

The Honourable Sir John Maynard: Cannot the question whether leave be given or refused be now put formally to the House and votes taken. There seems to be a majority for withdrawal.

Mr. President: No, I think not, opinion in favour of withdrawal is by no means unanimous. Leave to withdraw is refused.

Mr. H. D. Craik: I beg to move, Sir,—

"That the question be now put."

Mr. President: I am not quite sure what question should be put. If I put the whole question I am asking the House to give their views on two points at the same time, one as to the composition of the committee as to which various amendments have been proposed and the other as to the question

whether a committee should be appointed at all. I think it will be simplest in case there should be the decision of the House that a committee should be appointed if I simply put that question by itself, that a committee should be appointed. Then if the House does decide to have a committee then we can go into the question as to its composition. I will just state that question to the House and then will put the motion for closure.

The question before the House is then—

"That this Council recommends to the Government to appoint a committee to enquire into the truth or otherwise of the allegations made in the press or by organised public bodies against the conduct of the Police and Civil officers in connection with the recent riots at Multan."

The question is—

"That the question be now put."

The motion was carried.

Mr. President : The question is—

"That this Council recommends to the Government to appoint a committee to enquire into the truth or otherwise of the allegations made in the press or by organised public bodies against the conduct of the Police and Civil officers in connection with the recent riots at Multan."

Mr. Ganpat Rai : Sir,.....

Malik Feroz Khan, Noon : Sir, has the honourable member the right of reply when the closure motion is carried ?

Mr. President : Certainly he has.

Mr. H. D. Craik : Sir, the House has decided that the question be now put. Has any member right to make any further speech ?

Mr. President : Yes, the mover has.

Mr. Ganpat Rai : Sir, I am very sorry that the House would not save me from making this last reply. In the interest of the public and the two communities and also the respect which I have for the Honourable the Finance Member, I thought the best course was after hearing his speech to withdraw, but I have been compelled to make these observations which I am now making. I had consulted my friends and as I said some of my friends on the opposite side also asked me to withdraw. I never thought that they would put me in this dilemma, otherwise I would never have asked leave to withdraw. Sir, that stage being over I wish only to make a few remarks. The Honourable the Finance Member like an able advocate on the official side and with the help of one whom I may call a local lawyer whom the Government has brought here, has been able to make a plausible reply in answer to my resolution. He asked 'has a *prima facie* case been made out' ? I say certainly. His arguments and figures do not convince me that there should be no enquiry. He says that the number of police and the troops was small and therefore the situation could not be taken in hand immediately. I ask, Sir, 'Is that a reasonable reply ? Who is to be the judge of it ? Is it the local officers or the independent committee' ? Sir, I further ask why the investigations were not taken up immediately, why the avenues of the city were not closed at once. Are these not further points for enquiry ?

[Mr. Ganpat Rai.]

I do not say that the committee should be chosen of these two communities. My words are 'four non-officials' and luckily for us there are non-officials here who do not belong to either of these two communities.

As regards the question of *prima facie* case, it is an expression used frequently in criminal cases. I do not mean any disrespect to the honourable member, but I should say that he has been dealing only on the revenue side. But I have been mostly employed for more than 30 years on the criminal side. I may inform the House that a *prima facie* case has been made out in this case. The honourable member says that the report of Raja Narendra Nath and his colleague is incorrect. But these people are men with stakes in this province. Raja Narendra Nath is a Government pensioner holding large landed property. He would not go and sign a false report simply for the sake of fame or for the sake of being criticised and being told that his report is nothing but incorrect. Is he a man of that stamp? The other gentleman who has signed the report is an Honorary Magistrate, which post is in the gift of the Local Government. He has also a very large stake in the province, by heritage, in landed property. Are these people likely to sign a false report? No one is prepared to accept the arguments of the Honourable the Finance Member that there was no *prima facie* case made out. Besides, the other report gives credit to the officers concerned where credit is due to them.

The Honourable the Finance Member says that the committee stayed only for a short time in Multan. After all he also receives his instruction only from his subordinates. How long has he been in Multan and made personal enquiries? What I mean to say is that his arguments also are based only on information from officers who are in duty bound to protect themselves and their subordinates. Otherwise they would have had to report that they did not do the proper thing. The accuracy of this information too cannot, therefore, be relied on. There are a number of other points to be examined by enquiry and by taking evidence on oath if oath is permissible. Therefore, I suggest that a committee be appointed to elicit the truth. I do not nominate the four non-officials. I leave it to Government to choose four persons in whom it has confidence, to see what the real truth is and whether these allegations are not true. As I said yesterday it is in the interests of the Government, it is with the best of motives that I have put in this resolution. I need not dilate here that the official benches with their allies are in a majority. I also knew the reasons why the allies have taken hostile attitude to this resolution. But I am rather surprised at the attitude taken by the official benches. I expected that they will accept my resolution in order to clear their character. I knew from the very beginning that if Government opposed this resolution, there is no chance of its being carried and so I was determined to stand by myself even if I had no other honourable member voting with me.

If the Government believes that their officers have done the right thing to the public and they deserve credit, why is it afraid of an enquiry? Why should it not accept my resolution with suitable amendment if they so desired? Its unwillingness to do so shows that there is a guilty mind and a guilty conscience and therefore it wants to avoid an enquiry by a non-official body. Otherwise the Government would come forward to accept resolutions of this character in order to clear their character. With these remarks, Sir, I press my resolution.

The Honourable Sir John Maynard: Sir, I will give a very brief reply. I confess I rather sympathise with my friend Mr. Ganpat Rai for the very awkward position he finds himself in. He admitted that he was mistaken and wanted to withdraw in consequence. He was not allowed to withdraw and so he pretends that he is not convinced. That is rather an awkward position and I sympathise with him very deeply.

Now I do not think I need say that the information I have given is correct. It is derived partly from evidence given on oath before the courts in the pending cases. But there are two things on which I wish to say a few words by way of reply. As regards investigation it could not be conducted while the riot was going on. Investigations were commenced on the 4th when it was believed that the riots had been stopped. It was then found necessary to stop investigation and postpone it till the 6th. The investigation could not be carried out earlier because everybody concerned was otherwise occupied. Then again the statement that the avenues were not closed is a misapprehension. No rioting of a serious or prolonged kind occurred inside the walls of the city, because measures were taken to prevent people from coming back into the city from outlying areas.

Then as regards the allegation that the trouble took place in the vicinity of the Police stations, I think I should be hardly doing justice to the intelligence of this House if I repeat again what I have already said, the facts and figures regarding each of these Police stations.

I showed that it was not possible for the Police who was left there to do what Mr. Ganpat Rai says they ought to have done. Again, I do not propose to repeat those reasons because I think they are still fresh in the memory of the House.

There is one more thing which I wish to say in concluding this debate. It is this that this Council is now a partner of Government in the work of the administration of this Province. It is a portion of the Government. Now the chief test of the fitness for command of any man or body of men is the manner in which the man or body of men treat their agents or their servants. The failure to see when you are well and nobly served is a damning evidence of unfitness to control or to command.

Mr. President. The question is :

"That this Council recommends to the Government to appoint a Committee, on which there should be not less than four non-official members of this Council, to enquire into the truth or otherwise of the allegations made in the Press or by organised public bodies against the conduct of the Police and Civil Officers in connection with the recent riots at Multan."

The resolution was lost.

RESOLUTION RE. COW SLAUGHTER-HOUSES.

Pandit Daulat Ram Kalia [East and West Central Towns (Non-Muhammadan), Urban] (Urdu) : Sir, I beg to move —

"That this Council recommends to the Government that the cow slaughter-houses be closed for one day in every week."

I am an advocate of religious freedom. I have as much regard for other religions as I have for my own. Government allows holidays for the festivals

[Pandit Daulat Ram Kalia.]

of all religions, so much so that leave is now given to Muhammadan clerks and students on Fridays against which the Hindus have never raised any objection. According to section 43 of the Punjab Laws Act the Local Government can regulate the slaughter of cows. All that I say is that under the above section the slaughter-houses should be closed for one day in the week. Seventy-five per cent. of our Muhammadan friends do not eat beef, nor do the majority of the Christians. Sunday is the sacred day of the Christians and slaughter-houses might be closed for that day. The Hindus too will begin to look upon that day as a sacred one. Seeing that a holiday is allowed in the factories for one day in the week a holiday should be given also to the slaughter-houses. This will please the Hindus and our Muhammadan friends too will like the idea.

Rai Bahadur Lala Hari Chand [West Punjab Towns (Non-Muhammadan) Urban] (Urdu) : Sir, I strongly support the resolution. According to Hindu principles the cow-slaughter should be stopped, but this is extremely difficult. It is now said that by the closure of slaughter-houses for one day in the week no Muhammadan will be put to inconvenience. Though several Muhammadans eat beef they will not oppose the closure for one day in the week. Government should note that this small concession will win over the hearts of a very large number of Hindus. The resolution has my strong support.

Pir Akbar Ali [Ferozepore, (Muhammadan) Rural] (Urdu) : Sir, what benefit is going to accrue from the closure of one day. The cows will be slaughtered one day beforehand and the people will have to eat stale beef. If closure is sanctioned for one day the Sikhs will say that the Muhammadans should refrain from reciting the call for prayer for one day in the week. The Muhammadans themselves protect the cow. It is they who bring it up, whereas the Hindus make it over to others as soon as it ceases to give milk. The Muhammadans drink the cow's milk to a very large extent. It is a pity that no grazing grounds have been reserved for the bovine race : nor does any other arrangement exist. Will the Council stop the religious liberty of one sect ? I oppose the resolution.

Lala Atma Ram [South-east Towns (Non-Muhammadan), Urban], (Urdu) : Sir, I strongly support the resolution. It is admitted on all hands that a large number of cows are daily slaughtered throughout the Province. Cattle cannot be had for agricultural purposes and the production of grain has decreased. The shortage of cattle has affected the country as a whole. The milk-supply has also decreased. Milk cannot be had for less than 5 annas per seer, whereas in former days it could be had for 2 pice per seer. Milk and ghee have alas, become prohibitive luxuries for many. The Government of India have promulgated a notification whereby restrictions have been placed on the slaughter of all kinds of animals. The request embodied in the resolution is, moreover, a very ordinary one.

Khan Bahadur Chaudhri Fazal Ali [Gujrat West (Muhammadan), Rural] (Urdu) : Sir, I regret to say that this resolution raises a religious question which is calculated to offend our religious susceptibility. The Amir of Kabul has prohibited cow-slaughter by means of a proclamation. Owing to a rapprochement between the Congress and the Khilafat and in order to placate Hindu susceptibility it has been suggested that other animals should be slaughtered instead of the cow when sacrifices have to be offered. On their part the Muhammadans have not demanded that pig-slaughter and *Jhatka* should be stopped. Though cow-slaughter is optional for us, it is lawful

according to religion and we cannot desist from it for even half an hour. We can stop it of our own free will, but the framing of a law for the purpose is opposed to religion. We should make our own private efforts to stop it. In Gujrat a dispute once cropped up about *Jhatka* and on that occasion I told the Deputy Commissioner we cannot have any objection when a thing is permissible according to any religion. - The *Jhatka* shop was accordingly opened. To try to prevent a practice which is lawful according to any religion is calculated to create strife. Two years ago I conceived the idea of the protection and preservation of cattle and in order to bar the sources from which the butchers obtain an unusually large number of cows we set up committees. The cow is the most useful animal for the agriculturist. This Council is yet hardly two years old. Is it necessary to bring up before it all kinds of questions at once? The susceptibilities of the Muhammadans should be kept in view. Just now the *Akali* question came up before the Council. That question has somehow or other assumed a religious aspect. I am afraid that sometimes small religious matters assume big proportions. The resolution may well be withdrawn.

The Honourable Sir John Maynard (Finance Member): I think I can put an end to what may turn out to be a useless discussion by saying a few words at this stage. The Government is advised that it has no power to take the action which is suggested in this resolution. The honourable member did indeed say that the thing might be done under the Punjab Laws Act. But the Government is advised that it is not so. It is a matter for the authorities who are in charge of slaughter houses and those authorities deal with the matter under the provisions of the particular Acts which regulate their powers. It is a matter for the municipal committee or the cantonment committee. Government has no concern with slaughter houses; they are managed by local bodies. It would be useless to continue discussion on this subject, because whatever might be the result, the Government would not have the power to carry out such a change (*hear hear*).

Pandit Daulat Ram Kalia: In these circumstances, Sir, I beg to apply for leave to withdraw the resolution.

The resolution was by leave withdrawn.

RESOLUTION RE. EMOLUMENTS OF ZAILDARS AND LAMBARDARS.

Chaudhri Ali Akbar [Kangra-cum-Gurdaspur (Muhammadan), Rural] (Urdu): Sir, I beg to move the following resolution:—

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

It needs no discussion, Sir, that the increase is necessary. The resolution of 1921 was passed by an overwhelming majority, but it has been held over as useless. It appears from the *Punjab Gazette* of the 22nd May 1922 that the matter was referred to the Land Revenue Committee, but it seems that it has been postponed indefinitely owing to financial stringency. In 1921 the emoluments of Zaildars, etc., were increased to a certain extent and they were somewhat satisfied, but now there is again unrest among them. When the salaries of Government officials were increased by 40 to 50 per cent. why did not financial considerations interfere then? Does this consideration come in only when the case of those, who collect the whole revenue, is being considered? The fact is that this class does not agitate and the Government by its indiffer-

[Ch. Ali Akbar.]

ence goads them to resort to agitation. Is not the plea of high prices, put forward in the case of Government officials, equally applicable to the case of Zaildars, &c.

Mr. President: The question is—

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

Maulvi Muharram Ali Ghishti (Lahore City (Mohammadan, urban))
(Urdu): "Sir, I beg to move the following amendment of which I have given notice:—

"That for the word 'immediately' the following be substituted:—

'As soon as there is a sufficient surplus in the budget and it does not involve any further burden on the poor tax-payers of this province.'

No reasonable man can have any objection to the carrying out of this resolution and we have every sympathy with our rural brethren, a large number of whom are members of this Council and who, united together, can defeat us whenever they like. But the difficulty is that increase in their emoluments means increase in taxes. Sir John Maynard does not know the art of alchemy nor for that matter any other kind of witchcraft. If the resolution is given effect to the increase in expenditure would not be less than 35-36 lakhs. Thus the revenue derived by the passing of the new Court-fees and Stamp Acts will go into the pockets of Zaildars and Lambardars and the Government will have to resort to still further taxation. Half the burden of this will fall on the poor zamindars and I have no doubt that no conscientious man will like to burden the poor peasants more and more.

It is an opportunity for the rural members to show a spirit of self-sacrifice unless they have only lip-sympathy with the zamindars. I am sure that they will act broad-mindedly and in a spirit of self-sacrifice will not care for a few rupees. I had said before that I will generally oppose items of expenditure as far as possible and will not be satisfied so long as our Honourable Ministers do not reduce their princely salaries to half and the members of this Council do not forego their daily allowance and travelling. When the resolution about the increase of the daily allowance of the members was passed there was a great commotion in the press. Then came resolution *re.* holding the summer session of the Council at Simla. What a funny thing it is that European Members of the Council who belong to cold climates should come down to Lahore in the hot weather while our own people should feel very hot here and desire to go up to Simla? All these things mean an increase in expenditure which results in fresh taxation. My friend has said that when increase has been allowed in other departments why should it not be allowed to the Zaildars? I submit that if this is to be the criterion for making demands then there will be no end to them. This is a day of withdrawals and I think it would be better if the mover of this resolution also withdraws his resolution. At any rate I leave it to the good sense of the Zamindar members whether they may support or oppose my amendment.

Mr. President: The original resolution was—

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

To this an amendment has been moved—

"That for the word 'immediately' the following be substituted:

"as soon as there is a sufficient surplus in the budget and it does not involve any further burden on the poor tax-payers of this province."

The question is that that amendment be made.

Khan Bahadur Chaudhri Fazal Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, I thank Maulvi Muharram Ali Chishti for his sympathy and feel that after all he has some regard for us. The resolution for increase has already been accepted and the emoluments of zaildars, *viz.* 150—250 per annum do not compare very favourably with those of chaukidars, *viz.* Rs. 8 per mensem, taking into consideration the position, responsibility and onerous duties of the former. If the word "immediately" is omitted from this resolution, there is hardly any need to move it. Mr. Chishti says that there is no money, but he fixes no limit as to when this resolution could be brought into effect. Had he fixed a limit of a year or two his amendment might have been acceptable. I do not wish to discuss this any further. What I ask is that when so much increase has been given to Munsiffs and Tahsildars and when the daily allowances of those whose salary is from 2 to 8 thousand per mensem have been increased without feeling any difficulty in meeting the expenditure, why should any difficulty be felt in meeting this well-deserved expenditure for the zaildars, etc., who have so much to do and so many departments to attend to. They have to arrange for the camp supplies of officers, the system of contract having proved a failure. Mr. Chishti's reference to the daily allowance of the members of this Council was beside the point. Living in Lahore he cannot realise the troubles and inconveniences of those who come from the *mofussil*. If famine affects the whole world it affects the zaildars as well. I think something must be done by way of increasing their emoluments, if not at once, say after six months or a year. Hence I oppose the amendment moved by Mr. Chishti.

Rana Muhammad Jamil Khan [Jullundur (Muhammadan) Rural] (Urdu): Sir, there are 3 classes of men affected by this resolution, *viz.*, Lambardars, who realise the whole revenue, Sufedposhes, whose pay is from Rs. 30 to Rs. 40 only and Zaildars who get from Rs. 150 to Rs. 250. All of them have to perform a lot of difficult work. They arrange for the supplies, do tahsil work, have to dance attendance on the investigating police officer, and what not. They deserve every consideration. There is so much expenditure in other departments. Additional police has been entertained which is unnecessary. It would be an act of generosity on the part of the Council if these poor Zaildars, etc., are paid something.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders—General): Sir, after listening to the amendment which has been moved by Maulvi Muharram Ali Chishti I do not think it is necessary to move my amendment as it is practically on the same lines as Maulvi Sahib's. The facts which have induced me to support Maulvi Sahib's amendment are these: First of all we have a deficit of 123 lakhs in the budget. Much reliance is placed on the working of the Retrenchment Committee, but the

[D. B. Raja Narendra Nath.]

proposals of the Retrenchment Committee are yet in the air. We do not know what they will amount to and how much reduction it will be possible to make if their recommendations are accepted. Then it will take some time before it will be possible to act upon those recommendations whatever they are. We will therefore have no clear idea of the amount that we will be saving if the recommendations of the Retrenchment Committee are accepted. We have the proposals before us of raising court-fees and stamp fees. About that also we are absolutely in the dark as to what actual increase of income will accrue to us if those measures are passed. It has been said that other Government servants have received increase in their salaries. I do not remember any such proposals having been sanctioned by this Council. All the increases of salaries that took place were made before the Reforms Scheme came into operation and if any increases were sanctioned, they were in accordance with the proposals which had been submitted before and had been sanctioned. I believe that it was only in the case of the salaries of *patwaris* and *kanungos* that proposals were sanctioned by this Council, but even there the increases were introduced after all the proposals had been submitted and sanctioned by proper authorities. It does not seem to be right that to Zaildars we should be allowing an increase of salary, the total amount of which will come to about 20 lakhs. That will stultify our position which has been explained more than once by the Finance Member. This resolution, even if it is passed, will have effect only for one year, that is to say, whether we refuse it or sanction it it will have effect only for one year and during that one year we will not be in a position to find out how our finances stand. Therefore I would request the honourable mover to either accept the amendment of Maulvi Muhsarram Ali Chishti or to withdraw his resolution.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhpura (non-Muhammadan) Rural] (Urdu): Sir, as I was the mover of the original resolution, therefore I say a few words to the Council. When that resolution was passed it was stated that the existing laws and rules will have to be changed. In my opinion the intention *ab initio* would have been that it would be brought into effect when money was available. In the Committee two non-official members joined with the official members and had the matter postponed as if the Zaildars were not men of any status but only menials. I do not blame the official members, but my complaint is against the non-officials who did not make any effort to have the Act and the rules modified. We are told that there is no money and that it has been spent on giving increases to the staff. But this was done before we came here. We had only to sign the papers which we did as we were told that there was still a balance of one crore and 38 lakhs. And yet if the Council wants to sanction increases there is money. The Zaildars have many onerous duties to perform and many hardships to undergo and they deserve the increase. I ask of the Raja Sahib whether he tried to find money. Did any Committee sit for this purpose? I can find the required funds within ten days and can reduce the expenditure in the budget by 2 crores. Officers of experience may shake their head at this statement but I can say that during the 60 years of my life I have attained some skill in these matters.

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia: Is my friend speaking on the original resolution or on the amendment?

Mr. President: I am afraid, you are going out of the way. You must confine yourself to the question on hand.

Mr. Ganpat Rai: I thought I was replying to the speech of Raja Sahib and Maulvi Sahib. But the Honourable Member says that I have gone astray. I shall then withdraw those remarks and shall reserve them for the original motion. (Then continued in Urdu) : It is said that the Zaildars, etc., do the work for the sake of honour and that whenever there is a vacancy there are so many applicants, but I say that the time is not far when in certain districts they will not find men to fill up the vacancies. Mr. Chishti wants that money should be spent in towns and not on Lambardars, etc. It is his selfishness. Why has so much money been spent on the hostel built opposite the District Courts? We would have built it with much less cost and thus would have saved money for the Lambardars and Zaildars. If your expenses have increased, theirs too have gone up. I think the whole thing is based on selfishness. If they resort to agitation and give you a month's notice you will realise the position.

Chaudhri Ghasi Ram [North-West Rohtak (Non-Muhammadan) Rural] (Urdu) : Sir, Mr. Ganpat Rai and Maulvi Sahib have said something on the subject. But Raja Sahib knows the condition of Lambardars and Zaildars much better as in the capacity of Deputy Commissioner, he has come in contact with them. He knows what a large amount of work is done by them. Some of the Lambardars are not well off and get only Rs. 10 or Rs. 12 as annual *panjotra*.

Chaudhri Ata ullah Khan [Gujranwala (Muhammadan) Rural] (Urdu) : Sir, this resolution comprises a demand from the zamindars upon the Government. The points for determination are whether this demand is proper, and if so, is there money to meet it. I ask the Honourable Finance Member, who realises their work, and responsibilities very well, whether they deserve the increase or not. When this question is settled, the Government can arrange the money itself by reappropriation from some other head.

Mr. C. M. King (Financial Commissioner) : Sir, I move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

I may make it clear to the Council that the question before them is that the amendment proposed by Maulvi Muharram Ali Chishti be made. If the House votes in favour of the question being put, then that amendment will be put to the vote.

The motion was lost.

Khan Bahadur Sayad Mehdi Shah [Lyallpur South (Muhammadan) Rural] (Urdu) : Sir, much has been said on the subject by Chaudhri Fazal Ali and Lala Ganpat Rai. The Lambardars and Zaildars have very difficult duties to perform. They collect the whole revenue, while their emoluments are even less than those of supply contractors. No one has so far tried to find the necessary money or to amend the Act. There is no gain-saying that all the work is done by them considering it as an honour, but this idea of honour is based on *bar shal*. There is hardly a Zaildar who does not keep a pony or two for official work. In a month of 30 days they have 80 *famils*. If any complaint is made against them, they suffer a good deal of trouble and dishonour.

[K. B. Sayad Mehdi Shah.]

The money can be easily arranged by the recent settlement of the Lyallpur District, the land revenue has increased by a very large amount. The required funds can be reappropriated therefrom. The Government should at least pay regard to the expenses which they have to undergo in the disposal of the Government work. The zamindars are the backbone of the administration. Had it not been for their existence non-co-operation would have spread everywhere by now. They helped in recruiting work a great deal and even offered their sons for enlistment. I think the Retrenchment Committee, which is sitting to cut down unnecessary expenditure, will be able to find funds for this purpose.

The Council then adjourned till 2 O'clock on Monday, the 6th November 1922.

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PUNJAB LEGISLATIVE COUNCIL.

SEVENTH SESSION.

Monday, 6th November 1922.

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 :—

✓ Miles Irving, Esquire, O.B.E.

ANNOUNCEMENT BY MR. PRESIDENT.

RESOLUTION RE GURU-KA-BAGH.

Mr. President : It will be within the recollection of members that at the close of the discussion of Sardar Dasaundha Singh's resolution on Tuesday I stated the resolution which the Council had arrived at but I omitted to ask the Council to vote upon the question whether they were prepared to adopt that amended resolution. Owing to temporary confusion of thought it seemed to me that it was wrong to do so. I have no doubt, however, that I ought to have done so, and I therefore wish to explain that my procedure was wrong. I also wish to put the matter right by taking up the question as the first item of non-official business on the 9th. I shall then ask the Council whether they are prepared to adopt that amended resolution as their resolution.

Diwan Bahadur Raja Narendra Nath : As far as my recollection and the recollection of the other members near me go, I think clause (b) was passed and clause (c) was withdrawn.

Mr. President : Quite so. The point is this. Clause (b) having been passed, clause (a) having been rejected and clause (c) having been withdrawn, it remained to adopt clause (b) alone as the resolution of the Council or for the Council to say they would have nothing to do with the resolution in its mutilated form. This was a totally different proposition to what was originally put before the Council. The case is analogous to that of an amendment and therefore the resolution as modified by the Council should have been put before the House and their assent taken to adopting that as their resolution.

QUESTIONS AND ANSWERS.

LOCAL OPTION.

1932. Mr. Ganpat Rai : With reference to the answer given to question No. 1410,* will Government be pleased to state—

- (a) what steps it has taken up to date to give effect to the resolution† concerning local option passed in the Punjab Legislative Council on 18th March 1921?

* Volume III, page 371.

† Volume I, page 473.

- (b) what has become of the proposed Local Option Bill? Has it been abandoned; if so, why?
- (c) if the Bill has been abandoned, is the Government considering some other means to give effect to the above resolution of the Legislative Council?

The Honourable Lala Harkishan Lal: The honourable member is referred to the answer given to Council Question No. 1410,* asked by Mr. K. L. Rallia Ram. It has since been found that the previous sanction of the Government of India is necessary under clause (b) of sub-section 3 of section 80-A of the Government of India Act, 1919, before the Bill can be introduced in the Legislative Council. The Bill has accordingly been submitted to Government of India in the Legislative Department and has not yet been returned.

LICENSES ISSUED BY THE EXCISE DEPARTMENT.

1933. Mr. Ganpat Rai: Will the Government be pleased to state the total number of licenses in the province issued by the Excise Department during the current year as compared with the last year, giving details for each district and big towns like Lahore, Amritsar, Rawalpindi and Multan, etc.?

The Honourable Lala Harkishan Lal: The total number of Excise licenses issued in the Punjab during the current year is 5,629 as against 2,712 in the last year. As to the detail for each district and big towns will the honourable member kindly refer to the statement which is now laid on the table.

Statement showing the number of Excise Licences in the districts and big towns of the Punjab in 1922-23 as compared with those in 1921-22.

Division.	District.	DISTRICT.		BIG TOWNS.	
		1921-22.	1922-23.	1921-22.	1922-23.
AMBALA.	Hissar	51	51	...	...
	Rohtak	36	35	...	...
	Gurgaon	53	52	...	...
	Karnal	66	59	...	...
	Ambala	192	171	...	...
	Simla	162	183	...	...
	Total	569	550	...	...

Statement showing the number of Excise Licences in the districts and big towns of the Punjab in 1922-23, as compared with those in 1921-22—concluded.

Division.	District.	District.		Big Towns.	
		1921-22.	1922-23.	1921-22.	1922-23.
JULANDHUR.	Kangra ...	142	148	...	...
	Hoshiarpur ...	117	112	60	56
	Jullundur ...	114	108	18	11
	Ludhiana ...	101	92	27	29
	Ferozepore ...	218	211	21	20
	Total ...	690	669	...	...
LAHORE.	Lahore ...	172	170	49	49
	Amritsar ...	95	78	33	29
	Gurdaspur ...	114	112	7	7
	Sialkot ...	118	112	32	33
	Gujranwala ...	70	69	20	20
	Sheikhupura ...	44	51	...	...
	Total ...	618	597	...	...
RAWALPINDI.	Gujerat ...	51	50	19	17
	Shahpur ...	30	27	...	...
	Jhelum ...	40	33	6	6
	Rawalpindi ...	249	250	149	152
	Attock ...	53	52	...	...
	Mianwali ...	30	31	6	7
	Total ...	453	445	...	...
MULHAN.	Montgomery ...	43	44	8	9
	Lyallpur ...	111	98	36	31
	Jhang ...	36	34	...	...
	Multan ...	117	118	27	26
	Muzaffargarh ...	48	39	4	4
	Dera Ghazi Khan ...	45	45	...	...
	Total ...	397	378	...	...
GRAND TOTAL		2,712	2,629	...	...

EXCISE REVENUES AND ILLEGAL TRAFFIC.

1934. Mr. Ganpat Rai : Will the Government be pleased to state—

- the total income for the last six months of this year of the Excise Department as compared with the last six months of the last year, giving separate heads ;
- if the income of the last six months of current year is higher, then will the Government be pleased to give full reasons ?
- Will the Government be pleased to state whether crime in the shape of disobedience to Excise Law is on the increase ? If so, will Government be pleased to give the total number of cases of detection under separate head in each district of the province ?

The Honourable Lala Harkishan Lal : (a) A statement giving the necessary information is laid on the table.

(b) Does not arise.

(c) Excise crime is on the increase. A statement giving the information asked for is laid on the table.

Statement showing the number of cases detected under the Excise and Opium Acts from 1st April 1922 to 19th October 1922, as well as for the corresponding period of the preceding year in the Districts of the Province.

Name of District.	LIQUOR.				OPIMUM.				Possession of Hemp Drugs.		Possession of opium.		REMARKS.
	Illegal distillation and illegal possession of country liquor.		Import of State liquor.		Illegal possession of opium.		Chandu dens.	Illegal possession of Hemp Drugs.		Illegal possession of opium.			
	1	2	3	4	5	6		7	8				
	1922	1921	1922	1921	1922	1921	1922	1921	1922	1921	1922	1921	
Hissar	...	...	...	...	8	1	...	...	...	1	...	...
Rohtak	8	...	...	...	2	...	1	...	...	...	...	...
Gurgaon	...	...	...	...	...	...	...	...	...	...	...	...
Karnal	...	2	...	...	...	...	...	...	...	...	...	...
Ambala	...	...	...	...	...	...	...	...	...	...	...	1	
Kangra	2	1	...	...	...	...	...	...	...	...	...	...
Hoshiarpur	...	1	...	...	...	...	...	...	1	...	...	1	
Jullundur	9	15	...	...	...	...	...	...	...	...	...	...
Ludhiana	...	...	...	...	...	2	...	...	...	...	...	...
Ferozepore	12	11	23	7	18	9	1	...	1	...	...	...
Lahore	8	13	...	...	12	6	1	5	3	5	3	2	
Amritsar	1	6	...	...	8	2	...	...	...	...	...	...
Gurdaspur	22	9	1	...	6	2	...	...	2	...	...	...
Sialkot	8	...	...	...	...	2	2	3	...	1	...	...
Gujranwala	2	3	...	...	...	...	...	...	...	...	...	...
Sheikhpura	...	1	...	...	...	...	...	...	...	...	...	...
Gujrat	1	1	...	...	...	...	...	...	...	1	...	...
Rawalpindi	4	...	...	...	1	1	...	...	...	...	...	...
Attock	...	...	...	...	2	1	...	...	5	3	...	...
Mianwali	...	...	...	...	...	...	...	...	1	...	...	...
Montgomery	...	...	...	...	...	1	...	...	1	...	...	...
Lyallpur	1	...	...	...	...	2	...	...	...	...	...	...
Total	82	63	29	7	45	20	5	8	11	16	3	4	

Statement showing Excise Income during the six months (April to September) of 1922-23, as compared with the same period of the preceding year 1921-22.

Year.	SPIRITS AND FERMENTED LIQUORS.				Distillery fees.	Total gross receipts from Spirits and Fermented liquors.	Opium and Poppy Heads.				Total.
	Foreign spirits and fermented liquors.	Country spirits and fermented liquors.	Small head duty.	License fees (whole sale and retail).			License fees (wholesale and retail).	Average duty on land cultivated with the poppy.	Import duty on opium.	Gain on sale proceeds of opium.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1922-23	1,52,446	2,09,998	4,28,777	6,74,407	10,82,171	24,43,794	7,51,554	2,530	86,555	3,78,915	12,49,614
1921-22	1,54,588	1,80,892	3,07,219	11,54,418	14,03,745	32,77,422	5,20,092	2,515	40,024	3,45,372	13,17,608
Difference + or -	- 2,207	+ 29,106	+ 1,15,388	- 4,80,000	- 4,21,574	- 7,34,628	- 1,27,538	+ 75	+ 44,831	+ 34,543	- 87,990

Statement showing Excise Income during the six months (April to September) of 1922-23, as compared with the same period of the preceding year 1921-22—concluded.

Year.	INTOXICATING HEMP DRUGS.				FINES, COMPOSITIONS AND MISCELLANEOUS.					Grand total receipts.	
	Licence fees (wholesale and retail).	Import duty on charas.	Tax on bang.	Dues on warehousing of charas.	Total.	Fines under Excise Act, XII of 1892.	Fines under Opium Act, I of 1878.	Sale proceeds of confiscated opium.	Other items.		Total.
1922-23	Rs. 2,46,148	Rs. 6,11,772	Rs. 13,905	Rs. 1,309	Rs. 6,71,136	Rs. 1,772	Rs. 532	Rs. 590	Rs. 657	Rs. 3,952	Rs. 44,17,394
1921-22	Rs. 2,75,598	Rs. 3,42,893	Rs. 10,935	Rs. 1,193	Rs. 6,30,519	Rs. 1,160	Rs. 60	Rs. 5	Rs. 621	Rs. 1,846	Rs. 52,27,220
Difference + or -	- 81,660	+ 69,379	+ 2,980	+ 116	+ 40,785	+ 612	+ 772	+ 585	+ 96	+ 2,006	- 8,09,823

GOVERNMENT AND GURDWARA PARBANDHAK COMMITTEE.

* 1935. **Sardar Sangat Singh** : Is it a fact—

- (a) that the Government had recognised the *Gurdwara Parbandhak* Committee as a representative body of Sikhs constituted for reformation of *Gurdwaras*;
- (b) that the keys of the Golden Temple were handed over to the said Committee after ascertaining its representative character?

The Honourable Sir John Maynard : The attitude of Government towards the *Shromani Gurdwara Parbandhak* Committee with regard to Sikh Shrines and the Darbar Sahib at Amritsar is fully explained in the Press Communiqués of 10th March and 12th January 1922, respectively, copies of which are laid on the table for the information of the honourable member.

PRESS COMMUNIQUE.

As there is some doubt regarding the attitude of the Government towards the *Shromani Gurdwara Parbandhak* Committee at Amritsar, Government desires to explain that, in deciding in January last to leave the administration of the Golden Temple in the hands of the Committee, it was guided by the consideration that no opposition was made by any other Sikh body to the adoption of this course and that accordingly the Committee might be looked on as representing a large section of Sikh religious opinion on the subject of Sikh *Gurdwaras*.

In dealing with questions connected with Sikh shrines the Government is prepared to take a similar attitude so long as the Committee confines itself to religious matters and does not adopt undesirable political activities. In cases where offences are committed in respect of shrines, local officers will of course be guided by the requirements of order and of the law, but in dealing with such offences and in discussing possible arrangements in connection with shrines for the prevention of the breach of the peace, or for other reasons, the local officers are at liberty, when such a course seems desirable, to consult the *Shromani Gurdwara Parbandhak* Committee or its local representatives, and to give to their views on *gurdwara* questions the attention due to the representations of a large section of Sikh religious sentiment on the subject.

LAHORE :

R. T. V. HOWE,

The 10th March 1922. } Junior Assistant Secretary to Government, Punjab.

PRESS COMMUNIQUE.

The Government is glad to announce what they hope will be considered a satisfactory conclusion to the discussions which have taken place regarding the management of the Darbar Sahib at Amritsar.

2. As has been before explained, the Government which had previously retained the power of appointing a Manager to the Golden Temple, appointed in November 1920 a Provincial Committee to advise how the Temple and its connected shrines might in future be managed without the

* S. Sangat Singh being absent his questions were put by Mr. Ganpat Rai.

intervention of Government and in the meantime to supervise administration. This Committee never reported and indeed became almost immediately merged in a larger self-constituted body known as the *Shromani Gurdwara Parbandhak* Committee, which has since continued to administer the shrines.

3. The *Parbandhak* Committee was in the summer of 1921 reconstituted by means of a system of election by Sikhs in the various parts of the Province, but the Committee expressed views on political matters outside the scope of religious administration and complaints were made by important sections of the Sikh community that they were not properly represented on the Committee. When therefore it was understood that the Committee were about to take charge of the keys of the treasury which were still in the hands of the Manager appointed by Government, the Government decided that this should not be done except by lawful authority. In the meantime an amicable suit was instituted by the Government under section 92 of the Civil Procedure Code with a view to obtaining a scheme of administration on a legal basis. The keys were given over to the custody of the Court and on the 3rd January 1922 the Government expressed its readiness to hand over the keys to the *Shromani Parbandhak* Committee pending the conclusion of the suit.

4. In bringing the suit the Government suggested that the Court should consult members of the Sikh community regarding the future management of the shrine. A certain number of gentlemen were summoned and some of them were present on the 7th January 1922 when the suit came on for hearing. These gentlemen gave it as their opinion that the *Shromani Gurdwara Parbandhak* Committee might for religious matters be considered as a representative Sikh body and no contrary view was put forward by any body of Sikh opinion in opposition to this declaration. The Deputy Commissioner, Amritsar, has at the same time been in communication with the Working Committee of the *Shromani Gurdwara Parbandhak* Committee and it is understood that the Committee is prepared to consider the addition to its members of a suitable number of representatives from the Sikh States and recognize itself as fulfilling functions of a primarily religious character.

5. The Government has accordingly decided to make a final withdrawal of its connection as an Executive Government with the management of the Darbar Sahib and to leave any further proceedings that may be thought necessary to the Sikh community itself. So far as the Government is concerned it is prepared to leave the administration, as it now stands, in the hand of the *Shromani Gurdwara Parbandhak* Committee and to allow the keys to be given over at once to that Committee and it will at the next hearing on the 16th instant take the necessary legal steps the precise nature of which have yet to be determined to this end. It does this in the belief that by this step it is meeting the wishes of the Sikh community.

6. The action of the Government in November 1921 in taking charge of the keys of the treasury was as has been noted in a previous *communiqué*, subjected to misrepresentation and led to a considerable amount of feeling among certain sections of the Sikhs. When the Government in November 1921, for reasons entirely unconnected with the Darbar Sahib, forbade by law the assembling of public meetings in the Lahore, Amritsar and Sheikhupura Districts, certain Sikhs held meetings at which, among other matters, the question of the keys was discussed. The Courts held and the Government agree with the view—that the meetings were not religious meetings exempted from the prohibition laid down under the law, and a number of Sikhs have been

imprisoned for their breach of the law. The Government recognises that in many cases their attendance at such meetings was due to excitement based on the action taken by Government in respect of the Darbar Sahib rather than to a desire to join in any campaign of disobedience to the law, and in view of the satisfactory settlement now reached regarding the administration of the shrine, the Government desire to mark their continued goodwill and friendliness to the Sikh community by ordering the release of all Sikh prisoners who have been convicted under the Seditious Meetings Act for attendance at meetings at which the question of the administration of the Darbar Sahib was discussed.

7. The Government hopes that with this settlement of the Golden Temple question there may be no more misunderstanding as regards its attitude. Its intention has been throughout to divest itself entirely of the management of the Darbar Sahib and the delay in reaching this point has been due to the intrusion of political propaganda and to the difficulty of obtaining any satisfactory means of ascertaining the general wishes of the Panth. The Sikh community as a whole has been for more than seventy years the firm friend of the Government and a stout upholder of the law, and it is to be hoped that the cordial relations which have hitherto been maintained between the Sikhs and the Government may continue uninterrupted for the perpetual benefit both of the Government and of the community.

LAHORE :

R. HOWE,

The 12th January 1922. } Junior Assistant Secretary to Government,
Punjab.

AKALI MOVEMENT AND MAL-ADMINISTRATION OF SIKH SHRINES.

1936. Sardar Sangat Singh : (a) Is it a fact that the grievances of the Sikhs with regard to the mal-administration of Sikh shrines were a subject of prominent discussion in the press and in the pulpit for a long time before the inception of the Akali movement?

(b) Will Government be pleased to state if any action was taken by them to induce the *Muhants* to administer the *Gurdwaras* according to the wishes of their worshippers? If any action was taken, will Government please state what it was?

The Honourable Sir John Maynard : (a) It is not certain what the honourable member means by the inception of the Akali movement; but the management of Sikh shrines has been a subject of criticism for at least two years past.

(b) Government has no *locus standi* for the control of the incumbents of shrines. The law, as laid down in section 92 of the Civil Procedure Code and elsewhere enables those interested in the shrines to move the judicial courts to take action for the improvement of the administration of *Gurdwaras* and it was for those persons to take action.

GOVERNMENT AND AKALI MOVEMENT.

1937. Sardar Sangat Singh : Is it a fact that Government committed as it is to the policy of non-interference in religious matters wishes the Akali movement to prosper within the bounds of law?

The Honourable Sir John Maynard: Government desires to leave full liberty to every purely religious movement and is concerned only to see that the law is not violated.

DISPERSAL OF AKALI JATHAS EN ROUTE GURU-KA-BAGH.

1938. Sardar Sangat Singh: Is it a fact—

- (a) that *Jathas* of about 100 *Akalis* more or less used to go daily to Guru-ka-Bagh for over a fortnight;
- (b) that they were dispersed by the police on the way at various points *en route*;
- (c) that not a single *Akali* composing the *Jatha* was allowed to go;
- (d) that in the course of dispersal one and all were hurt more or less and incapacitated from proceeding to Guru-ka-Bagh?

Mr. H. D. Craik: (a) (b) and (c). Yes. The persons in question were dispersed as members of illegal assemblies. (d) The honourable member is referred to my answer to question No. 1907.*

NUMBER OF AKALIS INJURED.

1939. Sardar Sangat Singh: Will Government be pleased to state the number of *Akalis* who, according to the official calculations, must have been hit in the course of dispersal at or near the Guru-ka-Bagh?

Mr. H. D. Craik: The honourable member is referred to the reply given to Council Question No. 1907* which is practically identical with this question.

INJURIES TO AKALIS.

1940. Sardar Sangat Singh: Will Government be pleased to state if it is a fact that there were a number of serious injuries inflicted in the course of dispersal in connection with the Guru-ka-Bagh affair?

Mr. H. D. Craik: So far as Government has been able to ascertain, the number of cases of serious injuries is insignificant. It is believed that all the persons who received injuries in the course of forcible dispersal have now recovered.

INSTRUCTIONS TO THE POLICE REGARDING USE OF FORCE.

1941. Sardar Sangat Singh: Is it a fact that instructions have been issued to the police to direct any blows necessary to be inflicted during the dispersal of unlawful assemblies to the fleshy parts of the body; if so, have the instructions been strictly complied with?

The Honourable Sir John Maynard: No general instructions of the kind specified by the honourable member have been given.

AKALI JATHAS AND GURU-KA-BAGH.

1942. Sardar Sangat Singh: Will Government be pleased to quote the law under which *Akali Jathas* proceeding to Guru-ka-Bagh for pilgrimage were stopped and dispersed?

Mr. H. D. Craik: Persons proceeding to the shrine purely for pilgrimage were not stopped.

AKALI JATHAS.

1943. Sardar Sangat Singh: With reference to the answer to question No. 1577, will Government be pleased to say if *Akali Jathas* have since been proclaimed under the Criminal Law Amendment Act?

The Honourable Sir John Maynard: No.

APPOINTMENT OF INSPECTOR OF SCHOOLS.

1944. Mr. Ganpat Rai: Will the Government be pleased to state—

- (a) the number of permanent and officiating appointments of Inspector of Schools in the province and the method of recruitment;
- (b) whether there is a system of direct recruitment for some of these appointments; if so, has any such recruitment been made during the years 1921 and 1922?
- (c) If it has been made, how many and what are the names or name of persons or person so appointed, together with qualification and full detail of previous experience?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (a) There are five inspectorships for Indian schools (one for each division); and one inspectorship of European Schools (which is at present held by the Assistant Director of Public Instruction in addition to his own duties).

These posts are held by members of the Indian Educational Service.

(b) and (c) No.

LAWRENCE GARDEN.

1945. Mr. Ganpat Rai: (a) Will the Government be pleased to state the total expenditure on and the total income from the Lawrence Gardens at Lahore during the last ten years with details of both?

(b) If the income is less than the expenditure, will Government be pleased to guarantee that the Gardens become self-supporting in future?

The Honourable Lala Harkishan Lal: (a) The figures asked for by the honourable member are given in the attached statement. They do not include the pay and travelling allowances of the permanent staff or the temporary allowance and grain compensation allowance of the temporary staff, which in 1921-22 amounted to an additional Rs. 17,000. The permanent staff, however, is not wholly employed on the Lawrence Gardens.

(b) Government is not able to guarantee that the Gardens shall become self-supporting in future but has indicated to the Gardens Committee that for the present improvements must be postponed and expenditure must be confined to the maintenance of the Gardens.

Statement showing the income and expenditure of the Lawrence Gardens Lahore, for the last ten years.

Year.	Income from Garden sales.			Expenditure.		
	Rs.	A.	P.	Rs.	A.	P.
1912-13	21,487	11 5	38,087	0 0	
1913-14	21,621	0 0	34,781	0 0	
1914-15	21,916	7 11	40,491	8 6	
1915-16	23,883	6 3	40,610	5 11	
1916-17	27,488	0 0	36,474	0 0	
1917-18	28,165	10 11	33,408	1 1	
1918-19	24,376	9 2	32,085	4 11	
1919-20	26,968	9 5	38,861	1 5	
1920-21	26,000	1 2	41,683	2 3	
1921-22	22,684	15 2	55,166	3 1	
Total	...	239,592	7 5	3,91,623	11 2	

LAUNDRY AND SANITATION SUPERINTENDENTS IN KING EDWARD MEDICAL COLLEGE AND HOSPITAL, LAHORE.

1946. Mr. Ganpat Rai: Will Government be pleased to state—

- whether there are separate Superintendents of Laundry and Sanitation attached to the Mayo Hospital and King Edward Medical College, Lahore?
- If so, what monthly pay they draw and what extra allowances and concessions they get in addition to their pay?
- Will Government consider the desirability of bringing these posts under reduction in view of financial stringency?

The Honourable Khan Bahadur Mian Fazl-i-Husain: (a) There is one Laundry Manager attached to the Mayo and Albert Victor Hospitals who is also in charge of the Cold Storage Plant; but there is no Superintendent of Sanitation attached either to the King Edward Medical College or the Mayo Hospital.

(b) The pay of the Laundry Manager is Rs. 250 per mensem and he also receives Rs. 50 per mensem for the charge of the Cold Storage Plant. The Laundry Manager is entitled to a free house but one has not so far been built for him.

(c) It is out of the question bringing the post of Laundry Manager under reduction as without the Steam Laundry it would be impossible to wash and disinfect all the clothing and linen in daily use in the hospital nor would the clothing and linen be washed as clean. In the interests of the patients and hospital the Steam Laundry must be maintained. The Cold Storage Plant is also essential for the preservation of Anatomical subjects, vaccines, &c., and unless it is in efficient and expert hands the plant would soon be ruined.

DESPATCH OF GOVERNMENT PRINTED MATTERS.

1947. Mr. Ganpat Rai : Will Government be pleased to draw special attention of all officials, who are actually charged with despatching Government papers, to send printed matter, where such a course would be cheaper than sending by letter post, and where the papers are not confidential, by packet post?

The Honourable Sir John Maynard : The suggestion contained in the honourable member's question will be followed where that course is practicable.

(Question No. 1948 was not put.)

REFUND OF INDEMNITY RECOVERED FROM VARIOUS MUNICIPALITIES DURING 1919.

1949. Rai Sahib Lala Thakar Das : With reference to the answer to question No. 373,* put on the 5th of April 1921, will the Government be pleased to state if the indemnity recovered from the various municipalities during 1919 has since been refunded? If so, to what extent?

The Honourable Sir John Maynard : The answer is in the negative.

Maulvi Muharram Ali Chishti : Is it intended to refund the indemnity at any time?

Mr. President : It is a totally different question and I am afraid it cannot be answered as a supplementary question.

RECOVERY OF INDEMNITY FROM THE INHABITANTS OF WAZIRABAD.

1950. Rai Sahib Lala Thakar Das : (a) Is the information promised in reply to my question No. 577 (b)† of 27th July 1921 since ready, and will the Government be pleased to state now the exact amount of indemnity recovered in 1919 from the Hindu, Sikh and Muhammadan inhabitants of Wazirabad, respectively?

(b) Is it a fact that the Municipal Committee of Wazirabad unanimously passed a resolution some time ago and wrote to the Deputy Commissioner, Gujranwala, to ask the Government to refund the amount of the above indemnity, and if so, what action has been taken in the matter?

The Honourable Sir John Maynard : (a) Details of the sums recovered at Wazirabad from Hindus, Sikhs and Muhammadans, respectively, are not available.

(b) No such resolution has been received from the Municipal Committee of Wazirabad, but a resolution of the kind indicated was received from Gujranwala and received the reply that Government was not prepared to make any refund.

* Page 523, volume I.

† Page 90, volume II.

COMPENSATION FOR LANDS ACQUIRED FOR THE ISLAM WEIR OF THE SUTLEJ VALLEY PROJECT.

1951. Mian Ahmad Yar Khan, Daultana : Will the Government be pleased to state whether it proposes to give the zamindars, whose lands will be acquired for the Islam Weir (in Mailsi Tahsil, Multan District) of the Sutlej Valley Project, lands in the Sutlej Valley Colony as a compensation for their acquired lands ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : That is the present intention.

SUPPLY OF WATER IN SIDHNAI CANAL.

1952. Mian Ahmad Yar Khan, Daultana : (a) Will Government be pleased to state how many cusecs of water has the Sidhnai been receiving since August 1922 ?

(b) Has the supply of water in the Sidhnai been increased ;

(c) If so, will the Government be pleased to consider the desirability of maintaining the present supply ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :

(a) Sidhnai Canal has been receiving water as follows :—

	Average supply.			
August 1922	1,818 cusecs.
September 1922	1,231 "

(b) Reply is in the negative.

(c) The water supply to the Sidhnai Canal is dependent on the supply of water in the river. However desirable it may be to maintain the present supply in the canal this cannot be done unless the river supply is maintained. The Canal Department obviously cannot control river supply.

1953. Mian Ahmad Yar Khan, Daultana : (a) Is it a fact that one cusec of water was allowed for one hundred acres in the Sidhnai Canal some two or three years ago while now one cusec is allowed for 120 acres ?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to state the reasons for this change ?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia :

(a) Reply is in the affirmative.

(b) The change is a natural result of the improvements effected in methods of irrigation, rise in spring level and several other causes. The total supply at the head of the canal has not been reduced.

IRRIGATION FACTORS OF PERENNIAL AND INUNDATION CANALS.

1954. Mian Ahmad Yar Khan, Daultana : (a) What are the irrigation factors of perennial canals and Sidhnai Canal ?

(b) Is the irrigation factor of the perennial canals the same as of the Sidhnai (an inundation canal) ?

(c) If the answer to (b) be in the affirmative, will the Government be pleased to state the reasons for treating the Sidhnai Inundation Canal on equal footing with the perennial canals in the matter of supply of water?

The Honourable Sardar Bahadur Sardar Sundar Singh, Majithia : (a), (b) It is not understood what the honourable member means by the term "irrigation fac ors." Unless this is clearly explained, it is not possible to give a reply to the question.

(c) The Sidhnai Canal is not treated on an equal footing with the perennial canals.

TRANSFER OF POWERS TO PERMIT SILT CLEARING IN SIDHNAI CANAL.

1955. Mian Ahmad Yar Khan, Daultana : (a) Will Government be pleased to state whether the Executive Engineer of the Sidhnai Canal retains in his own hands the question of giving permission to zamindars to clear the silt of Government minors at their own expenses.

(b) Were the Sub-Divisional Officers of the Sidhnai Canal authorized to give such permission some 4 or 5 years ago.

(c) If the answer to (b) is in the affirmative, will the Government be pleased to give the reasons for taking away such powers from Sub-Divisional Officers?

(d) Will the Government be pleased to lay on the table a statement showing the number of applications for silt clearance received from the zamindars of the Sidhnai Canal by the Executive Engineer from July 1921 to August 1922 with dates on which each application was received and the date on which it was rejected or sanctioned?

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

DHARMSALA SUB-JAIL AND CONVICT OFFICIALS.

***1956. Mr. Moti Lal, Kaistha :** Is it a fact—

(a) that no prisoner belonging to Kangra District is allowed to remain in the Dharmsala Sub-Jail who is under sentence of more than one month's imprisonment but that a fairly large number of prisoners and convict officials are sent for from the plains to perform the necessary service and keep watch and that among these imported from other jails, sometimes habitual and long term prisoners are also sent to that jail?

(b) that many times prisoners are sent to Dharmsala Sub-Jail whom the local authorities have to send back as unsuited to their purposes and thus unnecessary expenditure is incurred by Government and unnecessary trouble caused to prisoners?

(c) that on the 1st October 1922 about 3-4ths of convicts in the Dharmsala Sub-Jail belonged to districts other than Kangra? If so, will the Government consider the advisability of stopping this practice.

* Mr. Moti Lal Kaistha being absent, his questions were put by Mr. Ganpat Rai.

The Honourable Sir John Maynard: The reply to first portion (a) is in the affirmative.

Habituals and long-term prisoners are not sent ordinarily, except when necessity arises for the supply of sweepers and prison servants requires the same. In such cases only those of the shortest unexpired terms available are sent.

(b) In only 6 cases out of 54 received during the year 1921 were such men returned as being unsuitable.

(c) Yes. The reason for this is shewn in (a) of the Council Question.

NUMBER OF CONVICTS IN THE DHARMSALA JAIL OF DISTRICTS OTHER THAN KANGRA.

1957. Mr. Moti Lal, Kaistha: Will the Government please state how many convicts in the Dharmasala Jail belong to districts other than Kangra having been transferred from other jails?

The Honourable Sir John Maynard: On 28th October 1922 there were 32 prisoners in Dharmasala Jail. Nineteen of these were from other districts and made up as below:—

Cooks	...	...	...	4
Convict officials	...	...	...	9
Sweepers	...	...	...	3
Special concession prisoners	...	...	...	3
Total	...	...	...	19

POLICE ESCORT FOR POLITICAL PRISONERS TRANSFERRED FROM DHARMSALA JAIL.

1958. Mr. Moti Lal, Kaistha: Is it a fact—

- that whenever a prisoner convicted of a political offence is transferred from the Dharmasala Sub-Jail, he is escorted by a guard consisting of about 10 constables and one or two Head Constables?
- Was such a guard provided when Kirpal Singh, Manir Khan, Mohamad Ali and Nathu Ram were transferred?
- Will Government kindly inform how much travelling allowance was allowed to the police guards on each occasion?
- Will it not be more convenient to send them by conveyance with a smaller guard?

The Honourable Sir John Maynard: (a) No. The guard varies according to the needs of the moment.

(b) In the case of Manir Khan and Kirpal Singh 1 Head Constable and 8 Foot Constables were supplied. Muhammad Ali was sent with 1 Head Constable and 2 Foot Constables and Nathu Ram with 1 Head Constable and 4 Foot Constables.

(c) The average amount of travelling allowance cost to Government works out at about Rs. 27 per transfer for the journey of 56 miles.

(d) In certain cases a smaller guard was sent with prisoners by motor but this was found more expensive.

CONVICTION OF NATHU RAM AND AFTER.

1959. Mr. Moti Lal, Kaistha : Is it a fact--

(a) that one Nathu Ram, a boy of 18 years of age and educated up to the 1st form of the Middle school of an Anglo-Vernacular School in the Kangra District, was convicted under sections 124 and 153-A, Indian Penal Code, and sentenced to one year's rigorous imprisonment in each case by the Senior Sub-Judge of Dharamsala ?

(b) that as soon as this Nathu Ram reached Gurdaspur he was declared to be tuberculous and transferred to Shahpur Tubercular Jail ?

(c) that the boy was made to walk on foot a distance of 56 miles, from Dharamsala to Pathankot ?

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.

ACCOMMODATION FOR FEMALE PRISONERS IN THE DHARAMSALA SUB-JAIL.

1960. Mr. Moti Lal, Kaistha : (a) Is it a fact that the accommodation for female prisoners in the Dharamsala Sub-Jail is for two convicts only ?

(b) If so, does the number sometimes reach five or more ?

The Honourable Sir John Maynard : (a) There is accommodation for two female prisoners.

(b) The number reached five or six from 10th October 1922, and remained so until 25th October 1922, when it decreased.

MALE ESCORT FOR FEMALE PRISONERS IN DHARAMSALA.

1961. Mr. Moti Lal, Kaistha : (a) Is it a fact that one Naro (a female prisoner), sentenced to nine months' rigorous imprisonment by a Dharamsala Magistrate, was sent to Pathankot on foot in custody of male constables ?

(b) If so, will the Government be pleased to do something to prevent such practice in future.

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.

THE SIMLA HOUSE AND RENT BILL.

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

"That leave be granted to introduce the Simla House and Rent Bill."

I need not introduce this Bill with any elaborate argument. The Bill is a very limited provision of law. It gives certain powers to a Committee to do certain acts, but only for one year. That is one limitation of the Bill. The other limitation of the Bill is that it relates to a very limited number of houses whose rent was not more than Rs. 750 in the year 1917. Thirdly, it limits the ordinary provisions of a Rent Bill in that it relates to would be occupiers who would be either Government servants—servants of the Government of India and the Punjab Government—or the employees of the Simla Municipality. Its fourth limitation is that the salary of those Government servants should not exceed Rs. 800 per mensem.

The Government has felt, Sir, that the competition of the demand for houses in Simla for private purposes has increased very largely during the last few years and thereby rents have gone up very high. The poor clerks and the employees of Government whose salary is not high are obliged to go to Simla not because they wish to do so but because Government demands that they should be in Simla and with the limited resources at their command they are not able to pay rents that are demanded at the present time. Government has been doing its best, both on the Imperial side as well as on the Local side, to build houses to accommodate their employees and we believe that during the course of the next year the number of houses will be sufficient to meet most of the requirements of this class of people. Though the rates of wheat and other commodities have come down the rates of other commodities still remain high, so that the rents will be very high in 1923, though they might adjust themselves to normal conditions in 1924. For this reason the Government of India and the Punjab Government and the Simla Municipality have thought that this Council might be asked to pass a Bill with that limitation.

Mr. President: The question is—

"That leave be granted to introduce the Simla House and Rent Bill."

Malik Firoz Khan, Noon: Sir,

Mr. President: Malik Firoz Khan, are you going to oppose the introduction of the Bill? You are only entitled to speak provided you are going to oppose the introduction.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan), Rural]: I am not going to oppose the Bill very seriously. But, supposing, Sir, I do oppose it what will it mean? Will that mean that the House will be divided or is it not necessary?

Mr. President: I shall then put the question. In any case I have got to put the question whether the House gives leave or not to introduce the Bill, but you are not entitled to speak unless you propose seriously to oppose its introduction.

Malik Firoz Khan, Noon: I think, Sir, I will give expression to my views at a later stage. Although I do not agree with some of the

principles of the Bill, I am not prepared to give expression to my views as I do not wish to take any serious action in the way of opposing the Bill. I will express my views at a later stage.

Mr. President : The question is—

“ That leave be granted to introduce the Simla House and Rent Bill. ”

The motion was carried.

The Honourable Lala Harkishan Lal : Sir, I beg to introduce the Simla House and Rent Bill.

The Honourable Lala Harkishan Lal : Sir, I beg to move —

“ That the Simla House and Rent Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Malik Firoz Khan, Noon,
3. Mr. Ganpat Rai,
4. Mr. J. Wilson-Johnston,
5. Rai Bahadar Lala Hari Chand,
6. Dr. C. A. Owen,
7. Diwan Bahadur Raja Narendra N,
8. Mr. N. H. Preuter, and
9. The Mover ;

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

At this stage I would make one remark and that is that after the Bill was published in the press, the house owners, or the representatives of the House Owners' Association from Simla had a deputation sent to me and I received the deputation and discussed the matter with them and the result of the discussion was that on their suggestion Dr. Owen's name has been added to the Select Committee, which had not been done before, to represent their side of the case. Rai Bahadar Lala Hari Chand has represented to me that he is materially interested in the Simla House accommodation as he owns some property in Kasumpti and I have agreed to bring him on to the Select Committee, and as I had already foreseen that Malik Firoz Khan will have very pertinent suggestions to make, I have invited him to join the Select Committee and similar reasons have induced me to bring Rai Sahib Lala Panna Lal on to the Select Committee. These are gentlemen who are really interested one way or other, either as proprietors of the houses or as proprietors of houses in the neighbourhood and who have got some idea of the rent enactments. For that reason I think that it should be permitted to go to the Select Committee at this stage.

I might also mention that I have further requested that the Select Committee be directed to send in its report by the 11th November, simply because it is a temporary measure and will hold good for twelve months, from the 1st of January 1923 to 31st December 1923. If we do not pass the Bill in this Council in this session, I am afraid there will be no time to bring it up again in time for it to be enforced from the 1st of January 1923.

Mr. President: The question is—

“That the Simla House and Rent Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Malik Firoz Khan, Noon,
3. Mr. Ganpat Rai,
4. Mr. J. Wilson-Johnston,
5. Rai Bahadur Lala Hari Chand,
6. Dr. C. A. Owen,
7. Diwan Bahadur Raja Narendra Nath,
8. Mr. N. H. Prenter, and
9. The Mover,

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

Pir Akbar Ali: Sir, I beg to move—

“That the name of Maulvi Muharram Ali, Chishti, be added to the Select Committee.”

Mr. President: No notice of that amendment has been received. Does the Honourable Minister object?

The Honourable Lala Harkishan Lal: I have no objection, Sir. Any member of this Council may act on the Committee.

Mr. President: The question was—

“That the Simla House and Rent Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Malik Firoz Khan, Noon,
3. Mr. Ganpat Rai,
4. Mr. J. Wilson-Johnston,
5. Rai Bahadur Lala Hari Chand,
6. Dr. C. A. Owen,
7. Diwan Bahadur Raja Narendra Nath,
8. Mr. N. H. Prenter, and
9. The Mover,

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

To this an amendment has been moved—

“That the name of Maulvi Muharram Ali, Chishti, be added to the Select Committee.”

The question is that the amendment be made.

The amendment was carried.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders—General): Sir, all that I want to say is that I hope that the assurances given by the Honourable Minister, who has moved the Bill, that the Bill will have

effect only for a year will be fully acted upon and that after a year we shall not have a Bill extending this period. It was in that hope that I agreed to serve on the Select Committee. There might be certain small matters which need change, but I intend to bring them forward in the Select Committee meetings.

Mr. President : The question is—

“That the Simla House and Rent Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Malik Firoz Khan, Noon,
3. Mr. Ganpat Rai,
4. Mr. J. Wilson-Johnston,
5. Rai Bahadur Lala Hari Chand,
6. Dr. C. A. Owen,
7. Maulvi Mubarram Ali, Chishti,
8. Diwan Bahadur Raja Narendra Nath,
9. Mr. N. H. Prenter, and
10. The Mover;

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

The motion was carried.

THE PUNJAB COURTS AMENDMENT BILL.

Mr. H. D. Craik (Chief Secretary) : Sir, I ask for leave to introduce the Punjab Courts (Amendment) Bill.

As the House is aware it has been decided to divide the Punjab Civil Service into two distinct and separate branches, the Executive Branch and the Judicial Branch. The Judicial Branch will consist of the present Subordinate Judges and the present Munsifs, and there is therefore no object in retaining the two forms of nomenclature of ‘Subordinate Judges’ and ‘Munsifs.’ The effect of the Bill is to abolish the designation of Munsifs and all Judicial Officers in the Punjab Civil Service will, if this Bill is passed, be known as Subordinate Judges of various grades. Except for that and for some small changes in the methods of appointment, the Bill makes no substantive modification of the existing law, and it is not necessary for me to say more about it.

Mr. President : The question is—

“That leave be granted to introduce the Punjab Courts (Amendment) Bill.”

The motion was carried.

Mr. H. D. Craik : Sir, I introduce the Punjab Courts (Amendment) Bill.

Mr. President : Before the question of reference to Select Committee is moved, I wish to clear one little point. I see that the fifth member mentioned in the list of select committee is the mover. Under Standing Order 41, the Member of Government to whose Department the Bill

[Mr. President.]

relates has to be a Member ; but the definition of Member of Government in rule 1 (2) of the Punjab Legislative Council Rules is that it means a Member of the Executive Council or a Minister, and includes any Member to whom such Member may delegate any function assigned to him under these rules. Which Member of the Government is in charge of the Punjab Courts (Amendment) Bill. Are you that Member ? Or have powers been delegated to you to move this matter. Unless the actual Member of Government in whose Department this Bill is delegates to you the power, you cannot move a reference to the Select Committee.

Mr. H. D. Craik : The Honourable Finance Member has delegated his powers to me in this matter.

Sir, I move—

"That the Punjab Courts (Amendment) Bill be referred to a Select Committee consisting of—

1. Diwan Bahadur Raja Narendra Nath,
2. Malik Firoz Khan, Noon,
3. Khan Bahadur Malik Muhammad Amin Khan,
4. Mr. N. H. Prenter, and
5. The Mover ;

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

A word of explanation, Sir. The High Court are anxious that this Bill should be passed if possible in this session.

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

"That the Punjab Courts (Amendment) Bill be referred to a Select Committee consisting of—

1. Diwan Bahadur Raja Narendra Nath,
2. Malik Firoz Khan, Noon,
3. Khan Bahadur Malik Muhammad Amin Khan,
4. Mr. N. H. Prenter, and
5. Mr. Craik ;

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

The motion was carried.

THE PUNJAB INDUSTRIAL LOANS BILL.

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

"That leave be granted to introduce the Punjab Industrial Loans Bill."

The Bill I believe has been in the hands of the members of this Council for some days, and it is a very simple and a very short Bill consisting of only 12 sections. The reason why this Bill is being introduced in the Council has to be found in the report of the Industrial Commission which at various places in their report have laid down that the Government should, if possible, assist the small industries, cottage industries and big industries by money advances ; and they have also desired that the policy of these loans should be inaugurated as soon as possible by special enactments in various

provinces. It is in obedience to this desire that the Department of Industries have thought fit to introduce this simple Bill in the Council. The only provision of the Bill for consideration is that the recovery of the loan would not be by the ordinary arduous process of suits in a Civil Court but by the summary process which is known here already in the case of *taccavi* loans. It would be more or less parallel to that, and further it gives power to certain officers to negotiate loans and to fix up securities. This is all about the Bill; and I recommend it to the Council. One other reason why I have brought it at this stage before the Council is that many members generally find fault that I am doing very little for the industrial people of this Province. Well, whether the Finance Department of the Government would be able to find money for this purpose or not, at any rate, it will show that I and my assistants in the Industrial Department are very anxious that something should be done in the matter.

Mr. President : The question is—

“That leave be granted to introduce the Punjab Industrial Loans Bill.”

The motion was carried.

The Honourable Lala Harkishan Lal (Minister for Agriculture) : I beg to introduce the Punjab Industrial Loans Bill, Sir.

The Honourable Lala Harkishan Lal : Sir, I beg to move—

“That the Punjab Industrial Loans Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Khan Bahadur Sayad Mehdi Shah,
3. Rai Bahadur Lala Hari Chand,
4. Mr. J. G. Peasley,
5. Mr. E. R. Abbott,
6. Sardar Dasraundha Singh,
7. Mr. N. H. Prenter, and
8. The Mover.”

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

“That the name of Khan Saif Ullah Khan be added to the Select Committee.”

The Honourable Mr. Harkishan Lal : I have no objection.

Mr. President : To the original motion an amendment has been moved—

“That the name of Khan Saif Ullah Khan be added to the Select Committee.”

The question is that the amendment be made.

The amendment was carried.

Mr. President : The question is—

“That the Punjab Industrial Loans Bill be referred to a Select Committee consisting of—

1. Rai Sahib Lala Panna Lal,
2. Khan Bahadur Sayad Mehdi Shah,

[Mr. President].

3. Rai Bahadur Lala Hari Chand,
4. Mr. J. G. Beazley,
5. Mr. E. R. Abbott,
6. Khan Saif Ullah Khan,
7. Sardar Dasandba Singh,
8. Mr. N. H. Prenter, and
9. The Mover."

The motion was carried.

THE PUNJAB VILLAGE *PANCHAYAT* ACT (AMENDMENT) BILL.

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

" That the Punjab Village *Panchayat* Act (Amendment) Bill as reported by the Select Committee be taken into consideration."

The *Panchayat* Act was passed last year in the midst of a hot debate and I think it was fully discussed on that occasion. There was in it, however, one shortcoming and by the present Bill it is intended to remove that defect. According to this Bill whenever a *panchayat* has given a decree or passed a sentence, not unanimously but by a majority of votes, any party aggrieved may within one month of the order apply to the Deputy Commissioner who shall thereupon direct a retrial by a joint *panchayat* consisting of the members of the *panchayat* which passed the order and the members of a neighbouring *panchayat* in the same District. I therefore submit that the Bill along with the report of the Select Committee be taken into consideration.

Mr. President : The question is—

" That the Punjab Village *Panchayat* Act (Amendment) Bill as reported by the Select Committee be taken into consideration "

The motion was carried.

Mr. President : I will take the Bill in groups of clauses, the preamble being taken last. The question now is—

" That clauses 1 and 2 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

" That clauses 3, 4, 5, 6 and 7 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

" That clause 8 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

" That clause 9 stand part of the Bill."

The motion was carried.

Mr. President : The question is—

"That clause 10 stand part of the Bill."

Mr. Ganpat Rai : [Lahore—Ferozepore—cum—Sheikhupura (Non-Muhammadan) Rural] (Urdu) : Sir, I move the following amendment to the Punjab Village Panchayat Act (Amendment) Bill :—

"That in clause 10 (new section 31-A (1)) lines 3 and 4, the words 'not unanimously but by a majority of votes,' be omitted."

The honourable members of the Council will perhaps remember that last year when the Punjab Village Panchayat Bill was being considered I had moved certain amendments. One of those amendments was to this effect that a right of appeal should be granted to an innocent person against whom a malicious complaint might be lodged before the *panchayat* and whom the latter might erroneously convict. That amendment, being opposed by the Honourable Minister for Education, was lost. But it appears that the attitude of the Honourable Minister is not altogether uncompromising. He has considered over the matter and has introduced this Amendment Bill with a view to remove certain flaws which existed in the Punjab Village Panchayat Act. The *panchayats* have been invested with powers to try Civil as well as Criminal cases. On that score I have no objection. But there is a great apprehension about the smooth working of this *panchayat* system in view of the fact that there are so many different and rival communities in the Punjab villages. To make it a success, therefore, we should take all possible precautions. What my amendment aims at is that a right of appeal should be extended to the aggrieved party in every case adjudicated upon by the *panchayat* whether unanimously or by a majority of votes. The establishment of an appellate court of this nature becomes still more important and necessary so far as criminal cases are concerned. The *panchayats* have criminal jurisdiction and if they pass a sentence unanimously, is it reasonable that an accused who has been convicted as the result of a malicious complaint be not granted a right of appeal to some other court? Sir, supposing the accused happens to be a respectable man and the complaint lodged before the *panchayat* is a malicious one. The *panchayat* erroneously passes a sentence of imprisonment or fine against him and is unanimous in its decision. This Bill does not grant him any right of appeal. Should that brand of conviction remain ever standing against him in spite of the fact that he was prosecuted maliciously. I have moved this amendment, Sir, to remedy that defect. I do not expect my amendment will be opposed by any reasonable man. There is a right of appeal against the decisions of honorary magistrates to the District Magistrate and in Madras where a bench of honorary magistrates consists of 12 magistrates, there is a right of appeal against their decisions even if they are unanimous. I have moved this amendment for the welfare of the rural population and I hope the Honourable Minister for Education will not persist in opposing it.

3 P. M.

Mr. President : The question was—

"That clause 10 stand part of the Bill."

To this an amendment has been moved—

"That in clause 10—[new section 31-A (1)] lines 3 and 4, the words 'not unanimously but by a majority of votes' be omitted."

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain [Education Minister] (Urdu) : Sir, there is a certain limit up to which a man's faculties help him to work, and when the limit is reached, he cannot fully remember what he had done the other day. I do not believe there is any member of this Council whose memory does not help him to recollect a certain fact which took place a few months or a year ago. It appears that the honourable mover of this amendment is not blessed with a good memory. Last year when the Punjab Village *Panchayat* Bill was being considered he moved an amendment to clause 81, as it will appear on page 512 of the Council Debates. How this amendment originated is also very interesting. The Honourable Mr. President found an amendment on his table, but no member's name was attached to it. The Honourable Mr. President expressed regret that he could not put it to the Council until some member fathered it. The honourable mover thereupon volunteered himself to become its father and formally moved it. He also requested me to become its god-father, but the infant was strangled by Khan Bahadur Rai Wali Muhammad Khan who took objection because two clear days' notice of its advent had not been given. The honourable mover then came to me with his strangled infant and asked me to do something to bring it to life again. I infused life into it in the present Amendment Bill, but the honourable mover of the amendment seems to have quite forgotten it and now disowns his own child. His amendment which met such tragic end last year is exactly what I have incorporated in the Bill. My friend's habits have undergone a very strange change probably due to the tricks his memory plays with him. His only failing is that he is apt to forget. Anyhow, if he can recollect these events his fatherly affection for his infant child brought to life again may assert itself and prevent his murdering the innocent babe. As a matter of fact it would be quite repugnant to the very principle of *panchayats*, if a unanimous decision of the *panchayat* were not held to be final. If the honourable mover aims at defeating the provisions of the Punjab Village *Panchayat* Act by carrying out this amendment and by similar devices, he should bear in mind that he stands but little chance of success. Does he not realise that his amendment would unnecessarily prolong disputes. People have contracted a very bad habit of preferring appeals whether they serve their interests or not. They have recourse to revisions when orders are not appealable. I may also point out here that a conviction under the Village *Panchayat* Act will not have effects similar to those under the Code of Criminal Procedure. With these remarks I oppose the amendment and hope the honourable mover will not press it further.

Diwan Bahadur Raja Narendra Nath [Punjab Landholders (General)] (Urdu) : Sir, I support the amendment. From its very beginning I have been opposing the Punjab Village *Panchayat* Act; for unlike the *panchayat* system of other provinces, it invests the *panchayats* without their being controlled or subordinated to any other superior official, with judicial powers. I expressed this very view before His Excellency the Governor that judicial powers should not be conferred upon these *panchayats*. The present Amendment Bill proves that the Honourable Minister for Education has been considerably impressed by my reasonable objections and that he is trying to some extent to remove those defects. I was desirous of having the *Panchayat* Act amended with a view to extend the right of appeal—not only from one *panchayat* to another, but to some higher authority. It would be a mistake on the part of those people who think that at the very outset *panchayats* would become so very popular that an aggrieved party would not think it

worth his while to dispute the correctness of a decision by preferring an appeal. The infant plant of *panchayat* system should therefore be nurtured very carefully. With these remarks I support the amendment.

Malik Feroz Khan Noon [Shahpur West (Muhammadan) Rural]—(Urdu) : Sir, when Mr. Ganpat Rai was moving his amendment I thought I would support him. After giving this question my best consideration I have realized that I can not agree with him. If Mr. Ganpat Rai's amendment were carried it would render the Punjab Village *Panchayat* Act quite useless. It was intended that by enforcing the *Panchayat* Act, people should be saved from ruinous litigation. Accordingly we should shorten the procedure and not make it more intricate by allowing appeals even from the unanimous decision of the *panchayat*. The matters to be brought up before the *panchayat* would be so very simple and petty that it would be useless to allow them to go up for appeal when the *panchayat* has adjudicated and given a decision unanimously. With these remarks I oppose the amendment.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, there have been some speeches in which taunting remarks have been made on the attitude of certain members whose views on this question do not happen to tally with those they had expressed sometime ago. If the Honourable Minister has changed his views, his opponents should not taunt him on his change of opinion. In the same way there is nothing undignified if Mr. Ganpat Rai has now departed from his views which he held last year. No one should misconceive that I am also going to change my views, which, I am glad, are still consistent with what they were last year. So far as this *panchayat* system is concerned I have always been drawing the attention of this House not to ignore the strange mixture of rural population in this Province. The Hindu, Sikh and Muhammadan rural members should thank their stars that they were returned to this Council by constituencies in which their respective co-religionists are predominantly greater in number. Apart from this difficulty there are many other impediments in the smooth working of the *panchayat* system. For example, in a village known as Raja Jang where the majority of persons holding proprietary rights are Sikhs, the Muhammadans, although predominantly greater in number, were not allowed by the Sikhs to call *azan* (the call to prayer). A riot broke out in that village as a result of this controversy. Supposing now a matter of this nature was brought before the *panchayat*. The Sikh *Panches* being proprietors of land can easily give a verdict against the Muhammadans. Are they not undone once for all if no right of appeal be extended to them?

I find no reason why a right of appeal should not accrue to the aggrieved party from the unanimous decision of the *panchayat*. There are to be neither arguments nor any vakils before the *panchayat*, it therefore necessitates that right of appeal should embrace all sorts of *panchayat* decisions whether pronounced unanimously or by a majority of votes. A great mistake has been committed in allowing the *panchayats* a jurisdiction to decide religious controversies and disputes. Those not in touch with the rural population can hardly understand the nature of these disputes. We have not however come here to form rural and urban parties. To me it would be a great disappointment if Mr. Ganpat Rai's amendment were lost. If any unhappy event came to pass afterwards nothing in the nature of further amending the *Panchayat* Act can redeem this blunder. I would appeal to the Government benches to save the Government from future difficulties which are likely to accrue from the defeat of this motion. There seems to be no justification.

[M. Muharram Ali, Chishti.]

in saying that if a unanimous decision of the *panchayat* were made appealable the whole *Panchayat* Act would become nugatory. If 99 per cent. offenders escape from being punished there is no harm but it is shocking if a single innocent person were convicted erroneously. With these remarks I support the amendment.

Mian Ahmad Yar Khan, Daultana [Multan East (Muhammadan) Rural] (Urdu): Sir, I oppose the amendment. Under the *Panchayat* Act only petty cases will be decided so as to save people from the inconvenience that is caused by having recourse to higher courts. Objection has been taken to the constitution of a particular *panchayat*. At a place like Raja Jang, however, there will be a Muhammadan member in addition to the Sikh members. He could dissent, and if he did so, an appeal would be admissible, but in the event of a unanimous decision having been given it will be unjust as well as impolitic to allow an appeal. The *Panches* being elected they will not be able to do injustice. Elected *Panches* cannot work dishonestly in a deliberate manner because they have to seek election again. I would deprecate any thought of injustice. I therefore oppose the amendment.

Chaudhri Kharak Singh [Amritsar-cum-Gurdaspur (non-Muhammadan) Rural] (Urdu): Sir, as a rural member I am opposed to the amendment. Mr. Ganpat Rai wants that an appeal should lie even when a unanimous decision has been given. The *panchayat* is the first stage of *Swaraj*. Proper use of powers can be made when there is sense of responsibility. It is stated that when Hindu and Muhammadan members will sit on the *panchayat* opposition will be the result. I should say that at the time of appointing a *panchayat* a Muhammadan village should be kept separate from Hindu village. What harm can possibly accrue from this? The *panchayat* Act should first be tried as an experiment in order to see whether we deserve it. Why should the Act be criticised at the very onset? In case it proves a failure it could be amended by the Council. It would be against the popular wish if we provided an appeal against the unanimous decision of a *panchayat*.

Khan Bahadur Chaudhri Fazl Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, the *Panchayat* Bill has always given rise to controversies. Some gentlemen while they are proffering us advice themselves are guilty of raising rural and urban questions. Ever since the establishment of British Rule it is the urban population that has been the recipient of boons. Only a villager, however lacking he may be in intelligence, can decide cases relating to a village. Even now several cases are decided in the villages by arbitration. Why is not the villager empowered to decide a suit up to Rs. 50 and to inflict a fine up to Rs. 25. We villagers are not a whit behind others. If Hindus, Muhammadans and Sikhs cannot live together then the reforms are useless. It is a libellous attack on India to say that the Sikhs, Muhammadans, Christians and the Hindus cannot obtain justice from each other. If these communities do not possess even this much capacity then let the country go to rack and ruin. The only reason why appeal is dreaded is lest the lawyer should come in and the Zamindar lose his land in litigation. This amendment can be brought again when experience has been gained of the working of the Act. I am totally opposed to the amendment. Again what are the powers that are going to be conferred upon the *panchayat*? The power of inflicting fines up to Rs. 25 and trying suits up to the value of Rs. 50. Cannot we be entrusted with even this much power. Under the prevailing system a litigant has to go to the court of first instance, the District Court, the Appellate Court and lastly to the High Court. How is it that

our kind friends can entrust us with executive powers but they won't give us judicial powers although the executive duties are more difficult than judicial work. It is curious that the *panchayat* is not seen through rural spectacles but is viewed from a legal point of view. These lawyers have no conception of our difficulties. It is our business and pray allow us to do it. An amendment can be made after experience has been gained. If the right of appeal is given the *Panchayat* Bill should not be passed. Do not spoil the Bill. Do allow us to decide cases according to our own views. With these remarks I oppose the amendment.

Rai Bahadur Lala Sewak Ram [Multan Division (Non-Muhammadan), Rural] (Urdu) : Sir, I support the amendment. Although there is not much hope of its being carried we should not depart from justice. When the Honourable Minister is going to give the right of appeal why does he not give it in full? Full justice can be obtained by giving the right of appeal. A fine of Rs. 25 seems to be of no consequence to Khan Bahadur Chaudhri Fazl Ali. I say that even a fine of two annas is sufficient to disgrace a man. Criminal powers, whatever their extent, are always very wide. If a man is fined through malice he will be considered as a convict. The Honourable Minister will kindly accept this amendment.

Malik Feroz Khan Noon : I move, Sir—

"That the question be now put."

Mr. President : The question is—

"That the question be now put."

The motion was carried.

Mr. President : The question was—

"That clause 10 stand part of the Bill."

To this an amendment has been moved—

"That in clause 10 [new section 31-A (1)] lines 3 and 4, the words 'not unanimously but by a majority of votes' be omitted."

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai [Lahore and Ferozepur-cum-Sheikhupura (non-Muhammadan)] (Urdu) : Sir, I beg to move the following amendment—

"That in clause 10 [new section 31-A (1)] lines 9-10 the word 'another' be substituted for the words 'a neighbouring'."

The word "neighbouring" has been incorrectly translated into Urdu as *qurb-o-jowar*. Correct translation would be "*mutthiga*", i.e., adjacent. It will not mean much if the appeal goes to a neighbouring *panchayat* because sometimes there is enmity. I think we should go a few steps beyond this "neighbouring *panchayat*" otherwise the rights of the people will be trampled under foot. Justice can be looked for in case the appeal goes to some *panchayat* in another village instead of the "neighbouring *panchayat*."

Mr. President : The question was—

"That clause 10 stand part of the Bill."

To this an amendment has been moved

"That in clause 10 [new section 31-A (1)] lines 9-10, the word "another" be substituted for the words "a neighbouring."

The question is that that amendment be made.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Minister for Education): Sir, the reason for appointing a neighbouring *panchayat* instead of any *panchayat* in the district is that the former, in the very nature of things, possesses personal knowledge regarding the witnesses, etc. A district *panchayat* has not the same advantage. It is said that harm will accrue in the event of the existence of enmity. In case a *panchayat* to the north of a village is inimically disposed towards a party, will not a *panchayat* to the south be well-disposed? How can a party be at enmity with the people living on all four sides of his village. A neighbouring *panchayat* will be in a more advantageous position from many points of view than a *panchayat* which is far away.

Mr. Ganpat Rai: Sir, I apply for leave to withdraw my amendment—

The amendment was by leave withdrawn.

Mr. President: The question is—

“That clause 10 stand part of the Bill.”

The motion was carried.

Mr. President: Sir, the question now is—

“That clauses 11, 12, 13, 14 and 15 stand part of the Bill.”

The motion was carried.

Mr. President: The question is—

“That this be the schedule to this Bill.”

The motion was carried.

Mr. President: The question is—

“That this be the preamble to the Bill.”

The motion was carried.

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

“That the Punjab Village *Panchayat* Act (Amendment) Bill be passed.”

Sir, the various paragraphs of the Bill have been passed by the Council after consideration. No amendment to the Bill has been made by the Council. I request that the Bill be passed.

Mr. President: The question is—

“That the Punjab Village *Panchayat* Act (Amendment) Bill be passed.”

The motion was carried.

THE COURT-FEES (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard (Finance Member): Sir, I beg to present the report of the Select Committee on the Court-fees (Punjab Amendment) Bill.

THE INDIAN STAMP (PUNJAB AMENDMENT) BILL.

The Honourable Sir John Maynard: (Finance Member) Sir, I beg to present the report of the Select Committee on the Indian Stamp (Punjab Amendment) Bill.—

THE PUNJAB DISTRICT BOARDS (AMENDMENT) BILL.

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

"That the Punjab District Boards (Amendment) Bill as reported by the Select Committee be taken into consideration."

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister): Sir, I have already presented a report from the Select Committee of the Punjab District Boards (Amendment) Bill. It should now receive further consideration. A great deal of discussion has taken place already and it does not appear necessary that any lengthy discussion should not take place again. I move that the District Boards (Amendment) Bill be taken into consideration by the Council.

Mr. President: The question is—

"That the Punjab District Boards (Amendment) Bill as reported by the Select Committee be taken into consideration."

The motion was carried.

Mr. President: I will take the clauses by groups. The question is—

"That clauses 1 and 2 stand part of the Bill."

The motion was carried.

Mr. President: The question is—

"That clauses 3, 4 and 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 clause 7 stand part of the Bill."

Mr. Ganpat Rai: [Lahore and Ferozepore-cum-Sheikhupura (non-Muhammadian) Rural]: I move, Sir—

"That clause 7 be omitted altogether."

Now Sir, in moving this amendment I wish to say that I take very strong exception to the introduction of this new clause. By introducing this new clause the Honourable Minister is proclaiming to the whole of India, Great Britain and other countries that the loyalty of the people of the Punjab is under suspicion, (*hear, hear*), and by introducing this clause he specially brings to the notice of the public the want of loyalty of the people who are one may say the 'steel frame' of the British Empire in this province, I mean the zamindars and the agriculturists living in the rural areas. Sir, I am told that the Honourable Minister for Education like a good artist has copied this provision from an Act which he says has lately been passed by the Madras Provincial Council. I do not know why stress should be laid on this argument that in this instance he has copied the Madras example. In season and out of season we are told in this hall that our Council is after the British model and that we are introducing British institutions in this province. Assuming this to be so, I ask the Honourable Minister for Education and I ask every gentleman

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on the official benches, 'Can they quote a single instance of this from any of the British institutions?' Where can we find this provision? I have examined the laws relating to this subject and I find that none of these institutions in Great Britain, such as the County council, Rural District Councils, Urban District Councils and even Metropolitan Burrough Councils has got such a provision as the one that has been introduced in this Bill. The reason for the introduction of this clause, I need not repeat, is that the Government suspects the loyalty of the rural population of this province. (cries of "No, no.") Of course I agree with you when you, cry "no." But show a single instance in any of the British institutions in which this provision exists and I shall withdraw my amendment and sit down. Whenever any question arises in this Council we are told "This is the practice of the British Parliament; this is the practice of the House of Commons". I ask where is a similar provision to be found in any of the institutions in Great Britain corresponding to the District Boards? The oath of allegiance is confined only to the House of Commons there and I therefore insist that it be confined to this Council. Do not go and introduce it into the local bodies.

Another argument which has been used is that there are one or two members in this Council who demand it. I should like to hear those honourable members who make the demand, on what they base their demand. One of the gentlemen told me that the idea was to keep out non-co-operators. I say the non-co-operators of this province are as loyal as co-operators and others who call themselves friends of the Government. I may tell this House and I may inform those one or two gentlemen that yesterday I read what I may call a summary of the report of the committee of the non-co-operators, for some of whom I have great respect, that they have decided by a large majority of 5 to 1 that the non-co-operators should enter the local bodies. They have also decided by a very strong majority that they should enter the councils. By this it follows that they have determined to take the oath of allegiance. Therefore I say to the members of this House that it is not possible to successfully keep the non-co-operators out of the local bodies. That argument of theirs is therefore not acceptable.

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

As I said before the only reason for introducing this provision is that they suspect the loyalty of the people. I therefore say in the interests of the people and in the interests of the Government, "accept my amendment." Do not introduce unnecessary bickerings in this province. We have enough of them already. With these remarks I beg to move my amendment.

The Deputy President : The question was—

"That clause 7 stand part of the Bill."

To this an amendment has been moved.

"That the clause be omitted altogether."

Malik Feroz Khan, Noon : [Shahpur West (Muhammadan) Rural] : This is a provision which I should have thought would have brought about no discussion of the nature which has been raised by the honourable member for Sheikhpura. This clause, Sir, is intended to make it necessary for all those persons who are elected to the local bodies to take the Oath of Allegiance. Now my honourable friend wishes this Council to agree to omit this provision.

and thereby prove to the world that we the legislators are not prepared to insist on the people of this province owing any allegiance to His Majesty the King-Emperor of our country. That is a position, Sir, which I should be ashamed to take and which I hope the Council will be ashamed to take. If we agree to the suggestion of the honourable member we agree to the proposition, God forbid—that we do not owe allegiance to our King-Emperor. If, Sir, it is necessary for the members of this Council, for the legislators of this Province, to take an Oath of Allegiance what argument is there, Sir, for the honourable member to bring forward a resolution that members of similar bodies, like the District Boards, should not take the Oath of Allegiance. My honourable friend is afraid lest a provision of this nature create in the minds of certain people an impression that perhaps the people of this province are not quite so loyal as they might have been. That is not the whole position, Sir. The whole position is this, that there is a certain section of people in this country who have so far non-co-operated with Government and who have declined to go into the Councils. But it looks as if better judgment has prevailed and they have decided to go into the Councils and to the local bodies. Now, Sir, are we to allow them to go into those local bodies without taking an Oath of Allegiance, to create an impossible position, that they might go in there and make it impossible for the other members of those District Boards or Municipalities or the Council to carry on their work and thereby succeed in their object of hindering or paralysing the Government? Are we to allow a position of that nature? I submit, Sir, not. After all, Sir, if anybody wishes to go into the Council or into the District Boards or municipalities, he is going in there to serve his people, his community which he represents and to serve the Government under which he exists. If he wishes to go in there and yet say to the public and to the Government that he does not owe any allegiance to the King-Emperor then I think he deserves not to be allowed to go into such a body. I hope, Sir, that as this is a matter concerning the allegiance that the people of this province owe to the King-Emperor, this provision will not entail any great and lengthy discussion because we ought to give proof of the fact that as a body we all owe allegiance to the King-Emperor and we are prepared to proclaim to the world that we owe allegiance to him. I hope that my honourable friend, who is not present in his seat, will reconsider the amendment and withdraw it. If he does not consider it fit to withdraw it I hope that no member of this Council will hesitate to reject the amendment that he has thought it wise to bring forward.

Maulvi Muharram Ali, Chishti [Lahore City Muhammadan Urban,] (Urdu): Sir, Mr. Ganpat Rai is well-practised in putting forward amendments and in withdrawing them. My friend sometimes goes to extremes in opposing official actions in the same way as Malik Firoz Khan, Noon, goes to extremes in supporting Government. If oath is essential it should be administered also to school masters. I consider that the Municipal Committees are a department of Self-Government. The District Boards have an equal importance because, as is the case with the Municipal Committees, public opinion is respected there. I do not agree in the view that a man's loyalty is suspected when the Oath of Allegiance is administered. Oaths are administered to Governors and Ministers. The objection is absurd. It is said that the zamindar is the most loyal person. I say that all are most loyal and I do not think that even an Englishman is more loyal than I am. I am no believer in grades and quantities of loyalty. Mr. Ganpat Rai says that seeing that an oath is not administered in England it is not required

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in India. I do not believe in comparisons. Conditions in England are different. Mr. Ganpat Rai thinks that the non-co-operators would not be kept out. If non-co-operators mean the people who do not acknowledge constitution, it is most essential to prescribe the oath of allegiance. How would Mr. Ganpat Rai like if a dynamite exploder was allowed to take possession of his house? His speech is most inconsistent. On the one hand he says that the non-co-operators will take the oath. On the other he says that they are being prevented from doing so. I strongly oppose the amendment, as a matter of principle. My friend will kindly withdraw it as usual.

Rai Sahib Lala Thakar Das [North-West Towns (Non-Muhammadan) Urban] (Urdu) : Sir, it would have been better if my honourable friends had not entered into discussion on this point when the clause about the oath of allegiance is entered, there is hardly any necessity to deliberate over it. If Indians want *Swaraj*, that must be in the British Empire and our devotions to the Crown should be such as every Englishman feels towards his King and which borders on adoration. When we ourselves have to take the oath as members of the Council, why should we raise any objection to oath being prescribed for members of district boards. It has been said that the Congress Report is out, and that the Congressmen also desire to enter the Councils, though it is not known whether they will come to obstruct the work. We, the moderates, though in minority, have been doing our work conscientiously and have never tried to capture their places of activity. On this account also the clause about the oath is necessary and I, therefore, cannot support the amendment. I hope the honourable mover will withdraw it.

Malik Firoz Khan Noon : I move, Sir—

“That the question be now put.”

The Deputy President : The question is—

“That the question be now put.”

The motion was carried.

The Deputy President : The question was—

“That clause 7 stand part of the Bill.”

To this an amendment has been moved.

“That clause 7 be omitted altogether.”

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai [Lahore and Ferozepore-cum-Sheikhupura (non-Muhammadan) Rural] : I move, Sir—

“That in clause 7 in the proviso to new section 11-A, the following words be omitted :—

“No person whose election or appointment has been deemed to be invalid under this section shall be eligible for election or appointment to any district board for a period of two years from the date on which he ought to have taken or made such oath or affirmation.”

When a member at first does not take the oath but after some time on re-consideration he agrees to take it, then why should we not welcome him into our fold instead of debarring him for two years. I think he should be instantly permitted to come in.

The Deputy President: The original question was—

"That clause 7 stand part of the Bill."

To this an amendment has been moved—

"That in clause 7 in the proviso to new section 11-A., the following words be omitted:—

'No person whose election or appointment has been deemed to be invalid under this section shall be eligible for election or appointment to any district board for a period of two years from the date on which he ought to have taken or made such oath or affirmation.'"

The question is that that amendment be made.

Malik Firoz Khan Noon [Shahpur West (Muhammadan) Rural]: Sir, the only argument that the honourable member (Mr. Ganpat Rai) has been able to bring forward in favour of this amendment is this, that when once a member is elected to the district board and after the election he refuses to take the oath of allegiance and you debar him for two years from standing again, it is just possible that he might change his mind and want to stand again. Therefore you should not prevent the man from coming into the Board altogether. He thinks that this provision of keeping him out for two years is penal, and that it should not be made part of the Bill. But, Sir, I look at it in this way, that if there is this provision it will make him consider whether he should take the oath of allegiance before he makes up his mind to stand as a candidate for the board instead of letting him into the board at the outset and then allow him to take the oath of allegiance or not. This provision, Sir, will make it necessary from the very beginning for him to decide whether he should take the oath or not. I would just present this question to the honourable member (Mr. Ganpat Rai) in this way. Suppose he engages a clerk to help him in his ordinary business. Suppose that clerk having taken to service says "Sir, I am at your service, but I am not going to be faithful to you, I am not going to keep your trade secrets. I am going to help your opponents. I am going to put obstruction in your way." Will the honourable member allow him to serve under these circumstances not for two years but for a single moment. Consider the present question in the same spirit. It is better for a man before entering the district board to decide whether he would take the oath. It is better to keep out a man who is not prepared to take the oath and who intends to be obstructive to the board for a longer period. I hope the honourable member (Mr. Ganpat Rai) will later on withdraw his amendment.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan Urban)]: Sir, I oppose the amendment moved by Mr. Ganpat Rai and will show to him that on the practical side it will be obstructive to the work of the Board. If any one refuses to take the oath to-day, the result will be that the whole election will become null and void. Then there will be a fresh election which will mean expenditure and a good deal of trouble to the officers and the electors. Therefore this amendment will make the position awkward and ridiculous. Taking this point in view I had moved that a candidate should be required to take the oath of allegiance. That step would have been in the right direction, but as that safeguard has not been adopted, the present one, though less effective than that, is necessary. If ten people are determined that they will stand for election, but will not take an oath, then so many seats will remain vacant. In this way our representatives will not be there and in their absence the official

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members might do what may be against our interests. This amendment is therefore harmful and should be rejected. "

The Deputy President : The question was—

" That clause 7 stand part of the Bill."

To this an amendment has been moved—

" That in clause in the proviso to new section 11-A the following words be omitted :—

" No person whose election or appointment has been deemed to be invalid under this section shall be eligible for election or appointment to any district board for a period of two years from the date on which he ought to have taken or made such oath or affirmation. "

The question is that this amendment be made.

The amendment was lost.

The Deputy President : The question is—

" That clause 7 stand part of the Bill."

The motion was carried.

The Deputy President : The question is—

" That clause 8 stand part of the Bill."

The motion was carried.

The Deputy President : The question is—

" That clause 9 stand part of the Bill."

Mr. Ganpat Rai [Lahore and Ferozepore—~~cam~~ Sheikhupura (non-Muhammadan) Rural] (Urdu) : Sir, I beg to move that—

" In clause 9 [new section 19-B (1)], line 1, after the word ' emergency ' the words ' when a meeting of the board cannot be summoned ' be added."

Those who have worked in the district boards are aware how many things are done on the plea of emergency. When afterwards any objection is raised, the Chairmen or the Vice-Chairmen say that they considered it an emergent measure. I say what harm there will be if other members are called in to give opinion in the matter.

The Deputy President : The question was—

" That clause 9 stand part of the Bill."

To this an amendment has been moved—

" That in clause 9 [new section 19-B (1)], line 1, after the word ' emergency ' the words ' when a meeting of the board cannot be summoned ' be added."

The question is that that amendment be made.

Maulvi Muharram Ali Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, in democratic institutions also sometimes autocracy creeps in and the Honourable Minister will be well aware how things are done in the shade of ' emergency. ' Thus there will be no harm if the words " when a meeting of the board cannot be summoned " be added. The object is that most urgent work may not stand over and we do not want to interfere in that.

[At this time Mr. President resumed his seat.]

But the fact is that many things, which could easily be done in three months time, are done at once on this plea. Therefore no harm will happen if the proposed provision is added, otherwise the case will assume the aspect of giving with one hand and taking with the other. I accordingly support the amendment.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan) Rural] : Sir, the amendment that the honourable member has moved to my mind seems to be quite superfluous and unnecessary because the clause of the Bill runs : "in cases of emergency the Chairman or in his absence or during the vacancy of his office." It is only in cases of emergency that use should be made of this section, and that the Chairman will be able to execute some work which otherwise it is not possible to do. I do not think it is necessary to dwell at any great length on this point because if it is too bad for a Chairman to have too much power, I think it is too bad to give too much power to members of any local body. There should be a check on both the Chairman and on the local bodies. I would like to give just one incident of a position which might be created which I think may satisfy the honourable member who has just sat down. Now, for instance His Excellency the Governor goes to a place which is the headquarters of a district. Now we must remember, Sir, that in future a very large number of the members of the district boards are to be elected. Supposing the majority of the members have got into a particular district board by election and that the majority of them are bent on mischief of obstructing the Government and creating trouble ; supposing in a district board of that nature if His Excellency the Governor or any official for that matter goes to that headquarters and that body were to say that that road is to be closed, we have to face that emergency. Is the Chairman, the Deputy Commissioner, to allow the road to be obstructed ? I submit, Sir, it is only in cases of emergency that the Chairman will be called upon to use these exceptional powers. They will not be used in every-day business and this is one of the many cases that might occur in district headquarters.

I think, Sir, that is all I have to say and I hope that the honourable member, who is again absent, will withdraw this amendment.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders—General) : I hope, Sir, that a few words that I have to say will not have the effect of a scare-crow on the ministerial birds. I support the amendment put forward by my friend, Mr. Ganpat Rai. The rule of the exercise of authority and the temptations for its abuse have always remained the same whether that authority or power is exercised by a bureaucrat or by an elected body and I think we won't be too cautious if we provide safeguards against the abuse of power. The tendency of the whole Bill, as claimed by the Honourable Minister, has been to democratise the district board. If that is the case, I think we should guard against placing too much authority in the hands of the President or the Vice-President. If anything of an emergent nature has to be done, it must be subject to confirmation subsequently by the district board itself and it will be done only in case where it is not possible to convene a meeting. The provision which the amendment makes is, I think, a very healthy one, but it would not do to obstruct the discharge of public functions, and it would at the same time relieve the Chairman of a certain amount of responsibility. For this reason I support the amendment.

Khan Bahadur Chaudhri Fazal Ali [Gujrat West (Muhammadan) Rural] (Urdu): Sir, I think Mr. Ganpat Rai has moved this amendment in order to explain away the word "emergency" but he has not done so. Does he mean that there will be no help for the Chairman as long as he cannot call a meeting. There is no time fixed for emergencies and then when a meeting is called quorum may not be complete and this proceeding may be repeated with no better results. Further, I may point out that if the Chairman abuses his powers the Board can object and he is answerable to it for his actions. Even now the Chairman gives a certain permission beforehand and then sends the case to the Board for approval. Now that hereafter non-officials will be Chairmen does it mean that our inefficiency has given rise to the thought that the powers vested in the Chairman for years should be withdrawn. In these circumstances I hope Mr. Ganpat Rai, will, on reconsideration, withdraw his amendment. If he does not do so then I am against it.

Mian Ahmad Yar Khan, Daultana: Sir, I beg to move—

"That the question be now put."

Mr. President: The question is—

"That the question be now put."

The motion was carried.

Mr. President: The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9, (new section 19-B) (1), line 1, after the word 'emergency' the words 'when a meeting of the board cannot be summoned' be added."

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai: Sir, I beg to move my second amendment to the same clause—

"That in clause 9 [proviso to new section 19-B (1)] after the word 'board' the words 'for confirmation' be added."

If the first part had been accepted, this part would have been unnecessary. This section has been very much misused, even so much as five or six times a day. The Honourable Minister should give independence to the Chairmen and Vice-Chairmen to an extent that they might be able to digest, but he wishes that they may be despots. It will be said that when the money is spent what can else be done. In reply I will say why not do away with the Boards and Committees altogether and appoint single individuals in their places. As Chaudhri Fazal Ali has said even now the Chairman sends the papers to the Board for the confirmation of his action but the Honourable Minister wishes that in future they should only report the matter and considers the confirmation unnecessary. This is most dangerous. With these words I move the amendment.

Mr. President : The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9 [proviso to new section 18-B (1)], after the word 'board,' the words 'for confirmation' be added."

The question is that that amendment be made.

Manvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu) : The previous amendment was reasonable, but when that has been rejected no useful purpose will be served by the present one. Moreover, when money is once spent it cannot be that the Chairman or Vice-Chairman should pay from his own pocket if the Board failed to approve of it. His position will therefore be awkward. In my opinion Chairmen have so much influence with the members that no one contradicts their actions. If the members can have so much carriage as to make him pay from his own pocket, they can also turn him out if they like. I cannot support this amendment.

The Hon'ble Khan Bahadur Mian Fazl-i-Husain (Education Minister) : Sir, what the last speaker has stated is quite correct. If money is spent by the Chairman whom you empower to do so, does it mean that it will not be paid if the Board does not approve of his action? Moreover, in future the Chairmen will be mostly non-officials and not invested with dignity and prestige which is associated with the Deputy Commissioner therefore they should have some powers, and when you give them such powers do not undo the whole thing by such amendments.

Mr. President : The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9 [proviso to new section 18-B (1)] after the word 'board,' the words 'for confirmation' be added."

The question is that that amendment be made.

The amendment was lost.

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

"That in clause 9 (new section 18-B (4)) line 4, after the word 'notice' the words 'within a fixed and reasonable time' be inserted."

When the Chairman or Vice-Chairman have been given powers to exercise in cases of emergency, they in a certain case say that money should not be spent, but the Deputy Commissioner writes "No it should be done"; where would go the prestige of the former which has been made much of by the Honourable Minister? I am not among those who say that Deputy Commissioners and Commissioners are no good. In such a case the proper procedure would be that the Deputy Commissioner should give a notice about a certain business to the Board and allow it a few days to consider whether Deputy Commissioner is right or their Chairman or Vice-Chairman. If you want to maintain the honour of the Chairman or the Vice-Chairman, you should consider this matter carefully.

Mr. President : The question was—

" That clause 9 stand part of the Bill."

To this an amendment has been moved—

" That in clause 9 [new section 19-B (4)], line 4, after the word 'notice' the word 'within a fixed and reasonable time' be inserted."

The question is that that amendment be made.

Malik Firoz Khan, Noon [Shahpur West (Muhammadan) Rural] : Sir, none of the amendments moved by Mr. Ganpat Rai since the beginning of to-day's proceedings has been carried. But as far as this amendment goes, I think he will be satisfied if I bring to his notice just one thing, and that is this, that this Council is trying to legislate for ordinarily reasonable and sane people and not for mad men. If he presumes that this legislation is for ordinarily sane people and for sane Deputy Commissioners, then I think the fears that he has in his mind would disappear. Supposing that a Deputy Commissioner thinks it emergent to build half a mile of road. Unless it is really an exceptional case he will not ask the District Board to build it, or even to build it within two or three hours. If he wishes his orders to be carried out he will certainly give a reasonable time, because he knows that if the District Board does not build in a reasonable time, he will have to build it himself. So I think this amendment, which my honourable friend (Mr. Ganpat Rai) wishes to bring about, is entirely superfluous and unnecessary.

Do I take it, Sir, that he has moved both the amendments?

Mr. President : No, only one.

Malik Firoz Khan, Noon : Then that is all that I have to say at present.

Maulvi Muharram Ali, Chishti [Lahore City (Muhammadan) Urban] (Urdu) : Sir, I think this amendment is reasonable. If the opposite benches have any regard for consistency they should have no objection against it. Just now there was a question about the status of Chairmen and Vice-Chairmen. Does it mean that their status should be maintained among the members and that they should be subordinated to a Deputy Commissioner? This is opposed to the principles of Democracy. I feel that the Honourable Minister has had great trouble in framing this Bill. He wishes to please both the officials and non-officials and hence his speech shows inclination sometimes towards one side and sometimes to the other. I think such a provision would be an insult to the District Boards and will be a matter of giving with one hand and taking with the other. I am sorry the rural benches which are the most concerned in this matter, are, at this moment, empty. Whenever there is a question about the promotion of zaildars etc., they are seen full. Had the rural members been present now I would have got a good deal of support. At this time my position as well as that of Lala Ganpat Rai is at the mercy of the Honourable Minister. . . .

The Honourable Khan Bahadur Mian Fazl-i-Husain : On a point of order, Sir, I do not see any meaning in his reference to the absence of members or to the mercy of any Minister. I do not know whether he has got any argument in support of the amendment.

Mr. President : I think your reference to rural members is not quite relevant.

Maulvi Muharram Ali, Chishti: I obey your ruling, but, Sir, I argue in the same way in which the Honourable Minister himself does.

I do not think that the position of our Chairman and Vice-Chairman should be such as one stroke of the pen of a Deputy Commissioner will make or mar them. In this way the appointment of non-officials as such will be meaningless and Deputy Commissioners will be the authority in practice. This will spoil the moral of the Boards. Accordingly I support this amendment whether it may be accepted or not?

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu): Sir, the amendment is that the Deputy Commissioner should give a reasonable time and it has been stated already that it cannot be conceived that there will be any Deputy Commissioner who will not allow some time. Perhaps the honourable mover and his supporter have come in contact with Deputy Commissioners who were whimsical. I do not think that there will be any such Deputy Commissioners in future therefore I do not feel the need for this amendment?

Mr. President: The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9 [new section 19-B (4)], line 4, after the word 'notice' the words 'within a fixed and reasonable time' be inserted."

The question is that that amendment be made.

The amendment was lost.

Mr. Ganpat Rai [Lahore and Ferozapore-cum-Sheikhupura (non-Muhammadan)]: The next amendment I move, Sir, is—

"That in clause 9 [new section 19-B (4)], line 4, in place of the words 'him to do so and if he' the words 'the board to do so and if the board' be substituted."

Sir, my meaning is clear. My learned friend, who supported my last amendment, declared me helpless. I may assure him, Sir, and the whole House that I am not helpless at all. I do not depend on the votes of the members of this House at all. What I depend upon is the justice of my amendment (*Hear and hear and applause*). When members absent themselves, I think they have not understood, they have not followed the meaning of this amendment. (*Cheers*). I knew from the very beginning, I knew, in fact, before I entered this House that none of my amendments will be carried. (*Laughter*). I am just going to put my case and if you do not agree with me, I am not going to mind it.

Mr. President: Will the honourable member speak to the amendment?

Mr. Ganpat Rai: Very well, Sir. My amendment is that the Deputy Commissioner should not ask the Chairmen or the Vice-Chairmen, the *protégé* of the new Ministry, but should ask the Board to execute the work. If the Chairman or the Vice-Chairman refuses to carry out the work, the Deputy Commissioner should ask the Board to carry out the work and even if the Board refuses to do so, then the Deputy Commissioner should exercise the power which the Honourable Minister for Education proposes to give him under this clause. This is the meaning of my amendment, Sir, and I hope the House will accept it.

Mr. President: The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been moved—

"That in clause 9 (new section 19-B (4)), line 4, for the words 'him to do so and if he' the words 'the board to do so and if the board' be substituted."

The question is that the amendment be made.

Maulvi Muharram Ali, Chishti (Urdu): Sir, the time for adjournment is near. There is hardly any need for a lengthy speech. In order to keep up my consistency I support this amendment, although if the clause and the amendment are read together, I would say there was hardly any need for this support.

The Honourable Khan Bahadur Mian Fazl-i-Husain (Education Minister) (Urdu): Sir, as has been stated in sub-clause (1) these powers are to be exercised at the time of emergency. It is not to be a case of expressing opinion on the affairs of the District Board. Therefore what can be said of the first amendment can be said of this as well that it is meaningless.

Mr. President: The question was—

"That clause 9 stand part of the Bill."

To this an amendment has been made moved—

"That in clause 9 (new section 19-B (4)), line 4, for the words 'him to do so, and if he' the words 'the board to do so and if the board' be substituted."

The question is that that amendment be made.

The amendment was lost.

The Council then adjourned till two O'clock on Tuesday, the 7th November 1922.